

Précis of BVT Proposals

The Contract

The proposed contract would incorporate police station duty work, a licence to undertake police station own client work, and magistrates' court duty sessions.

Where publicly funded police station work on a case had not been undertaken, the LSC are consulting on whether:

- Option 1: only those providers that secure a BVT contract in a scheme can undertake magistrates' court representation in that scheme area, or
- Option 2: providers that do not secure a BVT contract, but do hold a CDS Contract 2010, have the opportunity to undertake publicly funded magistrates' court work as they do now, i.e. with no restrictions.

Bidding

Prices would be set for police station work based on either:

- a one-off sealed bid tender where providers enter bids for a volume of police station slots at the price the provider wishes to bid, or;
- a multi-round open auction where providers enter bids for a volume of police station slots at the preset price the LSC offers. If the total bids for slots exceed the number available there will be a new round with a lower price. As price falls, providers can reduce volume bids or switch their bids between schemes.

Price Setting

Prices for police station work set through tender. Prices for magistrates' court work will be fixed at current administratively set rates (based on urban non-London rates). Travel and waiting are therefore rolled up in the fees.

Exclusivity

BVT contracts specific to police station scheme areas for all police station work (duty and own client) and duty solicitor court sessions within BVT areas. Any provider that has undertaken publicly funded police station work on a case may follow the case to magistrates' court, regardless of whether that is based within or outside a BVT area, and regardless of whether they have secured a BVT contract.

The LSC are consulting on an option, option 1 above, to limit access to all other magistrates' court work in BVT areas to only those providers that have been successful in the tender for that BVT area. Under Option 2 there would be no such exclusivity in the magistrates' court.

Additional quality and performance safeguards:

- All supervisors must be accredited under the CLAS scheme.
- Introduction of a supervisor to fee earner ratio (1:4)

- New and amended key performance indicators (KPIs):

KPI	Target
Accepting back-up calls from the DSCC	Min 50%
Time limit for accepting calls from the DSCC	Max 2 hours
Accepting own client calls	Max 30 minutes (previously 2 hours)
First contact with the client	>=45 minutes in 80% of all cases

Other features

Volume bids are not made in magistrates' court work.

BVT contracts will require that, where publicly funded police station work has been undertaken on a case, and that client requests magistrates' court representation, it must be provided by the provider, except in cases where conflicts of interest arise.

The LSC propose taking sanctions where, in a CJS area, they believe that clients are unable to access magistrates' court representation for the substantive element of their case, and providers are breaching the requirement to follow through a case when requested to do so by a client.

Clauses entered into the contract that obliges the provider to represent the client at the Magistrates Court where the firm had provided representation at the Police Station.

Payment for file reviews removed.

Timetable

The pilot to take place in Avon & Somerset and Greater Manchester. If the pilot is successful, BVT will be rolled out in three phases.

Phase 1	London, Merseyside, Northumbria, Derbyshire, Warwickshire, Hampshire, South Wales, Essex
Phase 2	Sussex, Surrey, West Yorkshire, South Yorkshire, Northamptonshire, Lincolnshire, West Midlands, Nottinghamshire, Leicestershire, Lancashire, Dorset, Gloucestershire, Wiltshire, Devon & Cornwall, Dyfed-Powys, Hertfordshire, Cleveland
Phase 3	Kent, North Yorkshire, Durham, Humberside, Bedfordshire, Norfolk, West Mercia, Cheshire, Cumbria, Thames Valley, Gwent, North Wales, Suffolk, Staffordshire, Cambridgeshire

The timetable can be viewed at:

<https://consult.legalservices.gov.uk/inovem/gf2.ti/f/160610/2539685.1/pdf/-/07Annex%204%20Indicative%20Timetable%20for%20any%20Rollout.pdf>

The consultation paper can be downloaded from:

<https://consult.legalservices.gov.uk/inovem/gf2.ti/f/160610/2541509.1/pdf/-/012010ContractsandBestValueTendering%20without%20cover.pdf>