



08/03/23

LAPG Member Update

Issue 7 of 2023

Civil and Criminal Legal Aid News

- **Civil Legal aid**
 - Civil Contract Extension - response deadline 9am 28 April 2023
 - Tender for additional 2018 Standard Civil Contracts – deadline 31 March 2023
 - Housing and Debt Contract Work – Oldham, Rochdale, Warrington and Halton - Deadline 13 March 2023
 - Cost of Living – no backdating?
 - Public family law changes
 - Providing evidence of domestic abuse
 - Special Guardianship Orders
 - LAA lunch and learn: high-cost family hourly rates case plan: Tuesday 28 March 2023 at 12.45
 - Immigration Contracts – Extension
 - Immigration Specification
 - Civil Processing Dates
- **Criminal Legal Aid**
 - The Law Society Judicial Review
 - Duty Solicitor Rotas
 - Crime Processing Dates
 - Prior authority and cracked trial interim fee
 - Nightingale Courts
- **Scheme-wide**
 - Civil and Contract Consultative Group meetings
 - Directory of Legal Aid Providers

Sector News & Events

- The Law Society - Case Studies

- London Legal Support Trust events
- Public Law Project Events

LAPG News and Events

- Get your nominations in for the 2023 Legal Aid Lawyer of the Year Awards!
- Renewing your 2023 LAPG Membership – renew now for a 10% discount
- LAPG Training Courses – Launch of new training courses for private practice managers

Civil and Criminal Legal Aid News

Civil Legal Aid News

Civil Contract Extension - response deadline 9am 28 April 2023

All current 2018 Standard Civil Contract holders should by now have received a letter from the LAA offering to extend the contract to 31 August 2024. This is separate from the tender process announced yesterday (see below), so the really important point is that if you have a civil contract and want to stick with what you do now, you do not need to bid. However you do need to accept the contract extension by 9am on 28 April.

Existing civil legal aid providers who:

- currently hold a 2018 Contract; and
- who have accepted the extension to that contract issued on 2 March 2023; and
- who are not seeking to deliver Contract Work in additional Categories of Law and/or from additional offices / Procurement Areas

DO NOT need to submit a response to the latest procurement process.

What do you need to do?

The offer to extend was emailed to all current providers on 2 March 2023 and follows the contract extension announcement made on 3 October 2022.

Providers must confirm by email whether they wish to accept the further extension by the deadline of **9am on Friday 28 April**. The email



included an attachment called the Extension Response Form, which must be completed and returned to the LAA by the deadline using the email address:

civil.contracts@justice.gov.uk

Please note carefully who within your organisation is required to sign the form, which differs depending on your organisation's legal status.

Where the offer is accepted, new schedules will start on 1 September 2023. These will run until 31 August 2024.

Providers who do not want an extension will see their current civil contracts end at 11.59pm on 31 August 2023. They will no longer be able to deliver services from that point.

Tender for additional 2018 Standard Civil Contracts – deadline 31 March 2023

What is the new tender about? The LAA is inviting tenders to deliver publicly-funded face-to-face civil legal aid services from 1 September 2023 under the 2018 Standard Civil Contract, in accordance with what it announced in November 2022.

Who can bid? This procurement process is open to:

- new Entrants seeking to deliver publicly funded civil legal aid services; and
- existing Providers who hold a 2018 Contract and who are seeking to deliver publicly funded civil legal aid services in additional Categories of Law; and
- existing Providers who hold a 2018 Contract and who are seeking to deliver publicly funded civil legal aid services from additional offices / Procurement Areas.

[Further information can be found here](#)

The Information for Applicants document can be downloaded **[from the Civil Tender Activity 2023 page here](#)**.

The timetable for this tender process is very tight, as set out in the IFA document:

Activity	Timescale
Procurement process 2018 Contracts from September 2023 opens	7 March 2023

Final date for submission of questions about the procurement process	23:59 on 15 March 2023
Publication of Frequently Asked Questions	Week commencing 20 March 2023
Deadline for submission of Tenders including a single SQ and relevant ITT Responses	5pm on 31 March 2023
Outcome of Tenders notified	From 28 April 2023
Final deadline for submitting compliant Tender verification information	23:59 on 10 May 2023
Contract Start Date	1 September 2023

We are raising our concerns about the tight timeframes with the LAA and will report back on their response.

Housing and Debt Contract Work - Oldham, Rochdale, Warrington and Halton - Deadline 13 March 2023

The LAA is offering an unlimited number of contracts for Housing & Debt services in three procurement areas: Oldham, Rochdale and Warrington/Halton, from 1 April 2023. The tender closes at 5pm on 13 March 2023.

[Further information is available here](#)

Cost of living payments and financial eligibility for legal aid – no backdating?

