

## Guidance on Crime Supervisor Requirements

This document provides guidance regarding the requirements that Supervisors must satisfy, and how the supervisor forms should be completed.

The same form is used for both the Own Client and Duty Provider Crime Contracts 2015.

Accurate supervisor forms must be submitted in respect of each Supervisor who undertakes legal aid work. A failure to complete forms accurately will entitle us not to proceed with any decision made to award a provider a Contract or entitle us to terminate their Contract pursuant to Clause 25 of the Standard Terms Own Client and Duty Provider Crime Contract 2015. 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 of the 2010 Standard Civil Contract, Clause 21.8 of the 2015 Own Client Standard Terms, and Clause 2.1.12 of the 2015 Duty Provider Crime Contract Standard Terms it is the responsibility of the provider to notify the Legal Aid Agency (LAA) "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 LAA in the event that a supervisor ceases to meet the required standard. In addition, the LAA 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:

Supervisor Standards - 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 paras 2.11-2.15, paras 2.9-2.13 in the 2015 Own Client Crime Contract Specification and paras 2.8-2.12 in the 2015 Duty Provider Crime Contract Specification.

Providers must have regard to the rules on external supervision. It is only permitted in limited circumstances, where a Supervisor is temporarily absent (see 2010 Standard Crime Contract Specification paras 2.22-2.23, 2015 Own Client Crime Contract Specification paras 2.19-2.20, and 2015 Duty Provider Crime Contract Specification paras 2.15-2.15).

The LAA may also exclude individuals from being Supervisors or performing Contract Work as set out at 24.9 of the 2010 Crime Standard Terms; and the 2015 Own Client Crime Contract Standard Terms

and 2015 Duty Provider Crime Contract Standard Terms. No supervisor form should be completed for an individual subject to this sanction.

A Supervisor in regards to Prison Law and Appeals and Reviews work must meet all of the requirements in full, including the 350 hours of case involvement, for the three years prior to the date when the form is completed.

### **Completing the forms**

There are three Crime supervisor forms, one outlining the requirements needed to qualify as a Supervisor of mainstream Crime work (Own Client and Duty Provider), and separate forms outlining the requirements 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.

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

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#### *2. 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.

#### *3. 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 LAA 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 LAA 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 LAA 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.
- Please read carefully the requirements regarding which fields must be completed. Some of the standards only require a subset of the areas of knowledge to have been covered in the past 12 months. It is acceptable, but not necessary, to complete all of the fields where this applies. There is no extra credit for exceeding the minimum requirements.
- 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 of case. If a list of case types is provided on the form, the number of the case type may be entered in this field.
- Where the form requires that the Supervisor explain the steps (other than recent casework) they have taken to maintain their competence, acceptable answers will relate to activity undertaken in the past 12 months. We would expect to see mention of factors such as training (internal or external), shadowing/ mentoring, or extensive reading/ research of recent case law. Reference to experience of cases prior to the last 12 months is **not** an acceptable answer.
- 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.

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#### 4. Case Involvement

All Supervisors must have undertaken 350 hours of casework within the relevant class of work. However, part time Supervisors may show that they have undertaken 1050 hours over 5 years. Unlike other Crime Supervisor forms, Prison Law, this experience may alternatively be demonstrated by 1050 hours' work over three 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.

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 LAA 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.

The columns relate to successive 12 month periods prior to the date when the form was completed. The supervisor should record the hours completed during each of those 12 month periods, not (for example) the cumulative number of hours across three or five years.

Full time Supervisors must undertake at least 235 hours of casework and direct supervision in the category of law each year, of which no less than 115 hours must be personal casework. If fewer hours than the required minimum are listed, the Supervisor will be deemed not to meet the standard.

“Hours” of casework mean claimable hours billed to files. Where work is not billable (e.g. training and supervision) the Supervisor should model the number of hours claimed on the “billable hours” approach.

For every type of work other than personal casework and direct supervision, we state a maximum number of hours that may be counted towards the case involvement standard. Any work in excess of a stated maximum will not be counted towards the Supervisor’s Case Involvement hours.

“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.

“File Review” means time spent looking at case files in the category and identifying any issues, corrective action or training needs that may arise. A Supervisor must conduct file reviews for each Caseworker they supervise. The files reviewed should be representative, and must reflect the skills, knowledge and experience of the individual. The Supervisor must record the outcome of file reviews, together with the details of any corrective action taken.

“External training delivery” means time spent on the actual delivery of CPD-accredited training in the relevant category of law. The Supervisor should have documentation to confirm the work they have undertaken.

“Documented research and the production of publications” excludes time spent on research that is charged to a particular case (which may well count as personal casework). Typically, research will be towards the production of a publication that relates to the relevant category of law. We may request documentary evidence that the research has taken place.

“Other supervision” includes any work that requires the exercise of a supervisor’s legal judgement but which is not the direct supervision of a Caseworker. Examples include deciding on the allocation of casework, checking the content of outgoing post, or serving as a tribunal chair or magistrate (where this is relevant to the category of law).

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. We may find claims to have conducted very large numbers of hours implausible, and require additional information to confirm them.

It is very unusual for one individual to be able to meet the Supervisor requirements in more than three categories of law.

#### *5. 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.

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