



19/12/22

## LAPG Member Update

Issue 25 of 2022

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# What's the latest on the Big Three Acronyms – CLAIR, CLAR & MTR?



As 2022 draws to a close you would be forgiven for wondering what on earth is happening at the MOJ with their Big Three policy initiatives. Many an official and Minister has been trumpeting the positive impact of reforms to criminal legal aid fees, the means test review and the civil legal aid sustainability, but very little has actually happened in 2022 that deserves a trumpet, or even a piccolo for that matter. And I suspect that very few of those in the criminal defence world, particularly litigators, will have enjoyed any of the recent mood music from Dominic Raab and his merry band.

Here's a very quick summary of where we are on the three big ticket policy items as he head into Christmas:

## **The Government's response to the Independent Review of Criminal Legal Aid**

On 30 November [the Government published its response](#) to the Independent Review of Criminal Legal Aid. It was startlingly underwhelming or, as more colourfully described by The Law Society, a [death knell for criminal defence](#). We have held a number of meetings to discuss the package proposed, liaising with The Law Society, LCCSA and CLSA and other groups. After Lord Bellamy's recommendations, which recognised the need for drastic action and the immediate need for money to be put into the criminal defence legal aid budget, this has been a year of disappointment: the MOJ's interim response, Raab's announcements and then this. We will be working hard on this in 2023 but the MOJ's approach to crime, despite clear evidence presented to them by their own independent report, does not fill us with much hope for the Civil Legal Aid Review process....

## **Civil Legal Aid Review (yes, they are thinking of calling this CLAR)**

We are still awaiting any formal announcement about this Review. See Update 24 for more information. Thank you to all members who responded to the request to help us with this. We

will be in touch as soon as the Review is announced and we have digested the contents. If you are interested in supporting our response to the Review by, for example, providing information or case studies please email [policy@lapg.co.uk](mailto:policy@lapg.co.uk).

### **Implementation of the first set of changes following the Means Test Review**

We were expecting to hear more about progress on this strand of work. The Ministry of Justice called a meeting for stakeholders recently and but then cancelled it at short notice. We do not know what is happening but presumably whatever figures were suggested were calculated before inflation started to rise so considerably. Government officials might be worried about the potential increase to the legal aid budget if thresholds are reconsidered in the face of spiralling living costs. However we have once again made the point to officials that MTR proposals are likely to have a negligible impact on the take-up of legal aid as there simply aren't enough lawyers doing the work to help all the 'newly eligible' clients. I am not sure they are listening.

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## **Housing and HPCDS Tenders – limited areas – Deadline 5pm 12 January 2023**



On 14 December 2022 the LAA opened a tender to deliver Housing Possession Court Duty Scheme (HPCDS) services in 2 courts and Housing and Debt Contract Work in 1 procurement area, listed below, from 1 February:

**Housing and Debt:** West Sussex procurement area. The LAA is offering an unlimited number of contracts for housing and debt services in the West Sussex procurement area.

**HPCDS:** 1.Horsham and Worthing; 2.Liverpool. They intend to award one contract for each HPCDS.

Further information is available [here](#).

The Information for Applicants (IFA) can be found at:

<https://www.gov.uk/government/publications/civ>

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

<https://legalaid.bravosolution.co.uk/web/login.shtml>

The deadline for tenders is 5pm on **12 January 2023**.

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## Updates to the HLPAS Tender documentation – amended IFAs and FAQs published

The tender process for these new services, which will replace HPCDS services in October 2023, were launched on 17 November 2022. The LAA also opened applications for Housing & Debt contracts to underpin the HLPAS contracts.

**Please note that** since launching the tender the LAA has published two amendment notices and an FAQ document. Applicants must familiarise themselves with these documents, and must use Version 3 of the Information for Applications document.

All of the latest documents can be found on [the HLPAS tender page here](#).

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## Proposed Amendment for Rule 11(7)(a) Mental Health Cases

We are one of the bodies consulted about Legal Aid contract changes. We cannot at this stage disclose any information as this consultation remains open but we would like to thank LAPG Committee members Dr Laura Janes (of various hats) and Helen Fanning of MJC Law and colleagues at MHLA for their work on this.

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Legal Aid  
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# Operational Issues Arising from the Process Efficiency Team Meetings



Legal Aid Agency

LAPG Co-Chair Jenny Beck (KC Hon) and fellow LAPG Director Beverley Watkins are regular attenders of the Process Efficiency Team (PET) meetings, where representative bodies and the LAA work on issues that will save time for both practitioners and the LAA. An example of a recent PET initiative was the increase in the costs limitation in family cases. Work is constantly undertaken to identify where systems and processes can be improved and unnecessary work can be cut out to make legal aid more manageable. If you have any suggestions for improvements please do email your suggestions to [policy@lepg.co.uk](mailto:policy@lepg.co.uk)

Here is a summary of operational issues discussed at the latest meeting in December:

## **CCQ - Check if your client qualifies for legal aid**

The LAA is piloting a new eligibility checker to replace the checker that was decommissioned in October 2021 (yes, that was over a year...). CCQ is the updated name for the eligibility calculator. The LAA would love to have more volunteer providers for their pilot phase. If you are interested in taking part please do get in touch with them at [eligibility@justice.gov.uk](mailto:eligibility@justice.gov.uk).

## **Payments and finance**

LAA digital is reviewing the current payment and finance processes to understand how they might be simplified and improved to save time and effort for LAA providers.

In general, they want to understand providers' experiences of dealing with LAA payments. They would like to speak with a range of professionals from small, medium and large provider firms across civil and criminal who directly engage with payments, such as (although not limited to) solicitors, finance professionals, managers and/or administrators.

