



28/09/22

LAPG Member Update

Issue 20 of 2022

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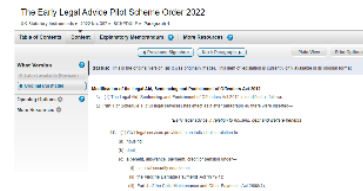
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- Supervision Courses and Introduction to Legal Aid online training module

Legal Aid News & Events

Early Legal Advice Pilot and Housing Loss Prevention Advice Service – professional competence and insurance risks



If you are participating in the Early Legal Advice Pilot (ELAP) or the Housing Loss Prevention Advice Service (HLPAS), you will have realised that you are being asked to cover areas of work which are not currently in scope and will only be in scope for cases run under these two scheme by virtue of the statutory instruments that have amended LASPO in very specific and limited ways. There is a danger that in participating in these schemes that the advice given (e.g. on welfare benefits and debt issues) has to be under the supervision of the Housing Supervisor who may have no direct experience or expertise of these complex areas of law. The scheme allow the use of agents, and those agents may be specialist in these areas, but responsibility for the quality of the advice remains with the named Housing Supervisor.

There are two main issues:

- professional obligations regarding competence and supervision; and
- notifying your insurers that you are carrying out work in a new area where there may not be the required expertise.

For more information see the relevant rules namely the Code of Conduct for Solicitors, RELs and RFLs, Section 3 Service and Competence, with specific regard to paragraphs 3.3- 3.6:

<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>

And the Code of Conduct for Firms, Section 4 Service and Competence, with specific regard to paragraphs 4.2 - 4.4:

<https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/>

We are grateful to The Law Society for considering this with their Regulatory Affairs team. If you are considering participating in these scheme and would like to discuss this with us in strict confidence, [please contact us](#).

CCMS Online Training – various LAA modules in October

The LAA is hosting a series of CCMS training webinars in October.

Visit <https://www.eventbrite.co.uk/o/legal-aid-agency-6102545875> to see forthcoming LAA online seminars including:

- Monday 10/10 - 9.30 CCMS Online Training Module – Introduction to using CCMS
- Monday 10/10 - 9.30 CCMS Online Training Module – Introduction to using CCMS (additional session)
- Monday 10/10 - 16.00 CCMS Online Module – Managing Actions and Notifications/Uploading Evidence

There are later sessions on emergency applications, amending cases and clients/assigning counsel, Special Children Act applications, means and merits assessments, provider billing, high cost cases overview, submitting outcomes and discharging a certificate, case enquiries and appeals and High Cost Cases and Care Case Fee Schemes (CCFS) and many more.

If you or a colleague attends any of these it would be interesting to have your feedback on how useful these were and for what level of experience of fee earner.

LAA Billing Guides

At the latest Civil Contracts Consultative Group meeting on 21 September the LAA flagged up a couple of Guides:



Hosted 3179 events total
448 followers

Follow

PLEASE CLICK SHOW MORE TO EXPAND: For all individual online training modules booked via Eventbrite, an email appointment will be sent via LAACaseManagementTrainingSupportTeam@justice.gov.uk to the person that registered the interest, on the working day before the scheduled training. Within this...

[Show more](#)

Provider Billing After a Transfer of Provider

CCMS Advanced Guide

CCMS Billing with Counsel: This guide shows how providers should bill in CCMS if they have instructed counsel. It helps providers understand how to identify what counsel has been paid, as well as when the point of assessment is, and why the LAA needs both their claim and counsel's claim together for assessment in hourly rates cases.

CCMS Billing After a Provider transfer: This guide shows how and when providers can claim all types of claims when there has been a provider transfer. It helps providers understand what they can claim, and when they can claim it, for claims that are made at both fixed fee and hourly rates as well as how to create the claim in CCMS to help the LAA say yes first time.

