



31/05/22

LAPG Member Update

Issue 15 of 2022

Legal Aid News & Events

- Housing legal aid: HPCDS consultation outcome and extension of HPCDS contracts
- Social Market Foundation publishes report on improving access to civil justice
- Final call for member feedback on LAPG's Means Test Review and CLAR consultation responses
- CCMS update for international child access cases
- Changes to immigration advice in police stations
- The Legal Aid Lawyer of the Year awards – book your place for the ceremony on 12 July
- Reminder of LAPG's AGM – 7 June 2022

Sector News & Events

- Bidwell Henderson's free legal aid costs conference – 23 and 24 June 2022
- PLP event: How to do Judicial Review – 14 June 2022

LAPG Training & Support

- The LAPG Certificate in Practice Management
- Supervision Courses and Introduction to Legal Aid online training module
- 2022 LAPG Membership

Legal Aid News & Events

Housing legal aid: HPCDS

consultation outcome and extension of HPCDS contracts



HPCDS consultation outcome – the creation of the Housing Loss Prevention Advice Service

The Ministry of Justice [has today published its response to the consultation 'Housing Legal Aid: the way forward' and resulting policy position](#). The consultation, which ran from 25 November 2021 to 20 January 2022, sought to obtain views *'on policy proposals to remodel the delivery of legal aid in housing possession cases, to ensure the sustainability of the service and to improve the breadth and quality of advice available for individuals facing the loss of their home, particularly at an early stage in the process, before they reach court'*. This consultation followed a similar consultation on amending HPCDS services in 2019, the outcome of which was paused due to the pandemic. LAPG submitted a robust responses to both of these consultations, challenging a number of the proposals and underlying assumptions, and reiterating that much more needs to be done to improve the overall sustainability of civil legal aid providers before HPCDS services can be put on a viable footing.

Of the original proposals from the latest consultation, the government will be taking forward the following:

1. Remodeling the delivery of the HPCDS to become a new Housing Loss Prevention Advice Service (HLPAS), incorporating both the existing service of advice and representation at court but also early legal advice before court. Note also that the MOJ has listened to feedback and amended their proposal to enable access to the service once a client is notified that a hearing date has been set – the service will now be open to clients when they receive a notice of seeking possession (etc.). In response to concerns about potentially low take-up of the early advice element of the service, the government will monitor uptake and consider taking steps to raise public awareness of the service. We are disappointed that they have not taken the opportunity to be more proactive in this regard.
2. Expanding the scope of legal aid so that HLPAS providers can offer early legal advice on social welfare law matters to individuals

who have received a notice seeking possession of their home. This will be paid at the £157 fixed fee for Legal Help, but with an escape threshold set at three times the fixed fee.

3. Contracting the scheme by individual courts, with one HLPAS contract awarded for each court, to help ensure the sustainability of the HLPAS by reducing travel costs and allow providers to utilise local knowledge. The only exception to this will be where two courts have been historically bundled together to ensure a scheme has high enough volumes of work.
4. Allowing providers to claim for the court duty fee in addition to a Legal Help fee for follow on work.
5. Introduce a set attendance fee for all schemes, replacing the existing nil-session payment paid where a provider attends court but sees no cases. The attendance fee will be equivalent to the fee paid for seeing two clients in court.

Following feedback from the consultation, the MOJ will also be implementing two further measures, to '*ensure proposals a) and b) deliver the intended benefits*'. These measures are:

1. Contracting a panel of legal experts (previously known as specialist support contracts) to assist and upskill providers where they need further expert support on social welfare case matters.
2. Piloting the grant funding of a set number of publicly-funded solicitor training contracts for HLPAS providers.

We are pleased to note that the MOJ has taken on board some of our suggestions, and the suggestions of partner organisations such as HLPAs and Law Centres Network. The additional proposals to create a new form of specialist support contract, which were Commissioned by the LSC and provided meaningful support to frontline agencies, should go some way to ameliorating the loss within many housing providers of the expertise to assist with underlying issues such as welfare benefits and debt. The consultation also notes that agents will be able to assist with these issues (although we are concerned about how practical that is within such a limited fee structure). Grant funding publicly-funded solicitor training contracts (and presumably SQE routes too) should also boost capacity in the sector. Importantly, the MOJ

acknowledges that if the panel of experts and training grant pilot prove successful they will consider expanding these across the civil legal aid sphere.

