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LAPG Member Update

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Legal Aid News & Events

Changes to Asylum Billing

News story
Civil news: early billing for asylum matters

Following a contract consultation the LAA has made changes to the Immigration Contract effective from 1st September to allow providers to claim for asylum matters before they have concluded.

“Providers will be able to claim the standard fee for asylum matters before the case has concluded if they meet set criteria. Organisations doing immigration and asylum work should review the amended contract and provider guidance to ensure they submit accurate claims.

The news story can be found here:

<https://www.gov.uk/government/news/civil-news-early-billing-for-asylum-matters>

Further information can be found here:

[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

[Legal aid guidance](#) – for practical guidance relating to early billing for asylum matters.”

LAA lunch and learn event: A day in the life of a LAA civil merits caseworker



As part of an ongoing initiative to improve understanding between providers and the LAA, the Agency has organised its next ‘lunch and learn’ event and has asked us to share the details with members:

‘Please come and join us for our latest LAA lunch and learn event: A day in the life of a LAA civil merits caseworker

We will be joined by James Ottaway, a civil merits subject matter expert, and Marina Park, a senior merits caseworker. They will be talking to you about what their roles entail and the variety of work they

undertake on a day-to-day basis.

This will include:

- Project work
- Ensuring consistency
- Getting it right first time
- Making sure clients receive timely access to legal representation

Please be advised: Our presenters will be answering general questions about their roles during the event. They will not be able to answer case specific questions. Please continue to contact us via the usual channels for any case-specific queries.

Please use the following link to register for the event:
[**LAA lunch and learn: A day in the life of a LAA civil merits caseworker: Thursday 29 September @ 1245hrs**](#)

Once registered, you will receive a MS Teams invitation nearer the date.'

Pre-charge engagement scope changes and CWA reporting

Published by the LAA – 1 September 2022

'Rollout of the Standard Crime Contract 2022 will change the scope of pre-charge engagement for cases that start on or after 1 October 2022.

Scope changes affecting pre-charge engagement work means there will be an additional reporting code to use in Controlled Work and Administration (CWA) from 1 October 2022.

What are the changes?

The changes allow providers to claim for preparatory work carried out before any agreement with the police and Crown Prosecution Service (CPS) for pre-charge engagement.

Main points to note are:

1. *It applies when preparatory work takes place to determine if pre-charge engagement would benefit the client.*



2. Claims may be submitted irrespective of whether there is subsequent agreement between parties to the investigation to do any pre-charge engagement work.

Before 1 October 2022 it is not possible to claim for work when the above applies. But from 1 October providers will be able to make a claim, even where there is no subsequent agreement.

Details of the criteria which needs to be satisfied to make a claim are set out in chapter 9 of the Standard Crime Contract 2022 specification.

What is pre-charge engagement?

The work involves voluntary meetings and correspondence with the police and CPS prosecutors after the first police interview under caution before any charges.

It is a voluntary process carried out in line with the Attorney General's guidelines on disclosure.

Where can I find out more?

You can view the amended 2022 Standard Crime Contract specification on GOV.UK. Chapter 9 covers pre-charge engagement. See paragraphs 9.113-9.137.

Changes to supporting guidance will also be made on 1 October to coincide with the start of the Standard Crime Contract 2022. The Criminal Bills Assessment Manual will be updated, and CWA outcome code CN13 will be introduced for this new cohort of cases.

Providers should note that code CN13 is labelled 'pre-charge engagement not agreed'.

Further information

[Standard Crime Contract 2022](#) – see chapter 9 of the specification for amendments

[Criminal Bills Assessment Manual](#) – new version available from 1 October

[Attorney General's Guidelines on Disclosure 2020](#) – annex B, paragraph 10

[CWA guidance](#) – claim codes guidance will include new outcome code CN13 from 1 October

[Government's interim response to the criminal legal aid independent review](#) – for the government's position on the funding of pre-charge engagement'

Law Society and SRA positions on solicitor duties during the CBA industrial action

The Law Society raised concerns with the SRA about the SRA's guidance placing undue burdens on solicitors where Counsel is not available. Amended guidance was produced and is online here:

<https://www.sra.org.uk/solicitors/guidance/duties-during-action-criminal-bar-association/>

It is relatively short and sets out the professional obligations of solicitors and refers to:

- Principle 7 to act in their client's best interests
- Principle 1 to uphold the constitutional principle of the rule of law and the proper administration of justice
- The duty under SRA Codes of Conduct not to waste court time.

If the advocate instructed is on strike, the document sets out that solicitors should take steps to find another suitable lawyer, tell the court and the prosecution what is going on, use in-house solicitor advocates only where appropriate and assist the client to represent themselves if that is the only option left, including going to court and offering support there. It is clearly stated that the SRA does not expect solicitors to act beyond their competency or undertake advocacy without the required rights of audience. Solicitors should also consider their position when taking on new cases and the possibility of no advocate being available.

