



05/05/23

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Civil Legal Aid News

Special Guardianship Orders

There was an announcement from the Ministry of Justice at the end of April:

“Extended family members seeking to provide long-term, stable care for vulnerable children will be able to access free legal advice...

Under the move, legal aid funding will be extended to more people applying for Special Guardianship Orders through the courts – a form of care which sees a child in need of a loving home placed with extended family, friends or foster parents until they reach the age of 18.

These cases are often complicated, emotionally charged and challenging for families looking for the best outcome for vulnerable children.

Now, people making such applications in private law hearings will have access to legal aid funding for advice and representation on their cases, removing one more burden for families.

The funding will also provide free legal representation to parents opposing Special Guardianship Orders in private law proceedings to ensure they have the right support and advice.....

Previously, legal aid was only available for Special Guardianship cases where the local authority was involved in submitting an application to remove a child from their birth parents.”

The government has costed this at £6m and that 2000 more people will be able to be assisted.

[Details are set out here](#)

What are the legal aid deets?

The *Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Family and Domestic*



Abuse) (Miscellaneous Amendments) Order 2023 ([which can be found here](#)) sets out that from the 1st May 2023 changes will be made to family legal aid to bring back into scope Special Guardianship Orders in private family law proceedings.

Part 1, Schedule 1 of LASPO has been amended to include paragraph 1A in relation to Special Guardianship Orders (SGOs). Amendments have also been made to:

- Regulation 2 and 66 of the Civil Legal Aid (Merits Criteria) Regulations 2013;
- Regulation 5(1) and 5(2) of the Civil Legal Aid (Financial Resources and Payment For Services) Regulations 2013; and
- Regulation 2 of the Civil Legal Aid (Procedure) Regulations 2012.

These changes mean that those with parental responsibility responding to an SGO and prospective guardians making an application for an SGO will be eligible for legal aid and mirror the financial eligibility requirements for those with similar proceedings in public family law cases.

Section 4 of the Lord Chancellor's Guidance has been updated and the '*Civil Representation Guidance on Proceeding Codes: Proceedings Codes and Standard Wordings for post-April 2013 Certificates*' has been amended to include the new codes.

The links below are to the amended guidance documents:

- Civil Representation Guidance on Proceeding Codes: Proceedings Codes and Standard Wordings for post-April 2013 Certificates (May 2023) - [Civil legal aid application forms: supporting guidance](#); and
- Lord Chancellor's guidance (under section 4 of LASPO) - [Legal aid guidance: Lord Chancellor](#)

[There is more information here](#)

Survey of Housing Providers

A concerned LAPG member organisation contacted us to alert us to an initiative from the LAA to gather information about Housing & Debt contract holders:

“We received the following ‘housing sustainability survey’ from my contract manager today and before I start on a general diatribe to the LAA about the state of housing legal aid and lack of capacity faced with an overwhelming number of enquiries, I was wondering if LAPG were planning a unified response to the below that we should support? I am suspicious about what they may be trying to achieve here... There are bullet points as prompts for answers.”

What is the reason for low activity?
What are the future plans for housing category?
Is there another funding stream, other than Legal Aid, to support the housing work?
What is alternative funding source(s)?
What % of income is housing?
What % of overall work is Legal Aid?
General Comments

Despite the fact that representative bodies have regular meetings with the LAA, we were not told about this survey and we were not told the reason for it.

Another member received this from the LAA:

“You may have seen that we have run several ‘mini-tenders’ to try to address shortfalls in HPCDS and Housing advice provision over the last year or so. A common theme of the messages that we are hearing from Housing providers is that the housing legal aid market is not sustainable. We would like to understand the current position further and it would be helpful to have what only needs to be a brief conversation with all housing firms about their business, succession plans and general sustainability.

The information obtained by Contract Managers from this exercise will inform further conversations between Service Development Team colleagues, MoJ Policy and Representative Bodies.”