The consultation document also includes important acknowledgement from government that more needs to be done to ensure long-term sustainability of housing and other forms of civil legal aid (by which we all primarily mean increasing fees), and an important recognition of the devastating impact of introducing Fixed Recoverable Costs to legally-aided possession cases. As a result the government has announced that it *'has exceptionally decided to delay the extension of FRC to legally aided housing possession cases for two years'*. While this is welcome, work has been underway between bodies representing housing legal aid providers to seek an exemption of all housing cases from the FRC regime. We will announce soon the action that we are taking collectively to resist this damaging policy proposal.

While the proposals are a step in the right direction, we do not believe that they go far enough to make HPCDS/HLPAS services commercially viable or improve the overall viability of provider organisations and we will continue to lobby for further improvement to the whole legal aid scheme.

What happens next? As noted below, current HPCDS contracts will be extended April 2023 to enable the MOJ/LAA to develop the contracts and run the tender process for HLPAS services from 30 April 2023. The consultation response notes that the *'LAA will subsequently run a procurement process for these new contracts over Summer/Autumn 2022, with the contracts set to begin in April 2023'*. We can therefore expect a consultation with representative bodies very soon on the shape of the next contract, and existing housing providers should be readying themselves now for a tender exercise in a matter of months.

Extension of HPCDS contracts to 29 April 2023

The Legal Aid Agency [**announced on 26 May 2022**](#) that extension notices are being issued shortly to all providers of Housing Possession Court Duty Scheme (HPCDS) contracts. The LAA is extending contracts to 29 April 2023 to enable:

- publication of the Ministry of Justice (MOJ) response to the 'Housing Legal Aid: the way forward' consultation [see above]; and

- development and procurement of new contracts by the LAA

The LAA news story went on to say:

'This needs to happen now because HPCDS services are currently being delivered through contingency contracts that end on 30 September 2022. So, these contracts, which maintain the 2013 Standard Civil Contract exclusive schedule arrangements, need to be extended.'

Extension timescales

All existing HPCDS providers will be offered an extension of their current contract running from 1 October 2022 to 29 April 2023.

What do I need to do?

We will be writing to all current HPCDS contract providers to confirm our intentions and formally issue extension offers over the course of the next month.

Providers will need to sign into the contract extension, or where they do not wish to do so, confirm this to the LAA by the date set out in their letters.

Consultation response

The MOJ consultation on 'Housing Legal Aid: the way forward' ran from 25 November 2021 to 20 January 2022. Publication of the response is expected to happen shortly, and this will be available to view on GOV.UK.

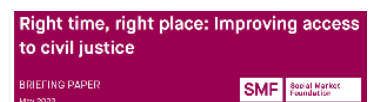
Further information

[Standard Civil Contract \(Housing Possession Court Duty Scheme\) 2013](#) - 2013 civil contract (HPCDS) documents are available on GOV.UK'

Social Market Foundation publishes report on improving access to civil justice

23 May saw the publication of a report entitled [Right time, right place: Improving access to civil justice](#), by the cross-party, pro-market think tank Social Market Foundation. The report sets out how policymakers could create a "better functioning and more equitable" civil justice system in England and Wales, with its key recommendations including:

1. the reversal of cuts to civil legal aid;



2. the prioritisation of early, joined-up interventions between legal and other services (i.e co-locating legal advice clinics with hospitals, GP surgeries, and other public spaces);
3. bettering the collection of data through biannual national Civil Justice Surveys.

[Download a briefing paper here](#), which summarises the full report.

In reaching these conclusions, the Foundation pointed to the ubiquity of civil justice issues, which were encountered by 64% of adults in the last four years [according to the Legal Services Board](#). The top 5 legal needs included issues such as defective goods and services, anti-social neighbours, buying and selling real estate, as well as issues with wills and employment. [A 2015 Ministry of Justice survey on Legal Problem Resolution](#) found that these legal issues also tend to cluster: as “50% of people with a civil justice problem in the last 18 months had more than one, and that 22% had at least four”.

