



26/10/22

## LAPG Member Update

Issue 22 of 2022

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### Legal Aid News & Events

- Summary of crime legal aid news
  - 20 October: extension of fee rises after MOJ and CBA deal
  - 19 October: updated digital Proceeds of Crime Act forms
  - 3 October: welcome pack and resources for 2022 crime contract
  - 30 September: fee uplifts of 15% take effect from 30 September
- Summary of civil legal aid news
  - 15 November: LAA lunch & learn event: A day in the life of an LAA means caseworker
  - 31 October: Early Legal Advice Pilot commences
  - 17 October: housing and debt and HPCDS tenders now open
  - 3 October: extension of civil contracts until 31 August 2024
  - 1 October: Specialist Quality Mark contract from 1 October 2022
  - 1 October: Changes to the existing HPCDS contract

### Sector News & Events

- New Lord Chancellor and Secretary of State for Justice
- PLP's Discrimination Law Conference
- CPAG Welfare Rights Conference 2022
- HLPAs Housing Law Conference - 17 November 2022
- Civil Justice Council Consultation on Costs – LAPG response

### LAPG Training & Support

- Supervision Courses and Introduction to Legal Aid online training module
  - Missed the 2022 LALY awards? Live recording now available
  - 2022 and 2023 LAPG Membership
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## Summary of crime legal aid news



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### [20 October: extension of fee rises after MOJ and CBA deal](#)

LAA published this news story confirming that the fee increases introduced on 30 September 2022 to AGFS and (some) LGFS fees also now apply to the large proportion of existing Crown Court cases as well. This occurred as a result of the deal reached between the then Lord Chancellor Brandon Lewis and the CBA to bring an end to action from criminal defence barristers.

While this represents some progress in making criminal defence work more sustainable (or perhaps, more accurately, less unsustainable) [you can read here what The Law Society thought](#) of how the deal struck with the CBA reflects on the needs of solicitors carrying out this work. Solicitor groups discussed this at the CLSA conference 14 October and heard directly from the CBA about a potential strategy for taking further action if necessary ([as reported here](#)). A meeting of firm owners has been called on 8 November in Birmingham, convened by consultancy firm DG Legal, with a view to sharing ideas and discussing how to take an effective stance with the MOJ. [Further details about the meeting can be found here.](#)

### [19 October: updated digital Proceeds of Crime Act forms](#)

New digital POCA forms are available to download which include updated claiming rates. The new forms can be used for all POCA claims, including those where a representation order has been made on or after 30 September 2022.

### [3 October: welcome pack and resources for 2022 crime contract](#)

The LAA has made resources available on GOV.UK to help providers when delivering work under the new 2022 Standard Crime Contract. These include a welcome pack which explains the contents of the 2022 Standard Crime Contract and gives support for new providers.

## 30 September: fee uplifts of 15% take effect from 30 September

Criminal legal aid fees increased from 30 September 2022 and the LAA has updated the guidance for submitting claims.

### Which fees are increasing?

A 15% uplift applies to all the following fees:

- police station, including pre-charge engagement
- magistrates' court, including youth court
- Criminal Cases Review Commission work
- advocates' graduated fees
- expert fees
- Very High Cost Cases (VHCC) litigator fees
- basic fee element of litigators' graduated fees, as well as all fixed fees and hourly rates

Of course this leaves a large proportion of LGFS fees behind, and prison law seems to have been entirely ignored by the MOJ... The government is expected to make further announcements at the end of November about the next stage of the work recommended by Christopher Bellamy's independent review. This should include a review of the structure of LGFS fees, with a view to making them more attractive (but potentially within the same 'budget envelope' – gotta love civil service speak).

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## Summary of civil legal aid news

### 15 November: LAA lunch & learn event: A day in the life of an LAA means caseworker

The next LAA event designed to improve understanding between providers and LAA staff members takes place on 15 November. Here's the LAA's blurb on Eventbrite:

*'We will be joined by Jim Peake, a civil means subject matter expert, and Isabel Park and Louise Wild, senior means caseworkers. They will be talking about what their roles entail and the variety of work they undertake on a day-to-day basis.*

*This will include:*



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- 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.'*

### **31 October: Early Legal Advice Pilot commences**

Contracts for this new pilot service commenced on 24 October but the official launch will take place on 31 October 2022. The MOJ team has even promised to wear Halloween costumes when they pose for the official press release pics. They're such sports.

