



## INFORMATION FOR APPLICANTS



### Leicester Community Legal Advice Centre

Leicester City Council and the Legal Services Commission invite bids from organisations or groups of organisations that have the experience, skills, and ability to provide an accessible, independent, quality assured and integrated Community Legal Advice Centre in Leicester.

This document contains the information you will require to tender for the Leicester Community Legal Advice Centre. It contains information on how to tender, what the successful applicant would be expected to deliver, the criteria on which we will assess applications and the relative importance of those.

This document forms part of the tender pack along with the application form and needs analysis for Leicester. A selection of Questions & Answers will also be available online which will be updated regularly.

The structure of this document is as follows:

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## INTRODUCTION

### **Leicester City Council**

Leicester City Council is a unitary local authority serving 280,000 residents. The Council has achieved beacon status in each of the past six years. It has a longstanding commitment to the funding and delivery of advice services, and reviewed advice services provision in 2004 to ensure that these remained focused on Council priorities, and delivered value for money. The Council has been at the forefront of developing performance management systems for advice services nationally.

### **The Legal Services Commission (“LSC”)**

The Legal Services Commission (LSC) is responsible for legal aid in England and Wales. We work in partnership with solicitors, not-for-profit organisations and commercial providers to help people in need get the information, advice and legal help they need to deal with a wide range of problems. Our work is fundamental to social and legal justice. Our clients are often vulnerable and socially excluded people. Through the provision of information, advice and legal representation, we help around two million people each year get access to justice. Further information on the legal aid scheme can be found at Annex 1.

The Community Legal Service (CLS) is our scheme for providing help on civil (i.e. non criminal) problems. It consists of a network of legal and advice funders and providers across government and the private and voluntary sectors. Through the CLS, people can access relevant, high quality information, advice and assistance to help with a wide range of civil matters including debt, housing, employment, community care and family law.

The LSC has published its strategy for the Community Legal Service setting out the way that it will procure services over the coming years, details can be found at: [http://www.legalservices.gov.uk/civil/innovations/strategy\\_for\\_cls.asp](http://www.legalservices.gov.uk/civil/innovations/strategy_for_cls.asp).

A key component of this strategy is setting up Community Legal Advice Centres jointly with local authorities to provide a holistic service to meet legal advice needs, from diagnosis and information through advice and assistance to representation in complex court proceedings.

### **This tendering exercise**

The Legal Services Commission and Leicester City Council are inviting tenders from organisations to set up the Centre in Leicester and supply an integrated service of general and specialist legal advice and representation services in a wide range of categories of law to meet the needs of the individuals within the Centre’s target area. This service must be provided in locations that ensure that the needs of the catchment population are effectively met, particularly vulnerable groups within that population.

The Centre will be publicly funded jointly by Leicester City Council and the Legal Services Commission and we aim for it to start delivering services in April 2008.

The Centre provider will be required to enter into a joint contract with Leicester City Council and the Legal Services Commission containing performance standards and key obligations.

We aim that the Centre contract will be offered in December and that the contract for the Centre will run for three years from the Centre opening date.

## **PART 1 : SERVICE REQUIREMENTS**

### **A. The Centre and its Services**

#### ***What is the Leicester Community Legal Advice Centre?***

The Centre will have the following key aims and objectives:

- enable individuals to protect their fundamental rights and resolve legal disputes;
- tackle disadvantage and promote social inclusion;
- deliver legal advice services to local communities in Leicester according to a clear understanding of local needs and ensuring that services continue to meet the needs and priorities identified at all times;
- provide quality assured integrated legal advice services ranging from basic information to representation in court, which offer value for money and are supported by co-ordinated funding; and
- be independent of funders and government.

The Centre will provide an accessible general and specialist legal advice and representation service for clients in the Leicester area.

The Centre will bring services to clients who do not currently access legal advice services. While in no way neglecting the wider needs of Leicester residents; it will aim, in particular, to meet the advice and representation needs of:

- the unemployed and people on low incomes;
- people with long-term illness or disability (including mental health);
- young people (including those leaving care);
- older people (over 65 years);
- lone parents;
- asylum seekers;
- BME and faith communities;
- people with problems relating to accommodation (including those in temporary accommodation);
- victims of violence, including domestic violence;
- geographically isolated people.

The Centre must provide advice through a fully accessible, conveniently located advice Centre in Leicester, together with outreach services and other delivery methods to ensure that the vulnerable priority client groups listed above are reached. Services should be delivered flexibly, in places, at times and in ways that promote access for clients.

The Centre will help as many people as possible within the constraints of the resources made available and subject to professional obligations and quality standards. The Centre

will not charge clients for the provision of services but some clients may be required to make payments for specialist legal advice and representation to the Legal Services Commission in line with the legal aid rules concerning costs, damages and contributions.

The Centre provider will receive advance payments for its work (rather than payment by the hour or per case), and will be required to meet a set of performance standards, and comply with the terms of the Centre contract.

The Centre will largely replace our existing arrangements for legal advice with local suppliers in the Leicester area. Although a lot of things about the Centre are new, many of the arrangements for the Centre and some of the terminology used in this document are based on the LSC’s Legal Aid scheme and arrangements for dealing with current LSC funded suppliers. If you are not familiar with this, particularly if you have not held a contract with the LSC, you should read Annex 1, for a basic introduction and a list of terms used.

**What services must the Centre provide?**

As part of your bid, we require you to prepare a Service Delivery Plan, explaining in detail how you will provide all the services set out in this section.

The successful tender organisation(s) must provide face to face legal advice services in the essential categories of law for the Leicester Centre.

	<b>Details</b>	<b>Categories of law<sup>1</sup></b>
Provide a general legal advice service	<p>Including:</p> <ul style="list-style-type: none"> <li>• diagnosis of the individual’s problem(s);</li> <li>• provision of information;</li> <li>• provision of options available to the client;</li> <li>• identification of further action the client can take;</li> <li>• provision of brief (e.g. up to 30 minutes) initial assistance (e.g. filling in forms, helping the client draft letters, contacting third parties to seek information on the client’s behalf and supporting clients to reach early agreement on a dispute through negotiation etc.);</li> <li>• liaising with third parties to identify non-contentious ways of resolving the dispute (including via interagency working)</li> <li>• establishment of eligibility for legal aid where further (specialist) advice is needed; and</li> <li>• arrangement of referrals where the Centre is unable to deliver the necessary advice.</li> </ul>	Essential categories of law: Community Care, Debt, Employment, Family, Housing, Welfare Benefits, plus any Public Law, which relates to the above categories.
Provide a specialist legal advice service (defined by the LSC as Controlled Work (see Annex 1))	<p>This will include taking action on behalf of clients in order to move the case on, with the adviser taking responsibility for further action. This may include negotiation and representing the client to third parties on the telephone, by letter, or face-to-face. This could include the use of experts and interpreters, where appropriate.</p> <p>Further definitions are provided at Annex 1.</p>	Community Care, Debt, Employment, Family (public and private law), Housing, Welfare Benefits, plus Public Law, relating to the above.

<sup>1</sup> Categories of law are defined in the LSC’s Funding Code. See Annex 1 for further information.

