



Legal Aid Agency

Headline intentions for Civil Legal Advice Services from September 2019

16 May 2019

In February the Ministry of Justice (MoJ) published its Legal Support Action Plan alongside its Post Implementation Review of the Legal Aid Sentencing and Punishment of Offenders Act 2012. The Legal Support Action Plan (<https://www.gov.uk/government/publications/legal-support-action-plan>) set out the MoJ's commitment to remove the Civil Legal Advice (CLA) mandatory telephone gateway for civil legal services in the Education, Discrimination and Debt categories by Spring 2020.

In advance of this and to secure continuity of services the Legal Aid Agency (LAA) intends to procure a mixture of specialist telephone advice and face to face contracts for the provision of civil legal services to encourage new entrants to the market and move towards a removal of the mandatory telephone gateway in a phased approach. We are also taking the opportunity to maintain services in specialist telephone advice in Housing & Debt.

The LAA intends to procure contracts for:

- specialist legal advice delivered via the CLA telephone helpline ('specialist telephone advice') in the Education, Discrimination and Housing & Debt categories of law; and
- face to face advice in the Education and Discrimination categories of law.

The LAA is seeking to maintain access to legal aid services and offer enhanced client choice, whilst long-term service models for the Education and Discrimination categories are developed.

What contracts will be available?

The LAA plans to invite tenders for the following contracts:

- Up to two (2) Contracts in the Education category of law for the delivery of specialist telephone advice; and,
- One (1) Contract in the Discrimination category of law for the delivery of specialist telephone advice; and,
- One (1) Contract in the Housing & Debt categories of law for the delivery of specialist telephone advice; and,
- An unlimited number of face to face contracts in the Education and Discrimination categories of law.

The LAA's intention is for face to face contracts to commence from 1 September 2019. Face to face contracts will be offered for an initial term of 24 months ending 31 August 2021, with an option for the LAA to extend for up to a maximum of 2 years, subject to the LAA's rights of termination.

The LAA intends to award contracts in specialist telephone advice in the Education and Discrimination categories commencing on or before 1 September 2019 and ending on 31 March 2021. As the LAA wishes to secure the provision of services in Education and Discrimination it

intends to give preference to applicants who are able to commence the delivery of specialist advice services soonest. Specialist telephone advice services under the Housing & Debt categories will commence on 1 November 2019.

Organisations will be able to tender for, and if successful hold, both a specialist telephone advice contract and a face to face contract for one or both categories.

We recognise that some organisations may be interested in delivering face to face work and may not be in a position to start delivering the work from 1 September 2019. Our intention is to assess the level of face to face provision after the contracts have been implemented. If we consider further provision is required we may offer a further opportunity to tender for face to face Education and/or Discrimination services.

How clients will access Education and Discrimination advice from September 2019

The requirement for clients to apply for legal aid via the mandatory telephone gateway in certain cases is currently set out in legislation. It is intended to repeal this legislation by Spring 2020. Until these changes can be made, clients seeking advice on gateway work in the categories of Education and Discrimination will still be required to access services by initially contacting the CLA helpline.

However, the MoJ and the LAA have agreed to take a phased approach to the removal of the mandatory gateway. From 1 September 2019, it is intended that all potentially eligible clients seeking legal help for gateway work in Education or Discrimination will be given greater freedom to choose to receive either remote advice or face to face advice, having been guided through the options available to them. Prior to the start date of the new contracts, the Lord Chancellor will issue guidance to the Director of Legal Aid Casework to reflect the new approach.

Once the mandatory telephone gateway has been removed from legislation clients will be able to contact face-to-face providers directly.

Procurement timetable

We currently anticipate the procurement process will start at the end of May 2019.

For both face to face and CLA contracts we will continue to require that all providers hold either Lexcel or the Specialist Quality Mark (as audited by the LAA's licensed SQM Accreditor) which is valid at the contract start date. Organisations wishing to submit a tender may wish to consider applying for these standards now if they do not currently hold them to ensure they meet our requirements by the relevant contract start date.