The LAA has advised us that four providers have joined the scheme in the two pilot areas of Manchester and Middlesbrough. Guidance, contracts and monitoring forms have been issued, and a new Specification has been devised as an addendum to the 2018 Standard Civil Contract.

Personally, I think this is a poorly conceived and under-resourced pilot and have made my views known to anyone willing to listen (this includes the MOJ, but 'willing' might be a stretch). **I may have even bothered the pages of Legal Action earlier this year** to explain why I think this project is a lost opportunity to demonstrate the positive impact of legal aid. However the MOJ is pressing on, so we can only hope that providers can deliver the data the MOJ needs to crowbar additional funding out of the Treasury for social welfare law advice.

### **17 October: housing and debt and HPCDS tenders now open**

Yet more evidence, as if we needed it, that civil legal aid is in crisis. The LAA has again had to initiate a tender process to try to secure Housing & Debt provision in 6 procurement areas, and HPCDS cover for another 6 court schemes. The only way to prevent this constant cycle of tender activity is to increase fees and make the contracts commercially viable propositions. Let's hope the planned civil sustainability review by the MOJ stumbles across these oh-so-well-hidden little basic fundamentals of business and government procurement...

The tender opened on 17 October 2022 and closes at noon on 7 November 2022.

### [3 October: extension of civil contracts until 31 August 2024](#)

Called an extension, but actually an invitation to vary a contract that cannot be extended, the LAA has decided to lengthen existing 2018 Standard Civil Contracts to August 2024. [You can read here](#) why I think that, in the absence of some form of tender activity in the meantime, this is a bad idea. The official reason given for the 'extension'? To 'allow [the LAA] time to consider findings from the planned Ministry of Justice Civil Legal Aid Review. [The LAA] can then consider how any changes could be introduced into future civil contracts.'

We have asked the MOJ to consider at least targeted tender activity in the meantime to try to plug some of the glaring gaps in provision across England & Wales as providers continue to withdraw from contracts. Given the recent decision to offer just a one year contract to criminal defence practitioners (which can be extended for up to years) to enable consideration of further changes as a result of CLAR, we see no reason why the LAA cannot commence tender activity to enable new civil providers to enter the market, or existing providers to expand their services.

### [1 October: Specialist Quality Mark contract from 1 October 2022](#)

Super-exciting news from the LAA that a new Specialist Quality Mark (SQM) contract began on 1 October 2022 following a successful tender from Recognising Excellence, the existing supplier.

### [1 October: Changes to the existing HPCDS contract](#)

A small but helpful update from the LAA in recent weeks:

'The LAA is extending the provisions in the contract that allow providers to claim for 2 clients where there has been a nil session and to claim the HPCDS fee in addition to a Legal Help fee where a case moves on to Legal Help. These changes were due to end on 30th September 2022 and have been extended to 29th April 2023.'

A copy of the revised HPCDS category specific rules can be downloaded using the hyperlink above.

[A reminder here of my opinion piece](#) on the news that that HPCDS contracts will be replaced by Housing Loss Prevention Advice Service contracts from 30 April 2023.

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## Sector News and Events

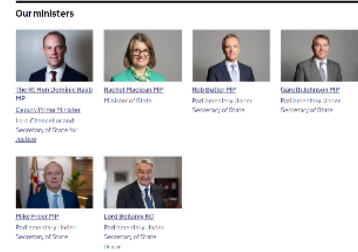
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### New Lord Chancellor and Secretary of State for Justice

We've only just finished reporting that The Rt Hon Brandon Lewis CBE MP was appointed Lord Chancellor but he's off, replaced by the returning Dominic Raab. Despite barely having time to take off his ceremonial robes, Lewis was able to meet with the CBA and reach a compromise to end the Bar strike, something that Raab refused to do during his previous time in the role.

Here is a screen grab of the current Ministerial team at the MOJ. It is time-stamped at 1150 on 26102022. Will there be another change in the Ministerial team and if so what does that mean for progress on the Criminal Legal Aid Review, Civil Legal Aid Review, implemental of the Means Test Review proposals etc. etc.? Let's hope for some stability despite the change in Lord Chancellor.

I don't have the energy to list all the reasons why this is a worrying time for human rights and legal aid practitioners. [Here is an overview of some of them from today's Gazette.](#)



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### PLP's Discrimination Law Conference

**8-10 November: online seminars**  
**15 November: in person/hybrid seminars**

Public Law Project's discrimination law conference is back. Presented in partnership with DLA Piper and Matrix Chambers.