	<b>Details</b>	<b>Categories of law</b>
Provide legal representation in proceedings (as defined by the LSC as Licensed Work)	<p>This includes providing litigation and advocacy services for those individuals who meet the legal aid eligibility test, merits test and their problem falls within the scope of legal aid (see Section E).</p> <p>(Please note although this is a required part of the Centre service any payments relating to this work will be made outside of the Centre's contract.)</p> <p>Further definitions are provided at Annex 1.</p>	Community Care, Debt, Employment, Family, Housing, Welfare Benefits, plus any Public Law, which relates to the above categories.
Undertake Tribunal work	<p>Leicester City Council's financial contribution allows for some representation before unified appeals tribunals and employment tribunals to be undertaken for clients who are otherwise eligible under legal aid. If there is more demand for such representation than capacity, clients who require representation may be referred to Leicester City Council in-house representation services. These services will provide staff for outreach services at Centre premises in order to provide more clients with an integrated service.</p> <p>Leicester City Council will be reviewing these services over the period of the Centre's contract with a view to integrating them into the Centre's remit at the end of three years, and will take the demand at the Centre for these services into account.</p>	
Provide a Housing Possession Court Duty Scheme	<p>To provide at Leicester County Court an advice and advocacy service to any person (regardless of means) whose home is at immediate risk because of possession proceedings. This includes work relating to rent and mortgage possession proceedings and warrants of possession.</p> <p>This would include providing initial advice, negotiating with landlords and lenders and representation at court.</p>	Housing
Have procedures to deal with emergency cases	Have facilities to deal with all emergency cases urgently, including, amongst others, domestic violence, and imminent possession proceeding cases.	All categories where emergencies arise
Use alternative means of dispute resolution (where appropriate)	<p>Including:</p> <p>Mediation – where a neutral third person, the mediator, works with the parties to help them arrive at a voluntary and mutually satisfactory resolution of the dispute. This will include family mediation services.</p>	All categories undertaken by the Centre

	<b>Details</b>	<b>Categories of law</b>
Alternative means of dispute resolution (Continued)	<p>Arbitration – referring disputes to a neutral third party, often an expert, who will make a binding decision to resolve the dispute</p> <p>Early neutral evaluation – that is, referring a dispute or issue to a neutral lawyer or expert to provide an opinion which is made available to both sides but is not legally binding upon them</p> <p>Local and national ombudsman and redress schemes.</p>	All categories undertaken by the Centre
Have an effective and appropriate referral system to make and receive referrals. This will include a database of locally provided external services.	<p>Receiving referrals for clients within the Leicester area, for example from telephone advice lines (including CLS Direct), from criminal legal advice providers, from family legal advice providers, from non-specialist legal advice providers, and from non-legal advice service providers</p> <p>Referring clients, for example to:</p> <ul style="list-style-type: none"> <li>• CLS Direct if the Centre has reached capacity or where this is appropriate and acceptable for the client in the circumstances of the case</li> <li>• alternative face-to-face legal advice providers who hold the CLS Specialist Quality Mark in categories of law not provided by the Centre (for example Mental Health, Immigration, Education, Clinical Negligence, Actions against the Police, Consumer and General Contract, Personal Injury<sup>2</sup> and Crime.)</li> <li>• an alternative family advice provider if there is a conflict of interest between two parties both accessing services at the Centre</li> <li>• private practice legal advice providers if it is appropriate for the individual to pay for the advice required</li> <li>• non-legal advice service providers, where the problem is or has aspects of a non-legal nature.</li> </ul>	
Prevent legal problems from arising	Identify and address issues that are repeatedly causing problems for clients. This may include influencing policies and procedures of particular services or undertaking community legal education for specific client groups or geographical locations.	
Undertake marketing and promotion of services.	Marketing and promotion should be undertaken within the target area, particularly targeted to the priority areas and client groups (as set out earlier in this section).	

<sup>2</sup> The LSC is developing or has developed specific contracting strategies for these areas of law. The Centre provider, and the contractors working in these categories, would be expected to work together to ensure that the needs of their clients respectively are met.

	Details	Categories of law
Have a complaints process	Including keeping records of all complaints received and how the complaint was dealt with.	
Undertake client feedback exercises	Undertake and record client feedback on, for example: <ul style="list-style-type: none"> <li>• the client's opinion of the Centre's services;</li> <li>• the client's opinion on the advice they received and the outcome they obtained; and</li> <li>• the effect on the client's confidence to deal with their own problems after receiving help from the Centre.</li> </ul>	
Have equalities procedures	Formulate and adopt a: <ul style="list-style-type: none"> <li>• General Equality Policy</li> <li>• Diversity Training Plan</li> <li>• Equal Opportunities Communications Plan</li> </ul>	

While we appreciate the unique demographic of the city of Leicester, we do not consider that the Centre model is the best means of delivery model for immigration. So while we will not be going out to tender on immigration, we appreciate that we need to address immigration need as a priority.

Immigration advice will not be delivered through the Centre, however it will be a requirement of the Centre contract that the provider will work with local immigration providers, and if clients require immigration advice we will ensure they are referred on accordingly.

***When must the Centre be ready to deliver these services?***

The Centre must open in April 2008. We do not require bidders to commit to having all the Centre services available on the first day the Centre opens. However, all bids must commit to having the Centre services up and running according to the timescales set out below as a minimum. If you have a realistic Service Delivery Plan for delivering some of the services earlier than set out below, this will be regarded favourably when we assess your bid.

***The start up period of the Centre***

The Centre provider will be expected to deliver general legal advice services, plus specialist legal advice and representation in Family, plus Debt, Housing and Welfare Benefits, from the Centre and appropriate outreach sites from the opening date.

The Centre will also be required to expand its specialist legal advice and representation service to cover Community Care and Employment within 12 months of the service opening date.

**Where must services be delivered?**

*A main Centre building*

Applicants must either show that they are currently able to deliver services from premises based within the Leicester area (the 'main Centre building') by the opening date or set out viable plans for this in their bid. Bidders may use all or part of their existing premises as the main Centre building if suitable.

### *Reaching clients in other ways*

In addition, you should consider how the requirements of the target area and its clients can best be met through means other than coming to the main Centre building. You should include in your Service Delivery Plan proposals to reach the maximum number of clients in the target area, making use of available technologies and other services. For example:

- outreach services in the community at locations readily accessible to the target area population (community centres and organisations, health settings, such as GP surgeries and hospitals, childrens' centres, extended schools, and youth services etc.)
- telephone, webcam, Internet etc.

The proposals must also include those services which will specifically target the vulnerable priority client groups (as set out earlier in this section) who do not currently access legal advice services within Leicester.

All locations used by the Centre must have good physical access for clients, including appropriate disabled access, and adequate facilities for advising clients face to face in privacy and by telephone.

### ***What will the Centre's opening hours be?***

As a minimum the main Centre building must be open from 9am to 5pm, five days a week and 5pm to 9pm one evening per week. If you can realistically open the Centre or otherwise provide access to services outside these hours this will be regarded favourably when assessing your Service Delivery Plan.

### ***How quickly do we expect you to help clients?***

Clients would not be expected to wait longer than 10 working days for general and "non-priority" specialist, legal advice on their problem. For cases assessed as "priority" and where a meeting with a specialist caseworker is necessary clients should wait no more than 4 days (this does not include emergency cases).

