



15/06/23

LAPG Member Update

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Civil Legal Aid News

Immigration & Asylum – survey of providers on fees and sustainability

ILPA is working with a wide range of immigration and asylum advice organisations to develop a better understanding of sustainability issues so that they can influence the MOJ. As part of this process they have developed a short survey on fees and sustainability.

From ILPA:

‘We are asking practitioners for input to help us illustrate the current state of affairs in the legal aid system to the Ministry of Justice and the Home Office. We are focussed on the sustainability of legal aid provision in the sector. With that in mind, we have created a short survey to help determine the funding measures which providers consider would be necessary, at this point in time, to sustain a viable practice.

[You can access the survey here](#)

This survey is for:

1. individuals managing the provision of immigration and asylum legal aid services within organisations;
2. individuals managing organisations that provide immigration and asylum legal services, that do not currently provide legal aid services;
3. self-employed barristers;
4. other practitioners, not answering on one of the above bases.

For those currently providing immigration and asylum legal aid services, our question focuses on your current level of legal aid services. We understand that it remains difficult to predict the exact impact on sustainability and capacity of potential further changes arising from the Nationality and Borders Act 2022 and the Illegal Migration Bill.



If answering this survey on behalf of an organisation, you should have a good understanding of your organisation's finances to be able to provide an overview. We are inviting one submission per organisation.

The deadline for completion is 5pm on Friday 30 June 2023.

Thank you very much.

CCMS Outage from 30 May

On 2nd June we received an email from the LAA after chasing them for clarification on what do to if urgent case progression was affected by the CCMS outage.

“I have been asked by a CCG member to confirm any flexibility of approach for any cases opened under delegated functions that are approaching the 5 days to apply for a substantive certificate.

I can confirm that we will not penalise providers for late submissions while there have been LAA system outages. Subject matter experts for merits have sent a reminder to caseworkers to use discretion and not penalise late submissions.

The provider can put a note in the merits report. However, this is not compulsory. If a provider believes they have been penalised unfairly, they can contact the applicationfixer@justice.gov.uk, who will seek to resolve the issue.”

Assessments of pre-contract bills in hourly rate High-Cost Family Cases

Contract managers should have communicated this information to relevant members but we have received this email from the LAA setting out the position. This follows input from ourselves and other practitioners groups at PET (Process Efficiency Team) meetings.

“Assessments of Pre-contract bills in hourly rate High-Cost Family Cases:

Following discussions at Provider Efficiency Team (PET) meetings, which includes representatives from all the main Representative Bodies and key internal stakeholders, pre-contract costs in high cost family cases will be assessed and paid by the Finance Team.

When will this take effect? All pre-contract costs in high-cost family cases notified as being high cost as of 1st May 2023 will be assessed and paid by the Finance Team.

How does this affect the provider? This change in process will not alter the documents Providers provide to the HCF team for consideration when they upload an initial case plan. Those documents are necessary to enable the HCF Team to decide the reasonableness and proportionality of all work and costs set out in a case plan which needs be agreed before a Provider may submit a pre-contract bill for assessment and payment by the Finance Team.”

ECF Funding – thoughts from a member enquiry

We had an enquiry from a member about an ECF case and would appreciate your thoughts.

The application for ECF was made some years ago, and the LAA granted the funding. When the case was sent for assessment, the Escaped Fees Team nil-assessed the file on the basis that the client was not eligible or the evidence of means was insufficient. The member said:-

“I have argued with the LAA that they granted the ECF, which included an assessment of the clients eligibility and that the funding evidence provided for escaped fee assessment is the same that was used to grant the ECF. ... I, on one occasion, successfully argued that as the ECF team had granted the funding and that all the regulations and guidance states that at the time of considering the grant of ECF they also consider the clients eligibility they have no basis to now nil assess the file. Another file went to the ICA and was again allowed on the same basis and the lack of there being any other guidance to contradict. I have now just returned from leave to have another ICA decision dismiss my appeal and side with the LAA.

