

## **Procurement of HLPAS in England and Wales from 1 August 2023 Frequently Asked Questions**

Many questions will be answered by the information given in the Information for Applicants document ('IFA'), which is available on the Tenders pages of our website:  
<https://www.gov.uk/government/publications/>

The deadline for questions about content of the IFA was **23:59 pm on 2 December 2022** (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 will be published in this Frequently Asked Questions ('FAQ') document.

This FAQ document incorporates questions received up to **23:59 pm on 2 December 2022** and incorporates all questions that we consider to be of interest which are received by the above deadline.

### **Technical questions on how to use the e-Tendering system**

There is a helpdesk to provide technical support to Applicants using the e-Tendering system. However, the helpdesk is **unable** to assist 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](mailto:help@bravosolution.co.uk). Alternatively, the telephone number for the Helpdesk is 0800 069 8630 (lines are open from 8am to 6pm Monday to Friday).

The helpdesk remains open until the Deadline for receipt of Tenders. However, we recommend that you start to complete your tender early so that you identify any areas where you 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 12pm on 19 December 2022.**

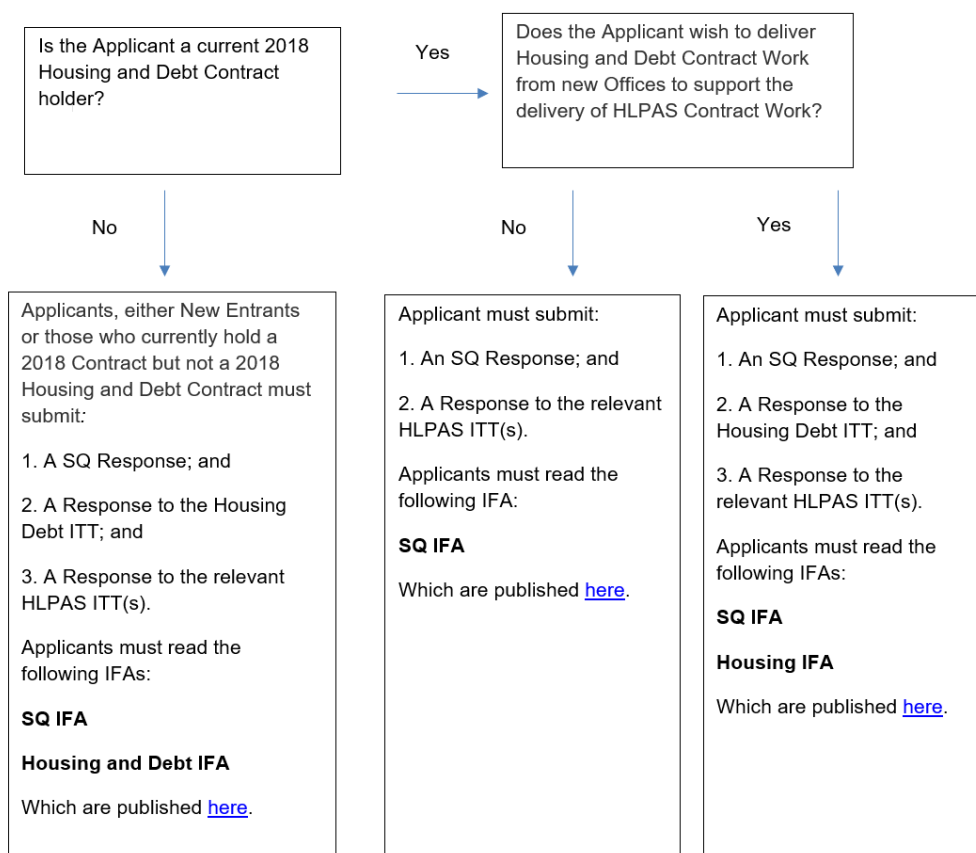
## General Procurement Process Questions

**Q.1. To be clear before we submit our tender. We are existing contract holders. Do we still have to apply for:**

- i. A housing and debt contract**
- ii. To provide HLPAS court services (the old HPCDS)**

**Or will we receive another schedule if we do not apply**

A. As detailed in the HLPAS IFA, the ITTs to which an Applicant must submit a Response is dependent on its current status as set out below: -



