

Legal Services Commission

National Invitation to Tender for delivery of publicly funded Mental Health Services

Information for Applicants

Contents

Page Number

Section 1: Invitation to tender for the deliver of Civil legal aid services

1.1	<i>Introduction</i>	3
1.2	<i>Who we are looking to contract with?</i>	3
1.3	<i>Important note for current Providers under the Unified Contract</i>	3
1.4	<i>Key date</i>	4
1.5	<i>National and regional invitations within a national framework</i>	4
1.6	<i>Summary of opportunities to tender for services</i>	5
1.7	<i>Using this Information for Applicants (IFA)</i>	5
1.8	<i>Accessing information through our website</i>	6
1.9	<i>Questions about this Tender Process</i>	6
1.10	<i>Conditions of the Tender Process and disclosure of information</i>	7

Section Two: Invitations to tender

2.1	<i>Numbers of Invitations to tender contained in this IFA</i>	8
2.2	<i>Criterion for all the Invitations to tender contained in this IFA</i>	8 - 9
	▪ National002East Midlands	10
	▪ National002West Midlands	11
	▪ National002South West	12 - 13
	▪ National002Eastern	14
	▪ National002Southern	15
	▪ National002North West	16
	▪ National002Yorkshire& Humberside	17
	▪ National002Wales	18
	▪ National002North East	19

Section Three: Further information about the services we wish to procure

3.1	<i>Important note for organisations wishing to tender</i>	20
3.2	<i>LSC offices with 'Significant Travel'</i>	20
3.3	<i>Key Terms referred to in the Invitations to Tender</i>	20
3.4	<i>Tendering for Matter Starts administered by LSC's offices with Significant Travel</i>	21
3.5	<i>What are 'Matter Starts'?</i>	21
3.6	<i>Choosing which hospitals and numbers of Matter Starts you wish to deliver</i>	21
3.7	<i>What are organisations applying for?</i>	22
3.8	<i>Important note for new providers: No guarantee of work</i>	22
3.9	<i>How will current providers receive a contract for this work?</i>	22
3.10	<i>How will new providers receive a contract for this work?</i>	22
3.11	<i>How many tenders can you apply for?</i>	23

Section Four: The Tender Process

4.1	<i>What documents must you need to prepare your Tender?</i>	23
4.2	<i>Considering the individual services you may wish to tender for</i>	23

4.3	<i>Selection Criteria</i>	23
4.4	<i>Tie Breaker</i>	24
4.5	<i>Scoring System</i>	24
4.6	<i>Awarding contracts/Matter Starts</i>	24
4.7	<i>Who will assess your tenders?</i>	25
4.8	<i>The Tender Form</i>	25
4.9	<i>Important note on postal via Royal Mail</i>	26
4.10	<i>How to submit your tender</i>	26
4.11	<i>Appeals</i>	27
4.12	<i>Timetable</i>	27

Section Five: Conditions of Tender and Freedom of Information Act 2000 28 -30

Appendices

Appendix One	– Background information about the LSC and civil contracting
Appendix Two	– SQM definitions of the Categories of Law
Appendix Three	– Glossary of Terms
Appendix Four	- LSC Regional Offices Contact Details
Appendix Five	- Map of geographical areas administered by LSC offices.

Section One: *Invitation to tender for the deliver of civil legal aid services*

1.1 Introduction

The numbers of people helped through early civil legally aided advice has risen by more than a third in two years, to more than 800,000 in 2006/7. To ensure we continue to increase the number of people helped, the Legal Services Commission (the "LSC") is inviting Tenders from organisations wishing deliver to publicly funded civil legal advice services.

1.2 Summary of Mental Health services we wish to procure

This is an open tendering exercise for organisations to tender to deliver Mental Health services focussed on advice and representation for clients in detention under section.

The services we are looking to procure through this invitation to tender are designed to:

- Improve local supply; and
- Secure provision of services in specific hospitals or areas that do not have significant local supply.

Initially, we will look to allocate a maximum of 3200 Matter Starts in the Mental Health Category of Law across England and Wales. We will consider repeating the process if gaps in provision emerge as a result of any changes in access (which will continue to be reviewed).

Table One below summarises the service we are looking to procure through this IFA, whilst Section Two provides the detail and criteria we will use for assessing the tenders.

1.3 Who are we looking to contract with?

The LSC has been contracting with organisations (known as our 'Providers') to deliver services since 2000. These organisations include firms of solicitors, Not for Profit advice agencies and other commercial organisations, all of who are welcome to tender for any or all of the civil legal aid services summarised in Table 1 below.

Equally, organisations do not need to be current Providers under a Unified Contract in order to apply, and new entrants to the market are welcome.

Successful tenderers must be able to demonstrate that they meet all Essential Criteria.

1. 4 Important note for current Providers under the Unified Contract

This tender exercise is to procure additional work and therefore it has no impact on the amount of work already authorised for a current Provider, as set out in their Unified Contract's Office Schedule/s.

If you are an existing Provider, and are interested in applying to tender for this additional work, then you must still complete the Tender Form, regardless of whether you are already delivering services in the Categories of Law or in the procurement areas as defined within the tender documentation. This is because this exercise is for additional work over and above that work already authorised for current Providers to deliver under their existing Unified Contracts.

1.5 Key date

Applicants should note that the deadline for submitting tenders is **4pm on Wednesday 28 November 2007**. Organisations which have considered our other invitations to tender in other Categories of Law will note that this is a later closing date. This is because a finalised version of the Contract Specification for Mental Health law applicable from 1 January 2008 will be available on 31 October 2008 (or earlier if possible) and we wish to give bidders extra time to consider this.

This is a competitive tender and organisations must take care to ensure they:

1. Comply with the Conditions of Tender set out in Section Five; and
2. Demonstrate how they meet the relevant criteria as set out for each individual service we wish to procure, contained in Section Two.

1.6 National and regional invitation to tender within a national framework

The LSC is conducting a nationwide exercise for procurement of civil legally aided work consisting of 4 separate strands:

- Specialist Family services (Domestic Violence and Public Law children) throughout England and Wales. Any organisation can apply regardless of the location where they intend to deliver the service. There will be a separate 'Information for Applicants' for these services published on our website under CLS>Tenders.
- Mental Health law throughout England and Wales. This document is the 'Information for Applicants' for these services.
- Various integrated services in Family and/or Social Welfare categories of law in each of the LSC's Regional areas¹.
- Various single services in Family and/or Social Welfare Categories of Law in each of the LSC's Regional areas.

For these integrated services there is separate 'Information for Applicants' ('IFA') for each Region setting out the services required and the areas in which they are needed. Each Regional IFA may cover several different services required in that Region.

A separate list summarising all the individual opportunities contained in the various IFA will be published (and updated as necessary) on our website.

There is some geographical and administrative crossover of borders between procurement areas managed by each Regional Office. Therefore, to ensure organisations are fully aware of all the opportunities published, we would advise you to continue to access our website regularly and consider all the IFAs as and when they are published.

¹ Social Welfare Law Categories are Debt, Housing, Welfare Benefits, Community Care and Employment

1.7 Summary of opportunities to tender for services

The table below sets out in summary the 9 opportunities to tender for services contained in this IFA.

Table 1 - Summary of opportunities for this exercise (details in Section 2)

Invitation to Tender Reference No.	LSC Region	Maximum number of matter starts available
National002 East Midlands	East Midlands	390
National002 West Midlands	West Midlands	240
National002 South West	South West	440
National002 Eastern	Eastern	840
National002 Southern	Southern	490
National002 North West	North West	250
National002 Yorkshire & Humberside	Yorkshire & Humberside	150
National002 Wales	Wales	300
National002 North East	North East	100

Applicants should refer to Section Two of this IFA for full details of the service to be procured in each of the individual tender summarised in the above table.

1.8 Using this Information for Applicants (IFA)

This IFA contains all the information you will require to submit your Tender for any of the opportunities outlined in Table 1 above. It contains information on how to tender, what the successful organisation would be expected to deliver and the criteria we will assess applications on.

This IFA is split into **Five** sections for your ease of reference:

Section One contains further detail about the LSC's invitations to tender for new civil legal aid services.

Section Two contains the specific information about the individual services we are inviting tenders for and the essential criteria, against which you must demonstrate your suitability in your Tender Form.

Section Three contains further information to assist you in tendering for these services.