You should have arrangements to ensure that emergency cases can receive out of hours assistance.

## **B. Performance Standards**

The Centre will work to a range of performance standards that set down the levels of work expected in return for the available funding.

Table of performance standards:

	<b>Area</b>	<b>Performance standard</b>
1.	Number of clients receiving general legal advice	6,000 clients each year
2.	Number of cases of specialist legal advice to be opened in the first year of full operation	<p>Funding has been calculated based on the breakdown of cases between categories set out below:</p> <ul style="list-style-type: none"> <li>• 840 Debt</li> <li>• 171 Family (public &amp; private)<sup>3</sup></li> <li>• 538 Housing</li> <li>• 547 Welfare Benefits</li> <li>• 101 Employment</li> <li>• 122 Community Care</li> <li>• 56 Tolerance</li> </ul> <p>In addition, as part of the Housing Possession Court Duty Scheme:</p> <ul style="list-style-type: none"> <li>• 214 Possession Cases</li> </ul>
3.	Percentage of clients covered in 1 – 2 above from priority groups (as set out in Section A)	<p>Overall 80% of clients for general legal advice in at least one priority group.</p> <p>Overall 85% of clients for specialist legal advice and tribunal representation work in at least one priority group.</p>
4.	Successful specialist casework and representation outcomes	60% of specialist and representation cases must provide a substantive benefit to the client.
5.	Quality of advice	Where the Commission undertakes a peer review within the eighteen months of the contract then a rating of 2 or above must be achieved in each specialist category delivered.
6.	Client satisfaction as captured in annual client feedback exercises	80% of all clients rate the service as good or excellent.
7.	Complaint resolution	<p>95% of complaints from clients resolved internally.</p> <p>100% of complaints responded to within 5 working days.</p> <p>90% of complaints are fully resolved within 28 working days.</p>

<sup>3</sup> The family target assumes that the Centre will undertake a mix of case types, i.e. children, finance, domestic violence, divorce and public law, which will be paid under the standard fee regime. We further expect the Centre will undertake a number of cases that involve legal representation that will be dealt with as legal aid certificates. These are additional and will provide the Centre with additional income. Although the target of 171 cases has not been broken down into specific case types, it is our intention to review this annually and we retain the right to set specific targets in agreement with the supplier.

8.	Access for general and specialist non-priority/ non-urgent cases	All clients should receive an appointment within 10 working days of requesting an appointment for either general or specialist advice.
9.	Access for priority/emergency cases including domestic violence, evictions and other urgent problems	All clients should receive an appointment for priority cases (e.g. where a hearing date is set in less than 14 days from when the client contacts the Centre) within 4 working days.  All clients should receive an appointment for an enquiry related to emergency or urgent proceedings within 1 working day. (NB. This does not remove the need to act <b>immediately</b> in very urgent cases.)
10.	Opening hours of main Centre building	9 am to 5 pm Monday to Friday, excluding public holidays and 5pm – 9pm one evening per week.
11.	Housing Possession Court Duty Scheme hours of operation	95% of HPCDS block listings should be provided.
12.	Referrals of clients who require specialist legal advice and whom the Centre is unable to help	95% of these clients should be effectively referred (NB. see below for definition).

### ***Why have we included a breakdown of categories in target 2?***

There would be an expectation that the cases would broadly follow the distribution between categories as set out. The funding linked to each category is set out in Section D. This has been calculated using the category fixed fees, as set down in ‘Legal Aid Reform: the Way Ahead’<sup>4</sup>, and an allowance for exceptional cases (i.e. those cases where the profit and counsel costs are greater than three times the fixed fee for the particular category). We understand that the Centre will have to be able to respond to demand as well as seek particular client groups; therefore there will be some flexibility within this i.e. some underperformance in one category of law may be compensated for by overperformance in another. But not all cases take the same amount of time, for example community care cases take longer than other categories, and therefore a shortfall in community care cases would be expected to be replaced by a much larger increase in other categories. However, if we consider that we are not obtaining value for money we may adjust payments as part of contract management.

### ***What is meant by ‘effectively referred’?***

‘Effectively referred’ is defined as the provider making a referral to another source of legal advice (including CLS Direct), where the Centre provider will make an appointment for the client and hand over the clients’ details, any instructions taken and any relevant documents to the referral agency. The Centre must follow up on the referral to ensure that the client has received the necessary help. The Centre will also be expected to make referrals to non-legal or general sources of advice, but will not be given a target to meet for these types of referral.

### ***How should you deal with these performance standards in your bid?***

You may put in bids for the Centre on the basis that

<sup>4</sup> See [www.legalservices.gov.uk](http://www.legalservices.gov.uk) for further information.

- you will achieve these performance standards; or
- you will achieve higher levels/standards of work, for example, provide access to services outside the specified opening hours in performance standard 10.

Any application which offers to undertake lower amounts of work than the performance standards set out will not be considered. An offer to commit to higher levels of work will be taken into account as giving better value for money, provided the proposals to undertake the extra work are, in our view, realistic and do not undermine the quality of the work. If an applicant offers to meet higher performance standards and is successful in winning the Centre contract, the higher performance standards set out in their application will become the performance standards in the contract.

***How will work in progress be taken into consideration if your application is successful?***

If you already receive funding from the LSC or Leicester City Council which is covered by the Centre's proposed work then any work in progress at the Centre contract start date will be considered when finalising the performance standards. The value and the work required to complete such work in progress will be taken into consideration. We may decide to allow some work to be counted towards the performance standards or adjust the performance standards and payments accordingly to ensure there is no double counting or double payments. This will be discussed in the period before the contract is signed.

**C. Staffing the Centre**

***Transfer of Undertakings (Protection of Employment) Regulations 2006***

Applicants should be aware that the services subject to this contract constitute a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE"). The organisations currently delivering the services are in the process of being contacted, and the employee liability information obtained. This information will be made available to applicants on request and as soon as possible.

Employees who are assigned to the services subject to this contract immediately before the transfer will automatically become employees of the new provider. The transferred employees retain all the rights and obligations existing under their contracts of employment with the current service providers and these will be transferred to the new provider.

Applicants should incorporate these employees into their proposed staffing structure for the Leicester Centre.

Applicants are advised to obtain legal advice on their obligations under TUPE.

***Staff Deployment***

The Centre provider will be free to organise how its work is staffed, provided that this staffing structure enables it to deliver the services required, allows for efficient and effective management and administration of the Centre, and meets the performance standards set out above (see Section B).

For example you may choose to employ staff to solely work at the Centre, to make use of staff that work at other offices run by the Centre provider, to use subcontracted/agency staff and consultants or other flexible workforce models.

Applicants are asked to provide an Organisational Plan for the Centre showing all staff and their roles as part of their application. This will be assessed as part of your bid to establish how it will promote delivery of a quality assured, accessible and integrated service to the target clients.

### ***Skills and experience of caseworkers and supervisors***

Caseworkers and supervisors are expected to be suitably experienced to carry out the work on a daily basis. The ratio of supervisors to caseworkers is also an important factor in providing your service. Your Organisational Plan must show supervisors, managers and caseworkers to demonstrate how this will operate if you were awarded the contract.