Representative bodies raised concerns with the MOJ about the impact of Cost of Living Payments on legal aid eligibility and asked for these payments to be disregarded from the calculation. We were pleased that the MOJ agreed to do so, but disappointed that this only applied to assessments carried out from the effective date of the relevant SI. We find it difficult to understand why this approach cannot be backdated as these payments are specifically intended to assist people to pay fuel bills. We asked the LAA to invite the MoJ to the meeting to explain why the disregard cannot be backdated. This is the answer from the LAA:

“People who have received payments in the months before the SI was laid will now have these

payments disregarded as part of their means assessment. "No backdating" might be better described as no retrospective effect - i.e. means assessments which took place before the SI came into force cannot benefit from the disregard. However, means assessments from the time the SI came into force can disregard COL payments, regardless of when the payment was made relative to the SI."

The SI in relation to the cost of living payments has been laid and can be found [here](#). This allows these payments to be excluded from a calculation of an individual's financial eligibility for legal aid. We will continue to press for a reassessment of means assessments that took place after the COL payments were introduced, but before the SI excluded them from legal aid eligibility calculations.

Public family law changes

The scope of means-free legal aid is being extended for both parents and those with parental responsibilities. The extension applies when opposing applications for placement and adoption orders in public family law proceedings involving local authorities.

This rules change brings the merits test in line with cases covered by the Special Children Act 1989.

[See here for more information](#)

Evidence of Domestic Abuse

Evidence of domestic abuse now includes assessments carried out by health professionals over the telephone or by video conference. [The news story can be found here](#).

The Lord Chancellor's Guidance and the LAA guidance on the domestic abuse evidence requirements have been updated and can be found using the link above.

Special Guardianship Orders

SGOs – changes from 1 May 2023. [See details here](#).

This is what the government announced:

“New rules are being introduced affecting the scope of family legal aid in relation to special guardianship orders (SGOs) for family private law

proceedings. This is due to take effect from 1 May 2023. We will issue further communications about this nearer the time.”

High Cost Family Cases – lunch and learn online event

Of interest to high cost family lawyers:

[LAA lunch and learn - with a twist: A day in the life of an LAA high-cost family hourly rates case plan: 28 March 2023, 1245 - 1330hrs](#)

Immigration Contracts – Extension

From the LAA to LAPG on 1st March 2023:

“We have concluded a consultation on changes to the Immigration Contract and the Category Definitions document to reflect the changes being introduced by the Nationality and Borders Act 2022.

Draft versions of these documents are being put on our website today and will be there alongside the current versions of the documents until 31st March. This is because the changes only come in on 1 April but we wanted to give providers the opportunity to become familiar with changes, particularly ahead of the training webinars next week. On 1 April the clean versions of the documents will be uploaded and will be the only versions on the website. The Table of Amendments on the website has been updated.

Now that these documents have been finalised we are sending out the contract extension notices for the 2018 Standard Civil Contract tomorrow. These could not be sent until the Immigration changes were finalised so that providers understood what they were signing up for.”

Immigration Specification

The LAA has revised the Immigration Specification which is part of the 2018 Standard Civil Contract – **[see the news story from the LAA here.](#)**

The revisions followed a consultation process during which very few of our proposals to improve and clarify the Specification made it into the final version. Many thanks to the immigration and asylum specialists on our Advisory Committee for the time and energy dedicated to this and other recent consultation processes.

Civil Processing Dates

If you want to check on the LAA's civil processing times look them up [here](#).

Criminal Legal Aid

The Law Society Judicial Review

Proceedings have been issued. What is the basis?
The Law Society press release summary is:

“We have therefore applied to the High Court for permission to challenge the government’s implementation of the recommendations made in the independent review of the sector.

“We believe UK government’s decision not to increase criminal defence solicitors’ legal aid rates by the recommended minimum 15% is both unlawful and irrational. It has had, and will continue to have, dire consequences for access to justice and puts the future of the criminal justice system in jeopardy.

“The government has repeatedly failed to take the crisis seriously and has rejected our proposal of independent mediation as a way forward. This leaves us with no choice but to seek permission to bring our claim.

“We are fighting for the future of the justice system through every avenue and every tool available, including taking the fight to the courts.”

[See more information here](#)

As an interested party, we will be paying close attention to this process and assisting where we can.

Duty Solicitor Rotas

Duty Solicitor rotas (1 April to 30 September), lists, Standard Crime Contract 2022 and contact details [are published here](#).

Crime Processing Dates

These are published regularly – you can see them [here](#).

Prior authority and cracked trial interim fee



Legal Aid
Agency

An update for criminal practitioner members following a recent exchange on these issues via the Criminal Contracts Consultative Group.

