



22/11/22

LAPG Member Update

Issue 24 of 2022

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Legal Aid News & Events

Ministry of Justice Civil Legal Aid Review



At the Civil Justice Council Conference on 18 November 2022 Lord Bellamy KC confirmed that the Civil Legal Aid Review will start at the end of this year. So what do we know about the Review? Well, very little, as the MOJ is yet to publish terms of reference, objectives or a timeline. Discussions with civil servants have also revealed scant detail, so it is difficult to know exactly what the MOJ hopes to achieve through this Review. We have been told that the Review is likely to take 12-18 months, and that the MOJ will be investigating 'quick wins' by, for example, improving processes and contracts and reducing administrative burdens. The big question of course remains whether the MOJ will be able to make the case to Treasury that fees must increase if we are to see a reversal of the trend that has seen provider numbers decline so dramatically over the last decade. More work must also be done to increase provider numbers to respond to soon-to-be announced changes to the means test, which will lead to more pressure on over-stretched services.

We have opened discussions with The Law Society, The Bar Council and a range of other membership and representative bodies to ensure that there is a co-ordinated response from the sector to this Review. Along with scheduling regular meetings to align our work on this, we have started a literature review and are considering how best to obtain additional information from practitioners and provider organisations. If you would like to support our efforts to respond to the Review, please contact policy@lapg.co.uk.

Fixed Recoverable Costs pushed back to October 2023

MOJ
Fixed costs extension delayed to October 2023
LAW SOCIETY

As reported in the Gazette last week, the

extension of FRCs has been put back to October next year. This was confirmed by Lord Bellamy KC in his address to last week's CJC conference. He noted that 'these reforms have particular implications for housing cases, and I am grateful for the constructive input of housing providers which we continue to consider'. LAPG has been working closely with HLPAs and a number of other bodies to make the case for a total exemption for housing cases from the extended FRC regime, so this postponement will enable further dialogue with MOJ officials.

HPCDS contracts extended to 31 October 2023

On 16 November the LAA announced that they intend to offer all existing providers of Housing Possession Court Duty Schemes (HPCDS) an extension of their current contract from 1 October 2022 to 31 October 2023 with a break clause which can be exercised in July 2023. Why? This will allow the LAA to put in place new contracts to deliver the Housing Loss Prevention Advice Service (see below). This is the replacement service for HPCDS.

The LAA intended to write to all current HPCDS contract providers to confirm their intentions and formally issue extension offers over the course of the following few days. Providers will need to sign into the contract extension, or where they do not wish to do so, confirm this to the LAA by the date set out in their letters.

Further information is in a [GOV.UK news story](#).



Legal Aid
Agency

Tender open for HPCDS contract in Dartford

On 9 November the LAA opened a tender to deliver Housing Possession Court Duty Scheme (HPCDS) services in Dartford. They intend to award one contract for [this HPCDS](#).

Further information is available:

[Civil news: Interim tender for Dartford HPCDS now open - GOV.UK \(www.gov.uk\)](#)



Legal Aid
Agency

The Information for Applicants (IFA) can be found at

[Civil tender activity 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/civil-tender-activity-2022)

Tenders must be submitted using the LAA's e-Tendering system:

<https://legalaid.bravosolution.co.uk/web/login.shtml> by the deadline of 5pm on 30 November 2022.

LAA launches tender for Housing Loss Prevention Advice Service to replace HPCDS



The tender is now live for the new Housing Loss Prevention Advice Service designed to deliver both early legal advice and in-court duty work. The LAA is also inviting applications for the delivery of Housing and Debt contract work to support delivery of the HLPAS. Their tender pages have been updated on GOV.UK and they have also published a news story:

<https://government/publications/housing-loss-prevention-advice-services-hlpas-and-housing-and-debt-services-from-august-2023>

[Civil news: tender to replace HPCDS services opens - GOV.UK](https://www.gov.uk/civil-tender-activity-2022)

If you are planning on tendering, please note this advice from The Law Society

"Housing Legal Aid HLPAS Tender Launched: some professional conduct issues to consider.