### ***Using unpaid staff***

Unpaid staff can be used to deliver the Centre service however the nature of the work that they can undertake will depend on their skills and expertise. Un-paid staff (including students and people seeking work experience) will only be allowed to undertake specialist casework and representation with our prior agreement.

### ***Using Subcontractors***

If you propose to subcontract work to deliver the required services then this must be detailed in the Service Delivery Plan. The Centre provider will be responsible for any sub-contractual arrangements, including the type and amount of work to be undertaken by the subcontractor(s), the quality of the work undertaken, the reporting of any work and any associated payments.

Unlike the Centre provider subcontractors would not be required to be preferred suppliers. However, any work undertaken by the subcontractors on behalf of the Centre would be expected to be of the same quality as a preferred supplier.

Any subcontractor(s) proposed as part of the bid must individually meet some of the criteria to be applied to applicants. For further information see Section I.

In reviewing your bid we will consider the extent to which your proposed subcontracting arrangements may affect the provision of an integrated service, and any benefits of a greater breadth of service that such arrangements may allow.

### ***Employing a Trainee solicitor***

The Centre provider will be given funding to employ a trainee solicitor from the LSC's Training Support Scheme. This will cover the full salary cost for 2 years and the cost of undertaking the basic Professional Skills Course.

The recruitment of a trainee solicitor will need to be carried out by the successful applicant using their own internal recruitment processes that must be current and compliant with

current legislative requirements and the requirements of section D1 of the Legal Services Commission, Specialist Quality Mark<sup>5</sup>.

The successful applicant would need to satisfy The Law Society's requirements for the provision of training contracts and therefore be a registered training establishment.

The trainee solicitor must be trained in the categories of law being provided, or intended to be provided by the Centre. Further details about the training contract grant will be made available to the successful applicant on award of contract.

## D. Funding the Centre

### *How will the Centre be funded?*

The Centre will be funded from a fixed budget of £2,729,550 in total for three years and applicants are invited to bid for this sum. This sum is inclusive of any VAT which may be payable. Applicants should seek advice on the VAT implications of the structures of their bid. £465,000 of the three-year funding will come from the LSC and £444,850 from Leicester City Council. The funding is broken down as follows:

	<b>LA Funding (£)</b>	<b>LSC Funding (£)</b>	<b>Total funding (£)</b>
<b>General service</b>	250,000	-	250,000
<b>Specialist services:</b>			
Debt	119,850	100,000	219,850
Welfare Benefits	25,000	110,000	135,000
Housing	15,000	110,000	125,000
Employment	15,000	25,000	40,000
Community Care	-	50,000	50,000
Family	-	60,000	60,000
HPCDS	20,000	-	20,000
<b>Tolerance</b>	-	10,000	<b>10,000</b>
<b>Annual sub-total</b>	<b>444,850</b>	<b>465,000</b>	<b>909,850</b>
<b>Set up costs</b>	-	70,000	70,000
<b>Training contract (over 2 years)</b>	-	32,164	32,164
<b>Grand Total</b>	<b>444,850</b>	<b>569,164</b>	<b>1,012,014</b>

Advance payments will be made to the Centre provider at a schedule to be negotiated.

As can be seen from the funding table, a grant of £70,000 has been earmarked for set up costs, if necessary. This would need to cover any costs associated to re-branding with the 'Community Legal Advice' brand, including signs, letterheads and other business supplies. If this set up funding is needed then we will give consideration to weighting the first year's payments to include this money. Any required set up costs must be detailed in your Organisational Plan.

A training grant to employ a trainee solicitor is also available, equivalent to £64,328 over two years – see section 'Employing a trainee solicitor', above.

<sup>5</sup> For more information see

[http://www.legalservices.gov.uk/docs/quality\\_mark/Specialist\\_Quality\\_Mark\\_Standard\\_Crime\\_Changes\\_September\\_2005.pdf](http://www.legalservices.gov.uk/docs/quality_mark/Specialist_Quality_Mark_Standard_Crime_Changes_September_2005.pdf)

The payments made will cover the costs of providing the Centre including set up costs, all office and outreach overheads, travel, management and administration costs and all time spent on client advice at the general and specialist levels including tribunal representation.

The Centre will have the freedom and flexibility to organise its own staff and manage its own mix of cases within these payments, subject to meeting the performance standards (see Section B), the service requirements set out in this document, and the provisions in the contract.

While applicants are encouraged to seek additional funding to complement the Centre services outlined in the Performance Standards (Section B), this funding cannot be used to supplement LSC/Leicester City Council funding in the delivery of targets for this contract.

***How will representation (i.e. Licensed) work be paid for?***

Payments for LSC funded representation work (i.e. Licensed Work), including any reasonable disbursements, will be paid for through the current LSC scheme. Further information can be found in Annex 1. Sub-contractors carrying out Licensed Work will be paid for that work directly by the LSC.

***What are payments for the Centre dependent on?***

Full contract payments (not including LSC funded Licensed Work payments) will only be made once all the services and staff set out in the Centre provider's Service Delivery Plan and Organisation Plan, as set out in its application, are in place. If a Centre provider is unable to supply the services agreed, payments will be reduced to reflect the services which are not being provided and we may contract with someone else for those services. We may consider termination of the Centre contract if we consider that the shortfall in services or staff is so serious that any of the core purposes of the Centre are not being met.

The payments will be linked to required levels of work reflected in the performance standards. The Centre's performance against these standards will be assessed regularly (see Section F). Payments may be adjusted as a result of these performance reviews if the Centre fails to reach these performance standards. If the Centre looked like it was going to exceed its performance standards then the implications of this for payments, targets etc would need to be negotiated and agreed by the Liaison Board (see Section F).

**E. Other provisions on undertaking work**

***What rules will there be on undertaking work for clients?***

Although the Centre provider will manage its own work, and commence cases for clients without reference to us first (with the exception of LSC funded Licensed Work), the Centre contract, and performance standards, are designed to encourage an appropriate balance between different levels of work in the key advice areas, and to focus on those clients who most need help.

The Centre provider must therefore:

- undertake a reasonable mix of type and size of cases and not favour cases which require less work. To monitor this the Centre provider will need to record all time spent on each client matter. However, if the overall average length of case (excluding

general legal advice services and representation work) falls below an acceptable level (e.g. 2 hours) then this will be discussed with the provider and action may be taken. This may include imposing specific targets on case mix and failure to achieve these may result in funding being reduced.

- undertake a reasonable mix of type and size of cases and not favour cases which require more work. To monitor this the Centre provider will need to report against the target set for the number of specialist cases undertaken. In calculating this target an allowance for a certain number of specialist cases to require more work (i.e. exceptional cases) has been taken into account. For example, in setting the target for specialist cases a 4% exceptional case allowance has been given for Housing and 6% for Welfare Benefits. If the Centre provider fails to deliver the required number of specialist cases due to them spending more time on fewer cases then this will be discussed with the provider and action may be taken.
- undertake representation work across the categories (see Section A) where this is required. To monitor this the Centre provider will need to record all work which progresses to the representation stage.
- ensure that services are targeted at all vulnerable priority client groups as set out in Section A. To monitor this the Centre provider will need to record the profile of each client and provide information to us on the proportion of services delivered to such groups. If the Centre is not reaching the mix of groups required then this will be discussed with the provider and action taken. This may include agreeing an action plan on targeting specific groups or imposing targets in relation to individual priority client groups.

