2024 Standard Civil Contract

Specification

Category Specific Rules:

Inquests

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August 2026

Section 20 Inquests Specification

PART A - PRELIMINARY

Interpretation

20.1 In this Inquests Specification the following expressions have the following meanings:

"*Advocacy Work*" means as defined in Paragraphs 20.35 to 20.36;

"*Approved Inquest Training Course*" means a training course that covers the skills, knowledge and experience needed to provide advice, assistance and representation in an Inquest that has been approved by us;

"*Inquest*" means a coroner's inquest conducted under the Coroners and Justice Act 2009;

"*Non-Advocacy Work*" means as defined in Paragraphs 20.33 to 20.34; and

"Other Legal Services" means as described in Legal Aid Legislation.

Scope

20.2 This Section applies to all services within the Inquests Category and notwithstanding any other provision in the Contract it shall come into effect only on, and with effect from, the date on which the Public Office (Accountability) Act 2026 comes into force and shall not apply before that date.

Form of Civil Legal Services

20.3 The following forms of civil legal services are available in the Inquests Category:

(a) Legal Help is provided as Controlled Work; and

(b) Other Legal Services are provided as Licensed Work.

Exceptional Case

20.4 You are authorised to apply for and claim an Exceptional Case in the Inquests Category of Law in accordance with the provisions set out in the Legal Aid Legislation, any Authorisations, and this Contract.

Matter Starts

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20.5 There is no upper limit on the number of Matter Starts that you may commence in the Inquests Category whilst a Schedule Authorisation remains in force.

20.6 Paragraph 3.17 shall not apply to Controlled Work undertaken in the Inquests Category.

20.7 You may not accept an application other than in person or provide remote advice if you determine, using your professional judgement, that the Client would be disadvantaged if advised remotely.

Authorised Litigator

20.8 During the Contract Period you must have access to an Authorised Litigator with experience of carrying out cases within the Inquests Category of Law to enable you to perform your obligations under this Contract.

Presence

20.9 The Procurement Area applicable to the Inquests Category is England and Wales.

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PART B - INQUESTS SERVICE STANDARDS

Supervisor Standards

20.10 In order to receive or maintain a Schedule Authorisation in the Inquests 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 one individual working 17.5 hours a week (excluding breaks).

20.11 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.

20.12 In order to meet the Inquests Supervisor Standard, an individual must:

(a) comply with the Legal Competence Standard set out at Paragraphs 20.13 to 20.15 below; and

(b) comply with the Case Involvement Standard set out at Paragraph 20.16 below; and

(c) comply with the Supervisory Skills Standards set out at Paragraph 20.17 below; and,

(d) be either a sole principal, one of your employees, or a director of, or partner in or member of your organisation (where you are a company, partnership (other than an LLP) or LLP respectively).

Legal Competence Standard

20.13 The Supervisor must have either:

(a) attended an Approved Inquest Training Course in the previous 24 months; or

(b) provided advice and assistance in relation to at least 3 Inquest cases in the previous 24 months.

20.14 Where a Supervisor relies on Paragraph 20.13(b) they must maintain a portfolio (including case name and reference) of cases to demonstrate compliance with that provision.

20.15 Where a Supervisor relies on Paragraph 20.13(b), prior to the appointment as Supervisor the individual must have demonstrated to our satisfaction a portfolio of cases which meet the requirements in Paragraph 20.13(b). For the avoidance of doubt, the case files required

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for the purposes of Paragraph 20.13(b) and this Paragraph 20.15 do not need to have been funded by Legal Aid.

Case Involvement Standard

20.16 Supervisors must meet a minimum Case Involvement Standard of 100 hours over the last three years (measured from the Contract Start Date). The Case Involvement Standard hours must relate to matters where the actions of a public authority potentially contributed to the death or serious injury of an individual. There are no minimum and maximum allowances by which Supervisors can meet the Case Involvement Standard, however, only the following activities may be included in the calculation:

(a) direct (personal) casework;

(b) direct (documented) supervision;

(c) file review (including face-to-face);

(d) external training delivery (meeting any professional development requirements of your Relevant Professional Body);

(e) documented research and the production of publications; and/or

(f) other supervision.

Supervisory Skills Standard

20.17 Supervisors must as a minimum meet one of the following supervisory skills standards:

(a) has supervised at least one Caseworker who regularly undertook work in any area of law for at least one year in the previous five-year period; or

(b) has completed training covering key supervisory skills in the previous 24-month period.

Minimum Supervisor Ratios Disapplication

20.18 Paragraph 2.26 shall not apply in the Inquests Category but you must, at all times, ensure you comply with your professional obligations to ensure adequate supervision.

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PART C - REMUNERATION FOR INQUESTS WORK

Payment for Controlled Work

20.19 Pursuant to Paragraph 4.1, we will pay you for Controlled Work carried out in accordance with this Contract and properly claimed under one of the following payment methods:

(a) Standard Fees; or

(b) Hourly Rates.

20.20 The Standard Fee and Escape Fee Case threshold for Inquests work is set out in Table 1 of Part 1 of Schedule 1 of the Remuneration Regulations.

20.21 Where the Escape Fee Case threshold is exceeded Claims will be paid on the basis of Hourly Rates in accordance with the provisions set out in Paragraphs 4.13 to 4.20.

20.22 The Hourly Rates for Inquests work is set out in Table 7(a) of Part 2 of Schedule 1 of the Remuneration Regulations.

Use of Counsel for Controlled Work

20.23 Where you instruct Counsel under Legal Help you are responsible for agreeing Counsel's fees and paying them out of the Standard Fee.