[The guides can be found here on the Legal Aid Learning page](#)

Guidance for Criminal Legal Aid lawyers – civil claim – major error

We are grateful to Paul Seddon of the Association of Costs Lawyers for drawing to our attention this case – an urgent Divisional Court hearing on extending custody time limits could not go ahead as emergency legal aid was not granted until twelve minutes before the hearing. Details are here:

<https://www.associationofcostslawyers.co.uk/journal-hub/Legal-Aid-Agency-to-guide-criminal-lawyers-on-applications-for-related-civil-claims-after-major-error>

Sharp LJ: “We are told that the Legal Aid Agency now intends to produce step-by-step user guidance for the CCMS system for use by criminal providers in related civil claims. This is expected to be ready by the end of October 2022, and it is hoped this will facilitate the use of CCMS in urgent cases.”

The Ministry of Justice has now produced guidance.

CIV APP1 – [see here](#)

CIV APP6 – [see here](#)

Email service for JR custody time limit cases – [see](#)

News story

Civil/crime news: email service for JR custody time limit cases

We are introducing a new dedicated email service especially for crime providers to help with associated civil JR applications in custody time limit cases.

[here](#)

Civil Processing Times

If you want to see how long it should take for the LAA to process an application or a bill you should look at this page which is updated regularly:

[https://www.gov.uk/guidance/civil-processing-dates?
utm_medium=email&utm_campaign=govuk-
notifications-topic&utm_source=21ff3c2f-b8ed-
4208-921e-2903afca0b29&utm_content=daily](https://www.gov.uk/guidance/civil-processing-dates?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=21ff3c2f-b8ed-4208-921e-2903afca0b29&utm_content=daily)

(Last update 22 September 2022)



Legal Aid
Agency

Legal aid eligibility and 'Trapped Capital'

'Trapped' capital:
Practicalities and a case
study

The Public Law Project litigated a case on trapped capital and have followed that up by working with the LAA to bring in suitable provisions. The LAA has added guidance on making applications for legal aid where clients have 'trapped capital' to the Training and Support website. See <https://legallaidlearning.justice.gov.uk/course/view.php?id=186> for a Word document: 'Trapped Capital practicalities and case study'

A recording of the recent Financial Eligibility webinar has also been uploaded to the website including a section on 'trapped capital' applications.

LAA lunch and learn event: A day in the life of a LAA civil merits caseworker



As part of an ongoing initiative to improve understanding between providers and the LAA, the Agency has organised its next 'lunch and learn' event and has asked us to share the details with members:

'Please come and join us for our latest LAA lunch and

learn event: A day in the life of a LAA civil merits caseworker

We will be joined by James Ottaway, a civil merits subject matter expert, and Marina Park, a senior merits caseworker. They will be talking to you about what their roles entail and the variety of work they undertake on a day-to-day basis.

This will include:

- Project work
- Ensuring consistency
- Getting it right first time
- Making sure clients receive timely access to legal representation

Please be advised: Our presenters will be answering general questions about their roles 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 use the following link to register for the event: [LAA lunch and learn: A day in the life of a LAA civil merits caseworker: Thursday 29 September @ 1245hrs](#)

Once registered, you will receive a MS Teams invitation nearer the date.'

Civil fixer guidance document - when to use the three emails addresses



Civil fixer guidance
When to use Application Fixer, Civil Claim Fix, and High Cost Family Fixer

If you are unsure when to use the email addresses for the Civil Application Fixer, the Civil Claim Fix or indeed the High Cost Family Fixer services then you may find this short PDF helpful:

https://legalaidlearning.justice.gov.uk/pluginfile.php/1195/block_html/content/Civil%20Fixer%20Guidance%20v6.pdf

Sector News and Events

New Ministers at the Ministry of Justice



If you want to know who the new Ministers are in the Ministry of Justice their details are here:

<https://www.gov.uk/government/organisations/ministry-of-justice>

The Rt Hon Brandon Lewis CBE MP is the new Lord Chancellor as members will know by now. Lord Bellamy remains in the team, leading the Lords, as a Parliamentary Under Secretary of State and retains the civil legal aid brief. Along with civil legal aid, Lord Bellamy covers human rights, judicial policy, private and public family justice and a range of other issues. Gareth Johnson MP is now a Parliamentary Under Secretary of State and has the criminal legal aid brief (along with, inter alia, courts and tribunals administration, including fees, criminal court recovery and court & tribunal reform programme delivery).