Section Four contains information about this Tender Process e.g. how you must submit your tender. We recommend you study this section in detail to ensure your application is made correctly.

Section Five contains the conditions of Tender and information on the Freedom of Information Act 2000.

We would also like to draw your attention to the **Appendices** and particularly new Providers to Appendix One which sets out background information about the LSC and the framework within which publicly funded civil work is delivered – this information will be familiar to current Providers but should assist those who are tendering for a Unified Contract for the first time.

1.9 Accessing information through our website

This IFA is designed to contain enough information for you to submit your tender. However you may wish to access the LSC's website www.legalservices.gov.uk for further detailed information about the LSC and civil contracting.

You may also download additional copies of all the application documents for this exercise and all of the other tendering exercises, which will be advertised under separate IFAs.

In particular, you may wish to access specific information on the LSC's civil work at www.legalservices.gov.uk/civil.asp and follow the links to the subject areas as set out below:

- The Unified Contract
- Quality and Performance
- Pay rates and schemes
- Civil policy development
- Civil areas of work

1.10 Questions about this Tender Process

We hope that this IFA will contain all the information you need, but if not, organisations are welcome to ask questions up to 14 November 2007. Our Regional Offices will be happy to respond to general questions on the background material of the Legal Service Commission and the civil contracting scheme.

However, questions on information contained in this document or which we consider to be of wider interest will be collated and answered centrally in writing, to ensure that all organisations and interested parties have equal access to the information in the answers. These questions and answers will be published regularly on our website (the final date any questions and answers will be published will be 21 November 2007). All personal or identifying information will be removed prior to publication.

Questions can also be directed to Regional Offices or sent direct to the following dedicated email address:

Civilbidrounds@legalservices.gov.uk

1.11 Conditions of the Tender Process and disclosure of information

It is important to note that the sensitivity of information is likely to change over time and therefore it is likely that general contract details would be disclosed once the selection process is complete. Where possible, we would consult with you before any disclosure was made. The rules of the tender process (including application and selection rules) contained in this Information for Applicants are not legally binding and no contract is formed between applicants and the LSC. However, this Information for Applicants, the Tender Form and documents submitted as part of your tender, will form part of the contract for the successful organisation.

The terms and conditions applying to making an application to tender are set out at Section Five below.

Section Two: Invitations to Tender contained in this IFA

2.1 Numbers of Invitations to Tender

There are nine separate Invitations to Tenders set out below according to the geographical area, administered by each LSC Regional Offices and the Wales Office. See the Map at Appendix Five.

2.2 Criterion for all the Invitations to Tender contained in this IFA

You must demonstrate how you meet the criterion listed below for each of the services you wish to tender for. You must use a separate Tender Form for each service you wish to tender for:

E.g. If you wish to tender to deliver services in hospitals located in Wales and the North East you will need to submit a separate Tender Form for Wales and the North East.

Section 1 – Essential Criteria	
(Not listed in order of importance – all the essential criteria are equally important)	
Organisations must satisfy all the essential criteria in order to be awarded a contract.	
A	The organisation must be able and willing to deliver services across the whole range of work in the Mental Health Category of Law.
B	The organisation must be able and willing to deliver the service at locations designated in the Invitations to Tender as either a: <ul style="list-style-type: none">▪ <i>Priority One Location;</i>▪ <i>Priority Two Location;</i>▪ <i>Priority Three Location; or</i>▪ <i>Other locations within the region</i>
D	The organisation must pass, as a minimum, the preliminary stage of the SQM in Mental Health prior to the date the service commences.
E	The organisation, on the written request of the LSC to repay money, must not have <i>failed</i> either to make proposals for repayment by any deadline set OR adhere to a repayment agreement.
F	The organisation must not be prevented from applying to the LSC by the terms

	of any written notice of termination or in the absence of any written terms the organisation must not have received a notice to terminate any contract between it and the LSC in the last two years.
G	Any organisation that currently holds a Unified Contract must not be operating under a confirmed Peer Review rating at 4 or 5 in any Categories of Law following conclusion of the Peer Review process.

Section 2 – Desirable Criteria	
(Not listed in order of importance – all the desirable criteria are equally important)	
Preference will be given to organisations that best meets the essential criteria in this section.	
1	Preference will be given to organisations that can demonstrate referral arrangements and links with local service provision in Social Welfare Law, particularly, Community Care, Housing, Debt and Welfare Benefit.
2	When deciding between bids for Priority Three hospitals, preference will be given to bids to serve a number of such hospitals within the same NHS Trust area.
3	Preference will be given to organisations that can begin to deliver the service within 12 weeks from the date the contract is awarded.

Tie Breaker Criteria (see section 4.4 of the Information for Applicants)	
If there is any information you would like to submit to support your tender, in the event we applied this tie break criteria to you, there will be an opportunity in the Tender Form to set this information out in no more than 500 words.	
	<p>Whilst consideration will be given to all tenders from organisations wishing to provide the services we require, in the case of a tie break situation (as described in section 4.4 of the Information for Applicants), we may give preference to organisations which can:</p> <p>Demonstrates how it will deliver services in the Mental Health category of law, which will improve local supply and reach unmet need within the LSC region.</p>

Invitation to Tender - Reference: National002EastMidlands

The service we want to deliver

This tender is for the provision of Mental Health services across the geographic areas administered by the LSC's East Midlands office.

Within this Invitation to Tender we are looking for organisations that can deliver this service in the Priority Locations listed below.

The East Midlands office has Significant Travel (for an explanation of Significant Travel please see Section 3.2 and 3.4 below) and therefore, in addition to procuring services in the specific Priority Locations, we will also consider tenders to deliver services across any hospital within the geographic area administered by the LSC's East Midlands office.

However, you should note we would only allocated Matter Starts more generally (in accordance with Section 4.6) where, the services required in the Priority Locations have been satisfied, and there are Matter Starts remaining.

You must in your Tender Form demonstrate how you meet the criterion listed in **Section 2.2** above.

East Midland Regional Office: 390 Matter Starts Available		
▪ Significant Travel		
Priority Locations	<i>Private Hospitals</i>	<i>NHS Hospitals</i>
Priority One Hospitals	No priority hospitals	Rampton Hospital
Priority Two Hospitals	No priority hospitals	No priority hospitals
Priority Three Hospitals	Lowther Hospital	No priority hospitals

Invitation to Tender - Reference: National002West Midlands

The service we want to deliver

This tender is for the provision of Mental Health services across the geographic areas administered by the LSC's West Midlands office.

Within this Invitation to Tender we are looking for organisations that can deliver this service in the Priority Locations listed below.

The West Midlands office has Significant Travel (for an explanation of Significant Travel please see Section 3.2 and 3.4 below) and therefore, in addition to procuring services in the specific Priority Locations, we will also consider tenders to deliver services across any hospital within the geographic area administered by the LSC's West Midlands office.

However, you should note we would only allocated Matter Starts more generally (in accordance with Section 4.6) where, the services required in the Priority Locations have been satisfied, and there are Matter Starts remaining.

You must in your Tender Form demonstrate how you meet the criterion listed in **Section 2.2** above.

West Midlands Regional Office: 240 Matter Starts Available		
▪ Significant Travel		
Priority Locations	<i>Private Hospitals</i>	<i>NHS Hospitals</i>
Priority One Hospitals	No priority hospitals	The Stonebow Unit (Herefordshire)
Priority Two Hospitals	Sedgely House (Wolverhampton)	No priority hospitals
Priority Three Hospitals	Rose Lodge (Oldbury)	No priority hospitals

Invitation to Tender - Reference: National002SouthWest

The service we want to deliver

This tender is for the provision of Mental Health services across the geographic areas administered by the LSC's South West office.

Within this Invitation to Tender we are looking for organisations that can deliver this service in the Priority Locations listed below.

The South West office has Significant Travel (for an explanation of Significant Travel please see Section 3.2 and 3.4 below) and therefore, in addition to procuring services in the specific Priority Locations, we will also consider tenders to deliver services across any hospital within the geographic area administered by the LSC's South West office.

However, you should note we would only allocated Matter Starts more generally (in accordance with Section 4.6) where, the services required in the Priority Locations have been satisfied, and there are Matter Starts remaining.

You must in your Tender Form demonstrate how you meet the criterion listed in **Section 2.2** above.

