2024 Standard Civil Contract

Specification

Category Specific Rules:

Claims Against Public Authorities

December 2024

Section 13 Claims Against Public Authorities

This part of the Specification sets out the rules relating to cases undertaken in the Claims Against Public Authorities Category of Law. Providers must satisfy themselves before undertaking work in the Claims Against Public Authorities Category that the work is within scope.

13.1 Two Legal Competence Standards are set out for Supervisors in this Category; namely:

(a) the General Standard at Paragraphs 13.2 to 13.6; and

(b) the Abuse in Care Standard at Paragraphs 13.7 to 13.11.

To receive or maintain a Schedule Authorisation in the Claims Against Public Authorities Category you must employ a Supervisor who satisfies either of these two Legal Competence Standards.

Supervisors' Legal Competence Standard – General Standard

13.2 At any time during the Contract the Supervisor must, in the previous 12 months, have undertaken work on the minimum number of cases in the Claims Against Public Authorities case Categories in Table One below:

Table One		
	Claims Against Public Authorities case Categories	**Minimum number of case files required**
1	Civil Actions: • Assault • Death in custody/inquest • Discrimination • False imprisonment/including wrongful arrest • Human Rights Act Claim • Interference with goods • Malicious Prosecution • Miscarriage of Justice compensation claim • Misfeasance in public office • Negligence • Abuse of any vulnerable person and failure to take into care	6 case files from 1 to 12, no more than 2 case files per action

	• Trespass to land	
2	Complaints against public authorities (Police or Prison Service)	4 case files of which at least 2 go to an appeal, ombudsman or judicial review proceedings, and an additional file which concerned a complaint in relation to a civil action described in Section 1 above.

13.3 At any time during the Contract the Supervisor must, in the previous 12 months, have undertaken work on the minimum number of cases in each of the 5 case types in Table Two below:

Table Two		
	Claims Against Public Authorities case type	**Minimum number of case files required**
1	Case progression (sending letter of claim and considering response and advising the client)	3 case files
2	Case where the client was advised about additional remedies: • Alternative dispute resolution • Apology • Data Protection application • ECHR • Statutory Scheme for Miscarriages of Justice	2 case files from any in the list
3	Case within the last 5 years of matters being settled in the claimant's favour after issue or, of a case being decided at trial	2 case files

4	Case which demonstrated the following: • Ability to recognise potential public interest implications of proceedings, in producing real benefits for individuals other than the client • Assessing the case and advising the client as to the impact of the Human Rights Act/ECHR upon their case • The ability to recognise the possibility of judicial review proceedings (including the purpose and the client's role (and, for non-solicitor agencies, if the decision is to progress the case, the need for referral to a solicitor)	2 case files from 1 to 3, no more than 1 per matter
5	Case in which the client was advised on making or accepting offers (including Part 36 pre or post-issue)	2 case files

13.4 The Supervisor must maintain a portfolio (including case name and reference) of cases to demonstrate compliance with Paragraphs 13.2 and 13.3.

13.5 Prior to the appointment as a Claims Against Public Authorities Category Supervisor the individual must have demonstrated to our satisfaction a portfolio of cases which meet the requirement in Paragraphs 13.2 and 13.3.

13.6 The Supervisor must take account of any changes in legislation and case law and maintain access for the duration of the Contract to the following required texts:

(a) subscription to at least 1 nationally published journal which provides updates in the specialist area;

(b) current copy of at least one core police/prison law text;

(c) demonstrated access to Police/Prison Law statues and regulations (if a firm covers both fields there must be access to both);

(d) current edition of Judicial College Guidelines; and

(e) current copy of the Civil Procedure Rules and supplements.

Supervisors' Legal Competence Standard – Abuse in Care Standard

13.7 At any time during the Contract the Supervisor must, in the previous 12 months, have undertaken work on the minimum number of cases in

the Claims Against Public Authorities case categories in Table One below:

Table One		
	Claims Against Public Authorities case Category	**Minimum number of case files required**
1	Abuse in care cases: • Claim for damages against a local authority by persons alleging child abuse while in its care • Claim for damages against a local authority by persons alleging failure to take into care • Claim for damages against a local authority by persons alleging abuse of a vulnerable adult	5 case files from at least 2 areas in the list

13.8 At any time during the Contract the Supervisor must, in the previous 12 months, have undertaken work on the minimum number of cases in each of the 5 case types in Table Two below:

Table Two		
	Claims Against Public Authorities Claims Against Public Authorities – Abuse in Care case type	**Minimum number of case files required**
1	Case progression (sending letter of claim and considering response and advising the client)	3 case files
2	Case where the client was advised about additional remedies: • Alternative dispute resolution • Apology • Data Protection application • ECHR	2 case files from any in the list
3	Case within the last 5 years of matters being settled in the claimant's favour after issue or, of a case being decided at trial	2 case files

4	Case which demonstrated the following: • Ability to recognise potential public interest implications of proceedings, in producing real benefits for individuals other than the client • Assessing the case and advising the client as to the impact of the Human Rights Act/ECHR upon their case • The ability to recognise the possibility of judicial review proceedings (including the purpose and the client's role (and, for Not-for-Profit agencies, if the decision is to progress the case, the need for referral to a solicitor))	2 case files from at least 2 areas in the list
5	Case in which the client was advised on making or accepting offers (including Part 36 pre or post-issue)	2 case files

13.9 The Supervisor must maintain a portfolio (including case name and reference) of cases to demonstrate compliance with Paragraphs 13.7 and 13.8.

13.10 Prior to the appointment as a Claims Against Public Authorities – Abuse in Care Category Supervisor the individual must have demonstrated to our satisfaction a portfolio of cases which meet the requirement in Paragraphs 13.7 and 13.8.

13.11 The Supervisor must take account of any changes in legislation and case law and maintain access for the duration of the Contract to the following required texts:

(a) subscription to at least 1 nationally published journal which provides updates in the specialist area;

(b) current copy of at least one core police/prison law text;

(c) demonstrated access to Police/Prison Law statues and regulations (if a firm covers both fields there must be access to both);

(d) current edition of Judicial College Guidelines; and

(e) Current copy of the Civil Procedure Rules and supplements.

Supervisor Standards

13.12 In order to receive or maintain a Schedule Authorisation in the Claims Against Public Authorities Category of Law you must have at least one part time equivalent Supervisor in this Category of Law. For the purpose of this Paragraph "part time equivalent" means the equivalent of an individual working 17.5 hours a week (excluding breaks).

13.13 Subject to the provisions of this Contract, an individual who is a Supervisor in this Category may also be a Supervisor in another Category of Law but only to the extent that any such individual does not work more than full time equivalent working hours. For the purposes of this paragraph "full time equivalent working hours" means the equivalent of one individual working 35 hours per week (excluding breaks).