***Are there any restrictions on the clients the Centre can help?***

The Centre funding is, in some circumstances, restricted to clients with limited means and where there is sufficient benefit to the client in taking their case on, proportionate to the cost of helping them. The Centre provider will have to assess whether clients meet eligibility requirements for the following types of work:

<b>Type of work</b>	<b>Financial means test</b>	<b>Sufficient benefit test</b>
General legal advice	Not applicable	Not applicable
Specialist legal advice (i.e. Legal Help and Help at Court)	Applicable for all categories of work funded by the LSC. The following proportion of cases funded by LCC will not be subject to a means test: <ul style="list-style-type: none"> <li>• Debt 55%</li> <li>• WB 18%</li> <li>• Housing 12%</li> <li>• Employment 38%</li> </ul>	Applicable
Representation work (i.e. Licensed Work)	Applicable for 100%	Applicable, together with other Funding Code eligibility requirements (see Annex 1)
Housing Possession Court Duty Scheme	Not applicable	Not applicable

### ***What quality requirements will the Centre have to meet?***

In order to optimise the smooth running of the Centre and the quality of the services the clients' receive, we will require the Centre to:

- Meet the LSC's General Help Quality Mark Standard
- Meet the LSC's Specialist Quality Mark Standard in all categories where specialist legal advice and representation are provided<sup>6</sup>.
- Meet the LSC's Preferred Supplier requirements within 18 months of the Centre's opening date<sup>7</sup>.

*It will be the responsibility of the Centre provider to ensure and monitor the quality of any work undertaken through a sub contractual relationship.*

### ***How will the Centre and its work be presented to clients and the public?***

The Centre name will be 'Leicester Community Legal Advice Centre'. The LSC has developed a brand, including a logo, which will be applied to all centres. Common standards regarding the premises may also be provided to ensure that clients feel comfortable approaching and using the service.

All the Centre's work must be undertaken under this brand, including outreach services. The Centre provider will also be able to display its membership of other networks, or its own name, as a co-brand. The exact nature of this will be discussed with Leicester City Council and the LSC and included in the contract.

The Centre will have a web presence through Community Legal Service Direct ([www.clsdirect.org.uk](http://www.clsdirect.org.uk)). Details of the Centre will be added to the CLS Legal Adviser Directory on the website and it will be the responsibility of the Centre provider to ensure the information regarding the Centre is complete and up to date.

### ***Working in partnership with us***

The Centre provider will be required to develop a partnership working approach with us, sharing ideas and suggestions for improving the Centre and delivery of its services. To achieve this we expect to develop an open working relationship between all parties, where opinions can be voiced and ideas welcomed.

We also expect providers to be prepared to test new ways of working and to pilot different ideas to find solutions to problems and to improve client satisfaction and value for money.

## **F. Reporting, management and evaluation**

### ***Recording and Reporting Work***

The Centre must operate a case management system and will be required to report work electronically to the LSC and Leicester City Council on a monthly basis. The Centre will also

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<sup>6</sup> For more information see [http://www.legalservices.gov.uk/docs/quality\\_mark/Specialist\\_Quality\\_Mark\\_Standard\\_Crime\\_Changes\\_September\\_2005.pdf](http://www.legalservices.gov.uk/docs/quality_mark/Specialist_Quality_Mark_Standard_Crime_Changes_September_2005.pdf)

<sup>7</sup> For more information see [http://www.legalservices.gov.uk/docs/consultations/Preferred\\_Supplier\\_Response\\_to\\_Consultation.pdf](http://www.legalservices.gov.uk/docs/consultations/Preferred_Supplier_Response_to_Consultation.pdf)

be required to provide monthly narrative reports and other reports as detailed in the Centre Contract.

***What will the Contract Management arrangements be?***

We will work closely with the Centre provider to ensure that the objectives for the Centre are met. This will be done through day to day contract management and an LSC / Leicester City Council Liaison Board.

*Relationship Manager*

The Centre will be contract-managed by an LSC Relationship Manager. The Relationship Manager will be the initial point of contact between us and the Centre provider. Quarterly performance reviews will be held between a nominated member of the management of the Centre and the Relationship Manager.

The Relationship Manager will be responsible for monitoring the performance of the Centre, including performance against the standards set and compliance with the contract. They will also be responsible for managing payments to the Centre provider.

*Liaison Board*

A Liaison Board will be established to take all decisions relating to general Centre development, funding issues and setting performance standards. The Liaison Board will be made up of LSC and Leicester City Council representatives and will meet at least quarterly.

All providers must be prepared to cooperate and liaise with us in monitoring the work of the Centre.

***When will the performance standards be reviewed?***

The provider's performance will be discussed between the Centre provider and the Relationship Manager at the quarterly performance review. Performance standards will only exceptionally be adjusted during the year, apart from reasonable reallocation of numbers of cases between categories of law, which we reserve the right to do at our discretion (either at the Centre provider's request or because we reasonably consider it necessary because of performance).

The level of performance standards will be formally reviewed annually and reasonable amendments may be made by Leicester City Council and the LSC following these reviews in order to set standards for years 2 and 3.

***What happens if the Centre fails to meet the performance standards?***

If the Centre's performance falls short of the performance standards, then we will have the right to take a range of actions. These may include agreeing an action plan to tackle the underperformance, reducing future payments, recouping payments made to date or ultimately termination of the Centre Contract. The level of action taken will be determined by the level of underperformance.

***How will the quality of the Centres work be assessed?***

We will review the quality of the Centre's work through peer review, quality profiles and auditing.

The Centre provider will be subject to the Peer Review process for all categories of law where specialist legal advice and representation are provided. Peer Review is the direct

independent assessment of the quality of advice and legal work undertaken by providers, and is carried out by experienced peer practitioners. For more information see [www.legalservices.gov.uk](http://www.legalservices.gov.uk). Peer Review results is also one of the performance standards under the contract.

Quality profiles will be used to measure the Centre provider's performance against a series of indicators, such as case duration, mix and outcome. These will be used to provide a picture of case performance across a category of law over a period of time and will enable the identification of any trends or changes in performance. National data has been used to establish a 'normal' range for each performance indicator. If necessary, areas of improvement can be identified for providers who are 'out of profile', from the norm.

### ***Participation in general assessment exercises***

We will be carrying out a general assessment of all the 'Community Legal Advice Centres' as a delivery mechanism for integrated legal advice services. The Centre will be required to participate in any evaluation undertaken and provide any necessary information relating to this. The Centre will therefore be required to give full access to statistics, records and case files for any LSC or Leicester City Council authorised researchers.

## PART 2: TENDER PROCESS

### G. Bidders: Who are we looking to contract with?

#### ***Who can put in a bid?***

This is an open tendering exercise and any organisation interested in providing the Centre services may apply, providing they meet the selection criteria. Organisations such as solicitors, Not for Profit advice agencies and commercial organisations are welcome to bid; tenders will be treated equally regardless of the type(s) of organisation bidding.

