



Legal Aid
Agency

Section 7 2015 Standard Civil Contract Category Specific Rules

Clinical Negligence

Supervisors' Legal Competence Standard

- 7.1 The Supervisor must hold current membership of one of the following accreditation schemes:
- (a) The Law Society's Clinical Negligence Accreditation Scheme; or
 - (b) The Action against Victims of Medical Accidents (AVMA) Clinical Negligence Panel; or
 - (c) The Association of Personal Injury Lawyers (APIL) Clinical Negligence Accredited Specialist Panel.
- 7.2 The Supervisor must be a member of a network organisation (national or regional) which provides a regular forum for meeting other specialist clinical negligence practitioners with the aim of maintaining and improving knowledge and understanding of clinical negligence law and best practice.
- (Note: Regular forum means at least twice a year. Membership means attendance at one meeting per year as a minimum, plus evidence that issues raised by all minutes or any publications have been assessed for the purpose of determining whether any should be raised with, or the subject of training for, supervised staff).
- 7.3 The Supervisor must have access to a detailed and regularly maintained list of experts from which supervised staff can be directed, or can direct themselves under supervision, to the most appropriate source of assistance according to the nature of the case and type of expert services required.
- 7.4 The Supervisor must take account of any changes in legislation and case law.
- 7.5 At all times throughout the Contract Period the Supervisor must, during the preceding 24 month period, have provided professional legal services in relation to a minimum number of 5 cases which relate in whole or in

significant part to a claim for damages in respect of clinical negligence or alleged clinical negligence which caused or is alleged to have caused neurological injury to an infant as a result of which that infant is severely disabled. The clinical negligence referred to in this Paragraph must have occurred or be alleged to have occurred where the conditions set out in paragraphs 23(2) and 23(3) of Part 1, Schedule 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 have been met.

Actions Against the Police etc

7.6 Two Legal Competence Standards are set out for Supervisors in this Category; namely:

- (a) the General Standard at Paragraphs 7.7; and
- (b) The Abuse in Care Standard at Paragraphs 7.8.

To receive or maintain a Schedule Authorisation in the Actions Against Police etc. Category you must employ a Supervisor who satisfies either of these two Legal Competence Standards.

Supervisors' Legal Competence Standard – General Standard

7.7 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 Actions Against the Police etc. case Categories in Table One below:

Table One		
	Actions Against the Police etc. case Categories	Minimum number of case files required
1	Civil Actions: <ul style="list-style-type: none"> • Assault • Death in custody/inquest • Discrimination False imprisonment/including wrongful arrest • Human Rights Act Claim • Interference with goods • Malicious Prosecution Miscarriage of Justice compensation claim • Misfeasance in public office 	6 case files from 1 to 12, no more than 2 case files per action

	<ul style="list-style-type: none"> • Negligence • Abuse of any vulnerable person and failure to take into care • Trespass to land 	
2	Complaints against public authorities (Police or Prison Service)	4 case files of which at least 2 go to an appeal, ombudsman or judicial review proceedings, and an additional file which concerned a complaint in relation to a civil action described in Section 1 above.

7.8 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 5 case types in Table Two below:

Table Two		
	Actions Against the Police etc. case type	Minimum number of case files required
1	Case progression (sending letter of claim and considering response and advising the client)	3 case files of which one must progress further into a case management conference
2	Case where the client was advised about additional remedies: <ul style="list-style-type: none"> • Alternative dispute resolution • Apology • Data Protection application • ECHR • Statutory Scheme for Miscarriages of Justice 	2 case files from any in the list
3	Case within the last 3 years of matters being settled in the claimants favour after issue or, of a case being decided at trial	2 case files

4	<p>Case which demonstrated the following:</p> <ul style="list-style-type: none"> • Ability to recognise potential public interest implications of proceedings, in producing real benefits for individuals other than the client • Assessing the case and advising the client as to the impact of the Human Rights Act/ECHR upon their case • The ability to recognise the possibility of judicial review proceedings (including the purpose and the client's role (and, for non solicitor agencies, if the decision is to progress the case, the need for referral to a solicitor) 	2 case files from 1 to 3, no more than 1 per matter
5	Case in which the client was advised on making or accepting offers (including Part 36 pre or post-issue)	2 case files

- 7.9 The Supervisor must maintain a portfolio (including case name and reference) of cases to demonstrate compliance with Paragraphs 7.7 and 7.8. The same case file can be used to demonstrate compliance with Paragraphs 7.7 and 7.8.
- 7.10 Prior to the appointment as Actions Against the Police etc. Category Supervisor the individual must have demonstrated to our satisfaction a portfolio of cases which meet the requirement in Paragraphs 7.7 and 7.8.
- 7.11 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:
- (a) subscription to at least 1 nationally published journal which provides updates in the specialist area;
 - (b) current copy of at least one core police/prison law text;
 - (c) demonstrated access to Police/Prison Law statutes and regulations (if a firm covers both fields there must be access to both);
 - (e) current edition of JSB guidelines; and
 - (f) current copy of the Civil Procedure Rules and supplements.

