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07/03/24

## LAPG Member Update

Issue 11 of 2024

Welcome to the latest edition of the LAPG Member Update.

A reminder that **Legal Aid Lawyer of the Year awards nominations** close on Monday 22nd April 23:59 – i.e. one minute to midnight. We think that is the clearest way of expressing the time in view of the number of people who submit nominations with minutes to go! See below for more information. The ceremony will be held in central London on 5th July 2024.

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## Civil Legal Aid News

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### Review of Civil Legal Aid – delay in publishing elements of the Review

The Ministry of Justice has written to stakeholders with an update on the Review of Civil Legal Aid's recent progress and some changes to timelines, including on when they plan to consult on policy changes.

*“As you are aware, the Review has a very broad remit, looking at a wide range of areas in civil legal aid including how services are procured; the supply of and demand for legal aid; the experiences of those who have received legal aid; and how civil legal aid and wider legal support works in a number of different countries. The comprehensive nature of the Review makes it all the more important that our evidence base for reform is as comprehensive and robust as possible.*

In January, we published a [Provider Survey Report](#), summarising the findings from a survey PA Consulting conducted with civil legal aid providers across England and Wales, delving into their experiences, pain points, and incentives and disincentives experienced in the civil legal aid system. We also recently undertook a [Call for Evidence](#) which aimed to strengthen the Review's evidence base and feed into policy development. This closed on 21<sup>st</sup> February and received a high number of responses. We are very grateful for your support with both these exercises.

Moving to the Review's next steps, we originally planned to publish the findings from the evidence-gathering phase of the Review in March 2024, and to consult on policy proposals after that. Our intention is



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to publish a [Green Paper](#) this summer and to publish the findings of the Review in phases ahead of that. This phased approach allows more time to build a strong evidence base that is capable of supporting high quality policy development. This phased approach will consist of three stages:

- March 2024: Publication 1 - International Comparator report
- May 2024: Publication Bundle 2 - The Economic Analysis report (produced by PA Consulting), a User Research package, and two publications from the Data Publications workstream: an Overview Report and Advocacy Research.
- July 2024: Publication Bundle 3 - an Overarching Final Report summarising the findings of RoCLA's evidence building phase, a Green Paper consultation, and the Government's response to the [Call for Evidence](#)."

So the consultation will be in July 2024 which was when we expected it in any event. The main delay announced is the additional few months to publish the overarching final report. With the uncertainty over whether or not there will be an election in the spring or autumn, and with the budget yesterday, representative bodies continue to press for an immediate fee increase. Even if unlikely given the current lack of additional resources for the MoJ, this needs to be the consistent message as nothing else will make an appreciable difference to the sustainability of the legal aid system.

### Domestic Abuse - gateway evidence

There was a discussion about gateway evidence at this week's [Process Efficiency Team](#) meeting. Some family practitioners expressed the view that the LAA keep rejecting gateway evidence of DA from health professionals if there is any element of doubt expressed as to exactly what has caused the victim to be suffering from an injury or condition. The regulations say:

'A health professional must confirm that the client is suffering from an injury or condition that is consistent with being a victim of domestic abuse'

If your practice has experienced issues with gateway evidence please do email our [Director of Legal Aid Policy, Kate Pasfield](#), who is discussing this issue with practitioners and the LAA and MOJ policy team.

## Resolving issues quickly with the LAA

If you think the LAA has made a mistake with your application, amendment or means assessment on CCMS, contact the fixer service. This fixer service is designed to help reduce appeals and save time during the initial decision-making stages of civil applications:

[applicationfixer@justice.gov.uk](mailto:applicationfixer@justice.gov.uk)

Another option is contacting the LAA's Customer Services Team on twitter/X - @laahelpteam. They are online from 9.30am - 3.00pm for any direct messages which can include case specific queries (DPA checks will be completed over direct message), and they say they will reply to any messages sent outside of their opening times the next business day. If anything is urgent, they would still recommend calling 0300 200 2020 to speak to a call handler.

## Controlled Work – CWA changes

In light of the changes to the LAA Online Portal and the [Provider bulkload spreadsheet](#), the [Civil amendment request form](#) has been updated to reflect the new fields in CWA.

The MoJ ask:

*“Can all providers please start to use the new spreadsheets with immediate effect, old copies of the spreadsheet will be accepted until 1st April 2019 after this date any old versions received will be returned to the provider.”*

Presumably they mean 1 April 2024. Sorry to disappoint any time travellers who thought they could steal a march on other practices.

[Details are here.](#)

## Civil Billing Webinar 12 March 4pm – run by LAA

*#HelpUsSayYes webinar: Civil billing: Top 10 reject reasons and how to avoid: Tuesday 12 March 2024 @ 4pm*

A webinar on civil billing and how to avoid the top 10 reject reasons is now open for bookings.

This will take place on 12 March 2024, 4.00 – 5.30pm. As well as a rundown on the reasons for civil billing rejects, the webinar will offer practical

hints and tips to help you get your claims paid first time.

[Register here.](#)

### Civil Processing Times

How long is it taking the LAA to process applications and bills?

[Details are here.](#)

### Reminder: Further tender opportunity for the 2024 Standard Civil Contract – opens 18 March

We repeat the content from Member Updates 8 and 10 in view of the importance of this item.

[See here for details.](#)

The LAA has decided to run a further tender round for the 2024 Standard Civil Contract. The tender opens on 18 March and closes at 5pm on 22 April 2024. This gives those who were unsuccessful in securing a contract through the September 2023 tender process another bite at the cherry. The tender process is also open to new providers.

