



Legal Aid
Agency

Further information arising from discussions at market engagement events (held online via Webex) for the procurement of Civil Legal Advice Specialist Advice Services in the Category of Discrimination

Some of the issues raised at the events will be answered by the information given in the Information for Applicants document (“IFA”), which will be available on our website when the tender process for Civil Legal Advice (“CLA”) services in the Category of Discrimination Contract opens, which we expect to occur in the week commencing 30 April 2018.

The content of the slides used at the events has now been published and can be found at <https://www.gov.uk/government/publications/civil-2018-contracts-tender>.

In addition, there were a number of questions raised at both market engagement events that we consider to be of wider interest. These have been collated and answered centrally in writing to ensure that all interested parties have equal access to information in the answers. Those questions and our answers are published within this further information document.

The information provided both within this document and at the market engagement events is intended to assist interested organisations to consider how they might bid for a contract. However, any organisation wishing to tender for a CLA Contract in the Category of Discrimination must consult the IFA document for final detail of the procurement process when the CLA Invitation To Tender opens as that is the document which sets out the definitive position.

1. What will be the minimum number of contracts that you will award through this process?

The LAA intends to have a maximum of five providers delivering the CLA services in Discrimination, including contracts procured through this process and a contract extension the LAA is intending to enter into with an existing CLA Discrimination provider. If we do not receive sufficient compliant bids which would result in five providers, the LAA may deliver the service with fewer providers. Further information will be contained within the procurement IFA which will be published at the launch of the tender.

2. Will TUPE apply to these contracts?

It is possible that TUPE could apply so as to result in the transfer of some or all of the contracts of employment from current to new providers.

However, it is each applicant’s responsibility to form their own view (taking legal advice as necessary) as to whether or not TUPE applies and, if so, the financial implications for their tender.

In an effort to assist applicants in forming a view in relation to TUPE, and to the extent it is made available to us, anonymised information (including numbers of employees, salary details and time spent on Contract Work) relating to those persons employed by the current providers of Contract Work in the relevant Category, will be supplied to an Applicant on receipt by the LAA of a signed confidentiality agreement from that Applicant.

3. Will you publish data on the number of complaints against the service?

The LAA does not routinely publish complaint data within tender documentation.

4. What percentage of the hourly rate will be used to calculate the determination fee?

The calculation of the determination rate will be set out in the IFA documentation which will be published with the tender.

5. Should the hourly rate be tendered on the basis of five contracts being offered or a potential lower number?

The potential number of providers delivering the service will be set out in the IFA. Applicants should ensure their hourly rate is submitted on the basis that they can deliver the service across the range of the potential number of providers.

6. Will you provide information on cases and call volumes?

Yes, in the IFA document which will be published with the tender.

7. Do Supervisors have to be full time?

Supervisor requirements are based on a full time equivalent basis.

8. Can other providers deliver Face to Face discrimination advice?

The CLA service is the Mandatory Gateway for clients with a discrimination related issue to receive advice. Providers with a CLA Contract in the Discrimination Category of Law will be required to provide Remote Advice and/or Face to Face Advice where it is appropriate to do so. However, providers can deliver advice in discrimination via their face-to-face contract if the subject matter of the dispute arises from that category of law, for example, where the underlying matter arises from an individual category such as Community Care.

9. Will Providers that tender lower hourly rates receive a higher number of Cases.

No. Prices tendered will not impact the level of work allocated to providers.

10. When do you plan to notify bidders of the outcome of the tender?

The timetable will be published in the IFA.