



05/07/23

## LAPG Member Update

Issue 17 of 2023

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## Civil Legal Aid News

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### Consultation on fees for legal aid work arising out of the Illegal Migration Bill

Deadline 11.59pm 24 July 2023

[The consultation has been published here](#)

Here is what the Ministry of Justice is saying:

“The Ministry of Justice has published a consultation paper outlining the proposal that for all work undertaken pursuant to Clause 55 of the IMB, hourly rates should be up to 15% higher than existing immigration hourly rates.

The Ministry of Justice seeks input only in relation to the fees applicable to immigration legal aid work being brought into scope by the IMB in England and Wales. The proposed increased hourly rates pertain exclusively to legal aid work as done pursuant to the matters set out in Clause 55 subsections (3)-(4) of the Bill and do not extend to other immigration legal aid matters or any other area of legal aid. Specifically, legal aid services provided to a person served with a removal notice, in relation to the removal notice, including any suspensive appeal brought in relation to the notice and any application under Clause 55 subsection (4) of the Bill ('IMB Work').”

We will be submitting a response to this consultation and would welcome input from members. If you would like to feed into our response please contact [policy@lapg.co.uk](mailto:policy@lapg.co.uk).



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## Immigration and Asylum – Updated Peer Review Quality Guide

The updated [Peer Review Quality Guide for Immigration and Asylum](#) was published on 13 June.

[See the audit page here](#)

### Family High Cost Cases

The ‘High cost case family’ page of Gov.uk has been updated:

‘Care Case Fee Scheme (CCFS), KC/2 Counsel Events, and detailed case plans to use when a legal-aid-funded family case becomes high cost.’ The update section of the page states that the change is “Attachment for correspondence hints and tips added to page.”

[There is a lot of information on high cost cases, including the latest change, here.](#)

### CW1: Financial Eligibility Form

There is a new version of the CW1. Changes have been made to accommodate existing non-means tested areas of work and the new Housing Loss Prevention Advice Service (HLPAS) which commences on the 1 August 2023. Providers can continue to use the current version of the form but must use the new form from the 1 August 2023.

[See here](#)

### Practice Note on Means Testing Dependents

The Public Law Project has produced a practice note on the change in the guidance following their case of WA (dependants’ allowance in cases of separated parents).

[Full details are here](#)

### LAA seminar - Costs Appeals for certificated and escape cases 20 July 4.00-5.15pm

The link for this in the LAA Bulletin of 29 June was incorrect.

[The correct link is here](#)

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## The Law Society Judicial Review Case re criminal legal aid funding

In welcome news, the High Court granted The Law Society permission to bring a judicial review challenge against the government over criminal legal aid funding.

The Law Society [press release](#) states that:

“We believe the government’s decision not to implement the key recommendation of the Bellamy review is:

- irrational
- lacking reasons, and
- in breach of the constitutional right of access to justice

The High Court has granted permission on all three grounds.”

## Reminder about LAA headline intentions on crime contracts

We flagged this up in Update 15 but thought it useful for members to know where to find this information in case you need to remind yourself of the LAA’s plans.

“The LAA will be extending the 2022 Standard Crime Contract by 24 months to 30 September 2025. The 24 months’ extension is made under paragraph 2.3 of the Contract for Signature document.

The LAA will begin to issue notices of the extension to the 2022 Crime Contract to individual providers by the end of May 2023. The new schedules will be issued later in 2023.”

[This information can be found here](#)

## Crown Court Fee Guidance

The LAA proposed to limit the number of redeterminations on interim claims under the LGFS to two. This has now been incorporated into the latest update of the Crown Court Fee guidance, and the LAA covered this in its bulletin dated 29 June 2023. The changes take effect as from 3 July.



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[The revised guidance can be found here](#)

### CWA Codes Guidance

Guidance on which controlled work codes to use when submitting your legal aid claim in CWA (civil, crime lower, procurement etc.).

[More information is here](#)

### Reminder – pre charge bail changes – hopefully will speed up billing

We have covered this before but a reminder that this came into force on 1 July 2023 – [see here](#).