#### ***Are we willing to accept joint bids?***

We appreciate that organisations may need to join together or expand to put in applications, if, for example, you think you are better able to meet our requirements that way. We have no objection to this but ultimately, we only wish to contract with a single legal entity to provide the Centre. You can consider joining together to form a single legal entity, or making arrangements for some organisations to act as subcontractors of a main organisation which holds the Centre contract.

If you want to join up with others to form a new single legal entity to provide the Centre, there is no need to do this before putting in an application, although you would need to have detailed and realistic plans to do this in your bid. This should be included in your Organisational Plan.

Applications are therefore welcome from single organisations or groupings of organisations that can together provide the services to be delivered by the Centre providing that:

- there will be one single legal entity for the purposes of providing the Centre (either through some organisations acting as subcontractors, or the organisations merging or forming a joint venture vehicle etc) within a defined time of winning the contract, and
- all the parties involved can also demonstrate they are able to work as a single unit for the full duration of the contract with a single, effective, management structure from the date the contract is signed.

What we are looking for is an integrated service with a coherent and effective organisational structure. Applicants should clearly and fully demonstrate in their Organisational Plan how all the organisations involved in the bid (including subcontractors) would work together effectively to ensure that clients receive a seamless service.

Applications put in by organisations joining together will be treated as one application, but we will require some information (financial records etc) on all constituent organisations to assess that application. Further details are set out at Section I below.

#### ***More information on subcontractors***

Only sub-contractors agreed by us may be used to deliver these services. If any sub-contractors were to drop out of the arrangement, the main contractor would be expected to

find replacement sub-contractors, agreed by us, and take responsibility for managing any potential resultant drop in performance. Where applicants wish to provide the services using sub-contractors, they must provide details of all sub-contracting arrangements in their application.

### ***Involvement in more than one bid***

Organisations can be involved in more than one bid for the Centre contract. Organisations may, for example, wish to submit a tender in their own name and also be a sub-contractor for another tendering organisation.

### ***Regulatory issues***

Organisations which are undertaking any expansion and/or restructuring will need to be certain that they are compliant with any applicable law or regulatory requirements such as the Solicitors Practice Rules, the Employed Solicitors' Code, charities legislation, etc. We recommend that bidders consider the application of the rules on fee sharing and effective supervision on any proposed bid, and any VAT implications, and seek advice if necessary. All applications must be submitted on the basis that the applicant will be able to deliver the Centre services from the start date in full compliance with all applicable rules and regulations.

### ***Can you undertake other work outside the Centre?***

Any organisation involved in the Centre would not be precluded from providing services separate to the Centre under other funding, including legal aid or private funding as long as the service was not marketed as part of the Centre and as long as the Centre services are clearly identified to the public.

All clients who contact or are referred to the Centre must be regarded as a client of the Centre and not clients of the individual organisations that make up the Centre. However client cases that comply with the funding rules of the Centre may be referred to the individual organisations of the Centre if the Centre is at complete capacity (see referral requirements in Section A).

Other legal or non-legal services complementary to the Centre may be marketed and delivered as part of the Centre with prior agreement of Leicester City Council and the LSC.

### ***What about the Centre provider's current contracts?***

Once the Centre is open Legal Aid services in debt, housing, welfare benefits, community care and employment will only be delivered by the Centre.

A Centre provider that holds a current legal aid SWL contract or Leicester City Council contract or service level agreement in Leicester will be required to give up all or part of that contract or agreement where the services will now be provided through the Centre contract.

Sub-contractors may continue to hold current legal aid contracts where they are delivering services in areas outside of the Centres target area, delivering in categories not covered by the Centre and where they are delivering family work.

## H. The Contract for the Centre

### *What will be in the contract for the Centre?*

The successful applicant will be required to sign a contract jointly with Leicester City Council and the LSC. The contract will be based on the LSC's Unified Contract for its civil legal advice providers and a draft generic contract for Community Legal Advice Centres will be posted on the website at [www.legalservices.gov.uk](http://www.legalservices.gov.uk). This may be superseded by a tailored Contract for the Leicester Centre.

The contract will incorporate this Information for Applicants, the Application Form and all documents submitted by the applicant in support of its application, and the structure is set out below:

<b>Structure of the Contract</b>	
<b>Contract Document</b>	<b>Main areas</b>
1. Contract for Signature	(a) the parties to the Contract; (b) terms relating to liabilities of parties; (c) overall payments.
2. Centre Schedule	We will issue you with a Centre Schedule at the beginning of each year that the Centre is open. The Centre Schedule will set out: (a) the legal services you must undertake during each year of the Centre and other requirements of the Centre; (b) payments and Performance Standards for that year; (c) any amendments and additions to the Contract Standard Terms or the Specification which apply to the Centre.
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 for the Centre dated 11 July 2007 are terms of this Contract.
5. Standard Terms	These are the LSC's Unified Contract Standard Terms applying to its suppliers. They cover our relationship with you but are subject to the amendments and additions appropriate for Community Legal Advice Centres set out in the Centre Schedule (5 below).
6. Annexes to the Standard Terms	There are 10 annexes to the Standard Terms which are tailored for the Centre and cover: Annex A: Relationship Management and Liaison Annex B: Monitoring and Reporting Annex C: Publicity, promotion and media Annex D: Guidance on Branding Annex E: Equality and diversity Annex F: Client Service Annex G: Approved Personnel and Supervisors Annex H: Performance Standards Annex I: Fundamental Breach

	Annex J: TUPE
7. Contract Specification	This is the LSC's Unified Contract Specification applying to its providers. This covers the way you should undertake work for Clients but are subject to the amendments and additions appropriate for Community Legal Advice Centres set out in the Centre Schedule.

The precise details of the Centre Schedule will be agreed between the successful applicant, Leicester City Council and the LSC following selection of the successful application.

The contract will also bind the Centre provider to expanding services to meet core categories of work not initially offered, in line with Section A above.

The draft generic contract will be subject to changes during the tendering period to make it tailored for Leicester. You are advised to check the LSC website at [www.legalservices.gov.uk](http://www.legalservices.gov.uk) for updates on a weekly basis and for posted answers to questions raised during the question period.

## I. Putting in a bid – the application process

Applicants are invited to submit full tenders for the Centre on the application form provided as part of this tender pack, setting out the required details of their organisation(s) and their proposals for the Centre and how they will run it.

### ***Overview of the application process***

The application process will consist of 5 stages, as set out below:

Stage	Details	Timescale
Pre-bid stage	Potential applicants may ask questions.	There will be an opportunity to ask questions from the launch of the tender for 7 weeks. We aim to post both questions and answers on the LCC website within 7 days of submission.
Stage 1	Applications received. Applications assessed against the Essential Criteria 1-9. Assessment against Essential Criterion 10 begins for those applications meeting Criteria 1-9.	Applications accepted from launch of tender until the closing date of 1pm Monday 22 October 2007. The closing date will be 12 weeks after the

		tender launch. Assessment against Essential Criteria begins immediately after the closing date.
Stage 2	<p>Following initial assessment of applications against the Essential Criteria, there will be a period of 3 weeks in which applicants may be asked for clarification of any aspect of their bid.</p> <p>Applications that meet all Essential Criteria (1-9) will then go on to be assessed against the Desirable Criteria.</p> <p>Assessment of Essential Criterion 10 completed.</p>	Assessment of Desirable Criteria will begin in mid November.
Stage 3	Best applications will be selected for interview.	Interviews are expected to take place the 3 <sup>rd</sup> or 4 <sup>th</sup> week of November.
Stage 4	Successful applicant selected.	Last week of November.
Stage 5	Contract awarded to the successful applicant.	November/ December.

