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05/12/24

LAPG Member Update

Issue 36 of 2024

Welcome to the latest edition of the LAPG member update. It has been a quite manic week in the world of legal aid, with fee increase announcements across civil and crime (although not enough), changes in Ministers, RoCLA reports, consultations, tenders and new guidance. Aren't we supposed to be winding down to Christmas???

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- Re-opening the Civil Contract tender process
- Review of Civil Legal Aid (RoCLA) reports published
- Opportunity to deliver HLPAS in Lancaster
- Civil processing dates

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Civil Legal Aid News

First civil legal aid fee increase since 1996 announced

On Friday 29th November, the Lord Chancellor announced that the government intends to consult in January 2025, on increasing legal aid fees for those working in the housing (housing and debt) and immigration (immigration and asylum) sectors. The aim is to increase fees to a rate in the region of £65/£69 per hour (non-London/London), or provide a 10% uplift, whichever is higher. Fixed fees will be uplifted by an amount proportional to the increase in the underlying hourly rate for that work. This will be implemented in 2025-26 with costs scaling up to £20 million by 2027-28.

[You can find the MoJ press release here](#)

As we said in our press release last week, we welcome the Ministry of Justice's acknowledgement of housing & debt and immigration & asylum as two areas of legal aid which require immediate attention. This also recognises the fact that investment in legal aid is beneficial for the delivery of other areas of public policy. But we also noted that civil legal aid fees have not increased for 28 years, which is a stain on our justice system. It has strangled the life out of a once-vibrant sector, diminished opportunities for aspiring lawyers, and adversely affected hundreds of thousands of people with unmet legal need.

[You can our press release in full here](#)

There has been a cautious welcome from the legal aid sector, with representative bodies broadly noting that this can be seen as a step in the right direction after many years of failure to increase fees in line with inflation or at all. [Times subscribers](#) will be pleased to note that this issue



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has reached the mainstream media.

Whilst these increases are currently restricted to just two categories of legal aid, the government has said that it will continue to consider the fees paid in other categories of civil legal aid, including as part of the second phase of the Government's spending review, due in Spring 2025. We're hopeful that fees for other areas of civil legal aid will follow suit in due course, particularly given the unequivocal findings of the Review of Civil Legal Aid (see below) and research by LAPG and The Law Society.

We will share details of the consultation itself as soon as we have them.

Re-opening the Civil Contract tender process

A further opportunity to tender for the 2024 Standard Civil Contract opened on Wednesday 4 December 2024. Current Providers do not need to submit a response to this procurement process unless they wish to apply for new offices or categories of law. Applicants will be able to tender in all civil categories of law.

[You can read the news story here](#)

The critical difference between this tender process and those used previously by the LAA is summed up in their news story as:

The LAA will use a new application process which will remain open for the term of the contract. It will provide an opportunity for new providers to enter the market and for providers who currently hold a 2024 Standard Civil Contract to apply for additional categories of law and/or offices.

This is something that LAPG has been campaigning for over recent years, as periodic tenders were locking potential providers out of the system and preventing existing providers from expanding into new areas of law or locations. A system that is 'always on', as the LAA describes it, also reduces the jeopardy associated with hard deadlines whereby a failure to pass verification can prevent a potential provider from obtaining a legal aid contract for many years. Under the new process, applicants can correct any errors and work to their own pace when preparing and submitting a tender.

Please note that this 'always on' approach won't be applied to competitive tender processes, such as those for HLPAS schemes.

Review of Civil Legal Aid reports published

Also published on Friday 29th November were the following five reports from RoCLA:

- Two reports from Social Research on User Experiences work stream: *User and Trusted Intermediary Perspectives* and *Provider Perspectives*
- A *Market Research* report produced by PA Consulting
- An *Advocacy Research* report produced by IFF Research
- A *Data Publication Series: Provider Overview* report

The government has said that the findings from this research will continue to be used, alongside the wider evidence base, to support policy development, with the objective of improving the sustainability of the civil legal aid system.

[You can find the reports here](#)

Opportunity to deliver HLPAS in Lancaster

The LAA is inviting providers who hold Housing and Debt contracts, to express an interest in delivering the HLPAS scheme in Lancaster.

[You can read the news story here](#)

Civil Processing dates

[Check timescales](#) for LAA to process your work (for example, civil applications and bills).

Criminal Legal Aid News

Changes to Fees for Police Station and Youth Court Work

On the 15th November, the Government published the long awaited response to the Crime Lower consultation, which ran from 29 January to 28 March 2024.

[You can read it here](#)



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Following a subsequent consultation on the legal aid changes, with LAPG, the Law Society and other consultative bodies, the LAA have now made changes to the Standard Crime Contract 2022 and the Criminal Bills Assessment Manual to support the legislative changes. These changes will become effective on 6 December 2024 and will affect cases that begin on or after that date.

Changes will be made to other guidance documents such as the Guidance for Reporting Crime Lower Work on 6 December 2024.