My position has always been with the LAA that they granted the funding and on the basis of their grant we undertook the work and incurred costs including disbursements. It is disingenuous of them to turn around at the end of the case and say they shouldn't have granted the funding.

I am aware we now no longer have the ability to appeal the ICA decision since they removed the point of principle appeal, so I honestly don't know what to do to overturn the ICA decision.”

Our response was to check if anyone (in the member's practice or at the LAA) know if the client actually was financially eligible? If the LAA got the

initial decision wrong and it turned out, on assessment, that they realise that the client was not eligible at all then the LAA's approach here is correct as it is ultra vires for them to pay legal aid for an ineligible client. If the client was and remains eligible and the LAA have got it wrong, then an appeal or pre-action protocol letter is the way to go.

However, if, as it seems, there was an initial error, and the client probably wasn't eligible in the first place then the member could pursue an ex gratia claim – as the LAA clearly made an error on the initial assessment which is arguably maladministration.

We are once again grateful to Matt Howgate for his thoughts on this. As always if you have any thoughts on this or any other issue we raise please let us know – policy@lapg.co.uk

Enhancements – different treatment for bills under and over £2500

We have received this query from a member.

“We have been experiencing difficulties with matters where the certificate level is capped at £2,500. It seems that these lower value claims are assessed by one team and those over £2,500 are assessed by another team.

The lower value claims team always hugely reduce our enhanced rates whereas the higher value claims team do not. We have appealed the three most recent of these claim reductions and all three appeals have been upheld in part by the ICA. We were therefore wondering whether others are experiencing similar difficulties?”

These are all Court of Protection health and welfare certificated matters. If you have had a similar experience or have any comments please email policy@lapg.co.uk

LAA Training

LAA lunch and learn: A Day in the life of a civil claim fix caseworker: 27 June 2023 at 12.45

The LAA state that they will be discussing general questions:

- How we consider your challenges
- How we feedback to caseworkers when we've made a mistake

- How we make sure we process as many of your claims as possible, first time.

They will also be explaining how best to use the Civil Claim Fix service.

[Register here](#)

Help us say yes webinar: Civil Non-Family billing: Getting Your Hourly Rate Bills Right First Time: 29 June 1600 - 1715

This non-family focused webinar will give hints and tips and cover topics for all types of non-family bills, including the following: billing with counsel, claiming enhancement , how to claim where there has been a transfer of provider and judicial review bills.

[Register here](#)

Legal Aid Review Panel – are you interested in joining?

The Legal Aid Agency (LAA) has a Review Panel of more than 60 lawyers who consider appeals against its decisions such as the refusal of a legal aid application or where a claim for costs has been disallowed.

Panel members must be involved in regular legal aid casework and those who are solicitors or Fellows of the Chartered Institute of Legal Executives must work for an organisation which has a contract with the LAA. The full membership criteria can be found in the [Review Panel Arrangements](#).

The LAA will be recruiting again in 2023.

If you require more information about the Review Panel, wish to have an informal discussion about what the role of a panel member involves, or wish to log your contact details with the LAA so that they can contact you when the recruit campaign begins, please email:

mark.crosskill@justice.gov.uk.

Criminal Legal Aid News

Legal Aid Bulletin – timeline of crime contract changes

The LAA has set out in the most recent LAA Bulletin brief details about the extension of the 2022 standard crime contract by 24 months to 30 September 2025. Notices about the extension have gone out to providers. New schedules will be issued later in 2023.

A headline intentions document is available to view on GOV.UK and they are engaging with representative bodies. [The news item is here.](#)



Legal Aid
Agency

Legal Aid Scheme-Wide News

Contract Changes – Crime and Civil

As we asked in Update 13 please do email us with the changes you would like to see to the civil and criminal contracts. The LAA is negotiating with the contract consultation bodies – LAPG, The Law Society, ASA and The Bar Council – about the detail of both contracts. We are not allowed to share the proposed changes or the detail of the discussions at this stage but we can put forward whatever suggestions our members would like to see.

