



# Legal Aid Agency

## Standard Crime Contract: Guidance on Crime Supervisor requirements

Updated May 2023

### Introduction

1. This document provides guidance regarding the requirements that Supervisors must satisfy, and how the Supervisor Standard and Declaration forms should be completed.
2. Accurate Supervisor Standard and Declaration forms must be submitted in respect of each individual who will be acting as a Supervisor under the 2022 Standard Crime Contract.
3. **A failure to submit when required:**
  - a. **a Supervisor Standard and Declaration; or**
  - b. **the correct Supervisor Standard and Declaration Form in relation to your specific circumstances; or**
  - c. **an accurately and properly completed Supervisor Standard and Declaration Form**

**Such failures will entitle us terminate your Contract pursuant to Clause 25 of the 2022 Standard Crime Contract Standard Terms.**

4. It is also crucial that you are familiar with the contractual Supervisor requirements and understand how to fill in the Supervisor Standard and Declaration forms.
5. Under Clause 21.9 of the Standard Crime Contract Standard Terms, it is your responsibility to notify the Legal Aid Agency (LAA) “within 21 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 the LAA in the event that a Supervisor ceases to meet the required standard. In addition, the LAA may request up to date Supervisor forms from you at any time during the lifetime of the Contract.

### Generic Supervisor Requirements

6. Any Supervisor must at all times during the Contract Period 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 Standard Crime Contract Specification paras 2.15 to 2.19).
  - Supervisor Qualifications:
    - *Criminal Investigations and Criminal Proceedings* (see Standard Crime Contract Specification paras 2.20 to 2.21)
    - *Prison Law* (see Standard Crime Contract Specification paras 2.22 to 2.25)
    - *Appeals and Reviews* (see Standard Crime Contract Specification para 2.26)
7. Providers must have regard to the rules on external supervision. It is only permitted in limited circumstances, where a Supervisor is temporarily absent (see Standard Crime Contract Specification paras 2.27-2.28).
  8. The LAA may also exclude individuals from being Supervisors or performing Contract Work as set out at 24.9 of the Standard Crime Contract Standard Terms. No Supervisor Standard and Declaration form should be completed for an individual subject to this sanction.

## **Completing the forms**

9. There are separate Crime Supervisor Standard and Declaration forms covering:
  - a. Criminal Investigations and Criminal Proceedings:
  - b. Appeals and Reviews only work; and
  - c. Prison Law.
10. All information recorded must relate to work that falls within the relevant class of work. The information included in the form must be accurate. 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***

11. "Date qualified as a Supervisor": 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 began to meet the standard again.
12. "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.

### ***Generic Supervisor requirements***

13. 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.
14. 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***

#### ***Generic***

15. Where a **portfolio of cases** is required:
  - All files referenced must be ones on which the Supervisor has conducted work within the time period specified in the relevant form. Files do not need to be publicly funded matters, but should be available to the LAA for verification purposes.
  - The cases referenced do not have to be closed. They need not wholly relate to the relevant area, but must clearly and substantively demonstrate the knowledge, skill, or procedural expertise that is required so that if the LAA were to check the files it would be evident to an auditor.
  - A Unique File Number (UFN) must be entered for each case. Files conducted for a previous employer may be included if worked on within the time period specified in the relevant form. 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.

- Please read carefully the requirements regarding which fields must be completed. Some of the standards only require a subset of the areas of knowledge to have been covered in the time period specified in the relevant form. 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.
- Where the form requires the Supervisor to explain the steps (other than recent casework) they have taken to maintain their competence; acceptable answers will relate to activity undertaken in the time period specified in the relevant form. We would expect to see activities such as training (internal or external), shadowing/mentoring, or extensive reading/research of recent case law referred to. Reference to experience of cases prior to the time period specified in the relevant form 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 time period specified in the relevant form”. Supervisors providing 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.
- Where requested, the file name should be supplemented with a description of the type of case. Please note that entering a case billing code in this field will not be sufficient.