Applicants that are unsuccessful in meeting the Essential Criteria will be notified of the result from mid November. Feedback on their application will be available by arrangement thereafter.

***What documents do you need to prepare your bid?***

You should ensure that you have the following documents before you prepare your application:

- Information for Applicants (this document);
- Application Form;
- Needs Analysis for Leicester.

**All documentation will be available to download from the Leicester City Council website at:**

[www.leicester.gov.uk/your-council--services/advice-and-benefits/legal-advice/community-legal](http://www.leicester.gov.uk/your-council--services/advice-and-benefits/legal-advice/community-legal)

***What documents must you submit to make an application?***

When making the formal application you should return to us:

- Two copies of the completed **Application Form** (any attached pages must be numbered sequentially in the following format: page 1 of 6).

- Two copies of a **Service Delivery Plan** as detailed in Criterion 8 (Pages must be numbered sequentially in the following format: page 1 of 6).
- Two copies of an **Organisational Plan** as detailed in Criterion 9 (Pages must be numbered sequentially in the following format: page 1 of 6).
- Two copies of a single page **Curriculum Vitae** for each member of the senior management team and category specific supervisors, as detailed in Criterion 9.
- Two copies of the **supervisor self-declaration form** for each relevant category of law, as detailed in Criterion 2.
- Two copies of any **membership certificates, references etc**, as detailed under the Family category requirements in Criterion 2.
- Two copies of the **financial information** as detailed in Criterion 5. In the case of joint applications the information should be provided for all organisations directly involved in the application. This information is not required for subcontractors.

If these documents are sent electronically, one copy of each will suffice.

***Submitting case files (where a peer review is conducted as part of the tender process) for assessment under Criterion 10:***

- If you **do hold** an LSC Unified Contract in a category that you are submitting as part of your expertise under Criterion 2 and either haven't had a peer review since April 2005 or have received a peer review rating of 4 or 5 since April 2005 then once you have submitted your application you will be written to requesting 40 named case files that have been pre-selected by the LSC. You will have 14 calendar days to submit your case files.
- If you **do not hold** an LSC Unified Contract in a category that you are submitting as part of your expertise under Criterion 2 then for that category you must provide **40 case files** for the purposes of peer review **at the time of application**. This will apply for example if your expertise arises from providing advice in the category through privately funded work or Local Authority funded work. It will be the responsibility of the applicant organisation to select the necessary case files but these must be for specialist level cases that have required no less than 2 hours work and must represent the mix of work undertaken within the individual categories (for example, in family work we would want to see a mix of divorce, domestic violence, ancillary relief and children act cases if this range of work is provided by the organisation). Original copies of all documents and papers relating to the cases must be sent in along with a list of the submitted case files. It will not be possible to consider further information submitted by you at a later date. Please note it is your responsibility to obtain the **clients' permission** to share these case files in advance of submitting your application.

***How will we treat joint applications?***

We will accept joint applications from organisations who propose to form a single legal entity to provide the Centre, and applications which are submitted by newly formed entities comprising of two or more organisations which have joined together to put in an application for the Centre.

We will consider the applicants involved as one organisation for the purpose of the criteria, except that each party to the joint application must also satisfy criteria: 4, 5, 10,15 and 16 as an individual organisation.

### ***How will we treat bids involving subcontractors?***

Where part of the service is to be subcontracted then we will consider whether the bid as a whole, including the contribution of the subcontractor meets the criteria. Bids will not necessarily fail merely on a poor choice of sub-contractor.

Subcontractors must meet criteria 10 and 15 as an individual organisation.

### ***Can bidders ask questions?***

There will be an opportunity for potential applicants to ask questions about any aspect of the service or tender before they decide whether to submit a tender. Questions can be submitted to [clspolicy@legalservices.gov.uk](mailto:clspolicy@legalservices.gov.uk). We will consider the questions and will aim to post both questions and our answers on the Leicester City Council website within seven days of submission. The closing date for questions will be 7 weeks from the tender launch, that is 1pm Monday 17 September. All questions must be submitted on the basis that they can be published, although the enquirer will not be identified. Applicants who submit questions should visit the website for the answers as we will not respond to applicants individually. All applicants are advised to review the questions and answers section on the website, prior to finalising their tender.

We are unable to respond to questions by telephone, or give any verbal advice on the tender process or the Centre.

### ***What is the closing date for applications?***

The tender closing date and time for applications is **1pm** on Monday 22<sup>nd</sup> October 2007.

Completed applications must be received at the address (postal or e-mail) detailed below before 1pm that day. Late applications will not be accepted.

### ***How to submit applications***

Applications should be sent by recorded delivery / guaranteed post, email or in person, but **not by fax or DX**. It is your responsibility to telephone us on 020 7759 1446 to check we have received your application (however it was sent). We are not responsible for any failure of post or email.

All documentation can be downloaded from the Leicester City Council website at:  
[www.leicester.gov.uk/your-council--services/advice-and-benefits/legal-advice/community-legal](http://www.leicester.gov.uk/your-council--services/advice-and-benefits/legal-advice/community-legal)

All applications, however sent, must be marked "Leicester Community Legal Advice Centre Tender". Please return postal applications to:

Simon Stanley  
CLS Civil Policy Team  
1<sup>st</sup> Floor  
12, Roger Street  
London,  
WC1N 2JL

Please return email applications to:

[clspolicy@legalservices.gov.uk](mailto:clspolicy@legalservices.gov.uk)

**What are the selection criteria for applications?**

Applications will be assessed against essential and desirable criteria. These are set out in the table below.

<b>Tenders for the Leicester Community Legal Advice Centre</b>	
<b>Section 1 – Essential Criteria</b>	
1.	Applicants must demonstrate that they have the ability to deliver a generalist legal advice service from the service opening date. Evidence should include previous experience of delivering this type of service, service delivery methods used and range of subjects covered.
2.	<p>Applicants must demonstrate that they are able to deliver specialist legal advice and representation (including by way of public law challenge where appropriate) in:</p> <ul style="list-style-type: none"><li>• Debt – essential from service opening date</li><li>• Housing – essential from service opening date</li><li>• Welfare Benefits – essential from service opening date</li><li>• Family (public and private law) – essential from service opening date</li><li>• Employment - this must be provided within 12 months of service opening date</li><li>• Community Care – this must be provided within 12 months of opening service date.</li></ul> <p>This will be demonstrated by applicants:</p> <ul style="list-style-type: none"><li>• Holding a current LSC contract in the categories concerned; or</li><li>• Currently employing a person who meets the LSC supervisor standard<sup>8</sup> in the categories concerned. In respect of each relevant category applicants must submit a completed supervisor self-declaration form<sup>9</sup>.</li></ul> <p>Additionally <b>Family</b> applicants must demonstrate that they:</p> <p>a. Have a specialism in at least two of the following priority areas: domestic violence, public law children (representing parents or children), private law children.</p> <p>This will be demonstrated as follows:</p> <ul style="list-style-type: none"><li>• Domestic Violence - At least one fee earner with either:<ul style="list-style-type: none"><li>○ Membership of the Law Society advanced family panel;</li><li>○ Resolution accredited specialist (domestic abuse); or</li><li>○ Experience of delivering an advice service targeted at this specific client group (e.g. outreach provided at a Women’s Aid/ worked on a dedicated domestic violence helpline).</li></ul></li></ul>

