



Frequently asked questions – 2010 Standard Crime Contract contingency extension

13 November 2015

Further to our announcement on 13 November, this document has been issued to answer potential questions from organisations affected by the contingency extension of existing 2010 Standard Crime Contracts.

1) What communication should I receive from the LAA, when, and through what channel?

We will write to organisations based on their specific circumstances to notify them of the impact of the decision to offer a contingency extension and delay the commencement of work under new contracts until 1 April 2016.

Letters will be sent by email on Friday 13 November. They will be sent to the email address for your Contract Liaison Manager held in the LAA's Controlled Work and Administration (CWA) system. Correspondence will not be sent via the LAA's eTendering message system.

2) Why is the LAA taking the option of a run off contingency extension up to 10 January 2017?

The Government is committed to the introduction of the new contracts as soon as possible. The option of an extension of the contingency arrangement is being taken to ensure that the LAA is in a position to maintain the duty provider service if, for any reason, it is not possible to enter into the new contracts within the intended timescales.

3) Why has the introduction of the new fee structure been delayed?

The new fee scheme was designed to complement the Own Client and Duty Provider contracts. The MoJ has decided to delay the introduction of a new fee scheme until 1 April 2016 when the LAA intends to start entering into Own Client and Duty Provider contracts. A statutory instrument to reflect this will be brought forward shortly.

4) I have not received a letter from you. What should I do?

If you (a) hold a current 2010 Standard Crime Contract and/or (b) have been notified of the LAA's intention to award you a 2015 Own Client Contract you will receive a letter from us.

If you have not received correspondence from us by the end of business on Friday 13 November, please first check CWA for the details of your Contract Liaison Manager.

If your Contract Liaison Manager has not received our letter to their email account, they should check your organisations' security software has not automatically diverted our correspondence into their 'spam' or 'junk' folder.

If after completing these checks your organisation has not received our correspondence, please contact crime.contracts@legalaid.gsi.gov.uk.

5) Do I need to respond if I want to accept the contingency extension of my organisation's 2010 Standard Crime Contract?

Yes. To accept the contingency extension you must complete the offer acceptance form contained in your offer letter indicating that you wish to accept the offer. The offer acceptance form must be completed, signed and a copy returned by email to crime.contracts@legalaid.gsi.gov.uk by the deadline of **23.59 on 22 November 2015**. Contract documentation will be issued which will enable you to continue work after 10 January 2016.

An Organisation who does not accept the offer by the deadline is presumed to have declined the offer and will not be entitled to undertake and be paid for Contract Work from 11 January 2016.

6) My organisation does not wish to accept the LAA's contingency extension offer of my 2010 Standard Crime Contract. What do I need to do?

To decline the offer of a contingency extension to your existing crime contract you should complete the offer acceptance form contained in your offer letter indicating that you do not wish to accept the offer. The offer acceptance form should be completed, signed and a copy returned by email to crime.contracts@legalaid.gsi.gov.uk by the deadline of **23:59 on 22 November 2015**.

7) Do I need to confirm acceptance for each of my scheduled offices?

No, you do not need to confirm acceptance of the contingency extension for each individual scheduled office. You need to accept once for your organisation and by doing so you are accepting for all your scheduled offices.

8) When will contingency extension documentation be available? Do I need to 'click to accept' the contingency extension?

For organisations that accept the LAA's offer of a contingency extension to their 2010 Standard Crime Contract, contract documents covering the period of the extension will be available to view in CWA by Friday 18 December 2015.

Providers will receive an automated email from CWA when their contract documents have been uploaded and are available to view.

Providers do not need to take any action to accept the new documents issued in CWA.

9) I want to decline to do duty work from 11 January but do want to continue to do own client work. Is this possible?

Yes. If you want to decline to do duty work and continue to do own client work you must confirm this on the offer acceptance form. The offer acceptance form must be completed, signed and a copy returned by email to crime.contracts@legalaid.gsi.gov.uk by the deadline of **23.59 on 22 November 2015**.

10) When will you be issuing new duty rotas to cover the 2010 Standard Crime Contract contingency extension?

The LAA will aim to publish rotas no later than 18 December 2015 to organisations that accept the contingency contract extension. New rotas will cover the period between 11 January and 31 March 2016. These will be based on the current scheme membership.

11) What do I do if I need to change the rota information held for my organisation? Such as if I have changes within my organisation which may affect my capacity to service the rotas I am on.

We recognise that, in the same way as during any contract year, changes in your organisation may impact on your capacity to manage the duty calls offered. If this is the case you should send any amendments or changes by email to CMcrimequery@legalaid.gsi.gov.uk

12) I have received notification that my 2015 Own Client Contract for execution is in CWA. Can I still accept the 2015 contract?

No. The commencement of 2015 Own Client and Duty Provider Crime Contracts has been delayed. If your 2015 Own Client contract documents have been uploaded to CWA they will show as 'pending' you will be unable to accept them until we advise you otherwise.

13) I am (or are considering) novating, what does this mean for me?

The offer is based on your current structure. Any novation in hand or to be requested will be considered on its own merits.

14) I am unhappy you are basing allocations on the number of Duty Slots I had. Why not base it on current numbers?

Owing the emergency nature of these measures, we are basing work allocation for the period of the contingency period on previous allocations to ensure that the Lord Chancellor is able to continue to meet his statutory duties.

15) Will the existing contract KPIs continue to apply

Yes the 2010 KPIs will apply during the period of this extension.

16) What does this contingency extension mean for the LAA's supplemental procurement processes? You have notified bidders of the outcome of procurement in the Devon & Cornwall 1 Procurement Area and have committed to opening a tender process in Hampshire 2 before the end of November.

Contracts awarded through the Devon & Cornwall 1 procurement process have always been intended to align with the service commencement date for mainstream 2015

crime contracts. Our decision to delay 2015 contracts therefore applies to this process too.

Owing to the delay to the commencement of new crime contracts, we will not now begin a full tender process for Hampshire 2 by the end of November as previously indicated. We will announce our next steps for this procurement area along with the next steps for wider crime contracts.

The question below is an addition to Version 2 of this FAQ document:

17) I was successful in the own client tender but don't hold a 2010 Standard Crime Contract. Will I be able to conduct Own Client Contract Work from 11 January?

No. Organisations that do not hold a 2010 Standard Crime Contract will be unable to deliver criminal legal aid work from 11 January. These organisations will now be able to begin when the 2015 Own Client Contract comes into operation. We intend this will be on 1 April 2015.

The only exception is for organisations that do not hold a 2010 Standard Crime Contract but have been offered a 2015 Own Client Contract and have completed the pre-contract validation for Own Client Contracts. These organisations have been made an offer of a contract enabling them to carry out own client work from 11 January 2016 until 31 March 2016. That offer is based on the 2010 Standard Crime Contract.

We have taken the difficult but necessary decision to delay the implementation of the new contracts to ensure that from 11 January criminal legal aid remains available to those who need it and ensure no gaps in provision.