



19/04/23

## LAPG Member Update

Issue 9 of 2023

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## Civil Legal Aid News

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### Civil Tender – New and Existing Providers – Deadline 5pm 31 March 2023!

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.



### **Amendments to IFA and FAQs published**

On 21 March 2023 the LAA amended the Civil Legal Aid Services in England and Wales from 1 September 2023 Invitation to Tender (“ITT”) IFA. See now version 2. [See here](#).

On 22 March the LAA published the Frequently Asked Questions (FAQ) document relating to the Procurement Process for Civil Legal Aid Face to Face Contracts from 1 September 2023. [The FAQ document is available here](#).

Note that the LAA declined our request to extend the tender timetable and verification deadline. Please take careful note of the LAA’s responses to Q32a-d of the FAQ document, which all deal with practical issues arising from the very tight

application and verification deadlines. In response, the LAA reiterated the position set out in the IFA that:

*'Section 7.5 of the Invitation to Tender Information for Applicants states:*

*The LAA may accept compliant verification information after the deadline of 23:59 on 10 May 2023 where Applicants have tendered to deliver Contract Work in any other Category of Law (including Immigration and Asylum but not including IRC (Immigration Removal Centre) Contract Work) at its discretion.*

*The LAA is seeking to encourage new and/or additional capacity so will exercise its discretion reasonably.'*

So can we read into the LAA's response that if you have done everything you can to obtain accreditation, authorisation (etc.) as required by the IFA, but processes have not been completed by 10 May, the LAA will give you more time to complete those processes? The LAA is not willing to give a guarantee on this point, preferring to fall back on the discretion afforded by the use of the phrase 'may accept compliant verification information after the deadline'. The LAA has told us that in 2022 they worked with crime contract applicants 'right up to the contract start date' to get their verification information over the line. It would be exceedingly churlish of the LAA not to take the same approach here. One might even argue it would be exceedingly challengeable if they refused to accept verification information after 10 May given the unrealistic timeframes set out for this tender, if one was so inclined....

**Note:**

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 this procurement process.**

**The deadline for submitting Tenders is 5pm on 31 March 2023**

**[Full details of the tender process, amendments](#)**

[and FAQs can be found here](#)

### **Contract Extension for Existing Providers - Deadline 9am 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.

[See here for further detail](#)

### **Eligibility for Legal Aid – PLP case – means test for parents who share caring arrangements for their children**

Earlier this month the High Court overturned a decision to refuse legal aid to a domestic abuse survivor. [See PLP's summary here](#). The High Court ruled that the means testing rules passed by Parliament allowed for a dependent to be treated as part of more than one household and the Ministry of Justice's guidance was wrong (and unlawful) in this respect. The MoJ will need to update its guidance to reflect the decision. Parents who share caring arrangements for their children are now more likely to qualify for legal aid in all areas of civil law (not only family law).

Another cracking piece of strategic litigation from the team at PLP!

### **Webinar: Nationality and Borders Act: Changes to the Immigration and Asylum Specification from 1 April 2023**

The LAA has put the webinar recording on the LAA training and support website: [Ministry of Justice: Recorded webinars: Civil: Changes to the Immigration and Asylum specification](#).

We would be interested in your feedback on this and any of the LAA webinars.

### **Mental Health – Level 1 Claims**

The LAA has made changes to the mental health contract to allow providers to make a claim where the:

- Mental Health Tribunal appoints a representative because the client has said they do not want to conduct their own case, or they want to be represented; and
- The client then refuses to engage with the representative or sign the legal aid form

Providers will in future be able to claim a Level 1 fee of £129 in these cases if the client refuses to engage. The fee will only be available on the basis that certain conditions are met as outlined in the Mental Health contract – see 9.105(a).

[Full details are here](#)

### **High Cost Cases (Non-Family) Information Packs Updated**

Information packs for solicitors and barristers to get legal aid in high cost cases (HCC) where the matter is outside of family law – these have been updated on the 24<sup>th</sup> March.

[See here](#)

### **High Cost Contracts, Schedules and Specifications Updated**

High cost contracts, schedules and specifications when applying for legal aid in civil high cost cases have been updated.

