

---

## Legal Services Agency (LSA) Pilot on Practitioner Error & Fraud,

---

Members will shortly receive a Circular from the Legal Services Agency (LSA) describing an upcoming Pilot Sampling and Review Programme which has been developed by the LSA to assess and detect the presence of any Practitioner error and fraud in the legal aid system.

The Pilot will involve the LSA calling in a number of practitioner files and undertaking a verification review in relation to the means, merits and payment, where applicable.

It is intended that approximately 88 cases per month will be sampled out of approximately 7500 payment requests which are received and processed by the Agency on a monthly basis.

The Pilot will run **from 18 October 2021 for a period of three months** and the learning obtained from same will be used to inform the LSA's procedures thereafter.

It is understandable that members will have many questions regarding this Pilot. The Bar Council and Bar Associations have, alongside the Law Society, attempted over several weeks to address a variety of areas where clarity, reassurance and guidance is required.

This has enabled certain assurances to be obtained such as the sample size (approximately 1% of the total volume of payment requests per month) and an undertaking that files selected for review will not have their payments delayed save in cases of non-cooperation in the provision of the file or where a fraud is suspected. The LSA will also be providing detailed Guidance and Q&A related to the pilot later today to try and address the various queries that have been lodged.

However, there may still be various areas where further clarity or reassurance is required.

Should anyone contacted in relation to the Pilot have difficulties or concerns we encourage the member affected to make these known to the LSA.

The Guidance makes clear that in any particular case a practitioner may raise a concern for consideration by the Director of Legal Aid Casework presenting grounds for a refusal to provide the requested information.

If a practitioner finds themselves in this position, it would be appreciated if you could also copy in the Chief Executive and Chair of your relevant Bar Association so that we understand any issues arising.