South West Regional Office: 440 Matter Starts Available		
▪ Significant Travel		
Priority Locations	<i>Private Hospitals</i>	<i>NHS Hospitals</i>
Priority One Hospitals	No priority hospitals	North Devon District Hospital (Devon) Green Lane Hospital (Avon & Wiltshire)
Priority Two Hospitals	Winterbourne View (Sth Gloucestershire)	Chalbury Unit (Dorset) Forston Clinic (Dorset)
Priority Three Hospitals	No priority hospitals	Bideford & District Hospital (Devon) Forest Hill House (Devon) Okehampton Community (Devon) 20 Cornwall Road (Dorset) 26 Glendinning Avenue (Dorset) Bridport Community Hospital (Dorset) Linden (Dorset) Waterloo Lodge -Including Getty

		Gardens (Dorset) Yeatman Hospital (Dorset) Savernake Hospital (Avon & Wiltshire)
--	--	--

Invitation to Tender - Reference: National002Eastern

The service we want to deliver

This tender is for the provision of Mental Health services across the geographic areas administered by the LSC's Eastern office.

Within this Invitation to Tender we are looking for organisations that can deliver this service in the Priority Locations listed below.

The Eastern office has Significant Travel (for an explanation of Significant Travel please see Section 3.2 and 3.4 below) and therefore, in addition to procuring services in the specific Priority Locations, we will also consider tenders to deliver services across any hospital within the geographic area administered by the LSC's Eastern office.

However, you should note we would only allocated Matter Starts more generally (in accordance with Section 4.6) where, the services required in the Priority Locations have been satisfied, and there are Matter Starts remaining.

You must in your Tender Form demonstrate how you meet the criterion listed in **Section 2.2** above.

Eastern Regional Office: 840 Matter Starts Available		
▪ Significant Travel		
Priority Locations	<i>Private Hospitals</i>	<i>NHS Hospitals</i>
Priority One Hospitals	Kneesworth House Hospital (Hertfordshire) Rowan House (Oldbury)	Hellesdon Hospital (Norfolk & Waveney) Julian Hospital (Norfolk & Waveney) Northgate Hospital (Norfolk & Waveney) Norvic Clinic (Norfolk & Waveney) Queen Elizabeth Hospital / Fermoy Unit (Norfolk & Waveney)
Priority Two Hospitals	No priority hospitals	Carlton Court (Norfolk)
Priority Three Hospitals	Elm Park Brain Injury Services (Essex) 28 Stamford Avenue (Hertfordshire) St Johns House Hospital (Norfolk)	Chatterton House (Norfolk)

Invitation to Tender - Reference: National002Southern

The service we want to deliver

This tender is for the provision of Mental Health services across the geographic areas administered by the LSC's Southern office.

Within this Invitation to Tender we are looking for organisations that can deliver this service in the Priority Locations listed below.

The Southern office has Significant Travel (for an explanation of Significant Travel please see Section 3.2 and 3.4 below) and therefore, in addition to procuring services in the specific Priority Locations, we will also consider tenders to deliver services across any hospital within the geographic area administered by the LSC's Southern office.

However, you should note we would only allocated Matter Starts more generally (in accordance with Section 4.6) where, the services required in the Priority Locations have been satisfied, and there are Matter Starts remaining.

You must in your Tender Form demonstrate how you meet the criterion listed in **Section 2.2** above.

Southern Regional Office: 490 Matter Starts Available		
▪ Significant Travel		
Priority Locations	<i>Private Hospitals</i>	<i>NHS Hospitals</i>
Priority One Hospitals	Farmfield Hospital (Surrey)	Broadmoor Hospital
Priority Two Hospitals	Cedar House (Kent)	No priority hospitals
Priority Three Hospitals	No priority hospitals	No priority hospitals

Invitation to Tender - Reference: National002North West

The service we want to deliver

This tender is for the provision of Mental Health services across the geographical area administered by the LSC's Manchester and Liverpool offices.

These offices *do not* have Significant Travel (for an explanation of Significant Travel please see Section 3.2 and 3.4 below) and therefore we are only looking to tender for services to be delivered in the Priority Locations listed in the table below.

You must in your Tender Form demonstrate how you meet the criterion listed in **Section 2.2** above.

North West Regional Office: 250 Matter Starts Available		
▪ No Significant Travel		
Priority Locations	<i>Private Hospitals</i>	<i>NHS Hospitals</i>
Priority One Hospitals	No priority locations	Carleton Clinic (Cumbria) Dane Garth (Cumbria)
Priority Two Hospitals	St Mary's Hospital (Cheshire)	Ulverston Hospital (Cumbria) West Cumberland Hospital (Cumbria) Westmorland General Hospital (Cumbria)
Priority Three Hospitals	Brierley Court Independent Hospital (Manchester)	The Lakelands Unit (Cumbria)

Invitation to Tender - Reference: National002YorksandHumberside

The service we want to deliver

This tender is for the provision of Mental Health services across the geographical area administered by the LSC's Yorkshire and Humberside office.

This office *does not* have Significant Travel (for an explanation of Significant Travel please see Section 3.2 and 3.4 below) and therefore we are only looking to tender for services to be delivered in the Priority Locations listed in the table below.

You must in your Tender Form demonstrate how you meet the criterion listed in **Section 2.2** above.

Yorkshire & Humberside Regional Office: 150 Matter Starts Available		
▪ No Significant Travel		
Priority Locations	<i>Private Hospitals</i>	<i>NHS Hospitals</i>
Priority One Hospitals	No priority hospitals	No priority hospitals
Priority Two Hospitals	York House (York)	Bridlington & District Hospital (Humber) Miranda House (Avondale Acute Unit) (Humber) Townend Court (Humber)
Priority Three Hospitals	Ermine Lodge	Maister Lodge (Humber) New Bridges (Humber) Westlands (Humber)

Invitation to Tender - Reference: National002Wales

The service we want to deliver

This tender is for the provision of Mental Health services across the geographical area administered by the LSC's Wales office.

This office *does not* have Significant Travel (for an explanation of Significant Travel please see Section 3.2 and 3.4 below) and therefore we are only looking to tender for services to be delivered in the Priority Locations listed in the table below.

You must in your Tender Form demonstrate how you meet the criterion listed in **Section 2.2** above.

Wales Office: 300 Matter Starts Available		
<ul style="list-style-type: none"> ▪ No Significant Travel 		
Priority Locations	<i>Private Hospitals</i>	<i>NHS Hospitals</i>
<i>Priority One Hospital</i>	No priority private hospitals	Bryn Y Neuadd Hospital (including Ty Llywelyn) (North West Wales) Hergest Acute Mental Illness Unit (North West Wales)
<i>Priority Two Hospital</i>	No priority private hospitals	Bronllys Hospital (Powys) Maindiff Court Hospital (Gwent)
<i>Priority Three Hospital</i>	Caerlan House (Mid-Glamorgan) Tyn-Y-Coed House (Cardiff)	Dan-Y-Bryn Mental Health (Gwent) Ysbyty Tri Chwm (Gwent) Bryn Beryl Hospital (North West Wales) Coedlys Support Bed Unit (North West Wales) Dolgellau Hospital (North West Wales) Dryll-Y-Car (North West Wales) Ysbyty Penrhos Stanley (North West Wales) Breconshire War Memorial Hospital (Powys) Llandrindod Wells Hospital (Powys) Montgomery County Hospital (Powys)

Invitation to Tender - Reference: National002NorthEast

The service we want to deliver

This tender is for the provision of Mental Health services across the geographical area administered by the LSC's North East office.

This office *does not* have Significant Travel (for an explanation of Significant Travel please see Section 3.2 and 3.4 below) and therefore we are only looking to tender for services to be delivered in the Priority Locations listed in the table below.

You must in your Tender Form demonstrate how you meet the criterion listed in **Section 2.2** above.

North East Regional Office: 100 Matter Starts Available		
▪ No Significant Travel		
Priority Locations	<i>Private Hospitals</i>	<i>NHS Hospitals</i>
Priority One Hospitals	No priority hospitals	No priority hospitals
Priority Two Hospitals	St Johns Independent Hospital (Co. Durham)	Cross Lane Hospital (Tees, Esk & Wear)
Priority Three Hospitals	No priority hospitals	Malton Community Hospital (Tees, Esk & Wear) Springwood (Tees, Esk & Wear)

Section Three – Information to assist you in tendering for these services

The following information is designed to assist you in assessing in what locations you wish to tender to deliver Mental Health Services:

3.1 Important note for Organisations wishing to tender

In relation to all matters and cases in the Mental Health Category of Law the Civil Specification (Solicitor) or the Civil Specification (NfP), in force on 1 April 2007, as appropriate, continues to apply until 1 January 2007 when a new specification (and the fixed fee scheme for Mental Health contract work) shall be introduced by an amendment to the Unified Contract.