Supervisors' Legal Competence Standard – Abuse in Care Standard

- 7.12 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 Actions Against the Police etc. case Categories in Table One below:

Table One		
	Actions Against the Police etc. – Abuse in Care case Category	Minimum number of case files required
1	Abuse in care cases: <ul style="list-style-type: none"> • Claim for damages against a local authority by persons alleging child abuse while in its care • Claim for damages against a local authority by persons alleging failure to take into care • Claim for damages against any authority by persons alleging abuse of a vulnerable adult 	5 case files from at least 2 areas in the list

- 7.13 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 5 case types in Table Two below:

Table Two		
	Actions Against the Police etc. – Abuse in Care case type	Minimum number of case files required
1	Case progression (sending letter of claim and considering response and advising the client)	3 case files of which one must progress further into a case management conference
2	Case where the client was advised about additional remedies: <ul style="list-style-type: none"> • Alternative dispute resolution • Apology 	2 case files from any in the list

	<ul style="list-style-type: none"> • Data Protection application • ECHR 	
3	Case within the last 3 years of matters being settled in the claimants favour after issue or, of a case being decided at trial	2 case files
4	Case which demonstrated the following: <ul style="list-style-type: none"> • Ability to recognise potential public interest implications of proceedings, in producing real benefits for individuals other than the client • Assessing the case and advising the client as to the impact of the Human Rights Act/ECHR upon their case • The ability to recognise the possibility of judicial review proceedings (including the purpose and the client's role (and, for Not for Profit agencies, if the decision is to progress the case, the need for referral to a solicitor)) 	2 case files from at least 2 areas in the list
5	Case in which the client was advised on making or accepting offers (including Part 36 pre or post-issue)	2 case files

7.14 The Supervisor must maintain a portfolio (including case name and reference) of cases to demonstrate compliance with Paragraphs 7.12 and 7.13. The same case file can be used to demonstrate compliance with Paragraphs 7.12 and 7.13.

7.15 Prior to the appointment as Actions Against the Police etc. – Abuse in Care Category Supervisor the individual must have demonstrated to our satisfaction a portfolio of cases which meet the requirement in Paragraphs 7.12 and 7.13.

7.16 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:

- (a) subscription to at least 1 nationally published journal which provides updates in the specialist area;
- (b) current copy of at least one core police/prison law text;

- (c) demonstrated access to Police/Prison Law statutes and regulations (if a firm covers both fields there must be access to both);
- (e) current edition of JSB guidelines; and
- (f) Current copy of the Civil Procedure Rules and supplements.

Public Law

Supervisors' Legal Competence Standard

- 7.17 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 Public Law case Categories in Table One below:

Table One		
	Public Law case category	Minimum number of case files required
1	<p>Demonstrate a breadth of experience across the subject category:</p> <p>Within the last 3 years, 3 cases that have involved the application of the principles of public law across at least 3 subject areas, e.g. either different categories of law or distinct areas within a category of law.</p>	3 case files

- 7.18 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 6 case types in Table Two below:

Table Two		
	Public Law case type	Minimum number of case files required
1	Cases in which substantive advice was given to the client on the advantages and disadvantages of remedies alternative to litigation; or of actual conduct of cases where an alternative remedy has been pursued (e.g. complaints, procedures, ombudsman)	2 case files
2	Case involving judicial review proceedings	1 case file

3	Case in which proceedings were conducted or prepared (at least to the stage of making a representation on behalf of the client) from the following: <ul style="list-style-type: none"> • Judicial Review • Habeas Corpus • Statutory Appeals • ECHR • ECJ (where the case turns upon public issues) • Non-court based remedies (e.g. complaints procedures) 	2 case files (not already used as evidence for section 2)
4	Case involving research on a statutory or regulatory framework	1 case file
5	Case in which the impact of the Human Rights Act was assessed and the client was advised of the impact	1 case file
6	Case in which potential public interest implications of proceedings, in producing real benefits for individuals other than the client were recognised	1 case file

7.19 The Supervisor must maintain a portfolio (including case name and reference) of cases to demonstrate compliance with Paragraphs 7.17 and 7.18. The same case file can be used to demonstrate compliance with Paragraphs 7.17 and 7.18.

7.20 Prior to the appointment as Public Law Category Supervisor the individual must have demonstrated to our satisfaction a portfolio of cases which meet the requirement in Paragraphs 7.17 and 7.18.

7.21 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:

- (a) access to public law reports;
- (b) subscription to at least 1 nationally published specialist journal containing public law updates;
- (c) access to at least 1 core administrative text;
- (d) access to at least 1 core human rights law text.