Our concerns are many and varied but include that we do not think that members should have to give information about other funding sources and non-legal aid aspects of their businesses. We also do not know where this exercise sits with the Review of Civil Legal Aid - it seems odd to do a quick and dirty survey when a major review is about to be carried out. Whether providers respond really is a decision for each individual organisation. However we believe that if the LAA or MOJ want to get a

better understanding of the viability of housing contracts, they should conduct proper research and work with representative bodies to ensure the right information is collected. They could also look at the copious amounts of research already conducted, such as the Legal Aid Census, to get a better understanding of why contracts are not viable. A piecemeal effort like this will not give the LAA or MOJ the information they need to understand the health or otherwise of the housing sector. And, ultimately, the answer is obvious - low activity and low levels of confidence that contracts can be maintained is entirely down to low fees.

2024 Standard Civil Contract

The LAA has this week commenced an 'engagement exercise' on potential changes to what will be the 2024 Standard Civil Contract. Organisations involved in this stage of the process will be LAPG, The Law Society, The Bar Council and Advice Service Alliance on the full range of contract documents, along with other specialist practitioner groups on the category specifications.

The LAA has noted that it is not considering '*significant amendments [to the contract] at this stage as [they] are awaiting the recommendations of the Review of Civil Legal Aid*'. Their current proposal is therefore a one-year contract with the possibility to extend for four further 12-month periods. The LAA anticipates that the tender process for this contract will commence this autumn, and the contracts themselves will commence on 1 September 2024 when the current contract comes to an end.

The LAA is currently considering changes to supervision requirements and supervisor qualifications, and the current draft documents also incorporate changes to data security requirements and guidance.

We will be engaging extensively with the LAPG Advisory Committee and wider membership on this critical issue so watch this space for further news.

Reminder about Consultations

[Government consultations can be found here](#)

Revising the 'Help with Fees' remission scheme

Closes 30 May 2023

A series of reforms to make the Help with Fees scheme “more generous, target financial assistance at those most in need, whilst providing value for money for the taxpayer”.

If you have looked at this and have any views please do email policy@lapg.co.uk – there is a lot of detailed information about benefits that is very hard to unravel and to work out how helpful any changes will be.

Supporting earlier resolution of private family law arrangements

Closes 15 June 2023

The Ministry of Justice say that they are particularly interested to hear from organisations representing separating families, family justice professionals, mediation service providers and other dispute resolution service providers. The LAPG Advisory Committee will meet to discuss this hopefully next week but if you do have any views please email policy@lapg.co.uk.

Civil Processing Dates

If you want to check timescales for LAA to process your work (for example, civil applications and bills) [see here](#).

High Cost Family Sessions with LAA Caseworkers

If you want to book a one to one session with staff in South Tyneside to discuss billing or case plans please contact us so we can put you in touch.

Family Fixed Fee Billing Seminar 23 May 4-5.30pm

The LAA is holding this seminar. [Details are here](#).

LAA Lunch & Learn with a Twist! Q&A session for Civil Escaped Cases and Certificated Civil Claims: 11 May 2023 @1245 – 1330hrs

The LAA emailed to say:-

Come along to this open lunch & learn event to put your questions to one of our subject matter experts in either certificated or escaped cases billing!

Please be advised: Our panel will be answering ‘general’ questions raised during the event. They will not be able to answer case specific questions. Please continue to contact us via the usual channels for any

case-specific queries.

Please note: Our panel will be unable to answer questions relating to High-Cost applications
To register for the event:

[LAA Lunch & Learn with a Twist! Q&A session for Civil Escaped Cases and Certificated Civil Claims: 11 May @ 1245hrs](#)

Criminal Legal Aid News

Contract Negotiations

The LAA is currently in discussions with LAPG and other representative bodies such as The Law Society, CLSA and LCCSA about the shape of future Standard Crime Contracts. At present we are not able to share the details of these discussions, but the broad themes being considered are client access, how work is allocated, quality control and tender processes. If you have any issues you would like to raise with us about potential changes to the crime contract, or the way in which it is administered by the LAA, please get in touch via policy@lapg.co.uk.



