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## LAPG Member Update

Issue 4 of 2024

Welcome to this bumper edition of the LAPG Member Update.

If you're yet to renew your LAPG membership, [please do visit our website](#) where you can complete the simple online renewal process. Renew before the end of the early bird discount on 29 February to prevent your membership from lapsing.

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## Civil Legal Aid News

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### Review of Civil Legal Aid (RoCLA) Call for Evidence – deadline 21 February 2024

Previous updates have covered the Call for Evidence which can be found [here](#). Please do put in a response – you do not need to answer every question.

We are grateful to members and colleagues from other organisations who joined our recent online briefing. The meeting was recorded [and can be found here](#) – this is not a public recording and is available to members only.

During the briefing we noted that LAPG’s response would really benefit from the input of



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frontline practitioners. There are 18 questions in the Call for Evidence but there are two in particular we would be particularly grateful for member input about their area of law or the situation on the ground in their locality - questions 1.1 and 2:

1. *Do you have any suggestions of changes – both short-term and longer-term changes – that could improve each of the following categories of law? (Family, community care, housing and debt, immigration and asylum, mental health, discrimination, education, public law, claims against public authorities, clinical negligence, welfare benefits, miscellaneous)*
2. *What are the civil legal aid issues that are specific to your local area? Please provide any specific evidence or data you have that supports your response.*

Could members please send over bullet points of any issues and we can then expand on them, coming back to you if necessary. Please email any comments or suggestions to [policy@lapg.co.uk](mailto:policy@lapg.co.uk).

If you do watch the recorded meeting, we've highlighted some other key questions but feedback on these two would be a great start. We are aiming to have a draft available to share with members by 14 February.

### **PA Consulting Report – Legal Aid Provider Survey**

This report was commissioned by the Ministry of Justice as part of the Review of Civil Legal Aid's economic analysis work strand. You will not be surprised at their findings, particularly as they are based on responses from around about 20% of current legal aid practitioners.

**[See here for the full report](#)**

#### ***“The state of the current civil legal aid sector***

*The majority (80%) of participants stated demand for their civil legal aid services was above a standard level, and 50% indicated that demand was very high. Some providers reported that they turned away eligible civil legal aid cases – amongst providers who reported an excess level of demand, an average of 26 eligible cases were indicated to be turned away in the month preceding this survey. The data does not reveal whether these users were able to access legal aid services at another provider. Although the survey specified ‘eligible cases’, it is possible that providers*

would not know definitively if all the cases turned away were eligible for civil legal aid, due to a lack of accurately tracking these figures or not having fully assessed user eligibility. These numbers should therefore be viewed as perceptual and indicative.

59% of participating providers expressed dissatisfaction with the civil legal aid sector overall, versus 31% who reported satisfaction. Areas that elicited the highest levels of dissatisfaction were: the fee system (82%), the ability to build a quality workforce (61%) and the way the LAA makes decisions (59%).

Participating organisations said that they continue to offer civil legal aid services primarily because they believe it is the right thing to do (79%), followed by it being habitual for the organisation (69%). Financial reasons are a prominent but secondary incentive. For instance, 37% said they offer civil legal aid because it is a reliable source of income.

Non-profits reported facing higher levels of demand, turning away more cases, and showed higher levels of dissatisfaction with the market overall. Unsurprisingly, they were also less likely to carry out civil legal aid work for financial reasons, and focused predominantly on moral reasoning.

### **Challenges facing the civil legal aid sector**

Participating organisations reported that they experienced multiple different pain points on a frequent (weekly) basis, covering a range of factors, such as fees, billing, workforce, LAA infrastructure and decision-making, and admin related to managing the service user.

Prioritisation of pain points showed that low fees, spending excess time on matters which providers are unable to bill for, rigidity of the fee system, admin related to getting paid, difficulty attracting junior lawyers and time needed to manage the service user were all higher priority issues for providers.

Qualitative comments provided by participants helped to contextualise some of these areas. For instance, frustration regarding the time needed to manage the service user seemed to stem from the significant amount of emotional support needed to help the client, and this was compounded by the fact that many service users do not understand the legal aid system and its scope. This significant time investment was perceived to not be accounted for under the fixed fee system.”

We doubt that there is anything here that will surprise LAPG members but we do urge members to look at it because it sets out what legal aid practitioners have been saying for years so perhaps this report will now lead to some change. The report also clearly sets out what practitioners consider to be the main pinch and pain points in the system. For a summary of the findings, there is an Executive Summary starting on page 6.