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## Criminal Legal Aid News

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### 2022 Standard Crime Contract amendments - including in relation to Prison Law

The MoJ announcement about the changes:

“The amended 2022 Standard Crime Contract contains new rules in relation to set aside applications at the Parole Board. We have also made it easier to apply for Legal Aid in relation to remote discipline hearings at prison.

The amendments to the Criminal Bills Assessment Manual reflect these changes but also introduce guidance in relation to claiming the Sending Hearing Fixed Fee, as well as claiming for Ultra Low Emission Zone charges where the use of private transport is justified.

These changes will be effective from Thursday 2 April 2024.”



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[For more information see here.](#)

We asked LAPG Committee members Dr Laura Janes and Andrew Sperling, who are both on the Association of Prison Lawyers Executive Committee, for their thoughts on these changes to the Crime Contract and guidance on Prison Law:

*“Following an extended consultation period, the LAA has now published amendments to the contract and associated guidance, the Criminal Bills Assessment Manual (CBAM). Most of these changes affect the rules around prison law legal aid.*

*Things to be welcomed include long overdue clarifications that will enable Providers to be paid for some work that they currently do for free. This includes making reasonable work between Parole Board recommendations for a transfer to an open prison and the final decision by the Secretary of State and instances where a person is recalled and the Parole Board makes a negative decision before representations have been received.*

*Many of the changes respond to concerns raised by the Association of Prison Lawyers.*

*However, there remain gaps that will mean that providers are still expected to do work for free or at risk of not getting paid for disbursements, either promptly or at all. In particular, it is shameful that work on terminating licences for prisoners on the notorious IPP sentence cannot be claimed separately if the client already has an existing recall review. This means work on those complex cases will invariably have to be done for free or providers will have to decline/refuse to take it on. It was also extremely disappointing that this consultation did not look at interim payments or prior authority for counsel, which can leave providers spending money on experts without payment for months or years on end and instructing counsel at risk. APL will be liaising with the LAA in the coming weeks to seek further improvements and changes, as well as continuing to lobby for an increase in payment, without which the profession simply cannot be expected to continue to do this complex and challenging work.”*

### **Duty solicitors: rotas, information and guidance**

Details of duty solicitor rotas for the April – September 2024 period [are here](#).

### **Crime Processing Times**

How long is it taking the LAA to process graduated fee claims and prior authority applications?

[Details are here.](#)

### **Reminder: Crime Lower Consultation – Proposed Pay Increase for Police Station and Youth Court work – responses by 29 Mar 2024**

A reminder that this consultation seeks views on proposals to increase Crime Lower fees for Police Station and Youth Court work but once again the government has declined to propose a fee increase for prison law work.

[The announcement on 29 January is here](#)

[The consultation is here](#)

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## **Sector News & Events**

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### **What does the Budget on 6 March 2024 mean for justice?**

What are the implications for the Ministry of Justice? On page 25 of the [Spring Budget 2024](#) the figures are given for each department.

Justice's 'outturn' in 2022-23 was £9.3 billion, plans for 2023-24 £10.5 billion and plans for 2024-25 are £10 billion i.e. a cut. £170 million is being committed to the justice system, including £55 million for earlier advice in family cases, £100 million for rehabilitative activities in prison and £15 million to introduce digital solutions to reduce administrative burdens in the courts.

There is a useful article in the [Gazette](#) on the budget.



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## **LAPG News & Events**

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## 2024 LALY awards nomination are all systems go!

As we reported last week, the nomination process for the 2024 Legal Aid Lawyer of the Year awards has commenced. The nomination window closes on 22 April 2024 so please start speaking to colleagues about who you want to nominate as your legal aid hero and start gathering the supporting information to demonstrate just how amazing they are. Full details of this year's categories will be published on Monday so look out for further news on our website and on our social media platforms. In particular, follow @LALYawards for all the latest news.



Full details of this year's categories, guidance for nominations and how to submit your nomination can be found on [our sparkly new LALY webpages](#) (with a special thanks to our wonderful Ops lead Anna Neira Quesada).

## Renew your LAPG membership to continue to benefit from our support

LAPG membership runs from 1 January to 31 December each year. Thank you to the many member organisations and individuals who have already renewed their membership for 2024.

If you are yet to renew your membership, please get in touch with us as the Early Bird rate expired on 29 February. However our membership fees are still incredibly competitive as we have maintained low fee levels despite rising costs because we know how difficult it is for legal aid providers to cover additional costs for support services.

For those who have not renewed, over the next few weeks we will start to restrict access to:

- Member Updates
- The Member section of our website
- The discount scheme for LAPG training courses and events
- Support with legal aid and practice management issues through our Member Query service

Renewing really couldn't be simpler – you can complete the renewal form online, submit your list of contacts for Member Updates and make payment either through our website or by BACS.

[Visit the Membership page of our website for more details](#)



Not sure whether your organisation has renewed or have any questions about membership, please [get in contact with our Operations Officer, Anna.](#)

## **LAPG training courses**

### ***Supervision Courses***

Book your place on any of 2024 Supervision Courses below:

[\*\*23 APRIL 2024\*\*](#)

[\*\*2 MAY 2024\*\*](#)

[\*\*8 AUGUST 2024\*\*](#)

[\*\*12 NOVEMBER 2024\*\*](#)

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.

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Another budget, another missed opportunity for the government to invest in the justice system.

\*Sigh\*

Take care one and all,

**Chris Minnoch, CEO** [@ChrisLAPG](#)

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[#WeAreLegalAid](#)  
07/03/24



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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!



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