Organisations wishing to tender are advised that both the current specification and the proposed new specification can be accessed on our website. The final version of the new specification will be published on the website shortly, in any event no later than 31st October.

3.2 LSC Offices with ‘Significant Travel’

For your information, we have identified each of the hospital locations where we want to purchase services by reference to the geographical area administered by LSC offices. In addition, we have also noted for your information those LSC offices where the current providers claims for travel are deemed by use to be ‘significant. Significant travel means either:

- The travel undertaken by current providers to the hospital locations is generally greater than 20 miles; and/or
- Providers based outside of that region conduct the majority of work for clients within the region.

We wish to procure more services in the geographic areas administered by offices with Significant Travel because one outcome of the new fee scheme (to be introduced in January 2008) may be that current providers will decide to travel less. Regions identified as those with Significant Travel, are the regions we consider would be most affected by this change in provider behavior.

3.3 Key Terms referred to in the Invitation to Tender

A – Priorities

We have categorised the hospital locations into one of three ‘priorities’:

- ‘Priority One Hospital’ means a hospital, designated as our first priority for delivering services. These hospitals have at least 50 in-patient beds;
- ‘Priority Two Hospital’ means a hospital, designated as our second priority for delivering services. These a hospitals have between 20 to 50 in-patient beds); and

- 'Priority Three Hospital' means a hospital, designated as our third priority for delivering services. These hospitals have fewer than 20 in-patient beds;

3.4 Tendering for Matter Starts administered by LSC's offices with Significant Travel

In addition to procuring services in the specific priority locations listed above, we will also consider tenders to deliver services across any hospital within the LSC region which has been designated as having Significant Travel.

However you should note these would only be considered where we have capacity of matter starts remaining after the services required in Priority Hospitals have been satisfied.

3.5 What are 'Matter Starts'?

Matter Starts (or Acts of Assistance) are classed as individual advice service for eligible clients. Each Matter Start is denoted by the opening of an individual Controlled Work matter in accordance with the terms of the Contract. Each Provider is awarded a maximum number of Matter Starts in each of the Categories of Law they are authorised to undertake work.

If you are successful, we will allocate you Matter Starts for the appropriate Category of Law and subject to any conditions necessary for the purposes of this tender exercise (e.g. limiting them for use in a certain geographic areas).

The process for awarding Matter Starts is part of the tender evaluation process, and is described at 3.5 below.

Further information on Matter Starts and Controlled Work is in Appendix One.

3.6 Choosing which hospitals and numbers of Matter Starts you wish to deliver

Each Invitation to Tender sets out the hospitals in the regions which we wish procure services to be delivered from.

In addition to meeting the criterion, an organisation must, in the Tender Form, confirm the minimum and maximum number of Matter Starts it is able to undertake in each of the Priority Locations hospitals contained in the tender.

Organisations can only offer to undertake Matter Starts up to the maximum number of Matter Starts available in each service we wish to deliver.

E.g. where an Invitation to Tender stipulates that there are a maximum number of 500 Matter Starts available then an organisations can offer to undertake between 1–500 Matter Starts.

3.7 What are organisations applying for?

Successful Providers will receive Matter Starts entitling them to give legal advice in the Mental Health Category of Law, in these areas. The work will be performed under our Unified Contract. All new Matter from 1 January will be payable under the fixed fee regime (unless they are exceptional cases).

Where applicable the Unified Contract may authorise the Provider to undertake representation work in accordance with rules governing legal aid services which are set out in more detail in Appendix A.

3.8 Important note for new providers: No guarantee of work

The award of a Unified Contract does not guarantee a minimum amount of contract work. While Providers contract with the LSC for payment for civil work, the LSC does not control the allocation of cases or work. Providers that are awarded a Unified Contract will be authorised to undertake a maximum number of Matter Starts in prescribed categories of law and subject to any bespoke contracting conditions set out in the Contract's Office Schedule. Beyond this, work is obtained under open market conditions, where clients are free to choose a legal representative of their choice to advise or represent them.

3.9 How will successful current Providers receive a contract for this work?

Organisations may only hold one Unified Contract with the LSC. Consequently, if you are successful, and your organisation already holds a Unified Contract you will have your contract amended to include the additional new work awarded under this tender process. This amendment may be by way of a change to your current Office schedule or by the award of an additional Office Schedule.

As mentioned above, we are procuring additional work, and therefore there will be no change to the conditions under which you perform the work you are currently authorised to deliver.

3.10 How will successful new Providers receive a contract for this work?

Incoming new Providers will be awarded a Unified Contract authorising the organisation to carry out legal advice and/or representation in the Category/s of Law and locations as set out in the tenders that were successful.

3.11 How many tenders can you apply for?

You can tender for any or all of the services contained in this or any of the other IFAs published at this time. If you are awarded future work under a different tendering exercise the Unified Contract will be amended to take account of this new work

Section Four: The Tender Process

4.1 What documents must you need to prepare your tender?

Responses must be submitted in English and be word processed for ease of reading. Separate tenders must be submitted for each of the services you are applying for.

You should consider the documents set out below to prepare for your Tender Form.

- Information for Applicants;
- Unified Contract (accessible from our website); and
- Specialist Quality Mark

As part of your tender you must submit for each service you wish to deliver:

- Tender Form
- Supervisor Self Declaration form for each of the Categories of Law you wish to undertake civil work in– requests information about how the supervisor for publicly funded civil work will meet the supervisor requirements in the SQM.

4.2 Considering the individual services we wish to procure

Section Two contains the individual Invitations to Tender which describe the particular types of services we wish the successful organisations to deliver. Should you be interested in delivering the services you must then demonstrate how you meet the criteria.

The criteria will be assessed through the questions set out in the Tender Form.

Please read the criteria carefully and ensure that you address all the points listed in your answers on the Tender Form.

4.3 Selection Criteria

The nature of the work means that we will be seeking to award contracts to those organisations who are able to offer the best service to clients through breadth of service, skilled and experienced staff and effective supervision arrangements.

We have split the selection criteria into three sections:

Section 1 – essential criteria (pass/fail barrier);

Section 2 – desirable criteria (enables us to choose between those that have passed Section 1)

For applicants that pass the Section 1 criteria, Section 2 contains desirable elements and which will be assessed relative to other applications. Your answers to the Section 2 questions will be taken into account on assessment. The various elements set out in Section 2 are, as they say, “desirable” only.

The various criteria will be tested through the questions set out in the Tender Form.

Please ensure that you address all the points listed in the criteria in your answers on the Tender Form and that you answer every question on the form. The Criteria for each separate Tender covered by this IFA are contained in Section two of this IFA.

4.4 Tie Breaker

It is possible that, having applied Step 1, or Step 1 and Step 2 set out in Section 4.6, we have a number of organisations meeting an equal number of desirable criteria, whose combined total number of Matter Starts requested in a Category of Law exceeds the number of available Matter Starts.

In this situation we may (at our absolute discretion) either:

- (a) apply a “tie breaker” criteria, set out in the tender document, to reduce the number of successful organisations further; or
- (b) award Matter Starts to all the “tied” bidders but reduce the number of Matter Starts we award to each successful organisation so that they all receive the same number (up to any maximums they have stated).

4.5 Scoring System

Essential Criteria

Section 1 contains a list of criteria that it is absolutely essential that any organisations applying for contracts are able to meet. Any bid that fails to meet any of Section 1’s essential requirements will not be considered further.

Essential Criteria will be assessed on the basis of pass or fail.

Desirable Criteria

Desirable criteria will be assessed on the basis of whether the organisation has demonstrated in their Tender Form that they meet the criteria or whether they have failed to do this (not on the basis of whether their answer to this criterion is “excellent” “good” “acceptable” etc). Successful bidding organisations will be ranked according to the number of desirable criteria they meet. The higher the number of desirable criteria met, the higher the ranking.

4.6 Awarding contracts/Matter Starts

You must stipulate on your Tender Form the maximum and minimum numbers of Matter Starts you are offering to deliver within this Category of Law.

