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Issue 8 of 2023

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Civil Legal Aid News

Civil Legal Aid tender: additional work or first time bidders: deadline 5pm on 31 March 2023

This tender, which enables new providers to bid for a 2018 Standard Civil Contract and existing providers to take on additional categories of work or work in a new area, was launched by the LAA on 7 March 2023. Tenders must be submitted using the [LAA's eTendering system](#) by 5pm on 31 March 2023.

This is just a reminder to keep an eye on the [tenders page](#) for any updates if you are bidding for additional work or are an organisation bidding for a first contract.

We have written to the MoJ to raise serious concerns about the likely impact of very short tender and verification timelines set by the LAA. Here is an extract from the letter sent to the MOJ's Civil Legal Aid Policy team and copied to the LAA.

"In brief, the central issue is the very short timetable for submission of tenders (31 March) and then submission of verification information (10 May – just 12 days after bidders receive notification of the outcome of their tender). This timetable creates a significant risk that both existing and potential new providers will not submit tenders because they are unable to complete processes within the timeframe allowed by the LAA. I do not know if the LAA has spoken to or checked standard response times of external bodies, but there are concerns about whether providers will be able to obtain SQM or Lexcel accreditation, or any of the panel memberships, required to submit a compliant bid within the timescales provided. There are also very practical issues to consider in relation to recruiting staff, ensuring supervisors are in place, negotiating leases and support contracts (IT services, insurance) etc. These processes all take time and the LAA has no control over them. They also all involve expenditure that providers quite reasonably do not wish to incur months before a contract commences and they can start to deliver services and thereby earn the income required to cover their costs. There is already a significant delay in-built in the legal aid scheme between commencing work and recovering income.



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The LAA has stated [in a written response to issues raised at the 8 March CCCG meeting] that the IFA gives them the discretion to accept verification information after the deadline. However most bidders will, quite sensibly, make decisions based on the stated deadline and will not make significant and potentially costly business planning decision on the basis of what the LAA **may** allow after the 10 May. The LAA also seems to imply that as knowledge of this tender has been in the public domain since November 2022 organisations have had time to commence processes. However this fails to understand the realities of setting up, expanding or running a legal practice, and the time, resource and cost implications of preparing for and submitting a legal aid tender. As noted above, apart from the costs incurred in setting up an office/team/department, it also makes no sense from a business planning perspective to do so well in advance of a tender exercise on the basis that the LAA has made an announcement. In this case, if providers has started to act in November when the announcement was made, they would be incurring significant cost for a contract starting almost a year hence. How can they afford to do that? And how can they assume costs and risk on the basis that the LAA may accept verification information after the deadline?

I have been contacted directly by a number of existing and potential providers to express their concern (indeed dismay) about the timetable. Some of these potential bidders have concluded that they cannot now submit a tender due to the timetable. Here are excerpts from some of the emails I have received since the announcement:

- 'I was shocked by the timetable which seems to me to be wholly unrealistic and unfair if they are genuinely interested in new applications. I was planning to apply but will not be able to do so if this timetable remains. There is absolutely no way I could meet the deadlines. I really do not understand the timetable at all.'
- 'The current tender deadline is ridiculous. 10 May for verification is hugely problematic – certainly impossible for Lexcel. 20 July is more achievable for Lexcel.'
- 'We want to bid for family but need time to recruit a supervisor and get staff through panel membership which we can't do until we know we'd have a contract.'
- From a consultant who assists with tenders: '4 of my clients now also worried about getting the SQM in time as we'd previously agreed a different timeline with Recognising Excellence -

who I'm guessing are also shocked by this timeline.'

- 'The time table is far too tight for those of us with contracts who might want to think about bidding for a new contract in a new procurement area. Or a new area of law. We are thinking about opening an office in Manchester but this timetable gives us no time to plan that or consult with the other partners. For realistic business planning 8 weeks should be the minimum time - ideally 12.'