Funding for the Social Welfare Solicitors Qualification Fund – please do share with members of your organisation who want to become solicitors



Information on this amazing initiative [can be found here](#).

“The SWSQF is an initiative by the City of London Law Society, BARBRI and Young Legal Aid Lawyers (‘YLAL’) to provide financial assistance to aspiring solicitors working in social welfare law for organisations serving disadvantaged communities. The SWSQF funds the Solicitors Qualifying Exam (SQE) preparation courses and assessments. The fund works alongside other initiatives to provide greater access to justice and widen access to the legal profession.”

This year it is hoped that applications can be taken from mid-October 2022 so if anyone in your organisation is interested they should watch the website for updates.

There are three key documents:

- [Eligibility criteria](#) (They have raised both salary and savings limits this year, to account for increases which may have been made re inflation. They are also adding a Universal Credit gateway to eligibility for those in receipt)
- [Guidance for applicants](#)
- [Guidance for employer letter of support](#)

There is a video on the website explaining the scheme for employers.

Civil Justice Council Consultation on Costs – Deadline now noon 14 October 2022



The deadline for this was originally 30 September and has now been extended to midday on 14 October. See:

<https://www.judiciary.uk/related-offices-and-bodies/advisory-bodies/cjc/current-work/costs/>

This is a short and very well written consultation which on the face of it may not appear to affect legal aid lawyers that much. Indeed if you search (Control F) for legal aid the only mention is that Paul Seddon was involved on behalf of the Legal Aid Practitioners Group.

However, this consultation is part of the ongoing civil reform process since the Woolf reforms and, in particular the Jackson reforms and changes approved by the MoJ in September 2021 (found [here](#)). It feeds into a strategic and holistic look at inter partes costs i.e. remuneration of legal services through fees shifting, and how to ensure this provides access to justice including for vulnerable court users (which follows the introduction of Practice Direction 1A to the CPR last year). It will influence decisions moving forward, including:

- Pre-action costs and digitisation (linked to another CJC Consultation which can be found [here](#))
- The expansion of costs budgets - the MoJ has already recommended these for complex judicial reviews
- Fixed Recoverable Costs – already being introduced for civil claims of up to £100,000

damages from next April, Jackson LJ's recommendation was that they be used for damages of up to £250,000

- Whether Guideline Hourly Rates should be kept and if so then what they should be used for and the method/frequency of reviewing them (this follows the MoR's approval of new GHRs in 2021 recommended by the CJC in its final report [here](#) with interim report [here](#))

Inter partes costs recoveries are of course now vital to so many legal aid practices, many of whom use it to fund other cases/projects. There appear to be two main issues:

- The problems caused by Fixed Recoverable Costs; and
- Linked to that there is no mention of the introduction of legal aid rates for civil non-family certificated work set in 1994 (which, barring a c.1.5% increase in 1996 for franchisees i.e. what is now schedule authorisation, have never been increased but rather extended to appeal proceedings, reduced by 10%, and capped rates on high cost cases and exceptional work), where it was recognised that if legal aid was to be paid at below market rates, then inter partes costs would not be limited to these but be payable at market rates.

There is no mention at all in the paper of the effect of the proposals on legal aid lawyers but the CJC Steering Group on Costs is keen to hear views and examples from legal aid practitioners, particularly where these issues mean compromising bringing cases to court etc. This consultation covers such a broad spectrum of cases funded under legal aid and we need your views and experiences.

The CJC is looking at the effect of Fixed Recoverable Costs and expanding them, rather than reviewing whether or not the FRCs on £100k claims should come in as planned. However, we will still be raising this issue in our response.

There are a couple of seminars that may be helpful. The links to book onto the webinars can be found on the [CJC website](#).