These interviews will take approximately 30-45 minutes on video calls and will be very conversational as they simply want to understand users' experiences with payments. They will take place from January to March 2023. If you have

questions or need more information or want to volunteer, please contact [Tammy.Goddard@justice.gov.uk](mailto:Tammy.Goddard@justice.gov.uk).

## Webinars

The LAA is running a lot of webinars on a wide range of legal aid issues. To find out on what and when do make sure that you receive the LAA Bulletin: [Sign-up to LAA Bulletin](#)

The LAA will also publicise these on Twitter (@LegalAidAgency).

The LAA have told us that they can also be followed on Eventbrite:

<https://www.eventbrite.co.uk/o/laa-external-communications-31143691407>

If you would like to provide a soundbite or written feedback on webinars you have attended, please email: [Tammy.Goddard@justice.gov.uk](mailto:Tammy.Goddard@justice.gov.uk)

### **The next LAA lunch and learn: A day in the life of event – re civil escape cases 26 January 12.45pm**

Graham McDonald, a member of the LAA's civil escape case team, will be providing an overview of their work within this small standalone team based within civil case management. This talk will encompass the controlled work and all areas of civil claiming arising from this level of service that the team deal with. This includes responsibility for processing claims for payment in respect of complex cases that “escape” the standard fee schemes in place for each category of law.

There are a variety of work streams including: Inquests, education, discrimination, claims against public authorities as well as mental health and immigration and asylum tribunals, including upper tribunal matters. The presenter will be answering general questions about their role during the event. They will not be able to answer case specific questions. Please continue to contact the LAA via the usual channels for any case-specific queries.

To register for the event:

[LAA lunch and learn: A day in the life of the LAA escape case team: Thursday 26 January 2023 @ 1245pm.](#)

Once registered the LAA will send out an MS Teams invitation nearer to the event.

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## Legal Aid Statistics

National statistics  
Legal aid statistics England and Wales  
bulletin Jul to Sep 2022  
Published 10 December 2022

The legal aid statistics came out on 15<sup>th</sup> December – click [here](#) for access to the bulletin and the tables. For the user guide click [here](#). The LAA and MoJ summary of the main points is [here](#).

The most startling statistics are found in the tables e.g. Table 5.1 for the number of controlled work matters opened.

- In 2000-01 there were 803,828.
- In the peak years 2009-10 there were 933,815 cases.
- In 2020-2021 the lowest figure was recorded 117,213.
- The figures increased in 2021-2022 to 127,674. Yippee.

As members know there are huge numbers of people who need advice, assistance and representation who are simply not being assisted in any way. Advice agencies consistently report large numbers of potential clients who cannot be seen. People are using online resources but they only help some people and often in a limited way.

The real question therefore is whether the Ministry of Justice is taking any action to bridge the gap between the demand for legal advice and the supply of services. While funding was recently announced to support the voluntary and charitable advice sector, there still remains an absence of commitment from the Ministry to ensure that legal aid services can respond to client demand. We continue to push on these issues, and have recently asked the Legal Aid Agency to develop a more sophisticated system for measuring demand for services and assessing the capacity of existing services. Let's see how this request goes, shall we?

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## Legal Aid Agency Processing Times

Civil Processing times are [here](#). If these do not reflect your experience please do let us know: [policy@lapg.co.uk](mailto:policy@lapg.co.uk)



Legal Aid  
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Crime Processing times are [here](#). As with civil processing times, please let us know if these are not in line with your experience: [policy@lapg.co.uk](mailto:policy@lapg.co.uk)

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## Sector News and Events

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### Plans to Increase the Capacity of Immigration & Asylum Tribunals

Press release

**Government increases hearing capacity to speed up immigration cases**

In an effort to increase hearing capacity and reduce waiting times for hearings and decisions, the government has announced that thousands more immigration cases will be heard over the next few months.

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### New 24 hour support line for victims of rape and sexual abuse



The Government announced on 7 December that victims of rape and sexual abuse will have access to a new 24/7 support line, where specialist operators will be available via telephone or webchat at any time to provide victims with vital information and emotional support.

The government-funded service will be operated by Rape Crisis England & Wales who have over 3 decades' experience running a helpline for rape and sexual abuse survivors. It will be available to anyone aged 16 years and over who has experienced any form of sexual violence and abuse, at any point in their life.

The support line delivers on a key pledge in the government's Rape Review Action Plan which seeks to boost support for victims, improve confidence in the system and increase the number of cases reaching court.



## Public Law Project event – Legal Research for Social Impact – 1 February 2023



Public  
Law  
Project

[PLP is running this event in person in York and online.](#)

Civil society, Universities and Government all want research that has impact. This event is for anyone wanting to commission, develop or collaborate on legal research resulting in positive change to people's lives by influencing law, policy and practice.

If your organisation has very limited resources and you want to attend, PLP can subsidise tickets.

Please e-mail [events@publiclawproject.org.uk](mailto:events@publiclawproject.org.uk) to discuss.

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## LAPG Training & Support

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### 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, 6th March, 17th May, 12th July, 26th September and 22nd November. You can book your place on any of these 2023 training dates below:

[18<sup>TH</sup> JANUARY 2023](#)

[6<sup>TH</sup> MARCH 2023](#)

[17<sup>TH</sup> MAY 2023](#)

12<sup>TH</sup> JULY 2023

26<sup>TH</sup> SEPTEMBER 2023

22<sup>ND</sup> 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 New Year! If you are interested in partaking or getting more information please contact [Andrea Shumaker](#).



## **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.

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Almost there legal aid champions, almost there.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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19/12/22



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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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