If these are some of the emails I have received, there will be many, many more providers who are concerned by, if not now completely dissuaded by, the LAA's timetable."

We wrote to the MOJ on 10 March setting out these concerns and are currently awaiting a response.

Remember to sign your extension letter: deadline is 9am on 28 April 2023

The LAA has been emailing all holders of the 2018 Standard Civil Contract with offers to further extend contracts to 31 August 2024. 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

Where offers are accepted, new schedules run from 1 September 2023 until 31 August 2024.

[Details are here.](#)

How many providers per procurement area?

Representative bodies meet with the LAA quarterly to discuss civil legal aid at the Civil Contracts Consultative Group meetings. At the latest meeting on 8 March 2023 a question was asked about the minimum number of providers the LAA thinks is required in each procurement area to maintain what it calls 'capacity'. While family has always been higher than other areas because of potential conflicts and the number of possible parties, we wanted to know why the LAA believes the minimum number of providers needed in categories such as housing is only one per procurement area.

In response the LAA set out the position determined through the 2010 Civil Contract tender process and referred CCG attendees to the [information now held on the national Archives website](#).

A rep body member followed this up with us.

“This is interesting. The last stated official position a) predates LAA, b) predates LASPO, and c) was a minimum of three providers per procurement area in the larger categories (para. 4.26).

[However, just last month LAA wrote to me that] “the LAA considers the minimum capacity requirement to deliver housing and debt work in a procurement area to be a single provider”.

When did they move from the former to the latter and who was informed?”

So, LAPG members, can you recall what information you have seen and can you point to evidence (either recently or many years ago) as to the minimum service level that is deemed acceptable by the MoJ and the LAA? Please email policy@lapg.co.uk

Why is this important? The question of minimum service levels is central to the issue of client access and provider sustainability. The LAA’s ‘capacity review’ process does not attempt to gauge the level of client need in a particular locality, and doesn’t appear to assess the capacity of providers to meet need. This in turn feeds into wider policy within the MOJ, and even influences ministerial understanding as it is reflected in responses to parliamentary questions and debates. Demonstrating that the MOJ’s approach to assessing and setting minimum service levels needs to improve will be a crucial element of the Review of Civil Legal Aid.

Criminal Legal Aid

[The Law Society JR on Criminal Legal Aid](#)

The last update from The Law Society remains [the one on 1st March](#) but there is [an interesting report here](#) from Raab’s evidence to the Lords Constitution Committee on the same day. It may



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make your blood boil to read the summary. For example:

“He said that he has set the foundations for a sustainable criminal legal aid profession, having followed all the recommendations set out in the Independent Review of Criminal Legal Aid.

This is despite the fact the government has not met the review’s recommendation of a minimum 15% increase in solicitors’ rates.”

IT issues

We have received an email from Alice Mutasa, The Law Society’s Policy Adviser on criminal legal aid.

“We are working on a letter to Raab about the LAA’s IT systems. We want to pull together all the various things we know about where it is proving problematic, including the means test timetable, our request for changes to the bail to return payments, various other changes we have asked for where tech challenges have been cited as a reason for not doing something, and any evidence of practical problems such as the system falling over.

I would be really grateful if you could send me anything that comes to mind where we've requested a change and the LAA has cited IT difficulties getting in the way. Also of course all of the things that don't work properly and create additional work for you.”

Alice’s email is Alice.Mutasa@lawsociety.org.uk

Scheme-wide

Legal Aid Agency Bulletin

The LAA Bulletin should keep everyone informed of changes affecting their area of work.

If any member is not signed up [they can do so here](#).

Guidance on CWA submissions

Guidance was published on 9 March about [CWA submissions here](#).



The guidance covers how CWA works online: how to claim, bulkloading, outcomes, new matter starts and guidance. There is now an updated version of Provider Bulkload Spreadsheet. This version (1.31) adds two new columns which allows providers to claim work under changes from the new Nationality and Borders Act.

