



Legal Aid  
Agency

## **Headline Intentions for Crime services from 1 October 2022**

**16 June 2021**

The 2017 Standard Crime Contract will come to an end on 30 September 2022 and the Legal Aid Agency (LAA) intends to begin the procurement of the 2022 Standard Crime Contract (2022 Contract) in October 2021 for services to commence on 1 October 2022.

The 2022 Contract is intended to span the period of time between the end of the current contract and the point at which it is possible to tender for a contract based on the outcome of the Criminal Legal Aid Independent Review and associated policy and operational implementation work.

The 2022 Contract will run for an initial one-year period, capable of extension in further increments of up to one year each, with a maximum term of 3 years. As with existing contracts, the 2022 Contract will contain a 6-month termination provision.

This approach provides flexibility to best align with the outcome of the Criminal Legal Aid Independent Review whilst allowing sufficient time for policy development and operational implementation post-Review.

### **Outline of Services**

The delivery of criminal legal aid services will be broadly consistent with the way they are delivered under the current crime contract, however, we do intend to make a small number of changes, which are set out below alongside the key requirements organisations will be required to meet under the contract.

Subject to consultation with the LAA's consultative bodies, changes will be made in the following areas:

#### Duty Solicitor Schemes and Duty Solicitor Eligibility

Duty Solicitor Scheme boundaries will largely remain as currently operated under the 2017 Crime Contract, however, a small number of local boundary changes have taken place prior to tender launch.

Duty slot allocation will continue to be based on the geographical location of provider offices and in proportion to the number of duty solicitors engaged from each office.

Duty Solicitors must be accredited under The Law Society's Criminal Litigators Accreditation Scheme CLAS or have been a member under the 2017 contract. This is a change from the existing contract, Headline Intentions for Crime services from October 2022.doc

which requires membership under a previous contract. We are proposing this change to ensure experience remains current.

#### Minimum Hours of Criminal Defence Work Requirements

Duty Solicitors will continue to be subject to a minimum hours requirement. However, we propose to reframe the requirement from a weekly to a monthly requirement, measured on a 3-month rolling basis so that no single month is considered in isolation, subject to agreement during the contract consultation process.

This change seeks to reduce administration for providers and the LAA, and to better accommodate the different working patterns of Duty Solicitors.

As under the current contract, Duty Solicitors unable to meet the requirement will continue to be able to carry out Contract Work, however, they will not be eligible to join Duty rotas.

#### Peer Review

For the 2022 Contract, we intend to return to a targeted peer review scheme for criminal legal aid contract holders – this would align the peer review approach with the Civil provider contracts.

The following areas will remain unchanged from the 2017 Contract:

#### Office Requirements

Organisations will be required to deliver Crime legal aid services from an office which meets the contract requirements and which is permanently occupied during normal office hours.

Contract holders will be eligible to join Duty Solicitor Schemes based on the offices which meet these requirements although there is no requirement to deliver duty solicitor services. Organisations should note, however, that there will be no further opportunity to join Duty Solicitor Schemes outside of the procurement process.

In order to verify offices from which organisations wish to deliver criminal legal aid, they may be required to evidence that offices have been properly registered and approved by the Solicitors Regulation Authority.

#### Supervisor Requirements

As a minimum we will require organisations to employ a full-time equivalent supervisor who meets the relevant Crime Supervisor standard (depending on the Class(es) of work bid for) for each office.

The standard requires Supervisors to demonstrate 350 hours of casework for each year over the last 3 years and provide a number of case examples to demonstrate work undertaken at the Police Station, Magistrates' Court and Crown Court. Where a proposed Supervisor is unable to demonstrate these as a direct result of COVID-19, proposed supervisors will be able to use a longer period to do so, in line with the LAA's Coronavirus (COVID-19) contingency response, available at: <https://www.gov.uk/guidance/coronavirus-covid-19-legal-aid-agency-contingency-response>

Proposed Supervisors will still be required to hold CLAS.

There will be a requirement to maintain a Supervisor to caseworker ratio of 1:4.

The exception to this will be in the area of Prison Law where a ratio of 1:6 will apply. Additionally, in Prison Law only, we will permit Supervisors to act for no more than two organisations, with a pro rata reduction in the number of staff to be supervised where such an arrangement applies.

#### Relevant Quality Standards

It will be a contract requirement that all providers hold either the Specialist Quality Mark (SQM) or Lexcel by the contract start date and will need to provide us with evidence of this by the verification deadline.

Organisations wishing to submit a tender should consider applying for these standards with sufficient time to enable them to meet the contract requirement by booking any audits required in good time.

#### **Tender Process**

The tender process will be a single-stage process that will assess an organisation's suitability to contract with us, as well as an organisation's ability to meet our minimum service requirements.

Applicants will be required to complete and submit:

- i) a response to the Selection Questionnaire (SQ); and
- ii) a response to the Invitation To Tender (ITT), including submitting details of any Duty Schemes for which they are eligible to join, based on their Office location(s).

The SQ stage for these services is likely to follow a similar approach to that used in previous procurement processes and will test an organisation's suitability to contract with us in addition to meeting the standard SQ requirements.

**All organisations that are assessed as being compliant and as meeting the minimum service requirements will be awarded a Contract.**

**It is an organisation's responsibility to ensure that they provide correct and compliant information either in their Tender or as part of Tender verification.**

#### Membership of Duty Solicitors Schemes

Organisations will be required, as a part of their tender, to submit details of offices from which they wish to join relevant Duty Solicitor Schemes and complete and submit a Duty Information Form setting out the schemes for which it wishes to receive duty rota slots.

A postcode tool will be available to assist organisations to identify which Duty Solicitor Schemes an office is eligible to join.

#### Verification of Tender information

Organisations will be required to provide some information to support the verification of their tender as a part of their bid. Where organisations are not able to provide this information, or it is not requested as part of their Tenders, this will be collected once the decision to award has been communicated.

### Eligibility to Join the October 2022 Duty Solicitor Rotas

Organisations seeking to nominate Duty Solicitors for the October 2022 rotas will be required to pass verification to enable rotas to be drafted and published in advance of starting.

Where organisations are not able to verify their Tenders by this deadline, they will not be eligible to join the October 2022 rotas.

### Remuneration

The current rates of payment can be found in The Criminal Legal Aid (Remuneration) Regulations 2013 (as amended) ("Remuneration Regulations").

### Proposed Timetable

We anticipate that the activity relating to the procurement process will broadly follow the timetable set out below, however, a final timetable will be published in the Information For Applicants.

|   |                      |
|---|----------------------|
| Tender opportunity opens                  | October 2021         |
| Tender opportunity closes                 | December 2021        |
| Notification of outcomes                  | Spring 2022          |
| Verification of tenders and CRM12 process | Spring - Summer 2022 |
| Contract Start Date                       | 1 October 2022       |