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LAPG Member Update

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Legal Aid News & Events

Criminal Legal Aid – Round Up

There was an [announcement on 30 June 2022](#) from the Ministry of Justice which may have raised practitioners' hopes but both the criminal Bar and the solicitors we are in contact with regard it as



nothing very different from the outcome of the CLAIR consultation. For solicitors the MoJ is proposing to bring forward the increases to the lowest paid work so that they arrive sooner than anticipated, but the LGFS changes (whatever they will be) are not being expedited.

This is from the press release:

- *“fee rise will see typical criminal barrister receive £7,000 extra a year*
- *solicitors will receive 15 per cent increase for work in magistrates courts and police stations*
- *response brought forward so new fees reach pockets before the end of the year*

It follows the recommendation made in an independent review of the criminal legal aid system and will see the typical criminal barrister earn £7,000 more a year.

*Criminal solicitors will also receive a 15 percent increase for their work in **police stations and magistrates’ and youth courts**, with further multi-million-pound reforms to solicitors’ pay still under consideration.*

The fee increase is being fast-tracked with the legislation required being laid in July so that legal professionals begin to see the pay rise before the end of 2022.

The remaining proposals in the recent consultation on criminal legal aid will be responded to later this year, with potential further increases for solicitors and other legal professionals as part of longer-term reforms, with £20 million set aside for this work.”

The Criminal Bar Association tweeted that “There is no change. No barrister will see the money until late 2023/24; the 15% will only attach to new rep orders from October”. As a result **planned days of action continue**, with members of the CBA demonstrating outside of the Old Bailey in London, Birmingham Crown Court, Preston Crown Court and Plymouth Crown Court.

Meanwhile the LCCSA is surveying their membership to see if there is an appetite for industrial action.

The CLSA tweeted that “There has already been delay. We call on the Government to take the simple step of increasing ALL solicitor legal aid rates by 15% without delay.” To see the whole

thread follow @CrimeSolicitors on Twitter.

For an excellent summary of the history of the Criminal Legal Aid Review, [read the latest update from the All-Party Parliamentary Group on Legal Aid](#).

Fixed Recoverable Costs in Civil Cases – Impact on Housing Practitioners



Members will be aware that LAPG has been involved in campaigning on this issue because the proposals will further reduce fees for housing cases and may make organisations unable to continue with housing work.

There is a good summary of the current position on the HPLA website:

<https://www.hlpa.org.uk/cms/hlpa-lapg-shelter-lcn-and-generation-rents-submissions-on-fixed-recoverable-costs/>

This links to the joint submissions made by the groups who are working together on this campaign and to the Hawke report (Housing Legal Aid Provision - the Impact of Extending Fixed Recoverable Costs by Rupert Hawke and Vicky Ling for the Legal Aid Practitioners Group April 2022). It also covers HPLA's response about whether the proposals adequately deal with vulnerable clients. The Hawke Report analysed a sample of 131 cases and demonstrated the significant loss of income for providers if those cases had been run under FRCs.

The group working on resisting this (HPLA, Shelter, LCN, Generation Rent and LAPG) has contacted a wide range of media outlets, [which led to the recent Observer story](#) and Gazette coverage. HPLA met with DLUC (the Department for Levelling Up, Housing and Communities) last week to explain how the impact of FRCs on the housing provider base will undermine the Department's work on the renting reform agenda and got a sympathetic hearing.

There is a concession by the MoJ in the government's response to the HLPAS (Housing Loss Prevention Advice Service) consultation to

exempt legally-aided possession cases from the FRC regime for two years. There are ongoing discussions with the MOJ about the need for further exemptions (we are asking for all housing cases to be exempt).

Immigration Fees Consultation and Extension of Immigration Contracts

The MoJ has commenced a consultation on immigration fees:

<https://www.gov.uk/government/consultations/immigration-legal-aid-a-consultation-on-new-fees-for-new-services>

The deadline for responses is **11.59pm on 8 August 2022**.

Two meetings have been set by the MoJ to discuss the proposals. One meeting will focus on the Nationality and Borders Act proposals and the other meeting is on the remuneration for online procedure appeals in the First-tier tribunals. Jawaid Luqmani of Luqmani Thompson and Matt Davies of Wilsons Solicitors are both members of LAPG's Advisory Committee and along with a representative from LAPG's staff team will attend the meetings and will work on the response. If you would like to contribute to the response please email policy@lapg.co.uk – we are only allowed three representatives at the meetings. It would be helpful to have a couple of immigration practitioners in reserve so please let us know if you would be willing to attend if needed and we will send you the details.