Once we have ranked the bids according to the system set out above, we will award work (in the form of Matter Starts) to those organisations who have met the essential criteria, starting with highest ranking on desirable criteria, until the volume of work available is exhausted.

We do anticipate that Matter Starts will be allocated in all four stages below.

The process for awarding work (which will result in a new contract for a new organisation or extra Matter Starts added to a current contract for a current provider) is as follows:

Stage 1: we will allocate Matter Starts first to that organisation(s) ranked highest on the desirable criteria who is offering to deliver work in Priority One locations. If there are still available Matter Starts in Priority One locations we will allocate these to the next highest ranked organisations offering to deliver work in that location, then the next highest ranked etc.

We will not necessarily give that organisation(s) all the Matter Starts they request if (a) the total Matter Starts bid for are for more Matter Starts than are available in the Priority Locations or (b) we have identified that we want to award contracts in this Category of Law to a number of organisations, to ensure a diverse service.

Stage 2: Matter Starts left over from Stage 1, will be allocated to the next highest ranking organisation(s) of those organisations offering to deliver work in Priority Two Locations, on the same basis at Stage 1 above.

Stage 3: Matter Starts left over from Stage 2, will be allocated to the next highest ranking organisation(s) of those organisations offering to deliver work in Priority Three Locations, on the same basis at Stage 1 above.

LSC offices with Significant Travel Only:

Stage 4: Matter Starts left over from Stage 3, we will be allocated these equally (subject to the minimum and maximum matter starts submitted on the Tender Form) to those successful organisations who have tendered for this work. In this context, “successful” means any organisation which meets the essential criteria (irrespective of whether they have been awarded any Matter Starts in Priority Locations). No ranking of bids will be applied.

4.7 Who will assess the tenders?

A panel of markers within the LSC's Regional Office will assess the Tenders.

4.8 The Tender Form

To apply, organisations must complete a Tender Form for each of the services they are tendering for.

The Tender process is set out below. If you cannot meet the requirements of the Essential Criteria, you will not be offered a contract.

We may corroborate the information given by existing Providers on your Tender Form with management information held by your regional office, although you must not assume we will make any enquires at all.

We will rely on the information that you provide on this Tender Form in evaluating the criteria, and it is essential that you complete the Tender Form fully and accurately so that you do not misrepresent your position. We may clarify the information you supply with you, although you should not assume that we will do so.

You should return to us:

- Your completed Tender Form (with any attached pages numbered sequentially - e.g. 1 of 6);
- Supervisor Declaration form/s

The rules of this tendering exercise are set out in the Conditions of Tender in Section 4 and the closing date and time for tenders to be received is **4pm on Wednesday 28th November 2007**.

4.9 Important note on the Postal Strike

In the light of the national postal strike, Tenderers are reminded that it is their obligation to ensure that their Tender is received by the due time and date.

If it is intended to post an application using the Royal Mail the impact of the strike should be taken into consideration. If it is intended to claim that the strike is an “exceptional reason”; the Tender must be sent guaranteed post (“Special Delivery 9.00am” or “Special Delivery Next Day”) in sufficient time so that it is guaranteed for delivery on Tuesday 13th November. If the postal strike delays delivery this will be considered an exceptional reason provided the Tenderer can provide proof that their Tender was posted on or before the 27th November and that the Royal Mail guaranteed delivery before the due time on the 28th November.

4.10 How to submit your Tender

Tenders may be delivered by hand or sent by recorded delivery/ guaranteed post, courier, tracked DX or DX, or by email. **Faxed applications will not be accepted.**

All tenders, however sent or delivered, must be marked “Civil Tender Form – Mental Health Services”.

If submitting your tender by email, please provide an email address to which we can acknowledge receipt. Unless you receive an email acknowledgement, you should not assume we have received your tender. We would advise you to email us **before 12.00 p.m. on 28th November 2007** so that, if you do not receive an acknowledgement back from us, you can email it again before the 4pm deadline.

It is your responsibility to check we have received your tender, however it was sent. We are not responsible for any failure of post or DX. Please note that we will not acknowledge receipt of any applications in writing. Please do not assume we have received your tender until you have telephoned us and we have confirmed receipt.

Please return Tender Forms to your most local LSC Regional Office as listed at Appendix Four.

4.11 Appeals

Unsuccessful organisations will be given written reasons as to why they were unsuccessful. There will be a right of appeal following receipt of this information.

Appeals should be made to your most local LSC Regional Office within 7 days of receipt of the letter notifying you of the outcome of your organisation. The Legal Director (or the Legal Director’s appointed representative) will review all appeals internally and inform firms of the decision as soon as is practicable following receipt of your appeal.

There will be no further right to appeal.

4.12 Timetable

Stage	Activity	Timescale
Stage 1	Documents published <ul style="list-style-type: none"> ▪ Information for Applicants 	Wednesday 17 October 2007
Stage 2	Closing date for tenders to be received.	4pm on Wednesday 28th November 2007
Stage 3	Final date decisions made, offer and rejections letter sent.	Friday 7 December 2007
Stage 4	Revised Unified Contract Schedules (for existing providers) or new Unified Contracts (for new providers) issued.	No set date However we estimate it will be within 2 weeks of the date the offer letter is sent
Stage 6	Commencement of Service	No set date however it is desirable criteria that this is within 12 weeks of the award of contract.

Section Five: Conditions of tender and Freedom of Information Act 2000

- 5.1 Tender Forms will be received until 16.00 on the closing date (Wednesday 28th November 2007). No Tender Forms will be accepted after this time unless there are exceptional circumstances as defined in condition 2 below. Outside these exceptional circumstances we will not consider any late responses nor will we consider requests for extension of the time or date fixed for the submission of responses.
- 5.2 “Exceptional circumstances” means a cause which prevents the applicant from meeting the stated time and date for submission of applications and which is directly attributable to an event or accident which:
- (a) was beyond the actual contemplation of the organisation concerned;
 - (b) would ordinarily be beyond the contemplation of a reasonable organisation; and
 - (c) the impact of the event or accident on the delay was not attributable to any act or omission of the organisation.
- For example, act of God, war or national emergency, acts of terrorism, fire, flood, or storm.
- 5.3 All applications shall be signed by a duly authorised director, partner or designated member of the applicant.
- 5.4 We reserve the right to amend the Conditions of Tender, the Tender process/procedure and/or the selection criteria, at any time in writing before or after the application closing date, by giving general notice on our website.
- 5.5 It is the obligation of applicants to make sure that their Tender Form is fully and accurately completed and accompanied by the appropriate documents. We are under no obligation to contact you to clarify your tender or to obtain missing information or documents. It may not be possible to consider a tender if incomplete information is given at the time of tender, or if any particulars and data asked for in the Information for Applicants or Tender Form are not provided in full.
- 5.6 We reserve the right to take into account any knowledge of an organisation that we may have, but organisations should not assume that any such information will be taken into account and should restate it on their Tender Form if they consider it relevant. For organisations that already hold a Unified Contract, we may corroborate the information given on your Tender Form with your regional office.
- 5.7 You are required to reply to all questions on the Tender Form, even if you have previously provided this information or if you think we are already aware of it (e.g. if you hold an existing contract with us). This is to ensure that we can compare each application and applicant in a fair, like-for-like and reasonable manner.
- 5.8 We may request organisations to give additional information/clarification at any time during the Tender process. You should be prepared to discuss any aspect of your response with us.
- 5.9 Any questions and answers posted on our website during the Tender process (or before) will not form part of the contract.