[You can find the news story and relevant documents here](#)

Overnight accommodation and subsistence rate review

On Monday, 2 December, representative bodies received formal notification as follows:

I am writing to share the outcome of our review of overnight accommodation and subsistence. With thanks to you and your members for the views and feedback provided.

We have completed our consultation with relevant stakeholders, including the CPS, and I am happy to confirm that our guideline rates for hotel expenses will be increased to £165 per night for London (within the M25) and £100 per night for everywhere else (inclusive of VAT). The overnight subsistence rate will also increase to £25, for use towards the costs of meals and other incidentals.

This should provide greater flexibility in finding suitable accommodation within these new guideline rates, limiting the need for requests to exceed these rates, thus reducing the administrative burden on both providers and LAA staff.

I will circulate a link to the news story once published, on Thursday 5 December. The increased rates will come into effect from this date. I will also share the updated Crown Court Fee Guidance, incorporating the new rates, which will be published on the same date. Having considered some of the other feedback provided, we are taking the opportunity to update and consolidate the travel related guidance, so that it appears in one place for ease of reference and review.

The Criminal Bills Assessment Manual and the Civil Finance Electronic Handbook will also be updated to include the new guideline rates.

We are not planning any further changes at this time. For areas such as mileage and the need for receipts, we will keep these under review.

Crime processing dates

[Check timescales](#) for LAA to process your work (for example, crime applications and bills).

Cross-Cutting News & Events

DAPO and DAPN pilot launch and contract changes

Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs) were introduced on Wednesday 27th November 2024, in an effort to provide protection to victims of domestic abuse. They will initially launch in Greater Manchester, three London boroughs and with the British Transport Police. In a note to representative bodies, the LAA stated:

All types of domestic abuse will be covered - including physical, psychological, stalking, and coercive control. The new Domestic Abuse Protection Notices and Orders will also be handed out by all courts (family, civil, and criminal), meaning more perpetrators will be forced to live under restrictions.

Please see [attached an announcement regarding upcoming legislative changes](#) we will be pursuing in relation to DAPN/Os. We would really appreciate if you could share this with your members and any other interested parties.

[You can read the guidance here](#)

[You can read the news story here](#)

[And you can find information on the legal aid contract changes here](#)

If you have any questions about the operation of the new processes, please email:

LAA_DAPO@justice.gov.uk

Guidance

Domestic Abuse Protection Notices (DAPNs) and Domestic Abuse Protection Orders (DAPOs)

Find out how DAPNs and DAPOs can help protect you if you or someone you know is a victim of domestic abuse.

Sector News & Events

Changes to the Ministerial Team at the MOJ

Following the resignation of Louise Haigh MP, former legal aid and courts minister, Heidi Alexander MP, was appointed Secretary of State for Transport on 29 November 2024. This left a vacancy at the MOJ which was subsequently filled by the appointment of former Solicitor General Sarah Sackman KC MP. However the new Minister of State's portfolio is yet to be confirmed so we are not entirely sure if it will include legal aid or whether this will be reallocated to another MoJ Minister or Lord. Lucy Rigby MP has been appointed as Solicitor General.



Garden Court Chambers - Human Rights Day Event - 10 December 2024

In Conversation with Dr Susie Alegre: 'Human Rights, Robot Wrongs: Being Human in the Age of AI'

Tuesday 10 December 2024

6pm - 7.30pm, followed by networking drinks

Venue: Garden Court Chambers, 57-60 Lincoln's Inn Fields, London WC2A 3LJ

[Further information and booking details here](#)

LAPG News & Events

LAPG research project - non-chargeable time in legal aid work - PARTICIPANTS NEEDED

It was once thought by the Ministry of Justice (MoJ) and the Legal Aid Agency (LAA) that legal aid rates were sufficient to cover both the legal and administrative/management elements of legal aid work. If this was ever actually correct, it has long since ceased to be the case given that legal aid fees have not increased since 1996 and both civil and criminal legal aid rates have been cut in that time.

The MoJ has the power to increase legal aid fees. The LAA does not have the power to increase fees, but it does have the power to amend guidance so



that practitioners can claim for the work actually carried out to deliver legal aid services. It also has the power to review, amend or even remove processes to reduce the administrative burden on providers.

LAPG is conducting a research project in an effort to capture the amount of time spent on non-chargeable tasks generated by undertaking casework and operating under a legal aid contract – so both casework and non-casework tasks. These tasks can be many and varied taking differing amounts of time. Some are conducted daily, some weekly and others less frequently, such as file reviews and audits.

Our aim is to share an anonymised analysis of the data that we capture with the MoJ and the LAA in order to demonstrate the time that legal aid providers spend on work that they cannot charge for with the following potential objectives:

1. Demonstrate all the ‘hidden’ but unavoidable costs associated with legal aid contracts to strengthen the argument that fees need to increase to cover these costs.
2. Demonstrate that some tasks are intrinsically linked to the proper management of casework and should therefore be claimable time and built into the Cost Assessment Guidance and Criminal Bills Assessment Manual.
3. Demonstrate that the scheme is overly and unnecessarily bureaucratic and complex with a view to identifying processes that can be streamlined or removed.