Thank you to all members who took part in the survey. PA Consulting were delighted by the response rate (and indeed thanked representative bodies including LAPG for encouraging people to respond).

### Mediation Consultation response from Government

The government has published their [response](#) to the consultation on mandatory mediation. They have dropped the plans for mandatory mediation and instead, amongst other things, they are planning to:

- introduce an early legal advice pilot in private family law
- extend pathfinder courts
- develop online information resources

LAPG has been invited to participate in the design of the early legal advice pilot and we will report back once we have further detail. And yes, we have already pointed out to the MOJ that they must not repeat the mistakes from the disastrous housing early legal advice pilot.

### Client and Case Management System (CCMS) – Inactive Case Review

Members who remember the 2006 UPOA exercise – please be assured that this is not the same as that. [The details are here](#). What does the LAA say?

*“Why these cases? These are cases on which Payments on Account (POA) have been made and are flagged in our computer systems as being inactive. This means there has been no significant activity recorded in our case management systems in the past 12 months. Activity in this context means the submission of an Application, Amendment, Outcome, Bill (including POA or bill from counsel), provider transfer request, submission of a Very High Cost Case (VHCC) case plan, allocating costs to counsel or requesting a prior authority over the previous 365 days.*

*This is separate activity to any ongoing Unrecouped Payments on Account work that your firm may be involved in, and we have tried, where possible, to minimise duplication.*

*We have identified around 17,000 cases that we would like a status update on as they are showing as having no significant activity within the last 12 months. The majority of these cases are within CCMS, with a small number of older pre-CCMS certificates.*

*Separately, you will continue to receive regular updates from the LAA on all your open civil cases, listing all of your cases and which will include cases which are not in scope of this exercise.”*

We have been assured that for most organisations there are low numbers of cases. If you have a case where there is limited reporting to the LAA then you may have a number of cases in your list.

### **Civil Contracts Consultative Group Meetings**

Representative bodies attend a quarterly meeting with the LAA to discuss contract issues. The latest minutes on [the gov.uk website](#) are from September 2023. The December meeting will be loaded after the March meeting. As always we can raise members’ queries in a number of forums, including this meeting if appropriate, so please do contact [KatePasfield@lapg.co.uk](mailto:KatePasfield@lapg.co.uk) if you have any issues.

### **Civil Processing Dates**

The LAA regularly updates information on how long it takes to process applications, billing etc. and [the details can be found here](#).

### **Qualified Legal Representatives – Claiming Guidance**

[Claiming Guidance](#) has been produced. What does the LAA say?

*“1.2. A Qualified Legal Representative (“QLR”) is a person appointed by the court in civil or family proceedings to conduct cross-examination of a witness in place of a party who is prohibited from doing so. Section 2 of this Guidance explains the legislative background, including when a person might be prohibited from asking questions of a witness themselves.*

*1.3. A QLR appointed by the court is paid from central*

*funds. The Fee Scheme*

*Regulations prescribe the fixed fees and other costs payable to QLRs in civil and family proceedings.*

*1.4. The Regulations were amended on 2 January 2024 to make new provision relating to the payment of certain expenses incurred by a QLR in relation to their appointment by the court.”*

One member has informed us that the rates of pay are so poor that QLRs are in short supply.

### **Immigration Providers South West Directory**

**Latest information is to be found here.** This has been updated a couple of times this month.

### **High Cost Family – Virtual Clinic 21 February – book by 14 February 2021**

This is from the LAA Bulletin:

*“The HCF Clinic on Wednesday 21 February 2024, part of the #HelpUsSayYes campaign, offers the opportunity to book a virtual face-to-face, 20-minute appointment with experienced caseworkers. Providers can discuss ongoing case specific issues. Registrations are limited and the deadline is Wednesday 14 February.*

**[Register for an appointment > >](#)** “

### **Safety of Rwanda Bill – joint letter signed by LAPG**

LAPG has signed a joint letter calling on the House of Lords to block the Rwanda Bill as it heads for its second reading. The Independent **[covered the letter](#)** and the wider context on 29 January.

The APPG on Access to Justice provided a detailed overview of the history to this Bill. Why not subscribe to the APPG’s mailing list for regular updates on this and wider issues across the justice system by emailing our Director of Parliamentary Affairs, Ro Jana – **[rohini.jana@lapg.co.uk](mailto:rohini.jana@lapg.co.uk)**. For more information about the work of the APPG, **[visit its website here](#)**.