- 5.10 After evaluation is complete, we will retain copies of all responses to satisfy our audit obligations and for other purposes in accordance with condition 21 below.
- 5.11 We reserve the right to cancel this invitation in its entirety, or individual tenders outlined in Table 1 and detailed in Section two, at any time at our absolute discretion.
- 5.12 If you are successful your application and any documents submitted as part of the application, will form part of your Unified Contract.
- 5.13 Tender Forms are submitted on the conditions stated in this Information for Applicants (as may be amended). Tender Forms submitted subject to additional or alternative conditions may be rejected on the grounds of such conditions alone.
- 5.14 By submitting a Tender Form, you are agreeing to be bound by the terms and conditions in the Unified Contract if you are awarded one.
- 5.15 The right of internal appeal for unsuccessful candidates is limited to that set out at Section 3.7.
- 5.16 Organisations will be responsible for and bear all of their own costs, liabilities and expenses which may be incurred in the preparation of their responses or any subsequent application arrangements, regardless of whether a contract is awarded.
- 4.17 All intellectual property rights in this Information for Applicants, associated documents, Tender Forms, and Contract Documents are and shall remain our property.
- 5.18 The information contained in the Information for Applicants does not purport to contain all of the information, which an organisation may require. While we have taken all reasonable steps to ensure, as at the date of this document, that the facts which are contained in this document are true and accurate in all material respects, we do not make any representation or warranty as to the accuracy or completeness or otherwise of this document, or the reasonableness of any assumptions on which this document may be based. All information supplied by us to organisations, including that within this document, is subject to organisations' own due diligence. We accept no liability to organisations whatsoever resulting from the use of this document, or any omissions from or deficiencies in this document.
- 5.19 Organisations should note that any quantities or volumes contained in the Information for Applicants are for indicative purposes only and any future quantities or volumes may vary from those stated. The award of a Unified Contract does not guarantee a minimum amount of contract work. While Providers contract with the LSC for payment for civil work, the LSC does not control the allocation of cases or work. Providers that are awarded a Unified Contract will be authorised to undertake a maximum number matter starts in prescribed categories of law and subject to any bespoke contracting conditions set out in the Contract's Office Schedule. Beyond this, work is obtained under open market conditions, where clients are free to choose a legal representative of their choice to advise or represent them.
- 5.20 It is your responsibility to obtain at your own expense all additional information necessary for the preparation of your response to the application documents. No claims of insufficient knowledge will be entertained.
- 5.21 We may use the information included in your response for any reasonable purpose connected with this application exercise.

5.22 Any organisation who directly or indirectly canvasses any employee of the LSC concerning the award of the contract(s) will be disqualified.

5.23 All organisations are recommended to seek their own financial and legal advice.

5.24 Confidentiality

Applicants must treat the tender documents (the Information for Applicants and all documents referred to in the Information for Applicants) as confidential. These documents are issued solely for the purpose of enabling an application to be completed and may not be used for any other purpose. Organisations shall ensure that all third parties to whom disclosure is made shall keep the application documents confidential and not disclose them to any other third party except as set out above.

5.25 Freedom of Information Act 2000

Applicants should note that under the Freedom of Information Act 2000 ("the Act"), we may be required to disclose details of your application to third parties, either during or after the application process. We can only withhold information where it is covered by a valid exemption as set out in the Act.

If you are concerned about possible disclosure you should clearly identify the specific parts of your application and supporting documentation that you consider commercially sensitive or confidential (within the meaning of the Act), the harm that disclosure may cause and an estimated timescale of that sensitivity.

You should be aware, however, that the receipt by us of information marked confidential does not mean that we accept any duty of confidence in relation to that marking. Neither do we guarantee that information identified by you will not be disclosed, especially where the public interest favours disclosure.

It is important to note that the sensitivity of information is likely to change over time and therefore it is likely that general contract details would be disclosed once the selection process is complete. Where possible, we would consult with you before any disclosure was made. The rules of the tender process (including application and selection rules) contained in this Information for Applicants are not legally binding and no contract is formed between applicants and the LSC. However, this Information for Applicants, the Tender Form and documents submitted as part of the Tender, will form part of the contract for the successful Tenderer.

Appendix One: Background information about the LSC and civil contracting

A. The Legal Services Commission

The LSC is responsible for the provision of civil and criminal legal aid in England and Wales. Our clients are often vulnerable and socially excluded people who may have a variety of problems in areas such as benefits and tax credits, debt or crime. Through the provision of information, advice and legal representation, we help around two million people each year to get access to justice.

The LSC was established under the Access to Justice Act 1999, replacing the Legal Aid Board in April 2000. We are a non-departmental public body sponsored by the Ministry of Justice. The Secretary of State for Justice is accountable to Parliament for our activities and performance. With a head office in London, the LSC currently employs some 1,650 staff in 15 offices across England and Wales. A board of independent Commissioners oversees its work.

The LSC must provide evidence to Parliament each year that it has successfully met its four statutory responsibilities, which are:

- Maintaining and developing the Community Legal Service and the Criminal Defence Service;
- Funding legal and advice services in England and Wales;
- Identifying where there are unmet legal and advice needs; and
- Developing providers and innovative services to meet the priority needs identified.

Legal services are delivered through two schemes: the Criminal Defence Service and the Community Legal Service (which administers civil categories of publicly funded legal advice).

B. The Community Legal Service (“CLS”)

The Community Legal Service (“CLS”) consists of a network of legal and advice funders and providers across government and the private and voluntary sectors. The network includes solicitors and citizens advice bureaux, law centres and other community organisations, which have achieved the LSC’s own ‘Quality Mark’. In addition to individual organisations, the LSC is also working with local councils to set up of Community Legal Advice Networks and Centers to address those clients whom research has shown generally have ‘clusters’ of problems.

Through the CLS, people can access relevant, high quality information, advice and assistance to help with matters as wide ranging as mental health, debt, asylum, housing, employment, community care and education.

Help on offer varies according to the nature of the problem. It may take the form of basic advice, information leaflets or signposting to other services, some of which are funded by local authorities and other government departments. It may also involve specialist advice, including taking cases to court when necessary, with legal aid funding available to those who are eligible.

The publicly funded civil work that may be carried out under our contracts is determined by our Funding Code which can be found at www.legalservices.gov.uk (CLS>civil legal aid eligibility) and is governed by the terms of the Unified Contract. An outline of our civil contracting scheme can be found at the introduction to the Specification of the Unified Contract.

C. Reform Programme

The LSC and its sponsoring department (the Ministry of Justice) are currently going through a reform programme following Lord Carter's Review of Legal Aid Procurement (Legal Aid: A Market based approach to reform). The key document setting out the Reform Programme is 'Legal Aid Reform: The Way Ahead (Cm6993 – available on our website). Under the Comprehensive Spending Review 2007, reform of legal aid will deliver annual net cash-releasing savings of £193 million by 2010-11. Key to the reform programme for civil, is the need to modernise legal aid procurement by moving to fixed and graduated fees where possible. The first step has already been taken by the introduction of the fixed fee scheme for some contract work from 1 October 2007.

D. Funding Code

The Funding Code is the set of rules used to decide which individual cases are to be funded by the LSC as part of the Community Legal Service.

The Funding Code Criteria define what services the LSC will fund, ranging from basic legal advice to representation in court proceedings. Different criteria are set for different types of case according to the Lord Chancellor's priorities.

The Funding Code Procedures set out how the LSC takes decisions about the funding of services as part of the Community Legal Service. For further information see http://www.legalservices.gov.uk/civil/how/funding_code.asp

E. Levels of Funding Available

All Civil Contract Work is either:

- Controlled Work; or
- Licensed Work

Controlled Work consists of work classified as advice and assistance to clients. In most categories controlled work does not authorise clients to be represented by their legal adviser however, some representation at tribunals is allowed in the Mental Health and Immigration categories.

In non-Family cases there are 3 Levels of Service for Controlled Work:

- Legal Help
- Help at Court
- Controlled Legal Representation (or "CLR") which is Legal Representation:
 - o Before a Mental Health Review Tribunal;
 - o Before the Asylum and Immigration Tribunal;
 - o Before the High Court in relation to applications under section 103A of the Nationality, Immigration and Asylum Act 2002; or
 - o Provided by a Community Legal Advice Centre or Network and authorised under a separate contract to be funded as Controlled Work.

In Family cases Controlled Work covers:

- Legal Help
- Family Help (Lower)

- Legal Representation provided by a Community Legal Advice Centre or Network and authorised under a separate contract to be funded as Controlled Work

Licensed Work covers all Legal Representation other than CLR or services funded by Individual Case Contracts. In Non Family cases Legal Representation can take the form of either Investigative Help or Full Representation. In Family cases, Licensed Work covers Family Help (Higher) and Legal Representation other than provided by Individual Case Contracts.

The Unified Contract operates as a licence for providers to undertake Licensed Work, normally subject to us approving your client's application and subject to any limits we may place on the volume of Licensed Work cases you may start. For Licensed Work most decisions to allow you to take on a case and provide publicly funded services are taken by us through our Regional Offices, but you may also be devolved important powers such as the power to grant funding yourself in urgent cases.