**Q.2. Please could you also clarify whether clarification questions should be raised on this ITT (Selection Questionnaire for Housing Loss Prevention Advice Services) (itt\_714) or whether they should be raised on the ITT for Housing and Debt Services from August 2023 (itt\_717). Until we have clarity I will continue to raise questions on both.**

A. Questions should be raised on the message board to which the question relates..

**Q.3. How should 'Not for Profit' Charitable Organisations with an 'in house solicitor' Answer Question A9(i) on the Selection Questionnaire for Housing Loss Prevention Advice Services from August 2023, (SQ Form) if as a NfP organisation they are not regulated but they have an inhouse solicitor who is regulated by the SRA?**

A. Not for Profit organisations do not need to be authorised if they are non-commercial as they are exempt under transitional arrangements brought in under Regulation 23 of the Legal Services Act 2007.

Therefore, in this instance they should indicate “n/a”.

## HLPAS procurement questions

### Organogram

#### **Q.4. Please can you clarify if there is a word count for the organogram?**

A. There is not a word count for the organogram.

#### **Q.5. Should the organogram include the FTE hours staff are employed for, as well as the FTE they would be working on each individual HLPAS contract for? Or do you want the FTE hours staff would be working on the HLPAS contract somewhere else? Or is it not necessary to include this level of detail?**

A. The organogram should include all of the information necessary to indicate the resourcing for your bid and should include the FTE hours staff are employed, as well as the FTE they would be working on each individual HLPAS contract.

#### **Q.6. We are unable to locate a specification document on the portal. Has one been published?**

A. Please find Draft HLPAS Specification rules here: [Draft HLPAS Specific rules - July 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

### HLPAS Contract Information

#### **Q.7. Can you confirm the Standard Fees for The HLPAS stage 1 and Stage 2 Payments?**

The standard fees are set out in The Civil Legal Aid (Housing and Asylum Accommodation) Order 2023 as follows:

#### Housing Loss Prevention Advice Service (HLPAS)

<i>Activity</i>	<i>Standard Fee</i>	<i>Escape Fee Threshold</i>
HLPAS Stage One: early legal advice	£157	£471
HLPAS Stage Two: in-court duty scheme	£75.60 (London rate) £71.55 (Non-London rate).	N/A”

Full details of the legislation can be found here: [The Civil Legal Aid \(Housing and Asylum Accommodation\) Order 2023 \(legislation.gov.uk\)](https://legislation.gov.uk)

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**Q.8. Please confirm for the avoidance of doubt the duration of the contract and whether there is scope to extend it. If there is scope to extend it, can the LAA unilaterally extend it and if so for how long.**

A. As per paragraph 4.1 of the HLPAS IFA successful Applicants will start delivering HLPAS Contract Work on 1 August 2023 and the Contract will run until 31 August 2024 (subject to the LAA's rights of early termination).

**Q.9 Please can you confirm if TUPE is applicable to the HLPAS Contracts?**

A. Applicants should seek their own legal advice as necessary. General TUPE information can be found in paragraph 26.13 – 26.20 of the 2018 Standard Civil Contract Standard Terms. [Standard Terms 2013 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/68222/standard-terms-2013.pdf)

**Q.10. Bearing in mind the client can access early legal advice from any provider and we have no control over the number of enquiries we will receive, will there be any penalty if we do not use our allocation of case starts. Conversely, if demand is higher than expected can we request additional case starts**

A. The LAA will not impose any penalty if Providers do not use their allocation of Matter Starts. The LAA will allow Providers to apply for more Matter Starts.

Guidelines for rules for increasing Matter Starts can be found under paragraphs 1.15 -1.19 and 1.21- 1.24 of the 2018 Standard Civil Contract General Specification.

[HLPAS Caseworker Requirement questions](#)

**Q.11. Will people delivering Early Legal Advice need to meet the Caseworker requirements?**

A. People delivering Early Legal Advice must meet the Caseworker requirements set out at paragraph 2.27 of the 2018 Standard Civil Contract General Specification.

**Q.12 As there is no minimum competence standard for debt and benefits advice, can we refer work on if it gets beyond work that we feel we are not competent to do.**

A. Rules regarding declining work is set out in paragraphs 3.50 - 3.53 of the 2018 Standard Civil Contract General Specification. Where appropriate, Providers can delegate provision of the service to other Providers, who will act as Agents.