As others have before it, the report then indicated that most of these issues are addressed without formal or legal support. The Legal Services Board’s statistics indicate that a majority of individuals faced with contentious legal issues described them as economic, private or bureaucratic, rather than legal, which results in 52% of individuals trying to resolve them through self-help, and only 22% seeking help from a solicitor. The Foundation’s report argued that this failure to conceive of civil justice issues as legal ones has severe personal and societal consequences, listing job-loss and addiction among the former, and poor health and employee productivity among the latter.

Finally, in observing the causes of these trends, the Foundation pointed to fewer people qualifying for legal aid since the passing of LASPO, as well as a constriction of legal aid budgets (cut by 34% over the course of the 2010s) and decreased funding for other legal help initiatives such as Citizens Advice. It quoted the Bach Commission in describing cuts to legal aid as “one of the least cost effective cuts” and advocated for increased funding for legal advice.

The silver-lining to the otherwise gloomy picture was the observation that in some limited respects digital access to justice has improved: with government statistics showing that “the average time to settle small financial claims is five weeks

under the online system, compared to 14 weeks previously” with satisfied users, as “85-95% [...] offer positive assessments of their experiences”. Still, the report remarks that the digitally excluded are “more likely to be drawn from vulnerable groups: older, lower income, disabled or non-native English speakers”, which could lead to an exacerbation of this vulnerability.

Final call for member feedback on LAPG’s Means Test Review and CLAR consultation responses

In LAPG Update 14 of 2022 (24 May 2022) we asked for member feedback [on our draft response to the government’s Means Test Review consultation](#). Thank you so much to those members who got in touch to share their comments and concerns, or who provided us with a copy of their own response. We are now incorporating your ideas into our response, which must be submitted by the consultation deadline of 7 June 2022. If any members would still like to feed into this process by adding to our response please email your thoughts to policy@lapg.co.uk as soon as possible.

The Law Society [has today published a report by Professor Donald Hirsch that they commissioned about the Means Test Review](#). This report is a follow-up to research by Professor Hirsch in 2018 that demonstrated that the legal aid means test prevents many families living in poverty from accessing justice. As a result of this latest report, The Law Society notes that while they support the government’s overall objective of making more people eligible for legal aid, the research highlights three important oversights by the Ministry of Justice that risk undermining the government’s goals:

1. thresholds are not linked to inflation
2. single-parent families will be disadvantaged compared to other types of households
3. housing benefit is treated as gross income unfairly excluding some clients

We are examining this incredibly useful piece of research to help inform our consultation response

More affordable justice:
Proposals to reform the legal aid means tests and implications for living standards

Donald Hirsch

Centre for Research in Social Policy
Loughborough University

May 2022

and urge members to do so as well if they are preparing a response.

We are also beavering away on our response to the government's [Criminal Legal Aid Review consultation](#). We had intended to share our draft response for member feedback but unfortunately this has not been possible. We are currently working closely with partner organisations such as The Law Society and Criminal Law Solicitors' Association to ensure our responses support key policy considerations. If you have any views or concerns about the consultation proposals and would like to feed in to our response please email policy@lapg.co.uk. Please note that this consultation also closes on 7 June 2022.

CCMS update for international child access cases

[From the LAA 18 May 2022:](#)

'New online civil funding application features for international disputes about rights of access to a child falling under Article 21 of 1980 Hague Convention.

We have introduced new features to help with Client and Cost Management (CCMS) funding applications about rights of access to a child.

The improvements are specifically for funding applications falling under article 21 of the 1980 Hague Convention. These concern international disputes about rights of access to a child.

The new features include:

- *non-means tested applications*
- *means and merits tested applications*

How do the new features work?

When making an application in CCMS providers will come to a drop-down menu with options which include 2 new selections:

1. *'Article 21 Hague Convention 1980 - non-means'*
2. *'Article 21 Hague Convention - respondent'*

If appropriate, making the 'non-means' selection from the matter type categories listed for article 21 work



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will shorten the application process.

This is because you will only be asked to provide limited information when completing the means assessment interview.

Where can I find out more?

Guidance for creating initial applications on behalf of applicants is available on our training and support website.

Further information

[Training and support website](#) – to view article 21 initial application guidance'

Changes to immigration advice in police stations

[From the LAA 30 May 2022:](#)

'A new service to provide immigration advice to individuals detained in police stations will be introduced on 1 June 2022.