- [Tuesday 4 October from 1-2pm](#) – webinar
- [Thursday 6 October from 1-2pm](#) – webinar

Please do either feed in your comments to us at policy@lapg.co.uk, or indeed respond directly to the CJC. If you do respond direct and are willing to

send us a copy of your response that would be very helpful. Essentially swings and roundabouts in civil are being more and more about losses on the swings and less and less about any gains on the roundabouts. It would be particularly helpful to send the CJC (and us) examples i.e. evidence that recovery on inter partes cases is supporting other work e.g. case loads and projects. We do need data to feed into the CJC.

Human Rights Act

In our last Update we referred to the campaigning of a coalition of groups to save the Human Rights Act. There was supposed to be a Second Reading of the Bill on 12 September but the new government decided not to proceed with the proposed 'overhauling' of the Human Rights Act.

This does not mean that the issue has gone away. The attempt to change it was very much Raab's baby and as he is not in the new Cabinet and indeed not in favour with the new Prime Minister, there was less interest in continuing with this. More importantly, the proposals were very poorly thought through and poorly drafted. They would have caused the Lords in particular a lot of concern. If you want to participate in the excellent campaigning on this issue [have a look at Liberty's website here](#) and do sign up for updates. That being said, it is highly likely that the new Government will introduce a fresh attack on the Human Rights Act, which means that we must remain vigilant and continue the fight.

If you are an organisation and want to join the coalition and sign up to the excellent emails please email Jun Pang at:
JunP@libertyhumanrights.org.uk

If you are interested as an individual, you may like to sign the petition:
<https://action.libertyhumanrights.org.uk/page/100020/petition/1?locale=en-GB>

And follow Liberty on social media (@libertyhq on Twitter) for updates.

ASA (Advice Services)



Alliance) Conference Manchester 4 & 5 October – now online



Due to the train strike on 5 October, ASA have cancelled the conference in Manchester and will instead for a very modest £20 + VAT be putting the plenary sessions online over the 4th and 5th October. Delegates who are booked on will get a proportionate refund.

For up to date information see:

<https://asauk.org.uk/advice-service-conference-4-5-october-2022-manchester/?sfw=pass1663873047>.

Members may be particularly interested in the online plenary session on 5th October at 11.50 where Carol Storer will chair a session on *Advice, Access to Justice and Human Rights*. The speakers are Lord Bellamy QC, Andrea Coomber CEO of the Howard League for Penal Reform and Fiona Rutherford CEO of Justice.

LLST Fundraising Events

LLST continues to fundraise for frontline free legal advice agencies.

On 15 October there is [Walk the Thames](#) - run or walk a half or full marathon.

7-11 November: raise dough for justice with the annual [Great Legal Bake](#) event. If you like baking (and eating) cake – this is one for you!

30 November: the national [Great Legal Quiz](#) competition takes place.



PLP event: Judicial Review Trends and Forecasts



Public
Law
Project

Judicial Review Trends and Forecasts - 13
October 2022 - London

PLP's annual conference is back and in-person, for

a day of cutting-edge analysis, insight and opinion from the UK's leading lawyers and legal thinkers, presented in partnership with Blackstone Chambers and Herbert Smith Freehills. This year's theme is Democracy and the Law. You can view Martin Rowson's masterpiece for this year's event, in full, [here](#).

This event is for all practitioners involved in all aspects of public law and judicial review, including those in private practice, Government, NGOs (including policy and advocacy work), researchers and academics.

[Further information and booking process here](#)

HLPA Housing Law Conference - 17 November 2022



SAVE THE DATE

The theme of this year's HPLA Housing Law Conference is Leading the Way: The Modern Housing Lawyer. The conference will be held on a hybrid basis on 17 November 2022, with the live element taking place at 10 Union Street Conference Centre, London Bridge, London SE1 1SZ.

Further details will be available shortly, but please save the date in the meantime.

For more information, contact Professional Briefings at london@profbriefings.co.uk or 01920 282262.