The Legal Aid Agency has now launched a tender for the new Housing Loss Prevention Advice Service (HLPAS) that will replace the existing Housing Possession Court Duty Scheme (HPCDS) from 1 August 2023. HLPAS augments court duty scheme work with provision of non-means, non merits tested earlier advice in housing as well as welfare benefits and debt from the point where the landlord or mortgage lender has issued a notice of intention to re-possess. The tender is open to current providers in the Housing and Debt category who meet the tender requirements as well as new entrants who would also need to apply for a standard Housing and Debt

contract in order to perform HLPAS work. Further information about the tender can be found [here](#).

Welfare benefits and debt work has been brought back into scope for legal aid provided under HLPAS having been largely removed from scope in 2013. Whilst this is a welcome development it is widely acknowledged that specialist welfare benefits and (non-mortgage) debt knowledge within the legal aid sector has been substantially depleted. This is recognised by the Legal Aid Agency and for pragmatic reasons there will be no specific contractual legal competence standard for supervisors regarding welfare benefits and (non-mortgage) debt work undertaken under HLPAS. However, in this instance compliance with LAA contractual requirements will not necessarily mean that providers without a welfare benefits and debt specialist will be compliant with the SRA rules on service and competence. Providers considering a bid to offer HLPAS advice should carefully consider their service and competence obligations under [section 3 of the SRA Code of Conduct for Solicitors](#) and [section 4 of the SRA Code of Conduct for Firms](#). As specialist welfare benefits and debt work will be new areas for many, providers should also ensure that they will be covered by their professional indemnity insurance.”

We asked the LAA to set out its commissioning plans over the next year, and to explain the rationale behind the tender processes and contract lengths. They have noted:

‘The initial plan had been for HLPAS contracts to start at the end of April 2023. However there were delays to decisions being taken and the SI being laid due to the changes in Ministers and the death of the Queen. The Civil Legal Aid (Housing and Asylum Accommodation) Order 2022 which was laid on 17th October and can be found [here](#) sets out that HLPAS will now commence on the 1 August 2023.

The tender for the HLPAS contracts should commence this week, new providers who do not currently hold a 2018 Housing and Debt contract can bid for one as part of this process if they are also bidding for HLPAS. The intention is that HLPAS contracts will be for a 13 month period and end on 31st August 2024.

Existing HPCDS contracts have been extended to ensure that there was no gap in provision between 29th April 2023 and the commencement of HLPAS on 1 August 2023. The HPCDS contracts have been extended until 31st October as a contingency in case there are any delays to the award of HLPAS contracts, it is a competitive tender process and there has

previously been litigation in relation to the awarding of HPCDS contracts. If there are no delays then the break clause will be exercised and the existing HPCDS contracts will end on 31st July 2023 and HLPAS contracts will commence on 1 August 2023.

The existing 2018 face to face contracts have been extended until 31st August 2023. The contract variation letters will be sent out early next year and providers will have to actively accept the variation. There will be a deadline to notify the LAA of acceptance or rejection of the variation. The tender activity for new 2018 contracts (which is for new providers and existing providers who want new categories/offices) will commence early 2023. New providers who want Housing contracts but did not want to bid for HLPAS can bid.'

Latest operational update on the Early Legal Advice Pilot



After asking the LAA to provide an update on the status of the pilot, the following has been provided to membership and rep bodies:

'There are 4 providers participating in the pilot, one in Middlesbrough and 3 in Manchester. Contracts commenced on the 31st October but it will take a while for participants to filter through for advice.

In Manchester, pilot invitation letters will be sent out by Manchester City Council within the same envelopes as their council tax first reminders letters. These letters are sent at least weekly.

In Middlesbrough, pilot invitation letters will be sent out by Middlesbrough Council to those who will separately receive Council Tax Liability Order letters. These letters are sent monthly.

Potential participants will be sent a leaflet in the post containing information about the pilot. It explains that:

- If they are currently experiencing any issues or disputes with housing, debts, or benefits, they may be eligible for up to three hours of free advice and support from a professional lawyer.