With the help of members of our Advisory Committee, Helen Fanning and Kate Jackson at MJC Law and our lead researcher, we have designed a simple to use Excel spreadsheet where providers can record the non-billable time that they spend on casework and non-casework tasks over a 10 day period in boxes containing categories of tasks.

The pilot phase involved a group of staff from MJC Law who tested the time recording spreadsheet. That pilot phase is now complete and we are in the process of analysing that data. We are confident, having received feedback from the pilot participants, that the additional time recording involved in participating in this project will not be overly onerous or time consuming.

The next step is to recruit a wider pool of legal aid providers from our membership. Thank you to the organisations who have contacted us to express an interest to date. We're really exciting to be working with you on this project. We need a wide variety of providers, ideally covering every area of legal aid practice, including mixed practices who also carry out privately funded work. We also need a mix of not-for-profits and firms over different sizes.

Please get in touch with our Head of Learning and Development Andrea Shumaker (Andrea.Shumaker@lapg.co.uk) if you want to discuss getting involved. We really do need your help to try to tackle the enormous complexity, unpaid and wasted time associated with legal aid work.

New Toolkit - Introduction to Managing Family and Civil Legal Aid Contracts

This new Toolkit draws together key information to enable practices to understand their legal aid contract. Particularly useful for those new to delivering legal aid, it links to more detailed sources from the LAA, LAPG and others. Designed as a comprehensive resource for the people in your organisation responsible for day to day management of your legal aid contract.

[Subscribe to the toolkit here](#)

This annual subscription will keep you up to date and regularly informed of all key changes.

LAPG Members - **£100** per annum
Non-members of LAPG - **£400** per annum

Included in your purchase is the Toolkit itself as well as access to a Community Board.

The Toolkit has seven main headings:

- Some Key Changes Between the 2018 Civil Contract and the 2024 Civil Contract
- Contracts Overview
- Key Issues Under the Standard Civil Contract 2024
- Managing Casework
- Managing Billing
- Managing Quality & Compliance
- Sources of Support

The Community Board notifies subscribers of all official amendments/additions to the contract and supporting documents. Updates will be incorporated into the Toolkit, which will be kept under constant review. The Community Board is a peer network which enables subscribers to interact with others managing contracts.

Hosted on our learning platform, Thinkific, the Toolkit is an intuitive and easily navigable resource.

Contributors

Vicky Ling has spent her career in the advice and legal sector and has worked with a wide range of solicitors' firms and not for profit legal practices. She is a Chartered Quality Professional and provides expert consultancy support in relation to practice management and legal aid service delivery issues and has written extensively on these topics. She edits the LAG Legal Aid Handbook.

Matthew Howgate is an Organisation Development Consultant and Director of the LAPG Management & Leadership Hub. He started his career as a legal aid solicitor and has spent the last 15 years working as a consultant across the legal aid and advice sectors.

Training courses

****New Training: People Management - Building & Managing Your Team****

Delivered by experienced organisational development consultants Vicky Ling and Matt Howgate, this two-day online course focuses on the key management skills needed to build, strengthen and manage teams while enhancing their performance. Each session runs online from 10am to 4pm with breaks and is accompanied by a full set of written materials. This session is perfectly pitched at new managers (and potential managers) but is a great reminder session for those who have been managing for some time.

Session 1: Building Your Team - 21st January 2025

With reference to SRA, legal aid, Lexcel and SQM requirements, participants will understand how to deliver effective recruitment, induction and probation, training and development, delegation,

creating healthy workplaces and how to manage people exiting the firm.

Session 2: Managing Your Team – 25th February 2025

With reference to SRA, legal aid, Lexcel and SQM requirements, participants will understand how to deliver effective supervision; performance management, giving feedback, dealing with bullying and inappropriate behaviour, whistleblowing and handling grievances and disciplinary matters.

LAPG members receive a £80 discount on the course fee, bringing it down from £500 to £420. Please click [here](#) to book your place now! 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.

*Must be a current host organisation. Current host organisations are eligible for the discount during the calendar year their fellow is placed with them.

Supervision Courses

We have confirmed the dates for our 2025 Supervision Courses scheduled for 16th January, 13th March, 15th May, 10th July, 18th September and 25th November. You can book your place on any of the remaining 2025 training dates below:

[**16TH JANUARY 2025**](#)

[**13TH MARCH 2025**](#)

[**15TH MAY 2025**](#)

[**10TH JULY 2025**](#)

[**18TH SEPTEMBER 2025**](#)

[**25TH NOVEMBER 2025**](#)

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.

Well, as we said above, a huge amount has happened over the last week or so in the world of legal aid. And we haven't even had a chance to catch our breath and report on other relevant issues such as the latest Commons Justice Committee session. For more information on this, and a round-up of legal issues across 2024, why not subscribe to the monthly APPG on Access to Justice Bulletin, out soon, by contacting our wonderful colleague Harri Kellett (Angharad.Kellett@lapg.co.uk) who will add you to the APPG mailing list.

As always, if you want to discuss any legal aid or legal aid adjacent issues, please get in touch.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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05/12/24



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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!



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