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06/02/24

LAPG Member Update

Issue 5 of 2024

Welcome to the latest 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

Further Standard Civil Contract 2024 tender announced by the LAA

The LAA has informed us that following the initial stages of the Standard Civil Contract 2024 tender, it has decided to run a further mini-tender to give another opportunity to providers who have not yet bid or have not been successful through the initial tender process. We were informed by email last Friday, as members of the Civil Contract Consultative Group, and the LAA **announced their decision later that day on X**. We are yet to see a more formal announcement and the LAA has said that they will publish more detailed headline intentions in due course. This further tender opportunity will open in the next couple of months and the LAA will invite all organisations that meet the minimum contract requirements to bid.

The LAA says that this approach builds on discussions they have previously had about doing all they can to enable suitably qualified providers to offer legal aid funded services.

Please note those that have already submitted a tender for a Standard Civil Contract 2024 and are moving through verification need not reapply. We understand that the LAA started to notify providers of the outcome of their tender on Friday, 2 February 2024, via the Bravo portal message system.

LAA's inactive case review

The LAA has announced that they are commencing an exercise with providers to ask about the status of civil legal aid certificates where cases appear to be inactive on CCMS. This activity is separate to any ongoing Unrecouped Payments on Account



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work that firms may be involved in with the LAA.

This latest exercise is part of an ongoing process where the LAA is reviewing all cases across CCMS and older civil systems, to ensure that only live cases are active and that cases which are no longer live are confirmed as such and billed within a reasonable timeframe.

They acknowledge that there can be a range of reasons why cases are not billed, but that there are cases where files should be billed and they have not been billed. Ensuring that only genuinely ongoing cases are live helps the LAA predict legal aid expenditure. The LAA say that the process should be beneficial to providers and ensure effective risk management from an LAA perspective.

The LAA will be contacting providers to request status updates on open, but unbilled, civil legal aid certificates. There are apparently approximately 170,000 live cases but this activity is focused on a smaller number of cases which analysis shows as more likely to have completed. There are around 17,000 cases that fall into this category where there has been 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.

Any provider with at least one case in the list will be sent an email from the LAA with a spreadsheet containing the case(s) on it and instructions on how to respond. There will be a drop-down list of options to select from to identify the current status of the case. You will need to select the appropriate option from the drop-down list and return the spreadsheet to the LAA. The options will show if the case is ongoing, to be billed or if it needs to be closed.

We understand that cases which do not need amendments are the largest group on the list – Special Children Act cases will feature heavily on the lists because the initial cost limitation and the wide ranging description of what work can be carried out mean that practitioners do not have to make a further application so the LAA cannot track what is happening.

Where cases are not going to be billed for whatever reason, this can be indicated in the drop down list. The LAA will then take steps to close the case down and place it into archive. This process will also recoup any Payments on Account

that are currently live on the case.

[The LAA news story is here.](#)

The LAA is urging providers who are concerned about the process to contact their Contract Manager. If you are at all concerned about this and would like our help, please do contact [Kate Pasfield](#), LAPG Director of Legal Aid Policy.

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

A brief reminder that the deadline for responses to the Call for Evidence is approaching. We covered this in our previous update in some detail. The Call for Evidence can be found [here](#). Please do put in a response and/or feed into ours.

We also remind members that P A Consulting, who were appointed by the MoJ to survey civil legal aid providers, has produced its [report](#) summarising feedback from the survey. Unsurprisingly, the report reiterated all the issues that members have been raising with the LAA and MoJ for many years and it is well worth a read.

We are aiming to share our draft response with members by 14 February. We are very grateful to members who attended a meeting we held on RoCLA and who have followed that up by emailing their main concerns to us. Contact Carol Storer at policy@lapg.co.uk if you would like to contribute to our response. In particular we are asking members for feedback on Questions 1.1 and 2 (set out below). If you can send us up to five bullet points on issues you want us to cover that would be extremely helpful. We can put in more detail, and will follow up with you if necessary, but we would welcome input to make sure we capture all the main issues.

1.1. Do you have any suggestions of changes – both short-term and longer-term changes – that could improve each of the following categories of law?

- a. Family
- b. Community Care
- c. Housing & Debt
- d. Immigration and Asylum
- e. Mental Health
- f. Discrimination
- g. Education
- h. Public Law
- i. Claims Against Public Authorities
- j. Clinical Negligence

k. Welfare Benefits
l. Miscellaneous

Please provide any specific evidence or data you have that supports your suggestions.

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.

Domestic abuse – has the LAA rejected evidence submitted?