Proposed timeline

Full details of the tender timetable will be published in the Information For Applicants document, however, an indicative timetable of the procurement process is set out below:

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| Tenders open | May 2019 |
| Notification of outcome | From July 2019 |
| Face to Face Education and Discrimination contract start date | 1 September 2019 |
| CLA Education and Discrimination service commencement | No later than 1 September 2019 |
| CLA Housing & Debt service commencement | No later than 1 November 2019 |

Requirements of the procurement processes

All applicants will be required to complete a response to a Selection Questionnaire (SQ) which tests an organisation's suitability to contract with the Lord Chancellor to deliver legal aid services.

Beyond this, applicants will be required to submit a tender for the specific services they wish to deliver by answering the questions in one or more of the Invitation to Tender (ITT) documents.

Face to face contracts in Education and Discrimination

The LAA intends to offer an unlimited number of face to face contracts in these categories. All face to face contracts will be offered on broadly the same terms as the 2018 Standard Civil Contract. The intention is to invite organisations to tender to deliver services across one or more of the following four procurement areas:

- London & South East
- North
- South West & Wales
- Midlands & East

In addition to the SQ, there are likely to be 2 ITTs, one for Education and one for Discrimination, which will focus on the specific services for which we are inviting tenders and test an organisation's ability to meet our minimum service requirements. Organisations will be able to choose which ITT(s) they wish to respond to.

All organisations that are assessed as being suitable and as meeting our minimum service requirements will be awarded a contract.

We anticipate that all organisations awarded a contract will initially be authorised to conduct up to 100 Matter Starts and given authorisation to conduct Licensed Work. Payment will be made at the rates set out in the Civil Legal Aid Remuneration Regulations 2013.

Organisations will be required to employ a supervisor that meets the relevant category supervisor standard and in each category of law organisations will be required to maintain a supervisor to caseworker ratio of at least 1:4 at each office.

We recognise that it may be difficult for some individuals to meet the qualifying requirements to be a Supervisor from the outset of the contract and accordingly we intend to make adjustments to the supervisor requirements for organisations tendering to deliver face to face services. We are currently considering transitional arrangements that ensure a balance between maintaining the quality of supervision and allowing organisations to develop a breadth of experience.

In addition, organisations will need to have access to an Authorised Litigator with experience of carrying out cases within the relevant category of law. They will also need to have an office in each procurement area from which they are tendering to deliver work which meets the definition of at least a part-time presence.

Further information on these requirements will be set out in the contract documents.

Specialist telephone contracts

The procurement process is likely to include an element of price competition.

Contracts awarded through this procurement process will be largely based on existing contracts. For Discrimination, the contract will be based on the 2018 CLA (Discrimination) telephone contract; for Housing & Debt, the contract will be based on the 2018 CLA telephone contract; and for Education the contract will be based on the 2013 CLA telephone contract:

<https://www.gov.uk/government/publications/civil-legal-advice-contract-2013>

Organisations who bid to deliver specialist telephone advice in Housing & Debt must be willing to deliver up to 33% of the current volume of Housing cases referred through the CLA helpline.

Organisations who bid to deliver specialist telephone advice in Discrimination must be willing to deliver up to 33% of the current volume of Discrimination cases referred through the CLA helpline.

Organisations who bid to deliver specialist telephone advice in Education must be willing to deliver up to 60% of the current volume of Education cases referred through the CLA helpline.

In addition to the SQ, there are likely to be 3 ITTs, one for each category of law. The ITTs will focus on the specific services for which we are inviting tenders, test an organisation's ability to meet our service requirements and collect information about an applicant's bid price. Organisations will be able to choose which ITT(s) they wish to respond to.

We do not anticipate that there will be a change to the minimum requirements organisations will need to meet.

Organisations will be required to employ a Supervisor that meets the relevant category supervisor standard and in each category of law organisations will be required to maintain a Supervisor to caseworker ratio of at least 1:4.

Organisations bidding to deliver Discrimination or Education work (as appropriate) are likely to need to have access to an Authorised Litigator with experience of carrying out cases within the relevant Category of Law.

Organisations will need at least one office which meets the requirements set out in the CLA 2018 Specification.

Organisations will need to have telephony and IT infrastructure in place and operational which meets the CLA contract requirements by the intended contract start date.

Further information on these requirements will be set out in the contract documents.