This event is for:



Public  
Law  
Project

- Lawyers and advisers assisting clients or groups that have experienced discrimination by Government or public bodies.
- Policy people and campaigners needing to identify or address public law discrimination

[Further information and tickets here](#)

And why not check out PLP's [Online JR Academy](#) (28 Nov – 1 Dec 2022) and [Legal Research for Social Impact](#) (1 Feb – 8 Feb 2022) events.

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## CPAG Welfare Rights Conference 2022

Here's the latest from CPAG on their forthcoming conference:

*'Rips in the safety net: social security in a time of crisis*

Our annual Welfare Rights Conference returns this November with a broad selection of keynote speeches and expert-led workshops designed to help advisers and their clients survive the impact of the current cost of living crisis.

Running online across the whole week of the 21st of November, topics at this year's event include:

- ESA to UC – the 'natural' way
- Same PIP, different day: Personal Independence Payment in 2022
- Still not settled – benefit entitlements for EEA nationals
- UC and hardship – searching for breathing space
- What's going on? An update on managed migration to universal credit

With live Zoom workshops spread over five days, and with both morning and afternoon sessions to choose between, the conference will provide practical, up-to-date information on some of the most pressing welfare rights issues.

### FORMAT AND WORKSHOPS

By virtue of being online, our event this year will continue to offer access to a lot more content than usual.

With five different workshops to choose from, a



conference ticket provides access to two live workshops – both selected at the time of booking – each lasting 1 hour and 30 minutes.

In addition, delegates will receive time-limited access to recordings of all 5 workshops, for over 5 hours of content in total, together with full notes and slides from each workshop and keynote recordings from a number of guest speakers too.

#### BOOKING A PLACE

For more information and to book your place, visit [cpag.org.uk/conference-2022](http://cpag.org.uk/conference-2022)

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## HLPA Housing Law Conference - 17 November 2022



#### SAVE THE DATE

The theme of this year's HLPAs 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](mailto:london@profbriefings.co.uk) or 01920 282262.

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## Civil Justice Council Consultation on Costs – LAPG response



We've reported our concerns about proposed changes to the civil costs regime in recent Updates, and in particular the likely impact of the extension of Fixed Recoverable Costs (FRCs) to a wide range of publicly-funded cases. This was one of the issues addressed in our [response to the recent CJC Consultation on Costs](#).



We are continuing to support HLPAs to resist the extension of FRCs and will update you on our progress soon.

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## LAPG Training & Support

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### Supervision Courses and Introduction to Legal Aid online training module



#### *Supervision Courses*

There are still a handful of places available for our next Supervision Course on the 1<sup>st</sup> of November. If you are unable to make that course, we have confirmed the dates for our 2023 training programme, with Supervision Courses scheduled for 18th January, 8th March, 17th May, 12th July, 26th September and 22nd November. [Please contact our training lead, Andrea Shumaker](#), if you want to attend any of these 2023 training dates.

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](#).

### ***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.

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## **Missed the 2022 LALY awards? Live recording now available**

While we had a wonderful night at this year's LALYs, we had a pang of regret that we didn't have the budget to livestream the event. We did however record the biggest and best celebration to date of legal aid lawyers **and have now made the recording available on our YouTube channel here**. Watch as 600 of our friends and colleagues packed into the central London venue to cheer on the winners of the 12 awards categories and two



special awards to mark the 20<sup>th</sup> anniversary of this truly inspiration event.

We will soon be releasing short videos covering each award on our social media channels. Watch this (or those) space(s)!



## 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](#).

We will shortly be in contact with all member firms and organisations to discuss the 2023 renewal process.

It just keeps coming, doesn't it. A new Lord Chancellor who, during his first tilt this year appeared to have a very different take his oath of office and legal responsibilities under LASPO than the rest of us. And now we have economic turmoil leading the new Chancellor of the Exchequer to warn of tough choices ahead (i.e. public spending cuts). With a civil legal aid review (signed off by Brandon Lewis...) due to be announced in the coming weeks, will there be any spare change to be found down the back of the sofa at

Chequers for the beleaguered justice system?

Kia Kaha legal aiders - with recent events we are going to need to stay strong, and stay unified. In the words of the immortal Paula Abdul: 'We take two steps forward, we take two steps back, we come together because every other sod seems to be dumping on us'. I'm pretty sure that was the chorus to her big hit of 1989, which was, coincidentally, the last time legal aid fees were increased.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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26/10/22



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

**LEGAL AID  
LAWYER  
OF THE YEAR AWARDS**



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