From the LAA on 6 March 2023:

“Dear CCCG members,

Further to our discussions with you in recent CCCG meetings we have considered your requests for the LAA to explore the following areas:

- 1. Consider the £100 figure requirement for obtaining prior authority to incur expenditure of that amount*
- 2. Pay an interim fee payment of the full cracked trial fee at PTPH based on the extant page count*

In relation to the first measure, we can confirm that where translation and interpreting costs are likely to cumulatively exceed £100 (i.e. where there are multiple items to translate or there are multiple conferences where an interpreter is required), the LAA is willing to process an application for prior authority under Regulation 13 of The Criminal Legal Aid (Remuneration) Regulations 2013. Subsequently, the LAA could also then process an interim claim for these disbursements under Regulation 14 once they are incurred.

The LAA will use our communications channels to highlight the current prior authority and claiming provisions. The intention would be to remind providers that disbursements of £100 or more can be claimed on an interim basis which would assist your members with cashflow. Our records from May 2022 indicate that there could be up to a total of £15m a year of disbursements individually greater than £100 that are not being claimed on an interim basis.

In comparison, the same May 2022 management information, indicates there are only around £1.5m per annum of individual disbursements under £100, most of which relate to travel. We therefore do not propose to take further action on this specific issue at this time as we believe the potential administrative impact and the necessary changes to associated with the claiming and processing of a large volume of interim claims for disbursements under £100 would be disproportionate compared to the potential benefit for your members. In addition, changes would need to be made to regulations 13 and 14 of the remuneration regulations.

CCCG members have also suggested allowing the

claiming of an interim fee for the full cracked trial fee at PTPH based on the extant page count. The claiming of such a fee would require changes to regulation 17A of the remuneration regulations.

As with the claiming of disbursements under £100, digital system changes would also be required if regulation 17A was changed. Implications for the legal aid fund would also need to be considered. In view of this, we do not intend to take forward this suggestion now but will keep it under review.

Lastly, CCCG members have also raised the claiming of pre-charge bail matters.

We appreciate the difficulties that some providers are experiencing by having to wait until the conclusion of the case to bill matters where pre-charge bail is issued.

We have investigated how to resolve this issue and unfortunately, we cannot commit to making any changes at this time. Any resolution would require a combination of contractual, operational and digital changes.

Such changes would also have implications for the legal aid fund; the cost of which would need to be modelled for impact on the department's Spending Review (SR) allocation. Departmental budget allocations for the next SR period will be agreed by early April at which point we can look to review this specific request."

Nightingale Courts across England and Wales

A total of 24 temporary courtrooms, which were set up to boost capacity during the pandemic, will remain open in 2023 to allow more cases to be heard, according to the GOV.UK announcement

"The government is investing £477 million over next three years to tackle the Crown Court backlog. This includes allowing courts to run at full capacity, doubling the sentencing powers of Magistrates, and recruiting even more judges."

See [here](#) for more information.

Scheme-wide

Crime and Civil Consultative Groups

Representative bodies meet regularly with the LAA to discuss both civil and crime contract matters. The minutes from these meetings are [here](#).

Directory of Legal Aid Providers

This was updated at the end of February – it is always a good idea to check that your entry is correct: check it [here](#).



Legal Aid
Agency

Sector News & Events

The Law Society – Case Studies



The Law Society is working on a legal aid campaign and has a media source who has some very specific asks so if you have any clients in these two categories please do contact policy@lapg.co.uk and we will pass your details on to The Law Society.

1. An individual (preferably in East Anglia) with no access to housing legal aid – willing to share the impact of this on their housing case
2. An individual who has been acquitted after being held on remand or bail for a long time due to court delays

London Legal Support Trust events

Members will be aware that LLST raises money through legal walks but there are a host of fundraising activities taking place. Here are a few:

[LLST's Abseil Challenge](#), Saturday 22 April - down the ArcelorMittal Orbit in Stratford



[LLST's Skydive Challenge](#), Saturday 8 July

[Spartan Obstacle Course](#), Sunday 30 April
(anything that says not for the faint-hearted will rule out some of us...)

[London - Brighton Cycle](#), Sunday 10 September

[There are more HERE](#)

Public Law Project events



Public
Law
Project

Our mates over at PLP are running some interesting and informative training courses and events over the coming months. [See their full programme here](#), which includes:

[How to do Judicial Review](#): 20 March

[Legal Research for social impact](#): 17 May (Hybrid)

LAPG News and Events

Get your nominations in for the 2023 Legal Aid Lawyer of the Year Awards!



As reported in Update 6 of 2023, nominations are now open for LALY23. With a deadline of 23:59 on 24 April, now is the time to reach out to colleagues to start preparing your nomination. We've simplified the process this year, with no more than 10 pages of supporting information to be included with nominations. It's quality over quantity when it comes to demonstrating the incredible impact of legal aid practitioners.