- They are invited to apply to participate and see if they are eligible, which they can do through an online survey or by phone (which checks whether they have legal need in the relevant areas). The contact details and links are in the letter for them to call for free or access online.
- Participants are told that if screened in as eligible for the pilot, through a few short questions, they will then be asked to answer some further survey questions that will take 10-15 minutes, for which they will receive a £15 gift voucher as a thank you for completing.
- They are told that half the people who complete the survey will be randomly selected to receive the legal advice. If they are not selected, we will point them to **other relevant local services that could assist.**

The leaflet also contains an FAQ sheet that explains that taking part is voluntary, how personal information will be used, and gives contact details should they have any queries. It gives further details about the pilot, and reiterates that:

“The Early Legal Advice Pilot (ELAP) seeks to understand whether free legal advice and support helps people resolve their problems. To do this, half of those people who choose to take part in the pilot, and are eligible, will be selected to receive 3 hours free legal support. The other half will be told about existing local services that might be able to help and continue as normal. These groups are selected at random, to help the research team to see if the advice makes a difference. This is known as a Randomised Controlled Trial (RCT). You will know which group you are in after you complete a survey.”

Numbers might also fluctuate over the course of the pilot. In Manchester where there are multiple providers, and, with permission, contact details for each provider have been shared in the event they need to allow some coordination. MoJ also intend to host check-ins to understand how the work and capacity is being managed.

Each Council has said they are happy to pause sending out invitations if there has been a high take-up rate.’

LAA considering changes to the next Standard Crime Contract

The LAA has invited the contract consultee bodies (LAPG, The Law Society and The Bar Council) to begin discussions on potential changes to the next Standard Crime Contract. Their aim through this piece of work is to work with the consultee bodies 'to explore ways to ensure an effective contractual model whilst reducing unnecessary administration to providers to deliver services, and to implement learning from the shift in working practices employed during the Covid-19 pandemic'. To help initial discussions, which commence next week, the LAA has noted that they are exploring the following themes:

- **Access** (How clients access services)
- **Allocation** (How work is allocated to legal aid providers)
- **Quality** (What the LAA's suite of quality measures should look like in the future)
- **How we contract** (in what ways could we reduce unnecessary barriers to entry)

We will report back to members after the first round of discussions but if you have any ideas about potential improvements to the contract please contact policy@lapg.co.uk.

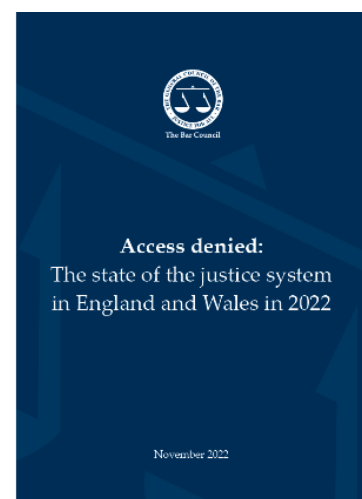
Sector News and Events

The Bar Council launches its latest report on legal aid - 'Access denied: The state of the Justice system in England and Wales in 2022'

The report paints a worrying picture of the current state of access to justice in England and Wales.

Key findings include:

- 239 courts closed since 2010 leaving clients extremely anxious that they won't be able to



- get to their hearings
- Cuts to legal aid funding having a catastrophic impact on the ability of people to access justice
- A mixed experience of remote justice that requires further investigation
- Crumbling court buildings that are not fit-for-purpose, including leaks, infestations, and a lack of basic facilities
- An increase in litigants in person, due to reductions in the availability of civil legal aid, resulting in cases taking longer and costing more – the opposite of what LASPO set out to do
- Barristers diversifying away from legal aid work due to workload pressures and poor remuneration, further reducing the capacity of the system
- Worrying political attacks on the rule of law and anti-lawyer rhetoric that undermines confidence in the justice system and contributes to burnout and stress

Read more [here](#).