Legal Aid Agency online training

There are a lot of free webinars on the [LAA training and support website here](#).

The website is very clear so it would not take long to look to see if anything is of interest. There are live training events that can be booked on Eventbrite and a selection of recorded webinars.

New [civil webinars](#) cover topics such as contract visits, transfer of high cost family cases, common billing rejection reasons and how to avoid them, and merits considerations for initial applications.

New [crime webinars](#) cover topics such as transfers, withdrawals and amendments, reducing central funds rejects, non-means tested applications, and eForm and hardship evidence.

It would be really helpful to hear from members who have attended any of these seminars, watched recorded content or accessed any of the downloadable guides. Were they useful and for what level of staff?

Sector News & Events

Consultation on revising the 'Help with Fees' remission scheme

Revising the 'Help with Fees' remission scheme

This consultation proposes a series of reforms to make the Help with Fees scheme more generous, target financial assistance at those most in need, whilst providing value for money for the taxpayer.

The key changes are to:

- Raise the income thresholds for determining eligibility

- Revise the policy for calculating when and how partial fee remission applies
- Increase the capital threshold age cap
- Increase the lower capital threshold for determining eligibility
- Simplify the capital test

[The consultation is here](#) and closes at 11.59pm on 30 May 2023.

Renters Reform Coalition 21 March day of action



On Tuesday 21 March, private renters from all over the country will be going to Parliament and demanding the security they've been promised. Renters Reform Coalition will have an exciting day of activities planned, including panel and advice events held by RRC member organisations, an opportunity for you to meet with your MP, a petition hand-in at Downing St, and an evening event with an exciting speaker.

When: 1pm-5pm, Tuesday 21st March 2023.
Where: Westminster, Central London

[Full details here](#)

Joshua Rozenberg Updates

Several of us in the LAPG office subscribe to Joshua's Updates – he writes on a wide range of legal issues. You can [subscribe to his free emails here](#) (you can also pay for more detailed emails).

There is a particularly good update on 15 March which covers on Dominic Raab's role in following process:

“Prisoners may have been wrongly released because the justice secretary Dominic Raab impermissibly interfered with the justice process, two judges ruled this morning.”



A Lawyer Writes

Essential updates from Joshua Rozenberg KC (hon), UK's most experienced full-time legal commentator. Enemies of the People? is his most recent book. See also:

www.rozenberg.net

By Joshua Rozenberg Over 9,000 subscribers

LAPG Website – members’ section



Every member who receives this Update should now have access to the members’ section of the LAPG website. The section contains training offers, summaries of member updates (broken down by subject area), discussion threads and media work. There are also a number of blogs by members of staff about what they do along with e.g. a blog by Paul Seddon on judicial review costs. Matt Howgate’s blog about how organisations have to subsidise legal aid work can be found there now.

If you want to write a blog – on legal aid, the law more widely or even just on an issue that LAPG members might be interested in reading, please email Anna, our Operations Officer: anna.neira.quesada@lapg.co.uk

Nominate your legal aid hero for the 2023 Legal Aid Lawyer of the Year Awards!



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>

(And a HUGE Thank You! to everyone who has donated already. We've hit our initial target and are working towards our 'stretch' target.)

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



2023 LAPG Membership – renew before 31 March 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 by 31 March 2023**.

Please note – renewal by 31 March is required if you and your colleagues would like to continue to receive LAPG Member Updates and benefit from other membership perks, such as discounts on training courses.

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.

LAPG Training Courses



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. Phaniel 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 Phaniel 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](#).

With the Civil Contract tender closing in just two weeks, we'll update you all as soon as we hear back from the LAA in relation to our request to extend the deadlines for

tenders and verification information. [Please contact me directly](#) if you want to raise any issues about the existing timetable.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

Follow LAPG on Twitter [@WeAreLAPG](#)

[#WeAreLegalAid](#)

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[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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