LAG's Education Law Conference - 12th October 2022



Join LAG for its inaugural Education Law Conference on the 12th October 2022 at Lady Hale Gate, London.

10am - 5.30pm followed by a drinks reception.

As a newly developing area of practice, LAG is thrilled to have such excellent speakers and trainers. As well as training on law and procedure and updates on education law, this is an invaluable opportunity to discuss strategy, tips and tactics with fellow practitioners and an opportunity to network after the event.

The keynote speaker will be the inspirational Chrisann Jarrett MBE of We Belong.

Topics include:

- Training on the law and procedure relating to disability discrimination claims and urgent claims for judicial review.
- An update on recent developments in education law.
- Discussion of policy development in special education needs and school exclusions.

LAG is grateful to Garden Court Chambers for supporting this important event.

[More information and booking process here](#)

LAPG Training & Support

The LAPG Certificate in Practice Management



There is still time to register for individual sessions that meet your specific training needs!

Sessions can either be attended as discrete courses or your involvement could span more than one course if you wish to work towards the full Certificate over a number of years. 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

This course also offers instruction from two guest tutors, Phaniel Mutumburi and Jo Edwards during sessions 4 and 5 respectively. Jo Edwards 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 have now moved the CPM to 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.

Focused primarily on the needs of managers and supervisors in private practice, the LAPG CPM covers key strategic and management issues over 5 full-day online workshops:

Please note that the course dates have changed from previous LAPG updates

- 6 October 2022 - Session 4: Policies and Compliance (including Diversity and Inclusion) [BOOK HERE](#)
- 3 November 2022 - Session 5: Communications (a.m.) & Legal Aid Contracting (p.m.) [BOOK HERE](#)

More information about this course is [available on our website here](#).

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 and Introduction to Legal Aid online training module



Supervision Courses

Our next Supervision Course takes place on 1st November. Further courses are being planned for January and March 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.

[NOVEMBER 2022 COURSE - BOOK YOUR PLACE HERE](#)

We have reformatted the course so that we are covering all of the same content across one day rather than two days. These courses have been scheduled in August and September to ensure there is capacity to meet any additional training needs for crime practitioners who need to confirm their supervisor status ahead of the commencement of the next Crime Contract. However, the content 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.

To subscribe for just £99 please email [Andrea Shumaker](mailto:Andrea.Shumaker).

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! While this course is still in the works, we hope to share more information with you soon, so keep an eye out for updates.



2022 LAPG Membership

A huge thank you to all of the organisations that have renewed membership for 2022. Your support ensures that we can maintain a strong and independent voice to advocate for legal aid practitioners and access to justice at the highest levels of political influencing and push for operational improvements to the legal aid scheme with the LAA.

LAPG Membership runs from January to December so there is still time to refresh your LAPG Member status.

Number of fee earners	Standard Fee
1 – 5 fee earners	£175.00

6 – 10 fee earners	£265.00
11 – 20 fee earners	£380.00
21 – 30 fee earners	£520.00
31 – 50 fee earners	£605.00
51+ fee earners	£700.00
Non-contract holding rate	£315.00

To download the membership renewal form or for more information on the renewal process please [visit the Membership page of our website](#).

If you have any queries about LAPG membership or the renewal process, please contact our ever-helpful Operations Officer, [Anna Neira Quesada](#).

A pretty packed Update today. Lots of information to share and events happening across the sector. As always, please get in touch if you want to discuss anything in this Update, or indeed if you want to share news or details of events with other LAPG members.

Watch this space (and online spaces / social media) for forthcoming announcements from the LAA about plans for civil contracts and tenders, and from the MOJ about a formal review of civil legal aid sustainability. You should also soon see news about the Early Legal Advice Pilot and the extension of HPCDS services into the new 'Housing Loss Prevention Advice Service'. Now, who is willing to take bets on whether any of these government announcements will suggest that they actually plan to give you what you need to make your services viable... Anyone?

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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[#WeAreLegalAid](#)
28/09/22



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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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