On 6 July 2022 the LAA contracted all representative and member bodies to explain their intention to **extend Immigration Contracts**:

'The Immigration contracts will be extended alongside the rest of the 2018 Standard Civil Contracts until 31 August 2023. Later this year once the MoJ Immigration Fees consultation has concluded, we will consult on changes to the Immigration contract to bring in these fee changes and others arising from the Nationality and Borders Act. Given the scale of the changes, we will then run a tender to allow new providers to bid for Immigration contracts.

Immigration legal aid: consultation for new fees for new services

Overview

This consultation proposes new fees to ensure that immigration legal aid fees properly reflect the changes coming to the immigration system.

The government has consulted on the delivery of legally aided asylum and immigration services to respond to this consultation on new immigration legal aid fees.

Closes 8 Aug 2022

Opened 13 Jun 2022

Author

[https://www.gov.uk/government/consultations/immigration-legal-aid-a-consultation-on-new-fees-for-new-services](#)

This is a change from the approach previously set out, our view is that this approach will allow us to bring in the changes quickly and provider (sic) greater certainty to providers.

The contract extension notices will be sent out as soon as possible.'

Members' Enquiries - Attendance at Court with Counsel – what do you claim?



We have received a member enquiry from a senior solicitor who attended court with counsel. This is a civil non-family case but the general principles are relevant across the board. Counsel was instructed but the solicitor was running the case and very much running the day at court. However the LAA says that they can only receive £33.30 per hour which is the attendance with counsel rate. The LAA will not pay for higher 'Attendance and prep' rate which reflects the standard of work the person was carrying out i.e. that figure is double the attending with counsel rate.

The solicitor sought a figure in excess of the rate as set out in

<https://www.legislation.gov.uk/ukxi/2013/422/schedule/1/made>

But the LAA answer was:

“In respect of the incorrect hourly rate being claimed, regardless of the level of justification provided, as Counsel was instructed to attend this hearing, as laid out in my earlier email, under Table 10(a) The Civil Legal Aid (Remuneration) Regulations 2013, you are only entitled to claim the lower hourly rate of £33.30.”

Table 10(a) is here:

<https://www.legislation.gov.uk/ukxi/2013/422/regulation/10>

This refers to Schedule 5:

<https://www.legislation.gov.uk/ukxi/2013/422/schedule/5/made>

But the reference to £33.30 per hour is in table 10(a) Schedule 1:

<https://www.legislation.gov.uk/ukxi/2013/422/schedule/1/made>

The LAA has been allowing a higher rate where the solicitor was basically running the show.

On first glance it looked like the LAA answer was correct. We asked Paul Seddon from the Association of Costs Lawyers and a member of the LAPG Advisory Committee. Paul's excellent answer is as follows:-

"It was an argument with the LAA that I gave up on years ago. The description of type of work done to which each rate applies is general and therefore a quite restrictive approach can be taken by the LAA without much to argue this is wrong. The £33.30 rate is High Court for those with a Schedule Authorisation to do the work, so I will use these below. The rate is either:

- Preparation and attendance: £67.50/71.55 (London)
- Attendance at court or conference with Counsel: £33.30

The same issue arises in hourly rate claims for family work (Tables 9(a) and 9(b) of Schedule 1). All these rates (subject to 10% reduction in 2011/12) were calculated in 1994 (or 1991 for family, subject to some tweaks when family mags rates were removed in 2007). This was when sending a solicitor's clerk to hearings and conferences was still common. There is nothing I have found which provides or acknowledges a distinction to situations where the conducting solicitor has to attend with counsel, or even to distinguish long telephone calls with counsel (which would be charged at full attendance rate upon anyone else), so nothing to show that legislation does not require that every attendance upon/with counsel must be the lower rate."

Paul went into more detail and with his permission if anybody emails policy@lapg.co.uk we will send out his full answer.