**Q.13. Where tendering for multiple lots, is it possible to place the same staff member in the same role in multiple lots even if they have insufficient hours to cover them all? Until the outcome is known, it is difficult to make firm plans about staffing**

**Q.14 Where a provider bids for multiple HLPAS areas, must the provider respond to the ITT questions for each area on the basis that it will be awarded contracts for all areas that it bids for? Moreover, given the possibility that a provider may be unsuccessful in some bids, are higher scores likely to be awarded if the provider responds to questions by outlining alternative arrangements for resourcing and managing the contract which would be deployed in the event that some or all other bids are unsuccessful?**

A. All HLPAS bids submitted must be capable of concurrent delivery, and the resourcing must reflect this. The HLPAS IFA at paragraphs 7.5 - 7.15 sets out how the LAA will assess the Quality Award Criteria.

**Q.15. Does the 'ITT: itt\_775 - Kidderminster, Redditch, Worcester HLPAS Area Contract Work', specification include the County Court Housing possession hearings heard at Hereford Magistrates Court (as it does with the current HPDC contract)?**

A. Yes it does.

**Q.16. How do you envisage you will monitor 'Social Value'? Will it form part of the current monthly returns, or do you expect milestones to be met every month and reported on every month under a separate structure?**

A. The LAA will define the reporting mechanism for Social Value with the successful providers of HLPAS which will be proportionate to the service requirements.

#### [HLPAS Early Legal Advice questions](#)

**Q.17. Where an Early Legal Advice matter is opened and claimed, eg to resolve a benefit issue, is it still acceptable for a Housing & Debt Contract matter start to be claimed to provide advice on the substantive housing matter?**

A. Rules regarding the opening of a Matter Start and HLPAS are set out in paragraphs 10.28 – 10.29 of the Draft 2018 Standard Civil Contract Category Specification Housing and Debt Section 10 (HLPAS Tender) November 2022.

**Q.18. If a client consults us 2 weeks before a rent possession hearing, how do we decide whether to open a housing file under CW1 or an early legal advice file. Is it up to us which we use?**

A. It is up to a Provider to choose whether to open a Housing file under CW1 or an Early Legal Advice file.

**Q.19. How will early legal advice matters be reported to the LAA? Can an escape fee be claimed for early legal advice cases that go to 3 x the fixed fee? If so, how are such claims processed? Is the same process as reporting-controlled work under a housing contract?**

A. An escape fee can be claimed for Early Legal Advice cases that go to 3 x the fixed fee. The process for reporting and claiming HLPAS Contract Work will be set out in provider guidance ahead of contract go live.

**Q.20. Is it correct that early legal advice can only be given up to the date of a substantive court hearing and that after the substantive court hearing no further work can be done on the early legal advice files?**

A. As per 10.43 of the 2018 Standard Civil Contract General Specification, Early Legal Advice may continue following a review hearing but is not available following the first substantive possession hearing and Providers must not provide further Early Legal Advice beyond this point.

**Q.21 Will early legal advice files be subject to peer review?**

A. HLPAS Contract Work must be included in any file review process. The rules regarding the Independent Peer Review Process are set out in 10.6 -10.9 of the 2018 Standard Civil Contract Standard Terms.

The Independent Peer Review Process is focused on the Category of Law, rather than the specific service for HPCDS (now) and HLPAS (future). The Independent Peer Review Process will apply to a Providers Housing and Debt Category Contract and any other category that a Provider holds a Schedule to deliver.

**Q.22 Will the Housing Possession Court Duty Scheme Guidance for Providers document be updated to reflect the HLPAS scheme, and are any significant changes to the guidance anticipated in relation to in-court duty scheme services, compared to the current HPCDS scheme, other than the changes outlined in the draft Housing and Debt Civil Contract Specification?**

A. Provider Guidance for HLPAS, covering both Early Legal Advice and In-Court Duty Scheme work, will be produced and published ahead of contract go live. This will include the reporting and claiming process for both elements of HLPAS. All changes to In-Court Duty Scheme services are outlined in the Draft 2018 Standard Civil Contract Category Specification Housing and Debt Section 10 (HLPAS Tender) November 2022.