



# Legal Aid Agency

## Guidance on Civil Supervisor Requirements (May 2018)

### Introduction

1. 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.
2. A failure to complete the 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 Clauses 25 of the Standard Terms of the 2018 Standard Civil Contract and the CLA Contract Standard Terms 2018 in accordance with the terms and conditions of any applicable tender process. It is therefore important that providers are familiar with the contractual supervisor standards and understand how to fill in the forms.
3. Under Clauses 21.10 of the Standard Terms of the 2018 Standard Civil Contract and the CLA Contract Standard Terms 2018 it is the responsibility of a provider to notify us “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 us in the event that a supervisor ceases to meet the required standard. In addition, we may request up to date supervisor forms from a provider at any time during the lifetime of the Contract.

### Supervisor generic requirements

4. 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:
  - *Supervision Standards* (see 2018 Standard Civil Contract Specification paras 2.18 to 2.23, and paras 4.15 to 4.20 of the CLA Contract Standard Terms 2018).
  - *Case Involvement Standard* (see 2018 Standard Civil Contract Specification paras 2.14 to 2.17 and paras 4.12 to 4.14 of the CLA Contract Standard Terms 2018).
5. Providers must have regard to the rules on *external supervision*. It is only permitted in limited circumstances, where a Supervisor is temporarily absent (see 2018 Standard Civil Contract Specification paras 2.24 to 2.25 and paras 4.21 to 4.22 of the

CLA Contract Standard Terms 2018). There are exceptional arrangements in relation to the Mediation Category Specific Rules.

6. The LAA may also exclude individuals from being Supervisors or performing Contract Work as set out at 24.9 of the Standard Terms of the 2018 Standard Civil Contract and the CLA Contract Standard Terms 2018.
7. No supervisor form should be completed for an individual subject to this sanction.
8. A Supervisor must meet all of the requirements in full, including the 350 hours case involvement, for the three years prior to the date when the form is completed (or 1050 hours case involvement over a five year period if part time).
9. For the category of **Welfare Benefits only**, a Supervisor must meet all of the requirements in full, including the 56 hours case involvement, for the three years prior to the date when the form is completed.
10. It should be noted that under para 2.26 of the 2018 Standard Civil Contract Specifications (General Provisions 1-6) and para 4.23 of the CLA Contract Standard Terms 2018, a Supervisor must not supervise more than four Caseworkers across a maximum of two Offices or across two Providers with one Office each. For the avoidance of doubt a Supervisor may only be employed on a full-time basis by one Provider, unless otherwise specified in the relevant category specific rules.
11. Where the category specific rules only require a part time equivalent Supervisor, this individual can supervise in more than one category of law but only to the extent that they do not supervise more than full time equivalent working hours, i.e. 35 hours per working week.
12. The same individual can be the named Supervisor in the both the Housing and Debt and Welfare Benefits category, provided that they can meet the supervisor requirements set out in both categories of law.

### **Completing the forms**

13. Each form is specific to a category of law. All information recorded in a form must relate to work that falls within the relevant category definition. 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.

### *Details of Organisation/Supervisor Applying*

14. "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.
15. "Account number(s) (as issued by us) 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. For offices from which no legal aid work is conducted, please give the postcode instead in the separate box provided. Please

ensure you give the Account number or postcode for each office that you wish the supervisor to cover.

*NB. Where you are completing this form as part a of the 2018 Standard Civil Contract tender and the CLA Contract Discrimination 2018, please ensure that you provide the organisations details that you intend to deliver work from under this contract.*

### *Generic Supervisor requirements*

16. 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.
17. The LAA does not promote or hold an approved list of supervisor training courses that individuals should attend in order to meet this requirement. It is the responsibility of the individual to decide whether the Supervisor training course is appropriate or not. However, the individual may wish to consider whether the course covers the following key skills:
  - Manage activities to meet requirements.
  - Support the efficient use of resources.
  - Develop your own resources.
  - Create effective working relationships.
  - Develop productive working relationships.
  - Develop teams/individuals to enhance performance.
  - Lead the work of teams/individuals to achieve their objectives.
  - Respond to poor performance in your team.

NB. This is not an exhaustive list.

### *Legal Competence Standards for Supervisors*

#### Category Specific

18. There are two supervisor self -declaration forms relating to the categories of Claims Against Public Authorities (formerly known as Actions Against the Police etc.) and Mental Health.
19. *Claims Against Public Authorities*: Where an individual is seeking to deliver work in relation to abuse in care in relation to this category, they must demonstrate that they meet the requirements set out in the “*Claims Against Public Authorities – Abuse in Care* supervisor self- declaration form”.
20. *Mental Health*: Where an individual is seeking to deliver work relating to both the Mental Health Act 1983 and the Mental Capacity Act 2005, the individual must demonstrate that they are able to meet all of the requirements set out in the “*Mental Health- MH 2- Supervisor Self- Declaration form*”.
21. *Discrimination*: Where you are tendering for the CLA Discrimination Contract 2018 please fill in the Discrimination Supervisor Standard and Declaration Form 2018 (April 2018).

#### Generic

22. Where **panel membership** is 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 we may subsequently request further information to confirm the Supervisor's panel membership.

23. The date of admittance is the date when the individual first became a member of the relevant panel (or reached the stated level, where applicable).

24. 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 reaccreditation has not been awarded and more than 5 years have passed since the last accreditation but there has been a specific exemption or extension, please provide evidence in support.

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

- Please read carefully the requirements regarding which fields must be completed. Some of the standards (e.g. Housing and Debt) 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.
- 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 us 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 we 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 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. For example, in the Housing and Debt standard requirement 3) i.e., a case relating to possession for rent arrears could be indicated by entering "1" in the relevant box. At 3) ii.a, the Supervisor should write "possession", "homelessness", or "housing disrepair" in each box. It is **not** necessary to provide a summary of the case.
- Where the form requires that the Supervisor explains 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.

### *Case Involvement*

26. All full-time Supervisors must be able to demonstrate at least 350 hours per year of case involvement in the relevant category of law for each of the previous three years. Part time Supervisors must show that they have undertaken 1050 hours over a five year period.
27. 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 of the three defined 12 month periods) should complete the Case Involvement hours in the same way as a part time Supervisor.
28. All of the time recorded must relate to work that **falls within the relevant category definition**. Work conducted in other categories of law may **not** be counted.
29. 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.
30. 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.
31. “Hours” of casework mean claimable hours billed to files. Where work is not billable (e.g. training) the Supervisor should model the number of hours claimed on the “billable hours” approach.
32. 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 taken counted towards the Supervisor’s Case Involvement hours.
33. “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.

34. "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 files reviews, together with the details of any corrective action taken.
35. "External training delivery" means time spent on the actual delivery of training in the relevant category of law meeting any professional development requirements of your Relevant Professional Body. The Supervisor should have documentation to confirm the work they have undertaken.
36. "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.
37. "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).
38. There is no additional credit for doing hours in excess of the Supervisor requirements
39. **NB.** Welfare Benefits Supervisors that work full time must demonstrate case involvement in the category of law 56 hours each year) over the past 3 years (36 months). Where the Welfare Benefits supervisor works part-time you must demonstrate case involvement in the category of law (280 hours in total) over the past 5 years (60 months).

#### *Declaration*

40. The Supervisor form must be verified by the Compliance Office for Legal Practice, the Head of Legal Practice, the Compliance Manager or (where the organisation is not regulated) a member of key personnel who has powers of representation, decision or control within the. 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.