



## LAPG Update 8 of 2020

1. **Latest on LAA/MOJ/HMCTS COVID-19 measures**
2. **Key workers in the justice system**
3. **Public Law Project launches 'Coronavirus: Court & tribunal user experience'**
4. **Legal aid operational issues**
5. **Legal Aid Lawyer of the Year awards**
6. **Other LAPG and APPG on Legal Aid events**

---

### 1. Latest on LAA/MOJ/HMCTS COVID-19 measures

Dear colleagues,

Much has happened since we issued our last update on 16 March. Since then we have been working closely with other representative bodies to push the case for more substantial and practical measures to protect clients, lawyers and businesses across the justice system. The Legal Aid Agency issued its first official guidance on 18 March ([see here](#)). It's probably not appropriate to publish what members told us about this first set of guidance...

We have updated the list of measures we have suggested to the LAA to enable legal aid practitioners to operate as effectively and safely as possible in these incredibly challenging times. [See here for the latest version](#). We will continue to update this list as the situation develops and will also try to track the measures put in place by the LAA and other government departments. If you have any thoughts on what the LAA or HMCTS can do to enable you to deliver your services and manage your team please let us know.

The Law Society's latest Legal Aid Update also provides a very useful summary of sources of advice, information and guidance, including:

- [Advice and support from The Law Society](#)
- A practical and sensible list of questions and requests it has put to the LAA
- A summary of HMCTS updates
- Family Courts guidance

Following engagement with the LAA, MOJ and HMCTS by LAPG, The Law Society, Law Centres Network, Resolution, The Bar Council and a range of other bodies, expect to see updated guidance from the LAA tomorrow. This should cover critical issues around legal aid contract

management and compliance. The LAA is also considering options for financially assisting providers, beyond the measures they have already announced such as suspending recoupments. It is also critical that you keep up to date on [the measures that the Treasury has announced to support businesses](#).

As always, information is key to planning so please make sure you are following the LAA and HMCTS on social media:

@LegalAidAgency

@HMCTSGovUK

@MoJGovUK

For LAPG's latest news follow:

@ChrisLAPG

@KateLAPG

@APPGLegalAid

## 2. Key workers in the justice system

Last week the government released an updated list of key workers who can continue to send their children to school and childcare settings. This included:

- *Advocates required to appear before a court or tribunal, including prosecutors*
- *Other professionals required to support the administration of justice, including duty solicitors, solicitors, legal executives and paralegals*

We have been working with The Law Society to ensure that these guidelines reflect the reality of working in legal aid. We have also liaised with the MOJ and LAA to ensure that the phrases 'required to appear' and 'required to support' include all urgent and essential work and not just appearances, remote or otherwise, in hearings.

The Ministry of Justice has just released new official guidance to provide further clarification:

*The Government has confirmed that keyworkers include those "essential to the running of the justice system". On Friday, the Ministry of Justice shared a list of key workers within this category.*

*We would like to provide further clarification of those legal practitioners covered within this category who are essential to the running of the justice system, and, in particular, the courts and tribunals:*

- *Advocates (including solicitor advocates) required to appear before a court or tribunal (remotely or in person), including prosecutors*
- *Other legal practitioners required to support the administration of justice including duty solicitors (police station and court) and barristers, solicitors, legal executives, paralegals and others who work on imminent or ongoing court or tribunal hearings*
- *Solicitors acting in connection with the execution of wills*
- *Solicitors and barristers advising people living in institutions or deprived of their liberty*

*Only legal practitioners who work on the types of matters, cases and hearings listed above, will be permitted to be classified as a keyworker.*

*In addition, some legal practitioners will intermittently fall into this category because they need to provide advice or attend a hearing for an urgent matter relating, for example, to safeguarding of children or vulnerable adults, or a public safety matter. For the limited time required to deliver this work, a legal practitioner will be a key worker.*

*As the Government has said, many parents who are key workers may be able to ensure their child is kept at home and every child that can safely be cared for at home, should be.*

*As events evolve this guidance may change. Please ensure you regularly check this and other Government guidance for the most up to date information*

### **3. Public Law Project launches ‘Coronavirus: Court & tribunal user experience’**

A number of people have taken to legal Twitter over the past week to share their stories about life in the courts and tribunals in the current climate. PLP would like to hear about your experience of how corona virus is affecting the operation of courts and tribunals. Their goal is to centralise the data in order to identify issues and any patterns that arise and they would be very grateful if you could [please complete the survey here](#).