So where does that leave us? Where we have been many times before in having a difficult decision to make about pressing ahead with this issue. Do we flag this up and argue for the higher rate to be paid whenever appropriate? Or does that mean that a senior person at the LAA could look at the issue and decide that the lower rate is always applicable and advise caseworkers to apply it across the board? This is highly unsatisfactory but it is a gamble to take this further. What do you think? Emails to policy@lapg.co.uk please. We would be

interested to know what your organisation does and if actually sometimes you claim and are paid the higher amount and sometimes the claim is reduced.

Launch of new excel escape case claim1 forms

[From the Legal Aid Agency, published 24 June 2022:](#)



Legal Aid
Agency

Excel versions of the EC Claim1 forms are available online for use by providers.

We have developed Excel versions of the EC Claim1 forms for providers to use when submitting escape case claims for controlled work matters.

The file format change will allow us to speed up the processing of your submission. But you will find that there is no change to the:

- *content and layout of the forms*
- *level of information you need to provide*

Accessibility

The new standard versions of each escape case claim form include merged cells. So, we are also uploading accessible versions without merged cells. This should assist people who may be using a screen reader.

Does this affect processing of work?

There are no changes to the way your work will be processed. Providers should continue to submit escape case claims in the usual way using the updated forms and relevant supporting documents. The previous Word-based versions of the form have been removed.

Mandatory to use new forms

Using the Excel escape case claim forms will be mandatory for submitting your claims for controlled work from 1 August 2022. We are asking providers to stop using the old Word forms as soon as possible.

Further information

[Escape fee case claim forms](#)

[Escape cases electronic handbook](#) – for guidance on making claims

Immigration contract changes after asylum reforms



Legal Aid
Agency

From the Legal Aid Agency, published 30 June 2022:

'Changes are being made to the 2018 Standard Civil Contract effective from 1 July 2022 to allow providers to work with immigration and asylum rule changes.

Providers will be able to claim from 1 July for work on rebuttal documents challenging provisional temporary 'group 2' refugee decisions on permissions to stay.

We are making this possible through changes to the immigration and asylum specification in the 2018 Standard Civil Contract.

The changes follow consultations with your representative bodies. The work will be paid at hourly rates.

Why is this happening now?

The changes follow the recent passing of the Nationality and Borders Act 2022, which introduced 2 groups of refugees:

- group 1 refugees are usually granted permission to stay for 5 years after which they can apply for further leave
- group 2 refugees are granted temporary permission to stay for 30 months

Where can I find out more?

Full details of the contract amendments can be found on the Standard Civil Contract 2018 page on GOV.UK.

Further information

[Standard civil contract 2018](#) – for table of amendments and immigration and asylum category specific rules

[Guidance for reporting controlled work and controlled work matters](#) – for updated guidance on how to claim for work completed under the new clauses

Provider opportunity to become peer reviewers

From the Legal Aid Agency, published 4 July 2022:



'Applications welcome from 4 July 2022 for suitably qualified legal aid practitioners to become independent peer reviewers.

We are looking for qualified legal aid professionals who wish to become contracted peer reviewers for the Legal Aid Agency.

Contracts are being awarded in the following categories:

- crime
- family
- housing
- immigration and asylum
- mental health

Anyone currently delivering peer review services who wishes to continue doing this work from 1 October 2022 must also apply.

Timescales

- application window opens 4 July 2022
- deadline for submitting application is 11.59pm on 31 July 2022

What is peer review?

Peer reviewers independently assess random samples of provider case files using guidance developed in consultation with the Law Society, law centres and not-for-profit advice agencies. This guidance is available on our GOV.UK legal aid pages

Once assessments are completed, a report is produced, which sets out positive findings, areas for improvement and the overall quality rating.

This work is important for our auditing and assurance processes.

How much will I be paid?

Peer reviewers are paid an hourly rate of £53.57.

How long do contracts last?

Successful applicants will begin training to become a peer reviewer from September 2022. The contract will be for a period of 2 years, with an option to extend for 2 additional years.

Where can I find out more?

Detailed information on the application process and minimum requirements is available on GOV.UK.

Further information

[Apply to be a peer reviewer](#) – to find out more and download application forms

[Legal Aid Agency audits](#) – for guidance on the independent peer review process

Sector News and Events

The Legal Aid Lawyer of the Year awards – 12 July



We are absolutely delighted that tomorrow sees the return of our traditional, in-person LALY ceremony in central London. After two years of holding the event online, we are really looking forward to seeing 600 of our friends and colleagues to celebrate the quite extraordinary, life-changing impact of the work of legal aid practitioners.