F. Civil Contracting

The following outline of the civil contracting scheme is intended as a general introduction for new applicants and describes the current scheme and the LSC main Unified Contract which underpins the scheme.

The Commission contracts with organisations (referred to as 'Providers') to provide services within the terms of the Unified Contract which defines the legal aid work that a provider may undertake for clients.

For Controlled Work the decisions to provide services are generally taken by the Provider on the LSC's behalf, however this is subject to any controls regarding the number of cases a Provider may be authorised to start through the allocation in the Unified Contract's Office Schedule. Providers generally have the LSC's authority to commence Legal Help and Help at Court Matter Starts without further permission, provided they have sufficient Matter Starts available.

G. The Unified Contract

The Unified Contract sets out our standard terms, bespoke office schedules (which set out the services which a provider may deliver), the Specification and relevant Quality Mark information. All providers must achieve the Specialist Quality Mark standard in order to contract with the LSC, and therefore any successful tenderer who currently does not hold a Unified Contract will be awarded a contract on the condition that these standards are met within a prescribed period.

Structure of the Unified Contract

Structure of the Contract	
Contract Document	Main areas
1. Contract for Signature	(a) the parties to the Contract (b) terms on liabilities of parties (c) overall payments
2. Office Schedule/S	We will issue you with Office Schedule/s from the date you commence the contract work. The Office Schedules will set out: (a) The Legal Services you must undertake during each Contract Year (or as

	pro-rated) and other conditions of the of the Contract (b) Payments and any Performance Standards for that year
3. Your tender	It is a term of this Contract that you comply with your Tender submitted in response to the Information for Applicants including any Letters of Clarification.
4. Information for Applicants	The requirements set out in the Information for Applicants are terms of this Contract.
5. Standard Terms	These are the LSC's Unified Contract Standard Terms, which cover our relationship with you and apply to all providers.
6. Annexes to the Standard Terms	There are 8 annexes to the Standard Terms which cover: Annex A: Liaison Annex Annex B: Media Annex Annex C: Equality and diversity Annex D: Client Service Annex E: Monitoring Annex Annex F: Approved Personnel and Supervisors Annex Annex G: Key Performance Indicators Annex Annex H: Fundamental Breach Annex
7. Contract Specification	This covers the way you should undertake Specialist/Controlled Work and Representation/Licensed Work for Clients.

H Payment and reconciliation

The remuneration systems and payment rates for work under the Unified Contract are set out in the Specification (Payment Annex).

On a monthly basis, Providers compile and submit a claim to the LSC detailing the value of cases completed that month. Payment for Controlled work from 1 October is made through the LSC's Fixed Fee Scheme except for work carried out in the Mental Health category of law, which will continue to be paid under the previous Tailored Fixed Fee scheme. Organisations should note that the Unified Contract Specification from 1 October 2007 is available on our website at www.legalservices.gov.uk, CLS>The Unified Contract.

Under the Contract providers are paid a monthly amount for Controlled work based on the average value of these monthly claims. This is called the Standard Monthly Payment (SMP).

Licensed Work is paid as Providers submit individual claims. The Contract provides for periodic review, or reconciliation, of the Standard Monthly Payment against a Provider's individual claiming profile, and the LSC Account Manager looking after the Provider may alter the SMP from time to time to ensure payments are kept roughly in line with claims.

I. Information on the legal challenge to the LSC's Unified Contract

(R (oao Law Society) v Legal Services Commission and Others [2007] EWHC 1848)

As part of the reforms to the Community Legal Service (CLS), the LSC introduced the Unified Contract to replace former General Civil and Not-for-Profit contracts in April 2007. The Law Society subsequently issued judicial review proceedings in relation to that contract, seeking a declaration that the LSC's unilateral power to amend the contract was in breach of the Public

Contracts Regulations 2006. Judgment was handed down on 27 July 2007, the court holding that the Regulations applied, the powers of amendment complied with the requirement of transparency in reg. 4(3) of the Regulations but that the power to amend the technical specifications (as defined in the Regulations) did not comply with the requirements of reg.9.

All parties are appealing the judgment and have applied for expedition, however the outcome does not affect the LSC ability to tender for this additional work. However all applicants should note that clause 13.2 of the Contract Standard Terms gives the LSC the power to:

“...make such amendments to this Contract as we consider necessary in the circumstances to comply with, or take account of, any U.K. legislation or any EU legislation having direct effect, or as a result of any decision of a U.K. court or tribunal, or a decision of the European Court of Human Rights or of the European Court of Justice or any other institution of the European Union, or to comply with the requirements of any regulatory body or tax or similar authority.

Such amendments may include without limitation:

- (a) amendments to any of the terms of a Schedule;*
- (b) changes to payment provisions;*
- (c) imposing controls not previously imposed;*
- (d) excluding from this Contract any description of Contract Work; and*
- (e) amending procedures in the Specification.”*

Appendix Two - Specialist Quality Mark (SQM) Definitions of Categories of Law (Civil)

Family

Previously known as Family/Matrimonial, the title of this SQM category has been changed for ease of reference. In all other respects and in other documentation where reference is made to the Family/Matrimonial SQM category you should read "Family" in the same terms.

SQM Category Definition

1. Legal Help on matters and all proceedings which arise out of family relationships, including proceedings in which the welfare of children is determined.
2. Also included are Legal Help on Matters and all proceedings under any one or more of the following:
 - (a) the Matrimonial Causes Act 1973;
 - (b) the Inheritance (Provision for Family and Dependants) Act 1975;
 - (c) the Adoption Act 1976;
 - (d) the Domestic Proceedings and Magistrates' Courts Act 1978;
 - (e) Part III of the Matrimonial and Family Proceedings Act 1984;
 - (f) Parts I to V of the Children Act 1989;
 - (g) Part IV of the Family Law Act 1996;
 - (h) the inherent jurisdiction of the High Court in relation to children.
3. For the avoidance of doubt, the following matters/proceedings are also included within the SQM category:
 - (a) Legal Help in making a will where the client is the parent or guardian of a disabled person who wishes to provide for that person in a will, or of a minor living with the client but not with the other parent, and the client wishes to appoint a guardian for the minor in a will;
 - (b) Proceedings to enforce any order made within family proceedings;
 - (c) Proceedings under S20 or S27 of the Child Support Act 1991;
 - (d) Proceedings under the Family Law Act 1986;
 - (e) Proceedings under the Child Abduction and Custody Act 1985 (but note that devolved powers do not extend to taking such proceedings);
 - (f) Proceedings under the Protection from Harassment Act 1997 or in assault and trespass where the proceedings are family proceedings and only an injunction and either no or only nominal damages are sought or where an application is made to vary or discharge an order made under section 5, and the proceedings are family proceedings;

- (g) Proceedings for an order under S106 of the Social Security Administration Act 1992, or under S43 of the National Assistance Act 1948;
- (h) Applications to enforce orders made in family/matrimonial proceedings under the Civil Jurisdiction and Judgments Acts 1982 and 1991;
- (i) Proceedings under S14 of the Trusts of Land and Appointment of Trustees Act 1996 where the proceedings are family proceedings;
- (j) Proceedings for or in relation to an affiliation order within the meaning of the Affiliation Proceedings Act 1957;
- (k) Proceedings under the Guardianship of Minors Acts 1971 and 1973;
- (l) Proceedings under the Maintenance Orders Acts 1950 and 1958;
- (m) Proceedings under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 relating to a maintenance order made outside the United Kingdom;
- (n) Proceedings under S30 of the Human Fertilisation and Embryology Act 1990;
- (o) Proceedings under S24 of the Social Security Act 1986;
- (p) Proceedings under S47 of the National Assistance Act 1948*;
- (q) Proceedings under the Crime and Disorder Act 1998 for:
 - (i) a Child Safety Order or for a Parenting Order made in proceedings for a Child Safety Order; or
 - (ii) an Anti-Social Behaviour Order or Sex Offender Order made in relation to a child, and any associated Parenting Order
 - (iii) a Parenting Order made on the conviction of a child but only where the parent cannot reasonably be represented by the child's solicitor
- (r) Applications to the court to change the name of a child.

Housing

SQM Category Definition

1. Legal Help on matters and all proceedings which concern the possession, status, terms of occupation, repair, improvement, eviction from or quiet enjoyment of, or payment of rent or other charges for premises (including vehicles and sites they occupy) which are occupied as a residence, including the rights of leaseholders under the terms of their lease or under any statutory provision (including enfranchisement). Cases including homelessness, allocation, transfers and the provision of sites for occupation are also included.