The LAA describe the change as:

“We are making changes from 1 July 2023 to the 2022 Standard Crime Contract which will allow providers to bill for pre-charge bail matters before the case ends.”

### Crown Court additional prep fee guidance update

[Advocates now have new guidance](#) to help submit claims for the £62 additional preparation work fee where the matter is a trial or cracked trial.

This £62 single fixed fee applies to cases with a representation order dated on or after 17 April 2023. Guidance has now been updated to help practitioners understand what to do when making a claim. Updated information was added to the guidance by the LAA on 15 June.

### Crime applications LAA webinar 13 July 5.00-5.45pm

The LAA webinar is designed to help practitioners avoid common pitfalls when making crime applications.

[The Eventbrite booking form can be found here](#)

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## Legal Aid Scheme-Wide News

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As was set out in the last Update (and we are repeating because of its importance), the [National Audit Office](#) (NAO) is “carrying out a study on whether the government’s provision of criminal and civil legal aid is delivering value for money and providing sufficient access to justice.



“To help us with our report we would like to hear from legal professionals, and those who provide advice to individuals with legal issues, about your experience of the legal aid sector and the impact of the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. This consultation will be open until **midday, Friday, 21 July 2023**.

The consultation can be found at: <https://link.webropol.com/s/NAO-consultation-on-legal-aid>.

If you have questions about the consultation, the NAO have a study email address, please address queries there: [legal.aid.study@nao.org.uk](mailto:legal.aid.study@nao.org.uk).”

### Free training session on means test review - understand the changes - 18<sup>th</sup> July 5.00-6.30pm

The Law Society has set up a free online training session about the proposals arising out of the legal aid Means Test Review. It will take place on Tuesday 18<sup>th</sup> July 5-6.30pm, with Richard Miller of The Law Society and Madeleine van Oss, a MOJ civil servant working on the Means Test Review.

[To register see details here](#)

### Legal Aid Statistics January to March 2023

[The latest quarterly statistics are here](#)

[The Bulletin with a summary of the trends is here](#)

It is hard to replicate the data in this Update but there are very clear tables showing case numbers and expenditure since LASPO in all areas of civil and criminal legal aid.

### Standard Monthly Payments/Variable Monthly Payments Consultation

LAPG has submitted a response to this consultation, [which can be downloaded here](#).

Many thanks to the LAPG member organisations which provided input into this consultation.

### [Applying for legal aid – updated 13 June](#)

Information on legal aid application forms and guidance for civil and crime work: applying online or through CCMS and dealing with high cost or exceptional cases: [some updates have been applied to the LAA's page here](#).

### **Crime and Civil Contract Consultative Groups**

The minutes of these meetings, attended by representative bodies including LAPG, [are here](#).

### **Legal Aid Directory of Providers**

As always, we remind members that it is worth checking that the correct information is recorded about your practice. [The directory is here](#) and includes the data held by the LAA up to 21 June 2023.

### **Legal Aid Audits**

We have referred to audits above and flagged up the changes to the Immigration and Asylum quality guide but if you want to remind yourself of the LAA's audit scheme, [this is the link](#).

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## **Sector News & Events**

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### **Jo Wilding article in The Justice Gap**

Jo Wilding is a barrister and academic who has written a number of excellent articles on legal aid, particularly on immigration and asylum. [Her latest post is on the Justice Gap website here](#). Her theme is how illusory civil legal aid provision has become. She considers the large numbers of inactive or dormant contracts. She also sets out very clearly in each area of civil law the number of inactive providers, cross-referencing to procurement areas.

The logo for 'The Justice Gap' features the words 'The', 'Justice', and 'Gap' stacked vertically in a bold, black, sans-serif font. A red period is placed at the end of 'Gap'.