This is helpful because there were cases of judges putting pressure on solicitors to take over from a striking advocate. At least this guidance can now be referred to if anyone finds themselves in that position.

However issues remain – and they are well set out by Laura O'Brien of Hodge Jones and Allen on Twitter @lauraemilyob – most importantly will solicitors be paid if they go along to court to support?

HMCTS Reform – brief summary of court modernisation programme

It is hard to keep on top of all that is happening in the court reform agenda. LAPG members will be aware of the court modernisation programme and will have first-hand experience of some of it. In case you want to know how it is being portrayed by the MoJ here is an up-to-date summary.

For an overview of the programme:

<https://www.gov.uk/guidance/the-hmcts-reform-programme>

The various programmes are listed here: <https://www.gov.uk/government/collections/hmcts-reform-programme-fact-sheets> and there are fact sheets covering them all:-

- Civil: Possession, Online Civil Money Claims, and Damages Claims
- Crime: Single Justice Service, Make a Plea, and Common Platform
- Family: Family Public Law and Adoption, Online Divorce and Financial Remedy, and Probate Online
- Infrastructure and enabling services: Courts and Tribunals Service Centres, Digital Support, Publications and Information, Scheduling and Listing Project, and Video Hearings Services.
- Tribunals: Immigration and Asylum Tribunal and Social Security, and Child Support Tribunal
- There are also five case summaries on this page.

The MoJ state that they have been modernising their services since 2016, “providing new, user-friendly digital services and improving efficiency at the same time”. When the pandemic hit they had to adapt and make immediate changes. Their goal now?

“It is now even clearer that we need to finish our programme of reform so we can recover from the impacts of the pandemic, ensure our future resilience and provide a platform for future development to meet the demands of an ever-changing society.”

What is happening next?

- There should be an interim evaluation report by the end of the year.
- The National Audit Office is currently undertaking a Value for Money study on the progress of the court reform programme. Their report is due out later this year.

There has been a considerable delay in the possession project as well as the Video Hearing Service. We understand that the HMCTS has decided to temporarily pause the roll out of the VHS while improvements are made.

The White Paper from the Department of Levelling Up, Housing and Communities: there are a number of commitments within this, including some that affect the policy landscape – such as abolishing s.21 no fault evictions – so they're working out when is best to start this reform. This will also be dependent on the outcome of the leadership contest.

2022 Crime Contracts and Duty Solicitors

On 18 August the LAA started uploading 2022 crime contracts into Contracted Work and Administration (CWA) for all applicants who:

- successfully tendered for the Standard Crime Contract 2022
- completed verification

They have also published duty solicitor membership lists starting 1 October.

Details are here:

<https://www.gov.uk/government/news/crime-news-2022-crime-contract-uploads-and-october-duty-rotas>

The LAA also published a news story of 22 August aimed at providers without duty rota slots starting on 1 October and the need to return CRM12 forms. The full story can be accessed here:

<https://www.gov.uk/government/news/crime-news-duty-rotas-for-january-2023-under-2022-crime-contract>



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2022 Crime Contract tender process – Lessons Learnt Meeting



Legal Aid
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LAPG, as one of the contract consultees (along with The Law Society and The Bar Council for crime contracts), will shortly be invited to a lessons learnt meeting to discuss problems that were encountered by the LAA and by practitioners when applying for a 2022 Crime Contract. This is a chance to raise issues on the process as well as the content. If you have any comments at all e.g. if you had problems with the CRM12 or the supervisor standard or even if you think the process is very straightforward – any and all feedback would be welcome. Please email policy@lapg.co.uk

Sector News and Events

In defence of the Human Rights Act

We have been attending fortnightly meetings about the proposed British Bill of Rights Bill – this will effectively destroy the Human Rights Act. A lot of organisations are putting a lot of resource into this.

Liberty is co-ordinating an effective campaign to protect the HRA, developing resources, engaging politicians and civil society organisations and running events to ensure that information is disseminated as widely as possible. Two events that may be of interest to you in the next week are:

Title: Drop-in session on the Rights Removal Bill and public bodies' duties to protect human rights (positive obligations)

This is a drop-in session organised by Liberty, the British Institute of Human Rights, POHWER, and Inquest, to share information on the impact of the Bill of Rights Bill (better known as the Rights Removal Bill) on public bodies' duties to take positive steps to protect human rights, otherwise known as positive obligations.

Date and time: 11am to 12noon, Thursday 8



September 2022

Speakers: Jun Pang (Liberty), Carlyn Miller (BIHR), Helen Moulinos (POhWER), Rosanna Ellul (Inquest)

Drop-in session on the Human Rights Act, the Rights Removal Bill and the impact on health & social care

This is a drop-in session organised by Access Social Care, Relatives & Residents Association, Liberty and the British Institute of Human Rights, to share information on the impact of the Bill of Rights Bill (better known as the Rights Removal Bill) on the health and social care sector.