The 2022 LALYs also marks the 20th anniversary of these unique awards, and we have a range of special features planned to mark the occasion. 60 former winners will be joining us, and we will pay tribute to both an individual and an organisation from amongst those winners who truly encapsulate the spirit of the LALYs.

The one downside of an in-person event is that we know that many of you enjoyed being able to

watch the 2020 and 2021 ceremonies via livestream on our YouTube channel. Unfortunately, we just didn't have the budget to both host an in-person event and stream in live online. However, we are recording the ceremony and will release this as soon as possible. You can also keep up with the event live on Twitter by following @LALYawards #LALY22 and we'll post as many images and videos as we can on our newly launched Instagram account.

Congratulations and good luck to [all of this year's finalists](#). It is such a tremendous achievement to have been shortlisted and we couldn't be prouder of you all (and of all of the nominees) for the work that you do and for the difference you are making to the lives of your clients, their families and their local communities. Legal aid practitioners really are heroes.

PLP event: Legal research for social impact – 15 September



Public
Law
Project

Civil society, Universities and Government all want research that has impact. This event is for anyone wanting to commission, develop or collaborate on legal research where the ultimate outcome is positive change to people's lives and living conditions.

Who this event is for:

- Legal researchers or those commissioning research working towards social change at NGOs and Universities.
- Policy professionals, campaigners and lawyers using research to inform action.

As delegates you will learn:

- What the impact agenda is and why it matters to researchers, lawyers, civil society, and Government
- To define and measure impact in the context of legal research
- How to collaborate to build relationships, projects and co-produce impactful research
- What support is available for impactful research, from universities and funders, and how organisations might access this
- Discuss perceptions of failure in impact

LAPG Training & Support

The LAPG Certificate in Practice Management



There is still time to register for individual sessions that meet your specific training needs!

Sessions can either be attended as discrete courses or your involvement could span more than one course if you wish to work towards the full Certificate over a number of years. 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

This course also offers instruction from two guest tutors, Phaniel Mutumburi and Jo Edwards during sessions 4 and 5 respectively. Jo Edwards 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 have now moved the CPM to 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.

Focused 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

- 14 July 2022 - Session 2: Strategic Planning [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

We have two more supervision sessions scheduled in the coming months, 25th August and 12th September. The August Session is filling up fast and there are few spaces remaining, if you want to attend this session reach out now! If you are unable to attend the session or it is fully booked by the time you wish to register, check out our September session!



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.

[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 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.

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.

To subscribe for just £99 please email [Andrea Shumaker](mailto:Andrea.Shumaker@lapg.org).

Online Introduction to Management Course

Here at LAPG 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! While this course is still in the works we hope to share more information with you soon, so keep an eye out for updates.



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](#).

Apologies for the relative radio silence over recent weeks. We've been a little bit short-staffed whilst dealing with a glut of consultations, policy issues and of course preparations for this year's LALY awards. We're delighted that former LAPG Director, Carol Storer, is now assisting us on a consultancy basis with a range of policy issues. Carol brings a wealth of experience and expertise to the team, and with a raft of contract changes, consultations and tenders on the horizon, her input is going to be crucial over the coming months. If you would like to get in touch with Carol please email her new address - policy@lapg.co.uk.

And what about the current political scene? What on earth to say about that and whether the turmoil will adversely impact on justice policy? There has been a range of changes in the MOJ's Ministerial Team and once we have some clarity on who is doing what we will update you.

And finally, as noted above, tomorrow evening we will be gathering in central London for the 20th LALY awards. This will be our largest LALYs ever, with over 600 friends and colleagues joining us. We have been booked out for weeks so apologies to anyone who hasn't been able to get a ticket. We're anticipating another wonderful night celebrating the achievements of the practitioners and support staff who really are the glue that holds the creaking justice system together. And I must pay a personal tribute here to LALY co-founder Fiona Bawdon who created the awards in 2003 and has helped LAPG to organise every event since. Fiona - you really are the heart and soul of the LALYs.

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

Follow LAPG on Twitter [@WeAreLAPG](#)

[#WeAreLegalAid](#)

11/07/22



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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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