Duty solicitors: rotas, information and Guidance

For CRM12 Application information, details of rotas and relevant deadlines [see here](#).

Crime Processing Dates

If you want to check timescales for the LAA processing of your work [see here](#).

Legal Aid Scheme-Wide News

Consultation on moving from SMPs (Standard Monthly Payments) to VMPs (Variable Monthly Payments) – high importance for some practices



Legal Aid
Agency

The deadline for responding is 30 June 2023.

Approximately 390 organisations receive SMPs for civil and/or criminal work and the LAA want to convert these to VMPs. That could cause serious financial difficulty for a few practices. So if you receive SMPs then you need to consider the implications for your practice. We are told by the LAA that they have tried to negotiate higher repayment where a provider seems to be receiving a lot more than they are claiming, but it appears that there was no contractual term that enabled this to happen if the provider said no.

The LAA sets out the position [here](#):

“We are seeking your views on the advantages of moving all providers on to a single system of monthly payments. This would mean removing the option of standard monthly payments (SMP) from future legal aid contracts. All providers would instead be moved to variable monthly payments (VMP). The proposals include repayment of all balances, including those held from a historical move to VMP...”

The reconciliation team will contact individual providers on SMP or with a held liability shortly after the launch of the exercise. Providers will be able to see how each of the options would affect their repayments. This will happen in the week beginning 8 May, using April 2023 submission data....

Timescales

- *launch of engagement exercise – 3 May 2023*
- *reconciliation team to contact providers on SMP and those with held liabilities – week beginning 8 May*
- *engagement exercise closes – 30 June*
- *engagement exercise response published – August 2023”*

[Engagement exercise resources are here](#)

For most legal aid practices who are already on VMPs this item is only relevant if you want to state that you don't think it is fair that some practices have been paid in excess (allegedly) of what their monthly payments should be and that they have received in effect a regular interest free loan.

HMCTS Reform Programme

You can find updates on the HMCTS Reform Programme, as well as high-level project summaries, in the notes of the latest [Strategic Engagement Group meeting with legal professional associations](#). The summary includes updates on Common Platform and the Adoption Reform Project.

Sector News & Events

New Lord Chancellor

Alex Chalk KC MP has been [appointed as Lord Chancellor and Secretary of State for Justice](#) by the Prime Minister.



He was Minister of State in the Ministry of Defence from October 2022 to April 2023 and was formerly HM Solicitor General for England and Wales and the Prisons and Probation Minister.

The Lord Chancellor will have oversight of all the portfolios and the Ministry of Justice strategy.

Rohini Jana, LAPG's Head of Parliamentary Affairs, said:

"We were pleased to welcome the new Lord Chancellor and Secretary of State for Justice Alex Chalk KC MP back to the Ministry of Justice. We have worked with Mr Chalk in a number of ways over the course of the past six years and through his career as a backbench MP, Parliamentary Under-Secretary at the Ministry of Justice and then as Solicitor General at the Attorney General's Office. He is a longstanding member of the APPG on Legal Aid and has been a strong advocate of rule of law and legal aid issues through the years."

PLP Events

PLP courses and conferences always look interesting, such as their forthcoming hybrid event on 17 May 2023, *Legal Research for social impact*, featuring our very own Head of Parliamentary Affairs, Rohini Jana:



Public
Law
Project

<https://publiclawproject.org.uk/events/hybrid-event-legal-research-for-social-impact/>

[See details of all of their events here](#)

LAPG News and Events

We're gearing up for the 21st LALY awards on 12 July 2023!

We were blown away by the nominations we received for this year's LALY awards. Once again the legal aid sector has shown it is the most supportive, most inspiring sector to work in, and this will be on display in full when we announce the winners on 12 July.



The judging panel meets on 15 May to consider the nominations and, with a fair wind, we'll release the details of all the finalists later that week.