[See here](#)

### **Civil Contract Consultative Group Meetings**

A representative from LAPG always attends these meetings – they have been downgraded in the sense that years ago there would be bi-monthly meetings of a civil-wide nature and then regular meetings of e.g. family, housing or immigration representative bodies (a full list is at the foot of the website page). Recently these meetings were changed to quarterly from bi-monthly.

[If you want to look at the minutes they are here.](#)

### **Family**

**Consultation: Supporting earlier resolution of private family law arrangements**

## [The Ministry of Justice Consultation is here](#)

Fifty eight pages, nineteen questions and you have until 15 June to respond. If you are replying or have any comments on the proposals including re compulsory mediation please do email us at [policy@lapg.co.uk](mailto:policy@lapg.co.uk) – we will put in a response and would welcome our members' views.

### **Claiming for work re notifications from MyHMCTS (family cases only)**

Notifications from MyHMCTS: Practitioners attending PET meetings with the LAA raised this issue of claims for these items being disallowed. In principle, the notifications can be claimed as a routine item of received correspondence in Family cases only, as the only scheme where Regulations allow for such. The usual questions on assessment would need to be factored in per the Costs Assessment Guidance 2.28 and 2.29 (i.e. the letter should not be claimed as a duplicate and it would need to have an element of progressing the case).

### [For the guidance see here](#)

The LAA Claim Fix team has confirmed they have seen rejects for a number of cases where they have questioned claiming for notifications from MyHMCTS. The LAA has asked us to share with our members that they are welcome to challenge these rejections through the Claim Fix team who will consider the facts of each case. Wider messages have also been sent to caseworkers to help bed in better understanding.

To challenge rejects on this issue email: [LAACivilClaimFix@justice.gov.uk](mailto:LAACivilClaimFix@justice.gov.uk)

### **Family Cases – Claiming – CCMS - Counsel**

Again at a PET meeting, a discussion took place about the difficulty of claiming when counsel's fee and the solicitor's claim are not ready at the same time. Firms are complaining about being told that they have a high reject rate if it happens a lot.

The LAA responded:

*“We do know that for Family cases where counsel is paid at hourly rates that CCMS requires both provider and counsel to undertake a lot of manual coordination of claim submission, and that this in turn can lead to bill rejects being incurred. We can confirm that we have asked our CCMS development team to scope out a piece of improvement work to how CCMS handles*

these claims, bringing them more in line with non-family civil cases, where CCMS prompts counsel directly to submit their claim. We believe that developing CCMS to help providers and counsel get it right is a preferable solution over returning to distinguishing types of rejected claims, which historically has not worked.

We would recommend providers who are concerned about rejects for counsel not submitting their claim in a timely manner either:

- contact our Civil Claim Fix service if they believe we have rejected the claim incorrectly and we will review all individual matters referred to us; and
- discuss any wider concerns over their reject performance with their Contract Manager”

To challenge rejects on this issue email: [LAACivilClaimFix@justice.gov.uk](mailto:LAACivilClaimFix@justice.gov.uk)

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## Criminal Legal Aid News

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### Crime Contracts Consultative Group Meetings

The minutes of these meetings are on the same page as the Civil Contract Consultative Group Meetings – [you have to scroll down the page to find them](#). At the foot of the page you can see a full list of representatives who attend.



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## Legal Aid Scheme-Wide News

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### LAG parliamentary event to mark 10 years of LASPO and launch of National Legal Service proposal

Legal Action Group held a well-attended parliamentary event on 27 March 2023 to mark the coming 10<sup>th</sup> anniversary of the introduction of LASPO. There was a wide array of speakers from across the sector, as illustrated by their twitter feed here:

<https://twitter.com/LegalActionGrp/status/1640>



The event also provided an opportunity for LAG to launch a 'National Legal Service' concept as an alternative to the current legal aid scheme, penned by Roger Smith and Nic Madge.

[Further information can be found here](#)

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### [Legal Aid Quarterly Statistics October to December 2022](#)

[These statistics were released today, 30 March.](#)

We will provide analysis on the latest statistics in future Updates.

### [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?



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## Sector News & Events

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### Community Justice Fund's Funding Gap Report





Monday saw the launch of the Community Justice Fund's Funding Gap Report on the Free Legal Advice Sector 2023-24. This report and figures are based on conversation with Community Justice Fund grantees and are meant to give a broad indication of the issues faced by advice services at the frontline.