Justice Select Committee questions the Lord Chancellor today (22.11.22 at 2.30pm)

Justice Committee

The Lord Chancellor Rt Hon Dominic Raab MP is being questioned by the Justice Select Committee on 22 November at 2.30pm. The session is expected to cover

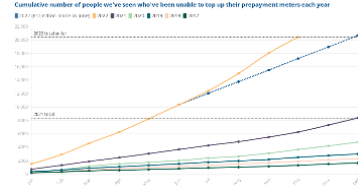
- Resourcing of the Ministry of Justice and future funding challenges
- Legislative programme – Bill of Rights, Victims Bill, Reform of parole
- Prison capacity and IPP prisoners
- Case backlog and the state of the court system

To watch it live or to find out how to obtain a transcript after the event see [here](#).

Citizens Advice Cost of Living Data Dashboard

Citizens Advice is updating their data dashboard every month - if you want to see how the cost of living crisis is affecting the search terms that people are using on the Citizens Advice website and how enquiries are rising, do have a look at the various tables here:

<https://public.flourish.studio/story/1634399/>



Applications open for the Social Welfare Solicitors Qualification Fund (SWSQF) 2023

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.

Full details of how to apply for this fantastic opportunity are [here](#).

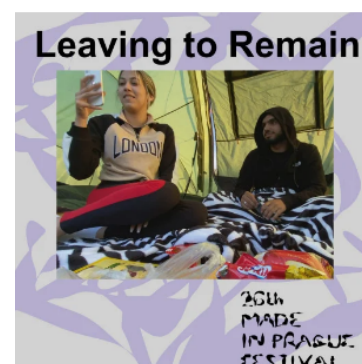
Please note that the deadline for this tranche is **midnight 8 December 2022**.



The UK premier of the documentary 'Leaving to Remain'

6.15 pm on Sunday 27 November at the GENESIS CINEMA, 93-95 MILE END ROAD, BETHNAL GREEN, LONDON, E1 4UJ.

This documentary depicts three Roma living in Britain "but tied to Central Europe film themselves as their lives are transformed by the combination



of Brexit and Covid.”

What is the link between one of the film’s protagonists, Denisa Gannon, and LAPG? Denisa is a woman of Roma heritage who is a Justice First Fellow working at Coventry Law centre. Her story is amazing – see [here](#).

See the trailer here:

<https://london.czechcentres.cz/en/program/leaving-to-remain-q-and-a-with-director-mira-erdevicki>

And a recent article:

https://variety.com/2022/film/global/roma-jihlava-documentary-festival-1235420799/?cx_testId=49&cx_testVariant=cx_1&cx_artPos=0#cxrecs_s

Ticket sale link:

<https://genesiscinema.co.uk/GenesisCinema.dll/WhatsOn?f=28827696>

LAPG signs up to the British Institute of Human Rights Day letter

The letter which will be published on 10 December 2022. More details [here](#).

We continue to join when possible the Save Our Human Rights Act campaign meetings.



LAPG Training & Support

Supervision Courses, Introduction to Legal Aid and Introduction to Management online training modules



Supervision Courses

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. You can book your place on any of these 2023 training dates below:

[18TH JANUARY 2023](#)

[8TH MARCH 2023](#)

[17TH MAY 2023](#)

[12TH JULY 2023](#)

[26TH SEPTEMBER 2023](#)

[22ND NOVEMBER 2023](#)

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.

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.

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.

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

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 are planning on going live in December 2022!

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 20th 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)!



2023 Membership renewal process has commenced – Early Bird special

We have now commenced the 2023 membership renewal process and are pleased that so many organisations have already chosen to renew their subscription for next year. 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 and the renewal process this year once again see fees frozen as we recognise just how difficult it is to run your organisations. The usual 10% Early Bird reduction is also in place if you renew prior to 31 March 2023.

Number of fee earners	Early Bird Fee	Standard Fee
1 – 5 fee earners	£157.50	£175.00
6 – 10 fee earners	£238.50	£265.00
11 – 20 fee earners	£342.00	£380.00
21 – 30 fee earners	£468.00	£520.00
31 – 50 fee earners	£544.50	£605.00
51+ fee earners	£630.00	£700.00
Non-contract holding rate	£283.50	£315.00

This year we have introduced to online forms to complete to renew your membership – one for paying by BACS and one to pay direct via our website. [Visit the Membership page of our website for more information.](#)

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

Thank you once again for being members of LAPG. Your support is very much appreciated.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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#WeAreLegalAid

22/11/22



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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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