We have an extension to 23rd June to reply to the LAA. Thank you to everyone who has inputted suggestions. If anyone wants to give us any feedback before 19th June we would really welcome your proposals.

This is what we said in Update 13:

We would very much like members to feed back to us about what changes they want to see in the next contracts. Clearly, increased fees are the priority, but please take that as a given that we are pressing for these at every possible forum we attend. Increasing the fees does not come within this contract engagement process as it is a matter of government policy, not LAA administration. The contract feedback that we would like from you is about any improvements in the contract that would make it easier/less bureaucratic for you and for clients. Please email policy@lapg.co.uk with your suggestions.



Legal Aid
Agency

Changing from VMPs to SMPs: Deadline for comments 30 June

We are repeating some of what we said in Updates 11 and 13 because of the importance of this. The deadline for responding is 30 June 2023. [The LAA news story on this is here.](#)

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 some practices. So if you receive SMPs then you need to consider the implications for your practice.

We are looking into this issue and are aware that some members could be very seriously affected if this proposal happens. Please do email policy@lapg.co.uk if you are affected or have any questions.

The Government Response to The Means Test Review Consultation

This came out on 25 May and we have flagged it up in an update before. We will continue to refer members to it because of its importance. According to Lord Bellamy, the Parliamentary Under-Secretary for Justice with responsibility for civil legal aid, 3.5 million more people will be eligible for criminal legal aid in the magistrates' court and 2.5 million more people will be eligible for civil legal aid. For a summary of his statement in parliament [see here](#).

LAPG and other representative bodies have been raising for the last two years in the consultation process that the very limited passporting being proposed will mean extra bureaucracy for legal aid practitioners and further difficulties for clients in adducing evidence of their income. We are raising this with the LAA in discussions about the implementation process, citing particular concerns about the change of approach to passporting for Universal Credit recipients, how the LAA will minimise administrative burdens for practitioners and clients, and what changes are required to LAA IT systems.

And one of the other major issues is that however many people are entitled to legal aid, if they cannot find a lawyer to take on their case, that entitlement it is meaningless.

LAPG CEO Chris Minnoch is writing an article for this which will be in the July issue of Legal Action

magazine and will expand on the issues for practitioners and clients.

[Read the Means Test Review consultation response here](#)

In checking for information for this update we came across this slightly perplexing press release:

[“Access to vital legal support extended to millions of vulnerable people”](#)

It seems to be about the means test review as it states that “[t]he move will see over 6 million more vulnerable people and families able to access funded legal support as the government pledges £25 million to boost the legal aid system every year.”

It goes on to say that;

“Domestic abuse victims and children are among millions more people who will have access to legal aid under major government investment to support those who need it most. The move will see over 6 million more vulnerable people and families able to access funded legal support as the government pledges £25 million to boost the legal aid system every year. It means domestic abuse victims on universal credit and seeking a protective order for themselves or their children against their attackers can access legal aid funding more easily without facing a means test. Those who share a house with their abuser will also benefit from changes to disputed or inaccessible assets – which will no longer be considered when assessing someone’s financial eligibility for aid.”

However it highlights improvements for “domestic abuse sufferers and children” and cross-references to the Harm Panel report. [Women’s Aid put out a press release on the same day here](#) and that certainly does not applaud the government’s response to the Harm Panel report.

“We recognise that some positive actions have been taken. The expansion of legal aid announced today is welcome and is something Women’s Aid has long been campaigning for. However, it fails to deliver the Harm Panel’s recommendation of providing legal aid to all parties in cases featuring domestic abuse, in the best interests of the child.

Many of the recommendations updated on in this progress report were brought in through the Domestic Abuse Act 2021. Whilst the ban on cross-examination

of survivors by perpetrators and introduction of special measures and barring orders are critical, they are not new and we are concerned that they are not being implemented effectively on the ground. We remain unclear what 'compulsory' training on domestic abuse for judges includes, and in our experience women who allege domestic abuse continue to face discrimination and victim-blaming attitudes when trying to secure safe child contact arrangements for their children.