The report gives voice to frontline experiences demonstrating that the free legal advice sector is facing a £30million funding gap with over 40,000 people who are most impacted by the cost of living crisis potentially going without the advice and assistance they need.

In addition to strengthening their understanding about the increased impact that the cost of living crisis is having on advice organisations, the report also highlights their key learning around the relationship between long-term core costs funding and addressing the workforce wellbeing and retention issues facing the frontline.

[You can access the full report here](#)

They'd be really interested to hear your thoughts on the report, including any ideas on how they could share the findings and key messages to further make the case for advice. If you're interested in sharing the report yourself, please feel free to do so, they have some key messages they're happy to share to help with promotion.

For further information, contact Emmeline Endresen, Senior Officer, The Network for Justice on:

[contact@nfj.org.uk](mailto:contact@nfj.org.uk)

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## Latest on HMCTS Court Reform

There is a lot of jargon in the [HMCTS Reform MoJ Evaluation: Progress Report](#) but the summary on pages 7-9 may be useful if you want to remind yourself as to what the aims of the court reform programme are.

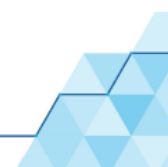
And there is a blog on progress by the Chief Executive of HMCTS [here](#).



**HMCTS Reform**

MoJ Evaluation: Progress Report

Ministry of Justice Analytical Series  
2023



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## Bill of Rights Bill – Government Response to JCHR

6. The Government disagrees with the Committee's conclusion that there is little case for reforming the Human Rights Act (HRA). A reformed human rights framework for the UK will protect people's fundamental rights, whilst safeguarding the broader public interest and respecting the will of our elected representatives in Parliament. The Human Rights Act has been in force for almost a quarter of a century now, and it is right that we should seek to update it, to ensure it effectively serves our society.

On 22 March the [government published its response](#) to the Joint Committee on Human Rights report on the Bill of Rights Bill.

You'll maybe want to save this one for when it's socially acceptable to be having a drink.

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## Lady Hale Speech

Why not counter the weariness you may feel reading the above and read this recent and very memorable speech by Lady Hale to a Committee of the Council of Europe:



<https://rm.coe.int/baroness-hale-intervention-to-as-jur-22-march-2023/1680aaa818>

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## LLST events including Legal Walks

There are loads of events to raise money for the advice sector. Details of the Legal Walks are also on this website [here](#).



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## London Marathon or Other Fundraising?

Let us know and we will help publicise your fundraising. Please email details to [policy@lapg.co.uk](mailto:policy@lapg.co.uk)





## 2023 LAPG Membership – renew before 31 March for a 10% discount

### Reminder

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. If you do not renew by 31 March, your details will be removed from our 2023 Membership mailing list and you will no longer receive full Member Updates.

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**.

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.

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## 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](mailto:anna.neira.quesada@lapg.co.uk)

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



A reminder that the deadline to submit your nomination is 23:59 on 24 April, so now is the time to reach out to colleagues to support 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:**

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

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

[21<sup>st</sup> APRIL 2023](#) (NEW – date added due to latest LAA civil tender plans)

[17<sup>TH</sup> MAY 2023](#)

[5<sup>TH</sup> JULY 2023](#)

[26<sup>TH</sup> SEPTEMBER 2023](#)

[22<sup>ND</sup> 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](#).

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Well I'm tired from writing all that, so you'll be exhausted now that you have read and absorbed every word and made it down to the caboose. A special thanks to Carol Storer, who is currently working with LAPG as a consultant, for helping us put these detailed Member Updates together.

And please remember LAPG Members, if you have news to share with other Members - memorable cases, outcomes, news or events - or have a question for other practitioners, please let us know and we will do what we can to help get your message out there. These updates are routinely read by around 2,000 practitioners so they are a great place to reach out to others in the sector. You can also use our recently launched Members' Forum to start discussion threads and post information and news. Not sure how to access the forum or other parts of the Members' Area of the website? [Contact Anna](#), our Operations Supremo, for more information.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

Follow LAPG on Twitter [@WeAreLAPG](#)  
[#WeAreLegalAid](#)  
19/04/23



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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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