

## **Guidance on Crime Supervisor Requirements**

This document provides guidance regarding the requirements that Supervisors must satisfy, and how the supervisor forms should be completed. Accurate supervisor forms must be submitted in respect of each Supervisor who undertakes legal aid work. It is therefore important that providers are familiar with the contractual supervisor standards and understand how to fill in the forms.

Under Clause 21.8 of the Standard Terms 2010 it is the responsibility of a provider to notify the LSC of “within twenty one days of any significant changes in your personnel deployed in Contract Work and of any other changes affecting you such as might reasonably be expected significantly to affect your ability to perform Contract Work.” This includes notifying the LSC in the event that a supervisor ceases to meet the required standard. In addition, the LSC may request up to date supervisor forms from a provider at any time during the lifetime of the Contract.

### **Supervisor generic requirements**

Any Supervisor, except as indicated, must meet the generic requirements for Supervisors. Any individual who does not meet the relevant requirements should **not** be put forward as a Supervisor. The requirements are set out in the 2010 Standard Crime Contract Specification para 2.11.

A Supervisor must perform the tasks (e.g. file reviews, face to face supervision at least monthly) prescribed in the 2010 Standard Crime Contract Specification para 2.12-2.15.

Providers must have regard to the rules on external supervision. It is only permitted in limited circumstances, where a Supervisor is temporarily absent (see Standard Crime Contract Specification paras 2.22-2.23).

The LSC may also exclude individuals from being Supervisors or performing Contract Work as set out at 24.9 of the 2010 Standard Terms. No supervisor form should be completed for an individual subject to this sanction.

### **Completing the forms**

There are five Crime supervisor forms, offering three “Routes” to qualification as a Supervisor of mainstream Crime work, and separate routes to qualify to supervise Appeal and Review work and Prison Law. All information recorded in a form must relate to work that falls within the relevant class of work. The information included in the form must be accurate. A provider relying on a form that contains false information may attract a contract sanction, or if the form is submitted as part of a tender, may lead to the withdrawal of an offer of a contract.

## 1. *Details of Organisation/Supervisor Applying*

“Continuously qualified as a supervisor since”: Please give the date when the individual’s current period of qualification as a Supervisor began. Where a longstanding Supervisor has had a period in their career when they did not qualify, please give the date when they again began to meet the standard.

“LSC Account number(s) of office(s) supervised”: To enable us to understand each Supervisor’s contribution to supervision in their organisation, we wish to know which offices they supervise. Any office from which contract work is delivered should have an account number.

### *Generic Supervisor requirements*

In order to qualify as a Supervisor, an individual must have experience or training in supervision. Supervisors should check one or more boxes (as appropriate) to indicate how they meet this requirement, which is common to all Supervisors.

## 2. *Legal Competence standards for Supervisors*

Where **qualifications** or **panel memberships** are required, the Supervisor **must** give the date(s) requested. Failure to do so will result in the form being rejected. It is not necessary to submit copies of panel certificates with the form, although the LSC may subsequently request further information to confirm the Supervisor’s qualification or panel membership.

The date of admittance is the date when the individual first obtained the qualification or became a member of the relevant panel.

The date of most recent reaccreditation should be completed if the Supervisor has been a member of a panel for a long period and has been subject to reaccreditation. If no reaccreditation has yet been required, “N/A” should be entered.

Where a **portfolio of cases** is required:

- All files referenced must be ones on which the Supervisor has conducted work within the 12 months prior to the date when the form is completed. The only exception to this is where a Supervisor has had extensive absence in the last 12 months, in which case the files may be drawn from up to 12 months prior to the absence. Files need not necessarily be publicly funded work, but should be available to the LSC for verification purposes.
- The cases referenced do not have to be closed. They need not relate wholly or mainly to the relevant area, but must clearly and substantively demonstrate the knowledge, skill, or procedural expertise that is required so that if the LSC were to check the files it would be evident to an auditor.
- A file name/reference must be entered for each case. Files conducted for a previous employer may be included if worked on within the past 12 months. However, the Supervisor must include file references of any files from a previous employer they rely on for the form. It is good practice for a Supervisor to update their forms before moving employers.

- For each case, the date when the Supervisor last conducted work on it must be entered. The latest date that may be quoted is the date when the file was formally closed.
- Where requested, the file name should be supplemented with a descriptor of the type or category of the case.
- It is **not** acceptable to complete a required field with comments such as “no relevant case arose” or “I have experience, but not in the last 12 months”. Supervisors giving such answers will be deemed not to meet the standard.
- Failure to **complete all of the required fields** will result in a form being rejected (as above). If the standard requires more than one case reference within a particular area of expertise, the full number of cases must be included in order for the Supervisor to evidence meeting the standard.

### 3. *Case Involvement and Updating Legal Knowledge*

Where a Supervisor standard requires recent case involvement, the casework and supervision relied on must fall within in the relevant class of work. Unlike other Crime Supervisor routes, in Prison Law, experience is required of 1050 hours’ work over three years. Part time Supervisors must show that they have undertaken 1050 hours over 5 years.

Supervisors who have had extended periods of absence for maternity, sickness or compassionate reasons (continuously for a period of three months or more or for a total of 90 days or more within any period to which the form relates) may draw on casework experience from up to 24 months prior to the date when the form is completed. For Prison Law, a Supervisor who has experienced an extended period of absence should complete the Case Involvement hours in the same way as a part time Supervisor.

- All of the time recorded must relate to work that **falls within the relevant class of work**. Work conducted in other classes may **not** be counted.
- “Hours” of casework mean claimable hours billed to files. Where work is not billable (e.g. supervision) the Supervisor should model the number of hours claimed on the “billable hours” approach.
- In some cases, the LSC states a minimum number of Direct Casework hours that must be counted towards the case involvement standard. This minimum volume of Direct Casework cannot be replaced with work of any other kind, such as Direct Supervision.
- “Direct supervision” means time spent supervising the work of a caseworker. This may involve such activity as regular supervision meetings, dealing with queries on particular cases, and discussing changes to be made as a result of a review of a Caseworker’s files.
- There is no additional credit for doing hours in excess of the Supervisor requirements. Supervisors who work across several categories of law should bear in mind that an individual delivering 35 claimable hours per week, 46 weeks a year would have an output of 1,610 hours. The LSC may find claims to have conducted very large numbers of hours implausible, and require additional information to confirm them.

Each form requires that the Supervisor explains the steps (other than recent casework) they have taken to update their legal knowledge. Acceptable answers will relate to activity undertaken in the past 12 months. The LSC would expect to see mention of factors such as training (internal or external), reading relevant publications and research of recent case law. Reference to experience of cases or activity conducted prior to the last 12 months will **not** be an acceptable answer.

*Exceptional circumstances*

For Prison Law only, if the Supervisor does not have/cannot commit to meeting all case involvement requirements and/or areas of knowledge requirements, the LSC will consider whether exceptional circumstances apply which mean that they should be accepted as a supervisor. The LSC would need to be satisfied that the exceptional circumstances meant that the individual was competent to be a supervisor despite not meeting the involvement requirements.

*4. Declaration*

The Supervisor form must be verified by a named person who has powers of representation, decision or control within the organisation – in the language of recent tenders, one of its “Key Personnel”. They must confirm that the individual is a continuing employee of the organisation as at the date entered on the form. Failure to complete this section will invalidate the form.