

Resolution working for you

Elsbeth Thomson, Nicola Jones-King and Emma Cordock from the Legal Aid Committee have met David Thomas, the LAA's Head of Contract Management and Assurance to express members' dismay and concerns about the continuing effects of the cyber incident and restoration of services. Elspeth Thomson also had a subsequent meeting with Jane Harbottle CBE, the LAA's CEO.

In response to the questions raised, the LAA emphasised that they recognise the disruption to legal aid providers including administrative burdens, accounting difficulties, and challenges in managing information. They are immensely grateful for providers' flexibility.

When questioned on why crime systems have been restored first, they explained that CCMS is an outdated fragile system with nine subsystems and crime systems were easier to restore. Crime has not been prioritised, it used simpler architecture and easier recovery path. Civil recovery has been difficult due to the need to migrate to new servers and implement additional security measures. It had to be turned off suddenly and turning it back on is full of unknowns, harder than introducing a new system. It requires a cautious phased reintroduction and security is priority.

LAA Staff have been reassigned to process items already in the system. Over 12,000 emails are being reviewed, particularly those involving decisions regarding delegated functions.

In relation to issues with LAA communications concerning the delay to restoration of CCMS, they said that there is tension between being transparent and avoiding unnecessary concern. They did not want to announce delay prematurely due to the fluid nature of the situation.

It really helps if you can let us know what is working and not working for you and any changes you'd like to see. Please email: legalaid@resolution.org.uk

Resolution's legal aid committee recommend:

- Preparing to submit claims for payments on account (POAs) as soon as the system is restored as these will be paid quickly and generate cashflow.
- Ensuring you have all the information you need to allocate Counsel's fees when the system restores and liaise with Counsel to ensure submission of their final bills co-ordinates with yours.
- Liaise with the costs professionals you use to make sure they are ready to submit bills when access is restored.

- Liaise with the costs professionals to make sure you know what claims (bills and POAs) were already with the LAA when the system went down as these will not need to be re-submitted but you will need to make sure they are paid.
- If you haven't already done so, prepare a list of cases for each fee earner so that administrator(s) can link them when access is restored.
- Leaving Legal Help/Family Help Lower files open after all work has been completed, so that the new single code for Submit a Bulk Claim can be used when available without having to re-open the case.
- Ensure that there is good evidence of means and merits consideration on files where you have exercised delegated functions.
- The LAA is aiming to withdraw the new domestic abuse evidence checking service probably by the end of September. Use it now to check any gateway evidence you aren't 100% sure of if you haven't already done so.

Unfortunately, the LAA has not given any indication regarding compensation. However, we consider it would be justifiable to claim any additional time necessarily spent on cases and/or billing.

- Although the difficulties caused by the cyber incident are at the top of everyone's minds now, some cases won't be assessed for many months or even years. Make sure any additional time taken because of the cyber incident is noted as such.
- If costs are reduced on assessment you should use the appeal process (and if that is not successful the LAA's complaints process). We know that appealing may not seem like the right commercial decision but it is important to challenge incorrect decision-making by the LAA. Latest stats show appeals are likely to be successful – eg in the year to date 69% of costs appeals on escape fee cases were successful at the first stage of internal review.
- If it takes more time than usual to bill cases affected by the cyber incident, it should be justifiable to claim it as it is fee-earner work.
- You will need to check certificates carefully for scope and costs limitations when they are confirmed as substantive by the LAA. You should be able to claim any additional time that's necessary for this.