

2014 Standard Civil Contract Community Care Specification
Category Specific Rules

Category Specific Rules

Section 8 Community Care

This part of the Specification sets out the rules relating to cases undertaken in the category of Community Care.

Supervisors' legal competence standard

8. 1 At any time during the Contract the Supervisor must, in the previous 12 months, have undertaken work on the minimum number of cases in the Community Care case categories in Table One below:

	Community Care Case Category	Minimum Number of Case Files Required
1	Assessment: <ul style="list-style-type: none"> • Failure to assess or review assessments • Disputed assessments • Implementation • (Note: Where the supervisor cannot demonstrate three separate examples over the 12 month period but can evidence one substantial case (i.e. High Court or a case of 100 hours or more), this may demonstrate the required level of experience in this type of Community Care case). 	3 Case Files
2	<ul style="list-style-type: none"> • Charging for services • Health Service Provision • Services for asylum seekers • Services for children • Unsuitable/ inappropriate housing • Hospital discharge • Capacity issues • Closure/reorganisation • Service Provision and eligibility criteria • Carers rights and needs 	2 files

8. 2 At any time during the contract the Supervisor must, in the previous 12 months, have undertaken work on the minimum number of cases in each of the 4 case types in Table Two below:

	Community Care case type	Minimum number of case files required
1	Case demonstrating the ability to recognise the appropriateness of Judicial Review and to act upon it (referral may be accepted as appropriate action for non- solicitor organisations)	1 case file
2	Case where substantive advice is given to the client on the appropriate remedy in their case, one of which is Judicial Review and the other is an alternative remedy (i.e. complaints or other dispute resolution, ombudsman/commissioner)	2 case files

3	Case demonstrating the ability to recognise a possible contravention of the rights and freedoms expressed in the European Convention on Human Rights 1950, as given effect in the Human Rights Act 1998.(as amended)	1 case file
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- 8.3 The Supervisor must maintain a portfolio (including case name and reference) of cases to demonstrate compliance with Paragraphs 8.1 and 8.2. The same case file can be used to demonstrate compliance with Paragraphs 8.1 and 8.2.
- 8.4 Prior to the appointment as Community Care Category Supervisor the individual must have demonstrated to our satisfaction a portfolio of cases which meet the requirement in Paragraphs 8.1 and 8.2.
- 8.5 The Supervisor must take account of any changes in legislation and case law and maintain access for the duration of the contract to the following required texts:
- Subscription to at least 1 nationally published journal containing Community Care law updates;
 - Access to at least 1 current core community law text;
 - Access to Community care law reports and guidance;
 - Access to Civil Procedure Rules and Practice Directions;
 - Access to up to date information concerning Health Service Structure; and
 - Access to the current edition of the Mental Capacity Act Manual (Sweet and Maxwell) or Jordan’s Court of Protection Practice.
- 8.6 At all times you must employ a part time equivalent Authorised Litigator who can demonstrate experience of undertaking Community Care cases. For the purposes of this Paragraph 8.6 “part time equivalent” means the equivalent of one individual working 17.5 hours each week day during business hours (excluding breaks). Such person (or each such persons) must be either a sole principal, one of your employees or a director of or partner in or member of your organisation (where you are a company, partnership (other than an LLP) or LLP respectively) and must at all times during their working hours (except as required for the proper performance of their role (such as attending court and/or Clients)) work from one of or any combination of your Offices.