For an informative and compelling read from the court frontline, read yesterday’s [Nearly Legal blog written by Simon Mullings](#).

### **4. Legal aid operational issues**

#### **CW1**

It’s the wrong form Gromit! Last week we raised a problem with the LAA about the CW1 form generated by the LAA’s online eligibility calculator. Late last year the system wouldn’t print for some users and, since resolving that issue, it seems that the April 2013 version was then generated by the system. The LAA has promised to fix this by uploading the current version (23, May 2018) and the Head of Operations, Steve Starkey, has confirmed that no old CW1 forms used through the on-line calculator due to LAA error will be rejected. If you experience further problems or have claims rejected [please contact us](#).

#### **Issues arising from the LAPG survey on LAA decision-making**

It seems a world away but it was only 10 days ago that we met with a range of senior LAA officials to discuss the LAPG survey on the culture of refusal. In what was actually an incredibly constructive day, we have developed an extensive list of suggested improvements to the operation of the legal aid scheme. Circumstances feel like they have overtaken us, but we know that normality will return at some stage and we will continue to press the LAA to work on these improvements to the scheme. The improvements we have suggested fall into three groups:

1. Training of LAA staff and legal aid providers
2. Getting decisions on merits right first time
3. Improvements in processes

#### 4. Developing better and more effective communication with providers

We'll provide further updates soon on this important element of our work.

#### 5. Legal Aid Lawyer of the Year awards

We are quite understandably receiving calls and emails about how the current crisis might impact on this year's LALYs. Our general feeling is that the LALYs will be more important this year than ever before and will do everything possible to ensure the awards go ahead, even if that means delaying the ceremony currently scheduled for July. Legal aid lawyers deserve to be recognised and celebrated so cancelling the awards this year will be an absolute last resort.

In the short-term we are considering the timetable of the nomination and judging processes. We know that you are all focussing on critical business and continuity planning and trying to assist your clients in the best ways that you can with the restrictions in place. We know, therefore, that putting nominations together and getting supporting statements might not be top of your list. We'll update you on any changes we make in the coming days.

#### 6. Other LAPG and APPG on Legal Aid events

##### **The All-Party Parliamentary Group on Legal Aid**

##### APPG meeting 23 March 2020 – Criminal Legal Aid Review – Postponed

We cannot currently hold meetings of the APPG on Legal Aid so this meeting has been postponed. The Criminal Legal Aid Review will continue over the coming weeks and months, and we are urging all those with an interest in this area of work to engage with the Review. In the short-term we are encouraging practitioners to complete the MOJ survey:

'Criminal Legal Aid Review: An accelerated package of measures amending the criminal legal aid fee schemes'

<https://consult.justice.gov.uk/criminal-legal-aid/criminal-legal-aid-review/>

The survey closes on **27 March 2020**.

The APPG on Legal Aid is currently focussing its energies on developing resources for MPs and their caseworkers, such as signposting and referral guides to enable them to direct constituents to appropriate sources of advice in these incredibly challenging times. The APPG is also in the process of developing online training materials on key areas of legal aid and social welfare law so that MPs and their caseworkers have ready access to appropriate training materials.

##### **LAPG CPM Session for NfPs and LAPG Supervision Course – 28 April and 15 May respectively**

These courses have also been postponed. We will monitor developments closely to see whether it is possible to reschedule these courses. We are also exploring the viability of delivering these courses online. All those who have purchased a ticket to these events will be contacted and

offered a full refund.

We know that this is an incredibly difficult time for you all, both personally and professionally. We are so proud of the work being undertaken by our members and the wider legal aid and justice sector. Over the coming weeks we will continue to fight to make the system better for all members of society, and to ensure we manage through the current crisis.

Take care of yourselves and your loved ones.

**22 March 2020**

Chris Minnoch, CEO

Kate Pasfield, Director of Strategy

Rohini Teather, Head of Parliamentary Affairs

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.



**LEGAL AID  
LAWYER  
OF THE YEAR AWARDS**