Individuals detained in police custody under immigration powers will have a new service to access legal advice starting on 1 June 2022.

Rollout of the Immigration Police Station Advice (IPSA) service is likely to mean more work for face to face immigration providers. IPSA will replace the existing Immigration Telephone Advice (ITA) service.

Why is this happening now?

We need to ensure there is a new service to continue helping individuals detained in police custody under immigration powers. This will replace the current ITA contract when this comes to an end on 31 May 2022.

How will the new service work?

Detainees will be entitled to call-backs under the IPSA service to help them understand:

- *what may happen next*
- *likely detention timescales*
- *how to access their nearest face to face immigration solicitor*

Clients will then have the option of contacting a solicitor for legal advice. They may decide to do that while still in detention or following release from police custody.



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If the client has special needs, such as translation services, the operator will arrange for this in advance of the call-back.'

The Legal Aid Lawyer of the Year awards – book your place for the ceremony on 12 July



[Tickets are now on sale](#) for the very special 20th anniversary LALY ceremony in London on 12 July 2022. The winners will be announced from the impressive [LALY22 shortlist](#) at our first in-person ceremony since 2019.

Thanks to the generous support of our Sponsors, tickets are very reasonably priced to ensure the event is as accessible as possible – just £40 each, with heavily discounted £15 tickets available for YLAL members and Justice First Fellows. The ticket price covers the ceremony along with drinks and food at the reception before and after the ceremony.

Join us and your friends and colleagues from across the sector to celebrate the incredible achievements of legal aid lawyers.

Reminder of LAPG's AGM – 7 June 2022



We would like to invite all LAPG members to our Annual General Meeting on 7 June 2022, from 13.00-13.30 on Zoom. The Agenda will cover:

- Minutes of and matters arising from the Annual General Meeting held on 24 February 2021
- Co-Chairs' report
- Treasurer's report and presentation of the 2020 Audited Accounts
- Director's report
- Election of the Board of Directors
- Any other proper business of the Annual General Meeting

If you would like to attend this online meeting, which will review our work over 2021/22 and our plans for the future, please use the joining instructions below:

<https://us02web.zoom.us/j/83259820317?pwd=wEBT004NWt0apwL5PY0Ymbc6o9w45f.1>

Meeting ID: 832 5982 0317

Passcode: 352361

Members are welcome to contact us if they are interested in supporting LAPG by applying to become a member of either our Board of Directors (which is responsible for governance) or our Advisory Committee (which contributes to a wide range of our policy, training and influencing activities). If you would like to know more about these two groups and how they support our work, [please get in touch](#).

Sector News and Events

Bidwell Henderson's free legal aid costs conference – 23 and 24 June 2022



This free event from costs specialists Bidwell Henderson follows their last two successful virtual costs conferences. They have now created new training sessions on maximising legal aid costs for legal aid lawyers.

[Register here for your free place\(s\)](#)

Bidwell Henderson has provided this helpful overview of the event:

Practical training sessions full of ideas, tips, guides and resources designed to increase profitability and improve sustainability in the legal market for Lawyers / Fee Earners / Costs Lawyers / Billers and Solicitors.

There will be focus on current changes and what you need to be aware of, along with practical advice on how you can save time and money.

This bespoke training is presented from the view of Costs Lawyers and senior Legal Aid Costs Drafters

with an extensive and collective experience of working with a variety of firms and processing and uploading hundreds of cases through CCMS.

The conference has been pre-recorded and will be available to view over two days at your convenience. The sessions will cover how to save time and money, perfect bundles for assessment, rejections and processing legal aid cases through CCMS.

What's included?

1. PowerPoint presentations
2. Notes and handy guides
3. Prizes!

Limited Tickets so early booking is recommended. On the day of the conference you will receive an email explaining how to access the content.

PLP event: How to do Judicial Review – 14 June 2022



Public
Law
Project

An intensive one-day, in-person course covering the basics of judicial review from introductory principles and grounds, to the practical steps in a JR claim, funding, costs, interventions and finishing with an interactive case study.