At the recent Process Efficiency Team meeting which LAPG attends, Resolution raised a concern about the LAA rejecting written evidence, and in particular evidence provided by health professionals. The LAA has asked for examples to be given so it can investigate these concerns. If you have any cases where this has occurred **[please let us know](#)** or get in touch with Resolution.

MoJ Funding for Immigration & Asylum Accreditation

The Law Society has announced that it has created a new funding arrangement with the Ministry of Justice aimed at supporting Immigration and Asylum Accredited members.

In line with this arrangement, the MoJ will fund the Accreditation application and examination fees for those seeking to accredit as Senior Caseworkers who are employed at firms holding legal aid contracts.

The benefit of the funding is available to those applying for initial accreditation as a senior caseworker or reaccreditation as a senior caseworker via our website for up to 12-months starting on 1 January 2024.

Further information, including a FAQ document, can be found of **[The Law Society website here](#)**.

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 > > “](#)

Criminal Legal Aid News

Victory for The Law Society in legal aid challenge

In some rare good news for the legal aid sector, the High Court has ruled in The Law Society’s favour in their judicial review about the Lord Chancellor’s failure to fully implement the recommendations of the Bellamy review of criminal legal aid. On 31 January 2024, Lord Justice Singh and Mr Justice Jay ruled that the government’s decision on criminal legal aid funding was irrational and that the Lord Chancellor did not make proper enquiries before making his decision.

The Society had argued that the Lord Chancellor breached the duty to provide criminal legal aid in accordance with Section 1 of the Legal Aid, Sentencing and Punishment of Offenders Act (ground one), acted irrationally (ground two), failed to provide adequate reasons (ground three), and breached the duty to make adequate enquiries (ground four).

In the 61 page judgement, the Justices found in favour of the Society on grounds two and four. You can read the [judgment](#) here.

The Justices declared that the Lord Chancellor’s failure during the decision-making process to ask whether fee increases at lower levels than the 15% recommended by the Review would still deliver the aims and objectives of the CLAIR report was ‘irrational’. Furthermore that his ‘failure to undertake any modelling to ascertain whether the aims and objectives of the CLAIR report, in particular ensuring the sustainability of criminal legal aid, would be furthered if fee uplifts lower than the 15% recommended by the CLAIR report were implemented’ was also declared irrational.

When referring to the evidence submitted by The Law Society and interested parties CLSA and LCCSA, the Justice noted:



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“What this impressive body of evidence brings home is the women and men working up and down the country at all hours of the day and night, in difficult and stressful circumstances, carrying out an essential service which depends to a large extent on their goodwill and sense of public duty.”

So what next? The Government has confirmed it will not be appealing the decision.

The Law Society is now calling on the Lord Chancellor, Alex Chalk, to urgently ensure that the key recommendation of the independent review – a 15% legal aid rates rise – is implemented for solicitors as soon as possible.

Crime Lower Consultation – Proposed Pay Increase for Police Station and Youth Court work -- responses by 29 March 2024

This consultation seeks views on proposals to increase Crime Lower fees for Police Station and Youth Court work but once again the government has declined to propose a fee increase for prison law work. Grrrrr!

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

[The consultation is here](#)

The government has noted that these proposals form part of the second phase of its response to the Criminal Legal Aid Independent Review. Is it possible however that the timing of this announcement was swayed, just a little, perhaps by the timing and potential outcome of The Law Society’s crime fees judicial review...?

Cross-Cutting Legal Aid News & Events

Justice Minister Mike Freer MP to stand down

The Justice Minister, Mike Freer MP, [has announced that he will be standing down at the next election because of personal safety.](#)

Freer believes he has been threatened because of his support for Israel. Though not Jewish himself, he represents the constituency of Finchley and Golders Green, which has a high proportion of



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Sector News & Events

[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](#)

[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) 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](#)

LAPG News & Events

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 on 27 February 2024 (14:00-15:30) focusing on Violence Against Women. 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*
- Jenny Beck KC (Hon), *Co-Chair of LAPG and Chair of the Nuffield Family Justice Observatory*
- Dr Nicola Sharp-Jeffs, *Founder and CEO of Surviving Economic Abuse.*

To attend please contact LAPG's Director of Parliamentary Affairs, [Rohini Jana](#).

LAPG training courses

Supervision Courses

Book your place on any of 2024 Supervision Courses below:

7TH MARCH 2024

23RD APRIL 2024



2ND MAY 2024

8TH AUGUST 2024

12 NOVEMBER 2024

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](mailto: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.

Another Member Update brimming over with the latest news, events, consultations and training courses.

And please don't forget that 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. We're planning on opening the nomination process in about 3 weeks so it might be time to start thinking about who you want to nominate as your legal aid superstar.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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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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