In some areas, progress is even being reversed. At the same time as publishing this report, the government is consulting on dangerous proposals to make mediation 'compulsory' in the family courts. If this goes ahead, it will have severe consequences for survivors of domestic abuse, who need the protection that the courts provide."

Please do feed back any comments and if you do think that the government's rhetoric does not match the reality then it would be helpful if you could let us have details that we could put to MPs and Ministers. Please send any comments to policy@lapg.co.uk.

Jo Wilding article: The legal aid sector is collapsing and millions more may soon be without access to justice - new data

Following the announcement of the means test review consultation response, Jo Wilding (law lecturer at the University of Sussex) drew together data to write [this excellent article here](#).

Relying on LAA IT - or any other organisation's software

At a recent Crime Contract Consultative Group meeting there was a discussion about one of the LAA's IT systems being overloaded and the LAA want to clear old applications from the system. We will provide more information when we can but at this stage we are flagging up that if you load information on to a system e.g. the Legal Aid Agency's software, and do not have a copy, what would you do if that information was needed in a negligence case? You cannot rely on other organisations retaining data, allowing access in future on a case or indeed on relevant software being available at all in future.

LAA cyber security blog

The most recent LAA Bulletin highlights this [blog](#) from January this year, reminding LAA providers

that hackers are interested in LAA providers because of the information they hold.

Sector News & Events

Open Justice Consultation

Call for Evidence - Closing Date 11.59pm 7 September 2023.

[The consultation on open justice is here](#)

There are a number of roundtable sessions to explain the proposals.

Theme 1 will focus on access to courts and tribunals and will cover listings, remote observation, livestreaming, and broadcasting. And will take place on the 19th and 27th of June and the 10th of July.

Theme 2 will focus on access to data/information and will cover the publication of and access to judgments, computational reuse of judgments on Find Case Law, licencing, access to court documents and information and data access and reuse. These sessions will run on the 22nd and 29th of June and 3rd of July.

[You can apply for tickets here](#)

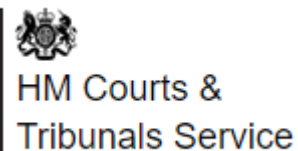


Open Justice: the way forward

Call for Evidence

HMCTS Management Information April 2022-April 2023

HMCTS has published [management information for April 2022 to April 2023](#). This is used "to understand workload volumes and timeliness nationally".



LAPG News and Events

One month to the 2023 Legal Aid Lawyer of the Year awards!



There's just a month to go before the ceremony to announce the winners of the 2023 LALY awards. Team LALY is beavering away getting everything ready to join our 500 guests in central London on 12 July 2023. For more details of this year's awards and finalists, [read our latest press release here](#).

There is still time to [join us by registering for your place here](#). Tickets are very affordable for an in-person event and cover a drinks reception and food, with discounts available to YLAL members and Justice First Fellows.

A special thanks to our sponsors (set out in the press release above) and to our media partner Legal Action Group, who have been steadfast in their support for the LALYs. There is no LALY awards without them.

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 5th July, 26th September and 22nd November, you can book your place on any of the remaining 2023 training dates below:

[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](#).

So the outcome of the Means Test Review has landed, and the MOJ Review of Civil Legal Aid is now in full swing. CLAR rumbles on and we have even learned that [gasp] someone in the MOJ is willing to talk to prison law practitioners about their fees. Immigration providers are rallying in relation to the Illegal Migration Bill. We await data from the LAA on how many new providers signed-up under the recent tender process and how many of our long-standing friends let their contracts expire rather than extend them into next year. We're consulting on the shape of the next crime and civil contracts, on monthly payment mechanisms, on family mediation and on open justice. We're still trying to discover how HLPAS will work, what the LAA will do for courts where there will be no HLPAS, and whether promised support services and training grants will be in place in time. And of course we are preparing for our favourite night of the legal aid calendar - the 21st LALY awards in July.

At some stage we might even have a holiday over the summer. We recommend you do too!

Take care one and all, and stay coool,

Chris Minnoch, CEO [@ChrisLAPG](#)

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15/06/23



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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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