



The Law Society

**Summary minutes of the meeting of the VHCC
Steering Group**

8 August 2008

Present:

Sarah Albon (SA)
Desmond Browne QC (DB)
Professor Martin Chalkley (MC)
Simon Hayllar (SH)
Derek Hill (DH)
James MacMillan (JDM)
Claire McMara (CM)
Paul Mendelle QC (PM)
Jim Meyer (JM)
Keith Milburn (KM)
Barbara-Ann Tweedie (B-AT)
Rodney Warren (RW)
Matt Shelly (MS)
Adrian Vincent (AV)

1 Introductory remarks

Action

The Group were reminded of the projected timetable:

- There would be a meeting with the Lord Chancellor on 3 September to report on progress towards a Scheme to which all representative bodies could sign up.
- The target in the minutes of the previous meeting on 3 July “to have an outline scheme by the end of September that could be the subject of consultation.”
- The email from the Law Society of 13 July noting the complexities of constructing a new scheme for Stage 2 (arraignment to trial) and therefore they did not agree to the discussion of Stage 2 until stages 1 & 3 had been developed.

2. Update of the Experts Meetings and ‘Stage 2’ of the Scheme

MC reported on the VHCC Experts Meetings over the previous two days that he and SH had had with VHCC experts from the Law Society, Bar Council and LSC in the areas of general crime, general fraud and serious fraud.

The discussions had revealed the complexity and variation of different VHCC cases which meant that it was difficult to fit them into being divided into three stages with payment schemes for each stage. A particular task in one VHCC might occur in Stage 1, but the same task in another VHCC might occur in Stage 2, and in another the VHCC that task might overlap Stages 1 and 2. Those involved in these discussions had therefore agreed that a more fruitful way of proceeding was a ‘task’ approach rather than a ‘stage’ approach.

JM said that at the experts meetings it had also been suggested been that payment by task might mean that separate case categories (1, 2, 3 & 4) might no longer be necessary.

Law Society representatives were content for the work of the experts to continue and for the task based concept be further developed. They noted that at those meetings no change in the division of spend between barristers and solicitors was envisaged. Nevertheless, the Law Society would only be able to make a judgement over whether such a scheme would be acceptable to solicitors when the details were produced accompanied by financial numbers. Solicitors should be able to do an exercise of comparing what they earned for a VHCC under the current scheme with what they would earn for the same VHCC under a new scheme.

MC said that if what was wanted was not “an outline scheme by the end of September that could be the subject of consultation” but a detailed scheme showing the payment rate for each individual task, this was not achievable by the end of September.

SA welcomed the development from a ‘stage’ approach to a ‘task’ approach because it took account of the lack of homogeneity in VHCCs. She suggested that the Scheme define the core work in every VHCC with a payment for that work, but supplemented by hourly rates to take account of the complexity of individual cases.

MC said that payment for outcomes gave practitioners the freedom to choose *how* they undertook a task and *who* they asked to undertake it and removed the unremunerated time in negotiations in having the ‘how’ and ‘whom’ approved in advance.

3 Next steps

RW suggested that the Law Society and the Bar produce a joint statement explaining the progress that had been made so far and the size of the task still ahead. DH asked that the LSC be included in that work.

**Bar/Law
Soc/LSC**

JM said that at yesterday’s experts meetings, the Law Society representatives had agreed to come up with a list showing all of the work that solicitors did in VHCCs, and from which to identify which ones happened in every case to produce a list of core tasks. He believed this to be achievable.

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DB proposed weekly meetings led by SH and MC to progress the work as quickly as possible.

MC/SH

4 Date of the Next Meeting

9am Monday 22 September, Ministry of Justice, 102 Petty France, London, SW1H 9AJ