20.24 Counsel's fees under Legal Help do not count as a disbursement unless the case escapes from the Standard Fee and may not be taken into account in determining whether a case escapes from that fee.

20.25 If you instruct Counsel under Legal Help and the case escapes from the Standard Fee you may, when claiming your fees on the basis of Hourly Rates, Claim payment from us of Counsel's fees as if such fees were a disbursement incurred by you. The Hourly Rates set out in 20.21 shall not apply to the Counsel's fees claimed under this Paragraph 20.25.

20.26 Where you claim Counsel's fees under Paragraph 20.25:

(a) you must record the justification for the instruction of Counsel in terms of the complexity or other exceptional circumstances of the case and the relevant expertise of Counsel;

(b) Counsel must set out details of the time spent in their invoice; and

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(c) you must pay Counsel the full fee stated in Counsel's invoice and claimed from us, irrespective of any reduction in respect of Counsel's fees on assessment.

20.27 There are no prescribed rates in the Remuneration Regulations applicable in circumstances where you Claim payment of Counsel's fees as if such fees were a disbursement pursuant to Paragraph 20.25.

20.28 Where you instruct Counsel in the circumstances described in Paragraph 20.25 at a rate above that set out in Table 7(a) of Part 2 of Schedule 1 of the Remuneration Regulations you may apply to us for prior authority for the specific rate agreed.

20.29 You may only instruct a King's Counsel or more than one Counsel where we have granted prior authority to do so.

20.30 Requests for prior authority pursuant to Paragraph 20.28 must be in writing and on a form that we specify. Paragraph 5.11 will apply to all requests made under this Paragraph 20.30.

Payment for Licensed Work

20.31 Payment for Licensed Work shall be in accordance with the rates set out in Schedule 4 of the Remuneration Regulations.

20.32 Paragraphs 6.12 to 6.17 are not applicable to Licensed Work undertaken under this Specification.

Non-Advocacy Work

20.33 Payment for Non-Advocacy Work shall be in accordance with the rates set out in Table 1 of Schedule 4 of the Remuneration Regulations.

20.34 Non-Advocacy Work means all work not directly related to the provision of advocacy and includes, but is not limited to:

(a) initial meeting with the Client (where not claimable as Controlled Work);

(b) follow-up advice and assistance with the Client including through correspondence, where appropriate;

(c) written submissions to the coroner;

(d) if applicable in the absence of a coroner obtaining a report, obtaining and reviewing an expert report and meeting with experts;

(e) preparation or research of general application including;

(i) drafting statements of case;

(ii) reviewing disclosure;

(iii) preparing witness statements;

(f) case strategy conferences with Counsel concerning general preparation such as discussions on instructing experts, disclosure, or Inquest scope;

(g) attendances other than at an Inquest hearing, pre-Inquest hearing, or case management hearing; and

(h) travel other than to an Inquest hearing, pre-Inquest hearing, or case management hearing.

Advocacy Work

20.35 Payment for Advocacy Work shall be in accordance with the rates set out in Table 2 of Schedule 4 of the Remuneration Regulations.

20.36 Advocacy Work means all work directly related to the provision of advocacy and includes, but is not limited to:

(a) briefing to Counsel or other advocate prior to an Inquest hearing, pre-Inquest review hearing, or case management hearing;

(b) preparing to provide advocacy, including:

(i) drafting skeleton arguments for use at a hearing or pre-Inquest review hearing;

(ii) preparing speaking notes for an Inquest or pre-Inquest review hearing; and

(iii) preparing questions for witnesses, or plans for an Inquest or pre-Inquest review hearing

(c) delivering advocacy during an Inquest, pre-Inquest review, or case management hearing;

(d) attendance at an Inquest hearing, pre-Inquest hearing, or case management hearing; and

(e) travel to an Inquest hearing, pre-Inquest hearing, or case management hearing.

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Use of Counsel for Licensed Work

20.37 You may instruct Counsel to undertake Non-Advocacy Work and/or Advocacy Work (as defined above) under Licensed Work.

Non-Advocacy Work

20.38 There are no prescribed rates for Counsel for Non-Advocacy Work in the Remuneration Regulations.

20.39 Where you instruct Counsel at a rate above that set out in Table 1 of Schedule 4 of the Remuneration Regulations you may apply to us for prior authority for the specific rate agreed.

20.40 Requests for prior authority pursuant to Paragraph 20.39 must be in writing and on a form that we specify. Paragraph 5.11 will apply to all requests made under this Paragraph 20.41.

Advocacy Work

20.41 Counsel's fees shall be claimed at the rates set out in Table 3 of Schedule 4 to the Remuneration Regulations.

Remuneration in exceptional circumstances (you and Counsel)

20.42 Where you consider that the criteria specified in Regulations 9(4) and 9(5) of the Remuneration Regulations are satisfied you may apply in writing to us to authorise payments in accordance with Regulation 9(4) of the Remuneration Regulations.

20.43 If you or Counsel are dissatisfied with our decision not to exercise discretion pursuant to Regulation 9(4) of the Remuneration Regulations you may seek an internal review of that decision.

20.44 The request for internal review must be made in writing (setting out full reasons) within 28 days of notification of the decision. We will only extend the 28-day time limit where you have requested an extension for good reason within 21 days. Any extension of the time limit will be for a maximum of a further 14 days.

20.45 Failure to comply with any of the requirements set out in Paragraph 20.44 means that you accept our decision and lose your right to an internal review.

20.46 For the avoidance of doubt there is no right of appeal to an Independent Costs Assessor or an Independent Funding Adjudicator where we have

decided not to exercise discretion pursuant to Regulation 9(4) of the Remuneration Regulations.

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