## Pay increase for criminal legal aid lawyers in police stations and youth courts – Consultation – responses by 29 March 2024



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[The announcement on 29 January is here](#)

[The consultation is here](#)

What is being proposed? The MoJ says:

*“As part of our government response to CLAIR, £21.1 million per annum was allocated to longer-term reforms from the financial year of 2024 to 2025. This has been allocated towards the police station fee scheme (£16m) and Youth Court fees (£5.1m). The consultation addresses how we propose the allocated £21.1m will be distributed within the police station and Youth Court fees following on from CLAIR recommendations.”*

We will provide a more detailed analysis of this consultation in our next Update.

### Crime Processing Dates

This is just a reminder that the LAA updates these regularly so you can see if they are hitting targets for processing work. [Details are here](#).

### Duty solicitors: rotas, information and guidance

For duty solicitor rotas, lists, Standard Crime Contract 2022 and contact details [see here](#).

### Crime news: Crown Court claims guidance for unlisted offences

Following a practitioner meeting the MoJ fed back to remind practitioners that [guidance has been updated](#) to include information on claiming for offences not listed in the AGFS banding document or LGFS table of offences.

### Crime Consultative Group Meetings

The Crime Contract Consultative Group meeting minutes [can be found here](#). This is a meeting of representative bodies and the LAA to discuss contract issues. The meetings take place every two months. We note that the most recent minutes have not been put on the website and are chasing this up. We have been assured that they will be uploaded soon.



## Audits – updated information for Crime Lower

A new document has been added to show common errors in crime lower. [See details here.](#)

## Crime news: eForms storage changes from 1 February 2024

eForms submitted more than 7 years ago will be archived to restore stability to eForms database. [See details here.](#) Will this be a problem? The LAA sets out the issue:

*“Providers will not be able to access submitted eForms that are 7 years or older, via the eForms service, after 1 February 2024. We recommend that providers retrieve any data that they require of this age from eForms, before archiving takes place. If providers do require access to archived eForms, they can request a retrieval by contacting our Online Support Team.”*

## Local Criminal Justice Board Call for Evidence – deadline 23 February 2024

The deadline for responses to this [Call for Evidence](#) is 23 February.

## Community and Custodial Sentences consultation – deadline 21 February 2024

The Sentencing Council is proposing to revise the imposition of community and custodial sentences guidelines – [the consultation is here.](#)

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## Cross-Cutting Legal Aid News & Events

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### Justice Barred - Association of Prison Lawyers Report

On 22 January the Association of Prison Lawyers published their report *Justice Barred: the difficulties lawyers face in seeing clients in prison* – [the report is here.](#) Both criminal defence, prison law and civil practitioners can face difficulties seeing clients in prison so this report is of relevant to all practitioners seeking to support prisoners. APL has met with Minister Freer to take this issue forward.

### Directory of Legal Aid Providers



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List of legal aid providers: [see here](#). As we always say when this list is updated it is worth checking that the information recorded about your practice or organisation is accurate.

### **Do you want to become an IFA or an ICA? – Deadline 5 February 2024**

A Panel Member considers appeals against the LAA's decisions on the grant or withdrawal of funding as an Independent Funding Adjudicator and on the assessment of costs in both civil and criminal cases as an Independent Costs Assessor. Most decisions will be taken by a sole panel member but occasionally up to three members will come together to consider the appeal in a committee.

<https://apply-for-public-appointment.service.gov.uk/roles/7952?page=1#about-the-role>

Deadline 5pm on 5 February 2024.

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## **Sector News & Events**

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### **Employment Tribunal Fees Consultation – closes 11.59pm 25 March 2024**

*“This consultation proposes the reintroduction of modest fees in the Employment Tribunals (ET) and Employment Appeal Tribunal (EAT), with the aim to contribute to the continuous improvement of His Majesty's Courts and Tribunals Service and reduce the cost to the taxpayer to fund these services.*

*The proposals discussed in this consultation are to introduce modest fees for claimants to bring a claim in the ET and appellants bringing an appeal in the EAT.”*

The proposed issue fee on bringing a claim in the ET or lodging an appeal through the EAT Form 1 would be £55. There would be other costs and there would also be a remission scheme.

Members will recall that *R (Unison) v Lord Chancellor [2017] UKSC 51* brought an end to the very high fees that were introduced some years ago. We would imagine that the government thinks that these fees are pitched about right.



[The consultation can be found here](#)

## Legal Ombudsman - Change of Address

As outlined in their December 2023 compliance bulletin, the Legal Ombudsman (LeO) has announced a change to its postal address. The change took effect from Monday 22 January 2024.

The Legal Ombudsman's new postal address will be: *Legal Ombudsman, PO Box 6167, Slough, SL1 0EH.*

You are required to publish this new address from the date of its introduction in all of your complaints handling documents.

