

2024 Standard Civil Contract
DAPO Pilot Scheme Specification

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DAPO Pilot Scheme Specification

Section 19 DAPO Pilot Scheme

- 19.1 You may provide Contract Work under the DAPO Pilot Scheme if you have a Schedule Authorisation to provide services under the Contract in any Category of Law or if you are a Crime Provider. Unless otherwise stated, in Paragraphs 19.1 to 19.18:
- (a) “*Civil Provider*” means for the purpose of this Section 19 any Provider who has a Schedule Authorisation under this Contract to provide civil legal aid services in any Category of Law;
 - (b) “*Crime Provider*” means any Provider who holds a contract with us for the provision of criminal legal aid services;
 - (c) “*DAPN*” means Domestic Abuse Protection Notice(s) as defined in section 22(2) of Part 3 of the Domestic Abuse Act 2021;
 - (d) “*DAPO*” means Domestic Abuse Protection Order(s) as defined in section 27 of Part 3 of the Domestic Abuse Act 2021;
 - (e) “*DAPO Pilot Scheme*” means the pilot scheme for the provision of Services as described in paragraphs 19.3 to 19.18;
 - (f) “*Orders*” means The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Family and Domestic Abuse) (Miscellaneous Amendments) Order 2023 and The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Domestic Abuse) (Amendment) Order 2024;
 - (g) “*P*” means the person against whom an application for a DAPO has been made under section 28 of the Domestic Abuse Act 2021 or the possibility against them has arisen in the course of certain proceedings under section 31 of the Domestic Abuse Act 2021; and
 - (h) “*Services*” means services you may provide as part of the DAPO Pilot Scheme as described in paragraphs 19.8 to 19.18;
- 19.2 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 19 shall take precedence.

The Services under the DAPO Pilot Scheme

- 19.3 You may provide civil legal aid services regarding DAPOs under the DAPO Pilot Scheme as provided under the Orders and this Section 19.
- 19.4 Subject to Paragraph 19.6, Services undertaken under the DAPO Pilot Scheme Specification will fall under Miscellaneous Work. The specific Forms of Civil Legal Services that may be provided to different Clients and

the rates applicable to Miscellaneous Work are set out in Tables A to F in Paragraphs 19.8 to 19.18.

- 19.5 There is no limitation to the number of Matter Starts that you may commence as Miscellaneous Work under the DAPO Pilot Scheme.
- 19.6 If you have a Schedule Authorisation to provide services under the Family Category of Law you must undertake and Claim for any work related to a DAPO in accordance with the Family Specification (Section 7) and not under this Section 19, where the work relevant to a DAPO arises during the course of the provision of services in the Family Category of Law.
- 19.7 No civil legal aid services may be provided regarding the DAPN.

DAPO Services in the magistrates' court and Payment

- 19.8 In the cases where:
- (a) the police or the British Transport Police has applied for a DAPO in the magistrates' court; or
 - (b) an application is made for a variation or discharge of this DAPO in the magistrates' court and appeal of these decisions; or
 - (c) an appeal is made to the Crown Court or Court of Appeal to a decision made by the magistrates' court or Crown Court regarding DAPO,
- you may provide the Services set out in Tables A and B, provided that the applicable merits and means criteria are fulfilled.

- 19.9 Table A- Services available to P in the magistrates' court

Table A: magistrates' court- Services available to P				
	Form of Civil Legal Service available to P	Eligibility to provide the Service and applicable fees	Merits criteria applicable	Means criteria applicable
DAPO application (police-led)	Legal Representation (Licensed Work)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations
Application for variation/dis	Legal Representation	<u>Eligibility:</u>	The merits criteria of Regulation 67	The civil means criteria set

charge of a DAPO (s.44 Domestic Abuse Act 2021) and appeal of these decisions	(Licensed Work)	Civil Providers and Crime Providers <u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations	of the Merits Regulations	out in the Financial Regulations
Appeal of a s.28 DAPO to Crown Court or Court of Appeal	Legal Representation (Licensed Work)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations

19.10 Table B- Services available to the person for whose protection the DAPO is sought (or an individual on their behalf) in the magistrates' court

Table B: magistrates' court- Services available to the person for whose protection the DAPO is sought (or an individual on their behalf)				
	Form of Civil Legal Service available to the person for whose protection the DAPO is sought (or an individual on their behalf)	Eligibility to provide the Service and applicable fees	Merits criteria applicable	Means criteria applicable