## Court Reform – PAC Report

As you will no doubt have seen already, the House of Commons Committee of Public Accounts has issued its report on “progress on the courts and tribunals reform programme” dated 22 June 2023. [It can be found here](#) and is a blistering attack. These are two of the opening paragraphs in the Summary:

“Despite previous assurances to the Committee, seven years into the programme, HM Courts & Tribunals Service (HMCTS) is once again behind on delivering critical reforms to its services. Overall, despite an increase in budget, the programme is set to deliver less than originally planned, at a time when the reforms are even more vital to help reduce extensive court backlogs.

HMCTS’s approach to implementing the common platform has remained detached from the needs of those who use the courts system. For example, court staff such as legal advisers, have had to deal with common platform technical and functionality issues in an already stressful court environment. It has not done enough to listen and respond to users’ concerns, leaving staff and courts to suffer the consequences. HMCTS’s lack of data and research means that it has a limited understanding of whether reformed services are delivering the expected benefits, the total cost of its reforms to the taxpayer, or the impact on other services. Its research so far is insufficient and the evidence that does exist is concerning. The common platform has already placed an unacceptable additional burden on the courts, and HMCTS clearly has a lot to do to make it a success. Given the Ministry of Justice’s large portfolio of major projects, it is vital that it takes lessons forward into other projects as well as the remainder of the programme.”



House of Commons  
Committee of Public Accounts

### Progress on the courts and tribunals reform programme

Sixty-First Report of Session 2022–23

Report, together with formal minutes relating  
to the report

Ordered by the House of Commons  
to be printed 22 June 2023

## Cyber attacks

We have mentioned this before. [This is blog from the National Cyber Security Centre](#) is aimed at legal aid providers and contains useful information and links.



National Cyber  
Security Centre



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## LAPG News and Events

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### Notice of LAPG's AGM – 14 July



#### Notice of LAPG's AGM – 14 July

We would like to remind all LAPG members that they are invited to attend our Annual General Meeting on 14 July 2023, from 13.00-14:00 on Zoom. The Agenda will cover:

- Minutes of and matters arising from the Annual General Meeting held on 7 June 2022
- Co-Chairs' report
- Treasurer's report and presentation of the 2022 Audited Accounts
- Director's report
- Election of the Board of Directors
- Any other proper business of the Annual General Meeting

If you would like to attend this online meeting, which will review our work over 2022/23 and our plans for the future, please use the joining instructions below:

<https://us02web.zoom.us/j/88521426314>

Meeting ID: 885 2142 6314

Members are welcome to contact us if they are interested in supporting LAPG by applying to become a member of either our Board of Directors (which is responsible for governance) or our Advisory Committee (which contributes to a wide range of our policy, training and influencing activities). If you would like to know more about these two groups and how they support our work, [please get in touch](#).

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### One week to the 2023 Legal Aid Lawyer of the Year awards!



There's just a week 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 550 guests in central London on 12 July 2023. For more details of this year's awards and finalists, [read our latest press release here](#).

Tickets are now sold out for the event. You can follow the event on the evening on Twitter through #LALY23 and via @LALYawards.

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.

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Funny how we keep being told by government that there is no money for fee increases for civil legal aid (and insufficient for criminal legal aid), but when they need legal aid lawyers to come to the party to make a ghastly piece of legislation slightly less ghastly, they start talking about fee increases. Of course what they don't talk about is making the system work, and making sure fees are increased across the board to undo 30 years of cuts that have shorn the sector of capacity. And don't worry, we have already raised the ridiculousness of this situation with the MOJ team in charge of the Review of Civil Legal Aid.

And just to illustrate how incredibly difficult it is to deliver legal aid in the current environment, leading mental capacity and court of protection firm [Mackintosh Law last week announced plans](#) to wind down over the coming months. This is a massive blow for the legal aid community and for the clients and families that the firm continues to support. LAPG Co-Chair Nicola Mackintosh KC (Hon) has vowed to continue in legal practice, both in relation to casework and policy. However I want to take this opportunity to thank Nicola for her decades of unwavering commitment to legal aid and substantial input into LAPG's policy and operational work and our efforts to maintain and support the legal aid practitioner community.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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[#WeAreLegalAid](#)

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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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