

**2018 Standard Civil Contract
Early Legal Advice Pilot Specification:
Category Specific Rules**

Category Specific Rules

Section 16 Early Legal Advice Pilot

- 16.1 You may participate in the Early Legal Advice Pilot only if you are authorised to do so under Exclusive Schedule Arrangements. Unless otherwise stated, in Paragraphs 16.1 to 16.37:
- (a) references to an ELAP Schedule refer to your Exclusive Schedule Arrangements for the Early Legal Advice Pilot;
 - (b) "Evaluation Report" has the meaning given to it in Paragraph 16.18;
 - (c) "Independent Evaluator" means the person or organisation appointed by us to evaluate the effectiveness of the Pilot Scheme;
 - (d) "Order" means The Early Legal Advice Pilot Scheme Order 2022;
 - (e) "Payment Report" has the meaning given to it in Paragraph 16.15;
 - (f) "Pilot Fee" means the fee described in the Schedule to the Order;
 - (g) "Pilot Scheme" means the Early Legal Advice Pilot as described in the Order;
 - (h) "Pilot Scheme Participant" means as described in Article 4(1) of the Order;
 - (i) "Pilot Scheme Participant Selector" means the person appointed to select Pilot Scheme Participants under Article 4(2)(b) of the Order; and
 - (j) "Service" means services you provide as part of the Pilot Scheme, as more specifically described at Paragraphs 16.4 and 16.25 to 16.37.
- 16.2 Unless one provision is stated expressly to override, or to be subject to another, then in the event of any conflict between any of the provisions of the Contract Documents, the provisions in this Section 16 shall take precedence.

The ELAP Schedule

- 16.3 All work carried out under the Pilot Scheme is subject to any conditions or restrictions set out in that ELAP Schedule. You may only provide Services under the Pilot Scheme during the period specified in your ELAP Schedule. When your ELAP Schedule expires we may, but are not obliged to, issue a replacement ELAP Schedule should the operation of the Pilot Scheme be extended.

The Service

- 16.4 The Order establishes that the Pilot Scheme shall be established to pilot the provision of certain legal services to individuals habitually resident in the area of Manchester City Council or of Middlesbrough Council and who are selected to take part in the Pilot Scheme in the form of advice and assistance in relation to certain housing, debt and welfare benefits issues of a maximum of three hours advice and assistance and not including representation.
- 16.5 You must have a Housing and Debt Supervisor at all times you are delivering the Services who must oversee Pilot Scheme work.
- 16.6 You must include Pilot Scheme Services within your file review process.

Payment

- 16.7 The Services are Controlled Work. The payment provisions for all work under the Pilot Scheme are specified in the Remuneration Regulations as amended by the Order and work covered by the Pilot Scheme may only be claimed for under this ELAP Schedule.
- 16.8 The rate referred to in the Remuneration Regulations is payable per Client and covers all work for the Client undertaken under the Pilot Scheme.
- 16.9 If you provide Services under the Pilot Scheme and subsequently open a new Matter Start under your 2018 Standard Civil Contract in relation to the same case, then you may claim both the Pilot Fee and the Matter Start Standard Fee. For the avoidance of doubt, any time spent advising as part of the Pilot Scheme will not count towards the Escape Fee Case Threshold of any subsequently opened Matter Start opened under sections 10 or 12 of the Specification.
- 16.10 Payment will be monthly in arrears for work done and reported. Payments will be made separately from your Standard Monthly Payments for other Controlled Work.
- 16.11 Disbursements are claimable in accordance with paragraphs 4.24 – 4.31 of the Specification in addition to the Pilot Fee.
- 16.12 You must comply with the requirements to provide information about the Pilot Scheme and Pilot Scheme Participants, including provision of information within specified timescales, to enable evaluation of the Pilot Scheme and your entitlement to receive payment is conditional on your doing so.
- 16.13 The Pilot Fee includes the provision of information to the Independent Evaluator to facilitate our evaluation of the Pilot Scheme (see paragraphs 16.18 to 16.20 below). You must comply with the requirements to provide information about the Pilot within the specified timescales.

Matter Start Rules

- 16.14 Matter Starts issued to you under sections 10 or 12 of the Specification may be used where Pilot Scheme Participants have received 3 hours of advice and assistance under the Pilot Scheme and are eligible for and require Housing and/or Debt and or Welfare Benefits advice under the Legal Help scheme.

Payment Reports

- 16.15 You must report data to us about the Pilot Scheme in such form as we may specify. Payment Reports showing details of Pilot Scheme Participants assisted must be completed fully and returned to us within 15 days after the end of each month. Payments are triggered by our receipt of fully completed monthly monitoring forms on or before their respective due date. If you fail to provide any report to us by its due date, your payment will be delayed until after we have received it.
- 16.16 All Payment Reports must be submitted you and not by any third parties instructed pursuant to Clause 3 of the Standard terms who deliver Services.
- 16.17 We may share Payment Reports with the Independent Evaluator for the purposes of facilitating evaluation of the effectiveness of the Pilot Scheme subject to our obligations under Clauses 15.6 and 15.7 of the Standard Terms.