2. For the avoidance of doubt, provided the proceedings arise in respect of premises occupied as a residence, the following are included in the SQM category:
 - (a) Legal Help in relation to applications under Section 82 of the Environmental Protection Act 1990 for a statutory nuisance;
 - (b) Proceedings under the Access to Neighbouring Land Act 1992;
 - (c) Proceedings to recover possession under a mortgage or other charge;
 - (d) Proceedings under the Housing Act 1985 including those arising out of the right to buy provisions;
 - (e) Proceedings under the Housing Grants Construction and Regeneration Act 1996;
 - (f) Proceedings to set aside a legal charge or a transfer of property;
 - (g) Proceedings in nuisance or trespass;
 - (h) Proceedings under the Leasehold Reform Act 1967.
3. Proceedings for an Anti-Social Behaviour Order sought by a local authority against a tenant or a person living with him or her, or by way of an appeal against such an order to the Crown Court, pursuant to Sections 1 or 4 of the Crime and Disorder Act 1998.

Welfare Benefits

SQM Category Definition

1. Legal Help in relation to all welfare benefits (including housing benefit, war pensions, state pensions and vaccine damage payments or similar benefits), and in relation to proceedings before any welfare benefit review or appeal body.
2. Any subsequent or related proceedings before a court.

Employment

SQM Category Definition

1. Legal Help in relation to a contract of employment or service contract or any matter arising out of an employment relationship, including termination of employment, the enforcement of any statutory rights given to employees or workers, and data protection matters and including Legal Help (but not representation) in proceedings before an Employment Tribunal.

2. Proceedings before an Employment Appeal Tribunal, proceedings for wrongful dismissal and proceedings before the courts arising out of any of the above.

Mental Health

SQM Category Definition

1. Legal Help where the primary problem or issue relates to a point of English law concerning mental health or the Mental Health Act 1983, including matters concerning education issues but only where based on mental impairment.
2. All proceedings before the Mental Health Review Tribunal (including those arising from criminal proceedings), all other proceedings under the Mental Health Act 1983 and any other proceedings where the primary issue is mental health, but excluding any matters falling within the Clinical Negligence or Personal Injury SQM categories.

Debt

SQM Category Definition

1. Legal Help in relation to, and all proceedings:
 - (a) for the payment of monies due or the enforcement of orders in such proceedings, including those arising out of the occupation of premises but excluding any possession proceedings involving a contested counterclaim and any case where possession is sought on grounds additional to those relating to non-payment of monies due or where the occupant has a defence to possession; and
 - (b) for the recovery of possession of premises for failure to make payments due under a mortgage or other charge; and
 - (c) arising out of personal insolvency, including bankruptcy, administration or IVA proceedings whether the client is a creditor or debtor; but excluding representation in proceedings against parties in default of a fine or other order in criminal proceedings in the magistrates' court who are at risk of imprisonment.

Community Care

SQM Category Definition

1. Legal Help and related proceedings concerning the provision of services or facilities in the community (including in residential or nursing accommodation) by a Social Services or Health Care Authority to the client or a dependant, but excluding any matters falling within the Welfare Benefits or Clinical Negligence SQM categories and proceedings before the Mental Health Review Tribunal.
2. For the avoidance of doubt, Proceedings under S47 of the National Assistance Act 1948 are included.

Appendix Three– Glossary of Terms

“*Category of Law*” or “*Category*” or “*Category of Work*” means a category of law defined in the Funding Code (and which may be described in the Funding Code as an “SQM Category”) and any reference to any Category of Law by name alone e.g. “Family” implies the words “Category of Law” immediately following it;

‘*Office Schedule*’ means an Office Schedule authorising Civil Contract Work;

“*Community Legal Service*” (or “*CLS*”) has the meaning given in section 4 of the Act;

“*Contract*” means this LSC Unified Contract between you and us which consists of the Contract Documents;

“*Controlled Work*” has the meaning defined in the Funding Code;

“*Funding Code*” means the code published under section 8 of the Act, including its criteria, procedures and guidance;

Invitation to Tender means any document headed as such in Section Two which sets out the services the LSC is seeking to procure;

“*Licensed Work*” means all Civil Contract Work except that which is Controlled Work;

“*LSC*” means the Legal Services Commission;

“*Matter Start*” means the start of a Controlled Work matter;

“*Reform of the Legal Aid Scheme*” means such reforms as we may wish to implement in order better to comply with our statutory duties or fulfill our statutory functions including (a) such changes as we wish to make to, or as are related to, the CLS, CDS, or both, consequent on, or related to, the paper “Legal Aid Reform: the Way Ahead Cm 6993”; or (b) new approaches to procurement and contracting for the provision of publicly funded legal services;

‘*Procurement Area*’ means the geographical area in England and Wales designated as procurement are by the LSC;

“*Specialist Quality Mark*” means the quality assurance standard published by us from time to time which all Providers must meet to hold a contract with the LSC;

‘*Tender*’ means an offer by a organisation to deliver the work contained in a Invitation to Tender;

Tender Process means the process contained in this IFA setting out how you must submit your tender;

‘*Tender Form*’ means the designated form on which Organisation must tender for work.

Appendix Four– List of Regional Offices Contact details

1. Wales Regional Office

Marland House,
Central Square,
Cardiff
CF10 1PF

DX 33006 CARDIFF-1

Email to: cardiff@legalservices.gov.uk

Tel: 0845 608 7070

2. East Midlands (Nottingham) Regional Office

Fothergill House
2nd Floor
16 King Street
Nottingham
NG1 2AS

DX 10035 Nottingham – 1

Email: Steve.templeman@legalservices.gov.uk

Tel: 0115 908 4200

3. Eastern (Cambridge) Regional Office

62-68 Hills Road,
Cambridge
CB2 1LA

DX 5803 CAMBRIDGE-1

Email: cambridge@legalservices.gov.uk

Tel: 01223 417860

4. London Regional Office

Exchange Tower
2 Harbour Exchange Square
London
E14 9GE

DX 100170 Docklands 2

Email: london@legalservices.gov.uk

Tel: 020 7718 8466

5. Liverpool (North West) Regional Office

Cavern Walks,
8 Mathew Street,
Liverpool
L2 6RE

DX 14208 LIVERPOOL-1

Tel: 0151 242 5200

Email: liverpool@legalservices.gov.uk

6. North East (Newcastle) Regional Office

2-8 Fenkle Street,
Newcastle upon Tyne
NE1 5RU
DX 61005 NEWCASTLE-Upon-TYNE-1

Tel: 0191 244 5800

Email: newcastle@legalservices.gov.uk

7. Manchester (North West) Regional Office

North West Regional Office
2nd Floor
Lee House
90 Great Bridgewater Street
Manchester
M1 5JW

DX: 14343 MANCHESTER-1

Email: Rowena.foxwell@legalservices.gov.uk

Tel: 0845 602 1400

8. Southern (Brighton and Reading) Regional Office

3rd and 4th Floors
Invicta House
Trafalgar Place
Cheapside
Brighton
BN1 4FR
DX 2752 BRIGHTON-1

Email: brighton@legalservices.gov.uk

Tel: 01273 878 800

9. South West (Bristol) Regional Office

Legal Services Commission
South Western Regional Office
33-35 Queen Square
Bristol
BS1 4LU
DX 7852 BRISTOL – 1

Email: Bryan.swanson@legalservices.gov.uk

Tel: 0117 302 3000

10. West Midlands (Birmingham) Regional Office

Centre-City Podium,
5 Hill Street,
Birmingham
B5 4UD

DX 13041 BIRMINGHAM-1

birmingham@legalservices.gov.uk

Tel: 0121 665 4700

11. Yorkshire and Humberside (Leeds) Regional Office

Harcourt House
Chancellor Court
21 The Calls
Leeds
LS2 7EH
DX 12068

Email leeds@legalservices.gov.uk

Tel- 0113 3907427

Appendix Five - Map of geographical areas administered by LSC offices.

The map below shows England has been divided by the LSC into areas, which are administered by the LSC's regional offices.

The LSC's Wales office administers the whole of Wales.

If you have any queries about this map please contact your nearest LSC Office.

Map of geographical areas administered by the LSC's offices