Who this event is for:

- Junior and trainee lawyers, advisers, advocates and anyone likely to be involved in judicial review claims, especially those representing or advising marginalised groups
- Anyone responsible for legal policy in NGOs or Government, or those tasked with Government decision making
- Those working in campaigning organisations with a legal strategy

Please note that this is an in-person event, delivered at Allen and Overy's office in London.

[Further information and booking process here](#)

LAPG Training & Support

The LAPG Certificate in Practice Management



Register for the entire 5-session course, or book for the sessions that best meet your training needs

We have now opened the booking process for the full CPM course. At just £499 for LAPG Members (£649 for non-members) this course is incredible value for legal aid practitioners. We are able to heavily discount this course thanks to the generous support of The Legal Education Foundation and the Community Justice Fund. Each sessions can be attended as a discrete training course. Or you can work towards the full Certificate over a number of years by attending sessions that span more than one course.

Focussed primarily on the needs of managers and supervisors in private practice, the LAPG CPM covers key strategic and management issues over 5 full-day online workshops:

Please note that the course dates have changes from previous LAPG updates

- 6 June 2022 - Session 1: Time Management & Strategic Planning [BOOK HERE](#)
- 14 July 2022 - Session 2: Financial Management [BOOK HERE](#)
- 8 September 2022 - Session 3: People Management [BOOK HERE](#)
- 6 October 2022 - Session 4: Policies and Compliance (including Diversity and Inclusion) [BOOK HERE](#)
- 3 November 2022 - Session 5: Communications (a.m.) & Legal Aid Contracting (p.m.) [BOOK HERE](#)

More information about this course is [available on our website here](#).

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 and Introduction to Legal Aid online training module



Supervision Courses

Our June online Supervision Course is now sold out so we have scheduled two Supervision Courses for 25 August 2022 and 12 September 2022.

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.

[AUGUST 2022 COURSE - BOOK YOUR PLACE HERE](#)

[SEPTEMBER 2022 COURSE - BOOK YOUR PLACE HERE](#)

We have reformatted the course so that we are covering all of the same content across one day rather than two days. These two courses have been scheduled in August and September to ensure there is capacity to meet any additional training needs for crime practitioners who need to confirm their supervisor status ahead of the commencement of the next Crime Contract. However the content is relevant for both **crime and civil** practitioners.

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.

To subscribe for just £99 please email [Anna Neira Quesada](mailto:anna.neira@lapg.org.uk).



2022 LAPG Membership

A huge thank you to all of the organisations that have renewed membership for 2022. 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 so there is still time to refresh your LAPG Member status.

Number of fee earners	Standard Fee
1 – 5 fee earners	£175.00
6 – 10 fee earners	£265.00
11 – 20 fee earners	£380.00
21 – 30 fee earners	£520.00
31 – 50 fee earners	£605.00
51+ fee earners	£700.00
Non-contract holding rate	£315.00

To download the membership renewal form or for more information on the renewal process please [visit the Membership page of our website](#).

If you have any queries about LAPG membership or the renewal process, please contact our ever-helpful Operations Officer, [Anna Neira Quesada](mailto:anna.neira@lapg.org.uk).

Is it a case of two steps forward and one step back for housing providers? While the redesigned HLPAS scheme might provide a better, more holistic service for those facing the loss of their home, the government is still dragging it's feet on introducing the significant reforms required to ensure that housing providers can deliver sustainable services. We fear that the provider base will continue to shrink, meaning the well-intentioned government proposals will be undeliverable because there are insufficient lawyers left to meet client demand. And of course providers across civil legal aid are in a similar, tenuous position and in need of reform, and specifically fee increases, to make legal aid viable.

This is progress, of sorts, but feels a little like giving shiny new instruments to the band playing on the deck of the Titanic. What housing and other civil providers need is a significant increase in fees, a reduction in unnecessary and onerous bureaucracy, and for scope to be widened across the board to enable them to properly address the complex issues that clients present with. This consultation response inches us forward when we need giants leaps to get anywhere near sustainability.

Please do get in touch if you have any thoughts you want to share about the HLPAS/HPCDS consultation outcome, or want to feed into our Means Test Review or CLAR responses. Your input is always valuable to us.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

Follow LAPG on Twitter [@WeAreLAPG](#)
[#WeAreLegalAid](#)
31/05/22



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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