Some handy LALY23 links for you:

To submit a nomination:

<https://lapg.co.uk/lalys/laly-nomination/>

Donate to support the Friends of LALY23 crowdfunding for the Newcomer award:

<https://lapg.co.uk/laly-crowdfunding>

Join us on 12 July 2023 to celebrate the finalists and winners:

<https://lapg.co.uk/laly-tickets>

For all the latest news on the LALYs follow @LALYawards and @WeAreLegalAid



Renewing your 2023 LAPG Membership – renew now for a 10% discount

The 2023 membership renewal process is well underway and are delighted that so many organisations have already chosen to renew their subscription for this 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.

Management Skills for Private Practice Training Modules

In 2014 LAPG was awarded a government grant to develop a management training programme for legal aid law firms. Successfully piloted in 2015, the Certificate in Practice Management combined face-to-face training with online learning and materials to provide an accessible and affordable management training programme for busy lawyers and practice managers.

We have now completely re-designed the programme and this year sees the launch of our Management Skills for Private Practice training modules. You can take any number of modules to suit your needs. If you would like to learn more or book an individual session please click [here](#). Complete them all and you'll be awarded the LAPG Certificate in Private Practice Management. 90% of employers surveyed said they'd noticed increased knowledge, skills and confidence in the staff that had attended the full programme.

The modules are designed around the Law Society LEXCEL standard, the Specialist Quality Mark and the SRA competence framework:

1. [Finance & Resource Management](#) – 28th September
2. [Business Planning & Risk Management](#) – 19th October
3. [Managing People](#) – 9th November
4. [EDI, Policies & Compliance](#) – 30th November
5. [Marketing & Communications](#) – 14th December, Half-Day Session (AM)
6. [Managing a Legal Aid Contract](#) – 14th December, Half-Day Session (PM)

You can book any of the individual sessions above by clicking on them. You can book the entire course [here](#). If you would like to take multiple sessions, but not the entire course, please contact [Andrea](#). For each additional session you book, you receive a 10% discount.

The course trainers include Vicky Ling, Matt Howgate and other legal aid sector experts.

Phanuel Mutumburi and Themer Silmane will join us for sessions 4 and 5 respectively. Themer will discuss different approaches to communication with a focus on social media and Phanuel Mutumburi will focus on the importance of diversity and inclusion in the workplace.

We are able to heavily discount this course thanks to the generous support of The Legal Education Foundation and the Community Justice Fund. Our main tutors, Matt Howgate and Vicky Ling, bring invaluable knowledge gained through many years of work in the sector and consultancy. Matt and Vicky will:

- Show you how to set meaningful organisational and operational objectives by using a SWOT analysis
- Help you carry out effective financial planning and analysis by focusing on understanding resource, income, budgeting, forecasting, resource and variance analysis
- Give you the tools to manage all aspects of people management from recruitment to appraisal
- Discuss SQM and Lexcel as well as policies to ensure compliance with SRA, OISC, Legal Aid and regulatory requirements including how to avoid audit issues and contract notices
- Create communication strategies

We house this course on our new learning platform Thinkific! It is a wonderful way to engage in our courses, save time and have everything you need all in one place rather than sifting through your emails trying to find materials and zoom links. This platform is easy to use and gives us the opportunity to update our courses to be more effective for our participants.

A recent graduate of the 2021 CPM course said:

"I would highly recommend the LAPG Certificate in Practice Management course for all partners and managers in legal aid firms. It is the only law management course I know of aimed exclusively at helping legal aid firms to manage their businesses – good management is so essential for delivering access to justice to all. The course is full of practical tips and over 5 sessions gives you get a very good overview of all the key aspects of running a legal aid practice."

Managing Partner of a large legal aid firm

If you would like to know more about this course, or to reserve your place, contact [Andrea Shumaker](#).

Supervision Courses

We have confirmed the dates for our 2023 training programme, with Supervision Courses scheduled for 21st April (NEW DATE), 17th May, 5th July, 26th September and 22nd November, you can book your place on any of the remaining 2023 training dates below:

21st APRIL 2023 (NEW – date added due to latest LAA civil tender plans)

17TH MAY 2023

5TH JULY 2023

26TH SEPTEMBER 2023

22ND 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 coming months! If you are interested in partaking or getting more information please contact [Thomas Rigard-Asquith](#).

Miserable weather out there. Politicians hell-bent on stoking more hate and division with ludicrous, crass, unworkable and immoral policies. Cost of living and inflation still beating us all down. In the midst of this government omnishambles (OK, we probably can't blame them for the weather...) at least you can come to your LAPG Member Update for some positive news, warmth and light relief about the legal aid scheme...

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

Follow LAPG on Twitter [@WeAreLAPG](#)

[#WeAreLegalAid](#)

08/03/23



Subscribe to our courses

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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