If you would like to join us on 12 July for the ceremony to celebrate all the finalists and winners, details and tickets are available here:

<https://lapg.co.uk/laly-tickets>

As ever, with the help of our sponsors and the incredibly generous support of those who donated to the Friends of LALY23 crowdfunding campaign, we are able to offer very reasonably priced tickets to the ceremony. Discounts are also available for Justice First Fellows and members of Young Legal Aid Lawyers.

For all the latest news on the LALYs follow @LALYawards and @WeAreLegalAid

LAPG Website – members' section

Every member who receives this Update should now have access to the members' section of the LAPG website. The section contains training offers, summaries of member updates (broken



down by subject area), discussion threads and media work. There are also a number of blogs by members of staff about what they do along with e.g. a blog by Paul Seddon on judicial review costs. Matt Howgate's blog about how organisations have to subsidise legal aid work can be found there now.

If you want to write a blog – on legal aid, the law more widely or even just on an issue that LAPG members might be interested in reading, please email Anna, our Operations Officer: anna.neira.quesada@lapg.co.uk

LAPG Training Courses – New course for Managers; Supervision; Online Intro Modules



'Management Skills for Private Practice' Training Modules

In 2014 LAPG was awarded a government grant to develop a management training programme for legal aid law firms. Successfully piloted in 2015, the Certificate in Practice Management combined face-to-face training with online learning and materials to provide an accessible and affordable management training programme for busy lawyers and practice managers.

We have now completely re-designed the programme and this year sees the launch of our Management Skills for Private Practice training modules. You can take any number of modules to suit your needs. If you would like to learn more or book an individual session please click [here](#). Complete them all and you'll be awarded the LAPG Certificate in Private Practice Management. 90% of employers surveyed said they'd noticed increased knowledge, skills and confidence in the staff that had attended the full programme.

The modules are designed around the Law Society LEXCEL standard, the Specialist Quality Mark and the SRA competence framework:

1. [Finance & Resource Management](#) – 28th September

2. [Business Planning & Risk Management](#) - 19th October
3. [Managing People](#) - 9th November
4. [EDI, Policies & Compliance](#) - 30th November
5. [Marketing & Communications](#) - 14th December, Half-Day Session (AM)
6. [Managing a Legal Aid Contract](#) - 14th December, Half-Day Session (PM)

You can book any of the individual sessions above by clicking on them. You can book the entire course [here](#). If you would like to take multiple sessions, but not the entire course, please contact [Andrea](#). For each additional session you book, you receive a 10% discount.

The course trainers include Vicky Ling, Matt Howgate and other legal aid sector experts. Phaniel Mutumburi and Themer Silmane will join us for sessions 4 and 5 respectively. Themer will discuss different approaches to communication with a focus on social media and Phaniel Mutumburi will focus on the importance of diversity and inclusion in the workplace.

We are able to heavily discount this course thanks to the generous support of The Legal Education Foundation and the Community Justice Fund. Our main tutors, Matt Howgate and Vicky Ling, bring invaluable knowledge gained through many years of work in the sector and consultancy. Matt and Vicky will:

- Show you how to set meaningful organisational and operational objectives by using a SWOT analysis
- Help you carry out effective financial planning and analysis by focusing on understanding resource, income, budgeting, forecasting, resource and variance analysis
- Give you the tools to manage all aspects of people management from recruitment to appraisal
- Discuss SQM and Lexcel as well as policies to ensure compliance with SRA, OISC, Legal Aid and regulatory requirements including how to avoid audit issues and contract notices
- Create communication strategies

We house this course on our new learning platform Thinkific! It is a wonderful way to engage in our courses, save time and have everything you

need all in one place rather than sifting through your emails trying to find materials and zoom links. This platform is easy to use and gives us the opportunity to update our courses to be more effective for our participants.