Date and time: 12 to 1.30pm on Monday 12th September 2022

To sign up for email updates from Liberty and for more information see:

<https://action.libertyhumanrights.org.uk/page/10020/petition/1?locale=en-GB>

PLP events: Legal Research for Social Impact & Judicial Review Trends and Forecasts



**Public
Law
Project**

Legal Research for Social Impact – 15 September 2022 - Now Online

IMPORTANT NOTE: Due to the announcement of a rail strike on 15th September PLP is moving this event entirely online over Zoom. Many of the seminars will still take place on 15 September, though now entirely online.

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's very own Head of Parliamentary Affairs, Rohini Teather, will be speaking in one of the afternoon breakout sessions on how research and case studies can be used to communicate with Members of Parliament and impact on their work and policy more broadly.

[Further information and booking process here](#)

Judicial Review Trends and Forecasts - 13 October 2022 - London

PLP's annual conference is back and in-person, for a day of cutting-edge analysis, insight and opinion from the UK's leading lawyers and legal thinkers, presented in partnership with Blackstone Chambers and Herbert Smith Freehills. This year's theme is Democracy and the Law. You can view Martin Rowson's masterpiece for this year's event, in full, [here](#).

This event is for all practitioners involved in all aspects of public law and judicial review, including those in private practice, Government, NGOs (including policy and advocacy work), researchers and academics.

[Further information and booking process here](#)

Advice Service Conference - 4 & 5 October 2022 - Manchester

The Advice Services Alliance will be holding a two-day conference for the UK advice sector in Manchester on 4-5 October 2022.

The logo for the Advice Services Alliance. It features the word "advice" in a bold, dark blue font. Below it, the word "services" is written in white on a dark green rectangular background. At the bottom, the word "alliance" is written in a bold, dark blue font.

The conference will be an engaging and stimulating face-to-face event for anyone with an interest to provide the best possible advice in the challenging post-Covid world. Whether you work for an advice service, a voluntary organisation, a funder or other close stakeholder organisation, the conference will both challenge accepted thinking and share key ideas on the future of social welfare advice. The conference will reflect on our history and think forward to the new challenges and experiences facing the sector. We will explore ways we can work together to tackle the social injustices faced by our communities, by clients and by others facing exclusion and discrimination.

Key themes:

- Building our future: working together in partnership to strengthen our common goals
- Strengthening communities: the role of advice in social justice
- Doing different: innovative practice to get advice to where it is needed
- What we know: using data, evidence and research for better advice

[Full details, early bird tickets and registration here](#)

Pro Bono Costs in Tribunals

A reminder that in June 2022, an amendment to the Legal Services Act 2007 came into force, enabling UK tribunals to award pro bono costs. As a result, Pro bono costs are available in proceedings before the First-tier Tribunal, the Upper Tribunal, the employment tribunal, the Employment Appeal Tribunal, and the Competition Appeal Tribunal.

For more information about Pro Bono Costs orders, see the Access to Justice Foundation's website here:

<https://atjf.org.uk/pro-bono-costs-orders>

Specific guidance on the recent development in relation to Tribunals can be found here:

<https://atjf.org.uk/wp-content/uploads/2022/06/220616-A4-Quick-Guide-Tribunals-1.pdf>



THE
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HLPA Housing Law Conference - 17 November 2022



SAVE THE DATE

The theme of this year's HPLA Housing Law Conference is Leading the Way: The Modern Housing Lawyer. The conference will be held on a hybrid basis on 17 November 2022, with the live element taking place at 10 Union Street Conference Centre, London Bridge, London SE1 1SZ.

Further details will be available shortly, but please save the date in the meantime.

For more information, contact Professional Briefings at london@profbriefings.co.uk or 01920 282262.

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 changed from previous LAPG updates

- 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 August Session has now sold out; we currently have two other sessions available on 12th September and 1st November.

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.

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

[NOVEMBER 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.uk).

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! 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](#).

As this Update goes out to LAPG Members a new PM is meeting the Queen and will shortly embark on a new Conservative policy programme. All eyes will be on announcements about cutting energy costs, the cost of living crisis more generally, and on international relations. There might even be some attention paid to a certain asylum relocation policy currently being challenged through the courts. An urgent solution is also required to the CBA industrial action in response to the MOJ's criminal legal aid review proposals, but who will be responding as Lord Chancellor or Secretary of State with responsibility for legal aid? And, if changes occur in the justice ministerial team, will that herald a change in approach? We may know the answers to those questions before you have even read to the bottom of this Update....

Take care one and all,

Chris Minnoch, CEO [@ChrisLAPG](#)

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[#WeAreLegalAid](#)
06/09/22



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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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