The LeO said:

*"Any firm failing to publish the correct postal address from 22 January 2024 will be in breach of LeO's requirements and also the SRA Transparency Rules. As the SRA is now issuing fixed financial penalties for Transparency Rules breaches, it is imperative that all firms ensure their complaints handling procedures and letters are up to date. It is also possible that, should a complaint about your firm be referred to the LeO, it may seek to take action where your firm has failed to update this address in the relevant documents. Where you are handling an ongoing complaint, you should ensure that this change of address is particularly highlighted to the complainant, as this will represent a change to the information provided to them during your initial acknowledgement."*

Any firms requiring further clarity on the change should contact the Legal Ombudsman directly at [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk).

## Determining Mental Capacity in Civil Proceedings – Consultation Seminar 1 March 2024

The Civil Justice Council is consulting on the Procedure for Determining Mental Capacity in Civil Proceedings. The consultation will run until Sunday 17 March 2024 at 23:59. Details of the consultation can be found [online here](#). As part of that work, the working group is holding a seminar on **1 March 2024 between 10:00 and 15:30**. The seminar will be held at Friends House, Euston and online.

[You can register here.](#)

In-person places are limited, you will receive separate confirmation from this email address ([cjc@judiciary.uk](mailto:cjc@judiciary.uk)) if you have been allocated an in-person place. Registration closes at **12 noon on Friday 16 February**.

### **Online JR Academy – Public Law Project Training – 26-29 February 2024**

A complete online course, run in short (1hour +) sessions on Zoom, over 4 days (26-29 February). All sessions are recorded for delegates to access after the training concludes. This course is presented in partnership with 39 Essex Chambers.

[Details are here](#)

### **Legal Walks**

The date for the 2024 London Legal Walk is Tuesday, 18 June. [The sign up form is here.](#)

Details of the walks elsewhere across South East England are [here](#).

We could not find the dates for other walks but will put them in an update when they are announced.

### **Taking action against rogue landlords - free webinar Garden Court 5 February 5.00-6.30pm**

The webinar is entitled “Taking action against rogue landlords: securing rent repayment orders and enforcing housing standards”

[If of interest book here.](#)

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## **LAPG News & Events**

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### **APPG on Access to Justice – Violence Against Women event – 27 February 2024**

The APPG on Access to Justice will be running an event in Westminster focusing on Violence Against Women on 27 February. To attend please contact LAPG’s Director of Parliamentary Affairs, [Rohini.Jana@lapg.co.uk](mailto:Rohini.Jana@lapg.co.uk). Speakers include Laura Farris MP, Minister for Victims and Safeguarding; Alex Davies-Jones MP, Shadow Minister for DV



and Safeguarding; Tana Adkin KC, Chair of the CBA; and Jenny Beck KC (Hon), Co-Chair of LAPG and Chair of the Nuffield Family Justice Observatory.

### Who's who at LAPG

In case you want to know who is involved at LAPG, details of the staff team and our exceptional Board and Advisory Committee [are set out here](#). We are enormously grateful in particular to our Board for providing governance and support and to our Advisory Committee for contributing to our events, training courses, policy work and membership services. If you want to find out more about joining our Advisory Committee please contact our Director of Legal Aid Policy, [Kate Pasfield](#).

### LAPG training courses

For details of our online Supervision courses in 2024, how to access our management training courses and our online Introduction to Legal Aid module, please visit our website. Any questions about our training courses, or to discuss tailoring our content to the needs of your organisation, please contact our Head of Learning & Development, [Andrea Shumaker](#).

### Goodbye to Thomas Rigard-Asquith

Last, but certainly not least, this week LAPG will also be bidding bon voyage to Thomas who has been working on our training projects and for the APPG on Access to Justice for nearly two years. Many of you will have come across him helping to run one of our Management and Leadership Programme events and our APPG events across the country. We'll miss his energy and enthusiasm and wish him all the best on his travels before he starts his training contract next year.

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Now that is one packed Member Update. Plenty of dates to diarise from across the legal aid and wider justice sector, and a consultation or two for you to get stuck into. Many thanks to legal aid sector consultant extraordinaire Carol Storer for helping to collate this very informative Update.

One final date for your diary - this year's **LALY awards** will take place in London on **Friday, 5th of July** - so look out for more news in our Updates and follow the LALYs on X (formerly Twitter) - @LALYawards.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

Follow LAPG on Twitter [@WeAreLAPG](#)

[#WeAreLegalAid](#)

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

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LAWYER  
OF THE YEAR AWARDS**



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