### ***Case Involvement***

16. The required minimum casework hours for each class of work is set out in the relevant Supervisor Standard and Declaration Form. Different measurement periods apply to Full Time Equivalent (FTE) and Part Time Equivalent Supervisors.
17. All of the time recorded must relate to work that falls within the relevant class of work. Work conducted in other classes may not be counted.
18. Where a Supervisor Standard and Declaration form requires hours to be completed for successive 12-month periods the Supervisor should record the hours completed during each of those 12-month periods, not (for example) the cumulative number of hours across five years.
19. “Hours” of casework mean claimable hours billed to files. Where work is not billable (e.g. training and supervision) the Supervisor should model the number of hours claimed on the “billable hours” approach.
20. 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 period to which the form relates may draw on casework experience from up to 24 months prior to the date when the form is completed. For Prison Law, a Supervisor who has experienced an extended period of absence should complete the case involvement hours in the same way as a part time Supervisor.

21. The LAA cannot provide an exhaustive list of individual types of work that would not count as “billable hours”, but the following are provided as illustrative, non-exhaustive, examples of types of work that we would not consider to be work performed for a Client.
- general supervision,
  - general file reviews that do not progress the case,
  - appraisals,
  - billing,
  - costs appeals,
  - time spent corresponding with the LAA on compliance issues.
22. ‘Advice and Assistance’ is provided under the Legal Aid Sentencing and Punishment of Offenders Act. Advice and Assistance refers specifically to criminal legal aid and does not include private client work.
23. Remote Attendances made under the Joint Interim Interview Protocol between the National Police Chiefs Council, Crown Prosecution Service, Law Society, the Criminal Law Solicitors’ Association, and the London Criminal Courts Solicitors’ Association may be included when calculating the number of Police Station and Court Attendances, subject to the limitations on Police Station Telephone Advice set out in the Supervisor Standard and Declaration Forms.
24. A Supervisor must have undertaken a minimum number of Magistrates Court or Crown Court ‘Representations’. ‘Representation’ (as defined in the 2022 Standard Crime Contract Standard Terms) has the meaning given to it in section 42(1) of the Legal Aid Sentencing and Punishment of Offenders Act. That Act does not limit ‘Representation’ to legal aid work only.
25. “Representation” is defined by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and relates to the provision of services to individuals. The Supervisor requirements are designed to demonstrate that the individual has the skills and experience to supervise the defence of clients rather than experience of the criminal justice system generally.
26. 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 counted towards the Supervisor’s Case Involvement hours.
27. “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.
28. “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 file reviews, together with the details of any corrective action taken.

29. "External training delivery" means time spent on the actual delivery of CPD (Continuing Professional Development) -accredited training in the relevant category of law. The Supervisor should have documentation to confirm the work they have undertaken.
30. "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.
31. "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).
32. There is no additional credit for doing hours in excess of the Supervisor requirements. Supervisors who work across several categories of law should bear in mind that an individual delivering 35 claimable hours per week, 46 weeks a year would have an output of 1,610 hours. We may find claims to have conducted very large numbers of hours implausible, and require additional information to confirm them.
33. It is very unusual for one individual to be able to meet the Supervisor requirements in more than three categories of law.

### ***Declaration***

34. The Supervisor Standard and Declaration form must be signed by
  - The Compliance Officer for Legal Practice (COLP) where the organisation is authorised by Solicitors Regulatory Authority (SRA).
  - The Head of Legal Practice (HOLP) where the organisation is regulated by the Bar Standards Board (BSB)
  - The Compliance Manager (CM) where the organisation is regulated by the Chartered Institute of Legal Executives (CILEx)
35. The HOLP, CM or member of Key Personnel should not be used to sign as alternatives to the COLP where the organisation is authorised by the SRA.
36. If the organisation is not authorised by the SRA, BSB or CILEx, the signatory must be member of Key Personnel who either (i) has decision and / or veto rights over decisions relating to the running of the Applicant; or (ii) has the right to exercise, or actually exercises, significant influence or control over the Applicant

The signatory 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.