



Procurement Process for CLA Specialist Telephone Advice Contracts in Education and Discrimination from April 2021 Frequently Asked Questions (FAQ)

Many questions will be answered by the information given in the Information for Applicants document (IFA), which is available on the Tenders page of our website:

<https://www.gov.uk/government/publications/specialist-telephone-advice-in-education-and-discrimination-from-april-2021>

The deadline for questions about the IFA or the tender was **5pm 13 October 2020** (note this is referred to as the “End date for supplier clarification messages” on the e-Tendering system). We are therefore unable to answer questions received after that deadline.

Questions that we consider to be of interest have been collated and answered centrally in writing to ensure that all interested parties have equal access to information in the answers. These questions and answers have been published in this FAQ document.

Technical Questions on how to use the e-Tendering system

There is a Helpdesk to provide technical support to Applicant Organisations using the e-Tendering system. However, the Helpdesk is **unable** to assist you with problems with your own computer hardware or systems. For these types of issues, you should contact your usual IT support.

Questions should be emailed to the following email address: help@bravosolution.co.uk. Alternatively, the telephone number for the Helpdesk is 0800 069 8630 (lines are open from 9am to 6pm Monday to Friday).

The Helpdesk remains open until the tender closes. However, we recommend that you start to complete your tender early so that you identify any areas where you might need technical help as soon as possible, as the Helpdesk is likely to be very busy in the days leading up to the tender deadline and cannot guarantee that queries received close to the tender deadline will be dealt with in time.

The deadline for receipt of Tenders is 9am Thursday 5 November 2020.

CLA Education and Discrimination Telephone Advice Services

1. Reference is made to paragraph 1.8 of the information for Applicants document. If a CLA telephone advice provider does not have a face to face contract for discrimination work, but does have civil contracts in other areas, can the applicant undertake discrimination licensed work upon the usual application for funding? If the answer is no then, in the event of a matter having to move to licensed work potentially after quite a lot of work being done at legal help level, does a CLA telephone advice provider have to direct the client to an alternative supplier to take over the matter?

Cases involving a contravention of the Equality Act 2010 can be carried out either by a provider with a legal aid contract in the Discrimination category of law or by a provider with legal aid contract in the Category of Law that relates to the underlying substance of the case. The rules on this overlap are set out at paragraphs 11 and 12 of the Category Definitions 2018, a document that will apply to the draft 2021 Civil Legal Advice (Discrimination) Contract.

When a CLA provider in the Discrimination Category of Law receives a new case they must as part of the initial steps “consider whether the case forms part of a wider matter and it would be appropriate to refer the case out to a Face-to-Face Provider authorised to conduct work in the appropriate Category of Law” (see subparagraph 2.15(c) of Annex 1 (Specification) to the 2021 Civil Legal Advice (Discrimination) Contract). This would be relevant where there were multiple heads of claim that could be funded under another legal aid contract, of which advice on contravention of the Equality Act 2020 was only one.

If the CLA provider takes on the case themselves they must make a referral as soon as the Client requires Legal Representation. The provider must work on the principle that where representation is necessary Referral is made as early on as possible. (See paragraph 4.32 of Annex 1 (Specification) to the draft 2021 Civil Legal Advice (Discrimination) Contract.

In either of the above situations, it is possible for the CLA provider to refer the matter to themselves if the circumstances of the case meet the conditions set out at 4.38 to 4.40 of Annex 1 (Specification) to the draft 2021 Civil Legal Advice (Discrimination) Contract. This includes a requirement that the provider holds a 2018 Standard Civil Contract which authorises them to carry out Licensed Work in the relevant Category of Law. For discrimination cases, this could be a legal aid contract in the Discrimination Category of Law or a different Category of Law in accordance with the overlap set out in Category Definitions 2018 above.

2. The Information for Applicants document does not refer to cases where only 132 minutes are claimable. Reference is simply made to determination cases, cases under 900 minutes and cases over 900 minutes. Will the current 132 minutes cap on cases be dispensed with under this new contract?

No. The rules setting out when a provider can only claim a maximum of 132 minutes in some circumstances are part of the provisions relating to the assessment of a client’s financial eligibility. These are included at paragraph 5.10 to 5.17 of the Annex 1 (Specification) to the draft 2021 Civil Legal Advice (Discrimination) Contract. Paragraph 5.14 of Annex 1 (Specification) has the following provision:

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If the signed Legal Help Application Form and satisfactory evidence of the Client's financial eligibility is not subsequently supplied, or if the evidence does not show that the Client is financially eligible, you may only claim up to a maximum of 132 minutes (including up to 12 minutes to provide any Remote Advice and if necessary to refer and signpost the Client) for the Contract Work carried out as a Case provided that:

- (a) you have acted reasonably in undertaking work before receiving satisfactory evidence of the Client's means; and*
- (b) you have acted reasonably in initially assessing financial eligibility on the information available; and*
- (c) the unsigned Legal Help Application Form is on the Case file; and*
- (d) you do not claim any Disbursement beyond those incurred in the period before it is practicable to obtain satisfactory evidence of the Client's means.*

We may monitor the number of your Cases that fall into this category. If we consider it appropriate, we may carry out further investigations. If, as a result of further investigation, it appears that you have breached this provision we may take appropriate action, including Assessing a sample of your Claims or applying a Sanction under Clause 24 of the Standard Terms.