A recent graduate of the 2021 CPM course said:

"I would highly recommend the LAPG Certificate in Practice Management course for all partners and managers in legal aid firms. It is the only law management course I know of aimed exclusively at helping legal aid firms to manage their businesses – good management is so essential for delivering access to justice to all. The course is full of practical tips and over 5 sessions gives you get a very good overview of all the key aspects of running a legal aid practice."

Managing Partner of a large legal aid firm

If you would like to know more about this course, or to reserve your place, contact [Andrea Shumaker](#).

Supervision Courses

We have confirmed the dates for our 2023 training programme, with Supervision Courses scheduled for 17th May, 5th July, 26th September and 22nd November, you can book your place on any of the remaining 2023 training dates below:

[17TH MAY 2023](#)

[5TH JULY 2023](#)

[26TH SEPTEMBER 2023](#)

[22ND NOVEMBER 2023](#)

Designed for new LAA Supervisors or those wishing to refresh their supervisory skills, our course helps you meet a key component in securing and then effectively operating your legal aid contract and meeting the LAA's supervisor standards. We again welcome Matt Howgate and Vicky Ling as our tutors for this course. You will receive practical help filling out supervisor forms, learn how to conduct file reviews and how to keep up to date with LAA changes.

LAPG members receive a £40 discount on the course fee, bringing it down from £250 to £210 for the day. Book multiple delegates from your organisation and receive an additional 10% discount.

We have reformatted the course so that we are

covering all of the same content across one day rather than two days. The content in this course is relevant for both crime and civil practitioners.

If you would like to know more about this course, or to reserve your place, contact [Andrea Shumaker](#).

Online Introduction to Civil Legal Aid Course

The Civil Legal Aid scheme is incredibly complex and the consequences of getting something wrong can be damaging to a client's case or financially damaging to the organisation doing the work – sometimes both. We have therefore developed the first module in a series which provides a general introduction to the civil legal aid scheme aimed at trainees, paralegals, junior lawyers and those that wish to refresh their knowledge having worked in the sector for some time.

We have moved this online module onto a new training platform, Thinkific! This new platform allows for growth and development of the course and a better overall experience for the user. The same information is covered and it is still entirely self-paced, you will still receive access to the course for 12 months.

We now offer this course in written and video versions! Once you are enrolled on the course you will have the option to read through the material yourself or watch a video! You can mix and match how you learn to complete the course in a way that best suits your learning style and time constraints. All the video and written content are available on the Thinkific platform and you will have full access to both versions.

If you would like to subscribe for just £99 please click [here](#). If you have any issues or require an invoice please email [Andrea Shumaker](#). We offer three discount codes, JFF, for Justice First Fellows, JFFO, for Just First Fellowship Host Organisation employees, and multiple-tickets, to be used when subscribing more than one participant on the course.

Online Introduction to Management Course

We are currently working on a new and exciting training course, an online module similar to our Introduction to Civil Legal Aid Course, all about management. This course will offer an introductory look into management and will be entirely self-paced!

We are soft launching this course shortly and it will be made widely available in the coming months! If you are interested in partaking or getting more information please contact [Thomas Rigard-Asquith](#).

LAPG's crowning glory, the LALY awards, is now just a little over 2 months away. Who will be coronated on 12 July 2023 across the twelve award categories? We'll be a little closer to finding out in late May when the finalists are announced. And in between now and then we even get an extra bank holiday, although I forget why? It must be that extra day off the government bestowed to remind people about the rule of law, or democracy and elected representatives, or something like that. Either way, we can all spend the long weekend reveling in the efforts the government has gone to over the last 13 years to promote equality, end poverty and reduce discrimination. While you are reveling, don't forget to repeat the Oath of Analgesic:

"I swear that I will pay true allegiance to the Rule of Law, and to the Justice System and Institutions of our Democracy, according to law. So help me by handing me a drink. Cheers."

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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05/05/23



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Would you like to contribute to our Member Updates and share news and information with other members? If so, just email us and we can discuss how you can best contribute.

Thank you for being brave enough to be part of the LAPG community!

LEGAL AID LAWYER OF THE YEAR AWARDS



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