



Legal Aid
Agency

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Your Questions Help Us Say Yes Webinar:

**LAA contract manager visit for providers
holding a 2022 standard crime contract**

06 October 2022



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Managing contracts

Q: Does the physical office have to have someone present throughout business hours, even if it's a serviced building that has a manned reception at the entrance?

A: Section 2.41 of the contract specification details what the physical office should or shouldn't include. In brief, there should be someone available in the office during business hours to answer the phone or to make an appointment. This does not have to be a duty solicitor.

Q: Designated areas. Does it relate to the location of the court or the location of the provider's office?

A: If you are based in a Designated area, every claim you make would be Designated, regardless of the court. If you're based outside of a Designated area, it would depend on the court.

Q: Clarity around the use of 'Leap' Case Management IT System - you mentioned there was an error in relation to hourly rates, what was this?

A: Some providers have mentioned that the standard hourly rates in Leap for court duty claims are incorrect or were incorrect at the start of the contract. This has been flagged with Leap and may have been resolved already. You should check with your software provider to make sure that the hourly rate generated is the right one.

Q: Does Leap allow you to run CRM11s?

A: Yes, they do but you may want to check this with them.

Q: If we act as an agent for another firm and cover their court duty slot for them i.e. they bill the hours, can they log those hours spent on that duty towards their compliance records?

A: You can't act as an agent for court duty. You may swap duties with another duty solicitor on the same scheme.

If you swap a court duty session, you can put those hours on your compliance record.

Q: Does private work count towards the 50 hours monthly rule, if it relates to criminal work?

A: Yes, it does. Please refer to [Duty solicitor guidance available on GOV.UK](#). This confirms what you can and cannot count towards your criminal defence hours, including private work, paragraph 2.12

Q: Can you tell us what the hourly rate is for court duty solicitor claims?

A: The hourly rate is in schedule four of the [Criminal Legal Aid \(Remuneration\) Amendment\) Regulations 2022](#). remuneration regulations.

Q: Will there be leeway for firms, without a great deal of own clients, whilst they build up their client base through duty solicitor slots for compliance purposes? For example, completing 50 hours per month as well as the required number of cases?

A: The contract specifically states the requirements that firms need to meet from day one (1 October 2022). There may be isolated incidences, for example a scheme might be particularly quiet and there may be may genuine reasons why a duty solicitor might not be able to meet the hours, including illness and annual leave. You should discuss any specific issues with your Contract Manager (CM). It may potentially cause a problem depending upon the level of non-compliance and how long it lasts, however, a CM discussion in the first instance would be appropriate. CMs will not be looking at duty compliance (for new providers) from the end of month one. Generally, CM's don't look at anything less than a 3-month period, and it may be closer to 6 months in some instances. You must let your CM know immediately if you are struggling to comply.

Q: We have an office in Yorkshire and an additional office in London. Will we still have only one contract manager?

A: Where your lead office is based will determine who the Contract Manager is and from which regional office. You will only have one contract manager. That contract manager might commission another CM, who's more local to you, to visit you for assurance purposes but you'll still have only one lead contact point.

Q: If you are a new firm and only starting casework under the new crime contract from October, is there any flexibility to meet the minimum hours or cases?

A: See answer above.

Q: Will mileage be an issue if several of your clients are in Leicester, for example, when you are London based?

A: It depends what kind of cases they are and whether it's a police station or a Magistrates Court matter, but as a general principle, providers shouldn't be travelling longer distances without justification.

The Criminal Bills Assessment Manual states the further the travel, the greater the justification needed. There may be instances where travel might be higher than usual, for example if there are difficulties for the client, if the client has mental health issues or it's in a remote area and there isn't alternative provision locally. You can also use an agent. Your CM would speak to you if something looked unusual or could potentially be an issue. You should put a note on file to justify if you have travelled a long way and there's good reason for doing so.

Q: Where work is undertaken as a consultant for another firm does that count towards compliance?

A: This is covered in the [duty solicitor guidance on GOV.UK](#).

Q: Can privately paid cases count towards the cases required for duty solicitor compliance?

A: This is covered in the [duty solicitor guidance on GOV.UK](#).

Q: I was told to limit myself at 100 miles returned journey for prison law and there was no leeway on that?

A: It's very difficult to answer questions on specific cases without seeing the detail. You should speak to your CM if you have concerns on specific cases.

Q: Does it matter if you're based in one city but get a lot of work from another city?

A: It depends on the work, how far away the other city is, and how you are getting that work as opposed to duty work, which would be for the local duty solicitor to pick up. You should check with your CM.

Q: London to Birmingham?

You would need to consider if it is reasonable to travel to London if you are based in Birmingham. The client asking you to attend isn't justification alone to claim the full mileage because there are lots of solicitors in London who could attend without the additional travel claim.



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