DAPO application (police-led)	Legal Help (Controlled Work)	<p><u>Eligibility:</u> Civil Providers and Crime Providers</p> <p><u>Applicable fees:</u> Table 1 of Schedule 1 of the Remuneration Regulations</p> <p>When work undertaken meets the Escape Fee Threshold the fees of Table 7(e) of Schedule 1 of the Remuneration Regulations</p>	The merits criteria of Regulation 32 of the Merits Regulations	The civil means criteria set out in the Financial Regulations
	Legal Representation (Licensed Work)	<p><u>Eligibility:</u> Civil Providers and Crime Providers</p> <p><u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations</p>	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations
Application for variation/discharge of a DAPO (s.44 Domestic Abuse Act 2021) and appeal of these decisions	Legal Representation (Licensed Work)	<p><u>Eligibility:</u> Civil Providers and Crime Providers</p> <p><u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations</p>	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations
Appeal of a s.28 DAPO to Crown Court	Legal Representation	<u>Eligibility:</u>	The merits criteria of Regulation 67	The civil means criteria set

or Court of Appeal	(Licensed Work)	Civil Providers and Crime Providers <u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations	of the Merits Regulations	out in the Financial Regulations
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19.11 For the avoidance of doubt, in cases where a criminal court has issued a DAPO of its own motion or further to an application to vary or discharge such a DAPO, no civil legal aid services will be available to P. In these cases, criminal legal aid will be available to P and may only be provided by Crime Providers. Any appeals made regarding a DAPO in the context of the provision of criminal legal services to P will not be covered by this Specification and will fall under the criminal legal aid services provided by the Crime Providers. The person for whose protection the DAPO is issued (or varied/discharged on an application) will be in scope of civil legal aid.

DAPO Services in the Family Court and Payment

19.12 In the cases where:

- (a) the person for whose protection the DAPO is sought (or an individual on their behalf) applies for a DAPO in a Family Court; or
- (b) the Family Court issues the DAPO of its own motion within ongoing family proceedings; or
- (c) an application is made to vary or discharge a DAPO in the Family Court and appeal of these decisions; or
- (d) an appeal is made to a decision made by the Family Court regarding DAPO,

you may provide the Services set out in Tables C and D, provided that the applicable merits and means criteria are fulfilled.

19.13 Where Legal Representation (Licensed Work) is provided to P or to the person for whose protection the DAPO is sought (or an individual on their behalf) in the Family Court for the application for DAPO and/or variation or discharge of a DAPO, the Escape Fee threshold will be met if remuneration, calculated on an Hourly-Rate basis, would be at least three times the amount payable by way of a Standard Fee. Where this threshold is met payment will be made solely by way of Hourly Rates according to Tables C and D below.

19.14 Table C- Services available to P in the Family Court

Table C: Family Court- Services available to P

	Form of Civil Legal Service available to P	Eligibility to provide the Service and applicable fees	Merits criteria applicable	Means criteria applicable
DAPO application or made on the courts own motion in existing proceedings	Legal Representation (Licensed Work); or	<p><u>Eligibility:</u> Civil Providers and Crime Providers</p> <p><u>Applicable fees:</u> Table 3(h) of Schedule 1 of the Remuneration Regulations</p> <p>Where work undertaken meets the escape fee threshold, Table 9(b) of Schedule 1 of the Remuneration Regulations</p>	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations
	Advocacy Services (where the Services required under the DAPO Pilot Scheme arise as part of work being undertaken under the Family Advocacy Scheme)	<p><u>Eligibility:</u> Civil Providers and Crime Providers</p> <p><u>Applicable fees:</u> Table 2(b) of Schedule 3 of the Remuneration Regulations</p>		
Application for variation/discharge of a DAPO(s.44 Domestic Abuse Act 2021) and appeal of these decisions	Legal Representation (Licensed Work); or	<p><u>Eligibility:</u> Civil Providers and Crime Providers</p> <p><u>Applicable fees:</u> Table 3(h) of Schedule 1 of the</p>	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations

		Remuneration Regulations Where work undertaken meets the escape fee threshold, Table 9(b) of Schedule 1 of the Remuneration Regulations		
	Advocacy Services (where the Services required under the DAPO Pilot Scheme arise as part of work being undertaken under the Family Advocacy Scheme)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 2(b) of Schedule 3 of the Remuneration Regulations		
Appeal of a DAPO	Legal Representation (Licensed Work)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 9(b) of Schedule 1 of the Remuneration Regulations	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations

19.15 Table D- Services available to the person for whose protection the DAPO is sought (or an individual on their behalf) in the Family Court

Table D: Family Court- Services available to the person for whose protection the DAPO is sought (or an individual on their behalf)				
	Form of Civil Legal Service available to the person for	Eligibility to provide the Service and applicable fees	Merits criteria applicable	Means criteria applicable

	whose protection the DAPO is sought (or an individual on their behalf)			
DAPO application or made on the courts own motion in existing proceedings	Legal Representation (Licensed Work); or	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 3(h) of Schedule 1 of the Remuneration Regulations Where work undertaken meets the escape fee threshold, Table 9(b) of Schedule 1 of the Remuneration Regulations	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations will be applicable unless a waiver under Regulation 12 applies.
	Advocacy Services (where the Services required under the DAPO Pilot Scheme arise as part of work being undertaken under the Family Advocacy Scheme)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 2(b) of Schedule 3 of the Remuneration Regulations		
Application for variation/discharge of a DAPO (s.44 Domestic Abuse Act 2021) and	Legal Representation (Licensed Work); or	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u>	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations

appeal of these decisions		<p>Table 3(h) of Schedule 1 of the Remuneration Regulations</p> <p>Where work undertaken meets the escape fee threshold, Table 9(b) of Schedule 1 of the Remuneration Regulations</p>		will be applicable unless a waiver under Regulation 12 applies.
	<p>Advocacy Services (where the Services required under the DAPO Pilot Scheme arise as part of work being undertaken under the Family Advocacy Scheme)</p>	<p><u>Eligibility:</u> Civil Providers and Crime Providers</p> <p><u>Applicable fees:</u> Table 2(b) of Schedule 3 of the Remuneration Regulations</p>		
Appeal of a DAPO	<p>Legal Representation (Licensed Work)</p>	<p><u>Eligibility:</u> Civil Providers and Crime Providers</p> <p><u>Applicable fees:</u> Table 9(b) of Schedule 1 of the Remuneration Regulations</p>	<p>The merits criteria of Regulation 67 of the Merits Regulations</p>	<p>The civil means criteria set out in the Financial Regulations will be applicable unless a waiver under Regulation 12 applies.</p>

DAPO Services in the County Court and High Court and Payment

19.16 In the cases where:

- (a) the person for whose protection the DAPO is sought applies for a DAPO in County Court or High Court; or
- (b) the County Court or High Court issues the DAPO of its own motion within ongoing civil or family proceedings respectively; or
- (c) an application is made to vary or discharge a DAPO in the County Court or High Court, including appeals of these decisions; or
- (d) an appeal is made to a decision of the County Court or High Court regarding DAPO,

you may provide the Services set out in Tables E and F, provided that the applicable merits and means criteria are fulfilled.

19.17 Table E- Services available to P in the County Court or High Court

Table E: County Court or High Court- Services available to P				
	Form of Civil Legal Service available to P	Eligibility to provide the Service and applicable fees	Merits criteria applicable	Means criteria applicable
DAPO application or made on the courts own motion in existing proceedings	Legal Representation (Licensed Work)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations
Application for variation/disc charge of a DAPO and appeal of these decisions (s.44 Domestic Abuse Act 2021)	Legal Representation (Licensed Work)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations
Appeal of a DAPO	Legal Representation (Licensed Work)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u>	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations

		Table 10(a) of Schedule 1 of the Remuneration Regulations		
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19.18 Table F- Services available to the person for whose protection the DAPO is sought (or an individual on their behalf) in the County Court or High Court

Table F: County Court or High Court- Services available to the person for whose protection the DAPO is sought				
	Form of Civil Legal Service available to the person for whose protection the DAPO is sought (or an individual on their behalf)	Eligibility to provide the Service and applicable fees	Merits criteria applicable	Means criteria applicable
DAPO application or made on the courts own motion in existing proceedings	Legal Representation (Licensed Work)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations
Application for variation/disc charge of a DAPO and appeal of these decisions (s.44 Domestic Abuse Act 2021)	Legal Representation (Licensed Work)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations
Appeal of a DAPO	Legal Representation (Licensed Work)	<u>Eligibility:</u> Civil Providers and Crime Providers <u>Applicable fees:</u> Table 10(a) of Schedule 1 of the Remuneration Regulations	The merits criteria of Regulation 67 of the Merits Regulations	The civil means criteria set out in the Financial Regulations

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