Evaluation Reports

- 16.18 You must report data to us or the Independent Evaluator about the Pilot Scheme in such form as we or the Independent Evaluator may specify within 30 days of the request being made.

- 16.19 The Independent Evaluator shall communicate directly with your Contract Liaison Manager and may request Evaluation Reports in accordance with Paragraph 16.18.
- 16.20 In the event that you fail to provide Evaluation Reports to the Independent Evaluator as specified in Paragraph 16.18 without good cause any Pilot Fee paid in respect of relevant Pilot Scheme Participants may become immediately repayable.

Volumes of Work

- 16.21 There is no limit on the volume of Pilot work that can be undertaken and matters undertaken under this Section 16 do not count towards any Matter Start issued under any other Schedule. Where you have the resources and capacity you are expected to provide Services to all potential Pilot Scheme Participants who request it.
- 16.22 Where you do not have the resources and capacity to advise a potential Pilot Scheme Participant you must comply with the provisions contained in Paragraphs 2.41 to 2.45 of the Specification save that in the first instance you must signpost to other Providers providing Services under an ELAP Schedule.

Delegation of the Service

- 16.23 You may appoint third parties to assist you in delivering the Services in accordance with Clause 3.2 of the Standard Terms.
- 16.24 Where you appoint a third party pursuant to Paragraph 16.23 all time spent by that third party shall be included within the Payment Report submitted by you and no separate or additional fee shall be payable under any circumstances for the work of such third party.

Scope of the Pilot Scheme

- 16.25 The Pilot Scheme includes certain civil legal services as set out in the Order and as described at Paragraphs 16.26 to 16.28.
- 16.26 Housing advice under the Pilot Scheme includes all Housing matters set out in paragraph 37 of the 2018 Standard Civil Contract Category Definitions and additionally:
- (a) the possession, status, terms of occupation, repair, improvement, eviction from, quiet enjoyment of, or payment of rent or other charges for, an individual's home;
 - (b) the rights of leaseholders under the terms of their lease or under any statutory provision (including in relation to leasehold enfranchisement); and
 - (c) allocation and transfer of housing and the provision of sites for occupation
- but does not include disputes relating to any boundary of a property.
- 16.27 Debt advice under the Pilot Scheme includes all Debt matters set out in paragraph 27 of the 2018 Standard Civil Contract Category Definitions and includes rent, mortgage, council tax, utilities and court fines and additionally matters which concern non-priority debts including bank loans, credit card/HP/other regulated credit debts.
- 16.28 Welfare Benefits under the Pilot Scheme includes all Welfare Benefits matters set out in paragraph 46 of the 2018 Standard Civil Contract Category Definitions and additionally matters which relate to a benefit, allowance, payment, credit or pension under:
- (a) a social security enactment;
 - (b) the Vaccine Damage Payments Act 1979;

- (c) Part 4 of the Child Maintenance and Other Payments Act 2008; and
 - (d) a council tax reduction scheme.
- 16.29 You may only provide the Services to any Pilot Scheme Participants who request advice under the Pilot Scheme where they demonstrate eligibility by providing the requisite evidence of eligibility provided to them by the Pilot Scheme Participant Selector.
- 16.30 Legal Help provided under the Pilot Scheme can be provided across the range of issues that the Pilot Participants presents with, Housing and/or Debt and /or Welfare Benefits.
- 16.31 The Services may be delivered in person or remotely and no limitations will be set in relation to the method of delivery for the purposes of the Pilot Scheme. You must ensure that the Services under the Pilot Scheme are delivered to eligible individuals in accordance with the individuals' preferences.
- 16.32 Legal Help provided to a Pilot Scheme Participant may be split across a number of advice sessions.
- 16.33 You must make a record of the advice that you give to each Pilot Scheme Participant and retain it on file. You must retain the client information including a copy of the evidence of eligibility for the Pilot Scheme.
- 16.34 In addition to the requirements to keep records under the Standard Terms, you must keep a central record (in such form as we may specify) of Pilot Scheme Participants seen under the Pilot Scheme.
- 16.35 Any reports provided to the LAA may be passed onto the Independent Evaluator.
- 16.36 An individual may be selected to participate in the Pilot Scheme on more than one occasion and on each occasion a Pilot Scheme Participant is selected and provides evidence of eligibility a separate Matter Start may be commenced pursuant to Paragraph 16.14 and further Pilot Fees are payable.
- 16.37 If the Pilot Scheme Participant requires additional advice following the 3 hours maximum advice limit you may either:
- (a) where the Client meets eligibility criteria (scope, means and merits) provide Contract Work as authorised by your Contract Specification you hold; or
 - (b) refer the eligible individual to another Provider to take on follow up work where you are unable to take on this work under your Contract; or
 - (c) consider whether an application should be made for Exceptional Case Funding; or
 - (d) signpost to another organisation where the Client may not be eligible for Legal Aid.