<sup>8</sup> For more information see Section D3 of the Specialist Quality Mark Standard ([http://www.legalservices.gov.uk/docs/quality\\_mark/Specialist\\_Quality\\_Mark\\_Standard\\_Crime\\_Changes\\_September\\_2005.pdf](http://www.legalservices.gov.uk/docs/quality_mark/Specialist_Quality_Mark_Standard_Crime_Changes_September_2005.pdf))

<sup>9</sup> Forms can be found at [http://www.legalservices.gov.uk/docs/quality\\_mark/Supervision\\_Forms.pdf](http://www.legalservices.gov.uk/docs/quality_mark/Supervision_Forms.pdf)

	<ul style="list-style-type: none"> <li>• Public Law Children – At least one fee earner with membership of the Law Society children panel (adult/child representative).</li> <li>• Private Law Children – At least one fee earner with either: <ul style="list-style-type: none"> <li>○ Membership of the Law Society advanced family panel; or</li> <li>○ Resolution accredited specialist (children law – private, financial provision for children or advocacy – children (private law))</li> </ul> </li> </ul> <p>Please submit evidence (e.g. membership certificate, references, confirmation of rota arrangements/outreach provision etc.) for each of the relevant criteria as appropriate.</p> <p>b. Can deal with victims of domestic abuse.</p> <p>This will be demonstrated as follows:</p> <ul style="list-style-type: none"> <li>• Demonstrating a specialism in the Domestic Violence priority area (see a. above); or</li> <li>• Confirmation of carrying out some work in the following areas within the last 12 months: conducting emergency non-molestation order and/or occupation order and/or other protection from harm work, including representation.</li> </ul>
3.	<p>Applicants must have the capacity to deliver representation services (e.g. currently employ at least one authorised litigator or have plans to employ one) from the opening date.</p>
4.	<p>Applicants must demonstrate that they currently have in place one of the following externally validated quality management systems:</p> <ul style="list-style-type: none"> <li>• Legal Services Commission’s Quality Mark</li> <li>• ISO 9002</li> <li>• Lexcel</li> <li>• Investors in People</li> <li>• Charter Mark</li> </ul>
5.	<p>Applicants must demonstrate sound financial management through providing, as a minimum:</p> <ul style="list-style-type: none"> <li>• Solicitors’ firms/commercial organisations – full final accounts for the 2 most recent financial periods (if not audited, with a written statement from the firm/organisation’s accountant verifying the accuracy of the accounts supplied). (NB. the latest set of accounts must be for a period ended no more than 10 months prior to the application date.) Evidence of compliance with Law Society financial regulations (e.g. accountants’ reports), a copy of the firm/organisations latest tax returns, information on the firm/organisations’ current annual budget, cash flow forecast and an analysis of working capital and borrowings. Detailed assumptions behind the figures should also be provided. We will also require recent bank references for the firm/organisation.</li> <li>• Not for Profit organisations only – full final accounts for the 2 most recent financial periods (if not audited, with a written statement from the organisation’s accountant verifying the accuracy of the accounts supplied). (NB. the latest set of accounts must be for a period ended no more than 10 months prior to the application date.). A copy of the most recent Annual Report and details of continuing sources of funding. Evidence of compliance with Charities Commission/network bodies requirements (e.g. statement of</li> </ul>

	<p>accounts provided to the Charities Commission), information on the organisations current annual budget, cash flow forecast and an analysis of working capital and borrowings. Detailed assumptions behind the figures should also be provided. We will also require recent bank references for the organisation.</p>
6.	<p>Applicants must demonstrate:</p> <ul style="list-style-type: none"> <li>• That they are willing and have the ability under their governing documents (articles of association, partnership agreement, constitution, trust deed etc) and generally to work in partnership with the LSC and Leicester City Council to meet the aims of the Centre.</li> <li>• That they are willing, and have the ability (under their governing documents and generally) to deliver the service under the brand agreed by the LSC and Leicester City Council (subject to the right to retain a co-brand – see Section E)</li> </ul>
7.	<p>Applicants must demonstrate that their proposed arrangements for providing the service will comply with the Solicitors Practice Rules, or if a not-for-profit organisation, relevant charity law.</p>
8.	<p>Applicants must <u>provide</u> a detailed Service Delivery Plan.</p> <p>As a minimum applicants must ensure that their plan demonstrates (without limitation) proposals for:</p> <ul style="list-style-type: none"> <li>• How the services specified in Section A will be delivered to best meet the needs of the client population in the area, making reference to the Needs Analysis report;</li> <li>• Proposals for reaching target groups, including outreach and other methods and marketing and promotion;</li> <li>• Proposals for implementing the whole service in line with the timeframe set out in Section A, and in particular how they will provide categories of law not currently provided;</li> <li>• How they will link up with other legal advice and relevant non legal advice services;</li> <li>• How performance will be monitored;</li> <li>• How they will meet each of the proposed performance standards set out in Section B;</li> <li>• Whether they plan to perform to a higher standard than set out in Section B;</li> <li>• Plans for the prevention of recurring legal problems.</li> </ul> <p>Applications should make reference to evidence of previous delivery to support their application where possible.</p>
9.	<p>Applicants must <u>provide</u> a detailed Organisational Plan.</p> <p>As a minimum applicants must ensure that their plan demonstrates (without limitation) proposals for:</p> <ul style="list-style-type: none"> <li>• How the Centre and the services delivered through it, including any sub-contractual arrangements, will be managed under one structure;</li> <li>• The management/staffing structure;</li> <li>• Job descriptions for members of the senior management team and category specific supervisors only. In relation to any role that will be providing legal advice/representation state what category or categories of law will be</li> </ul>

	<p>covered;</p> <ul style="list-style-type: none"> <li>• In the case of a joint application, how the applicants propose to form a single legal entity for the purposes of delivering the Centre;</li> <li>• In the case of bidding organisations continuing to exist in their own right (e.g. organisations continuing to provide non-Centre services under their current organisation identity/brand), how this would fit with the delivery of the Centre and its services. In particular it should be clear what services will be delivered through the Centre and which will not;</li> <li>• How a Trainee solicitor post would be incorporated into the Centre structure;</li> <li>• A draft financial plan for the Centre, including details on whether the start up grant is required and if so in what capacity.</li> </ul> <p>Applicants must also submit one page summary curricula vitae for members of the senior management team and category specific supervisors.</p>
10.	Applicants must be rated peer review 3 or above in each category that is submitted as part of your expertise under Criterion 2 <sup>10</sup> .

<b>Section 2 – Desirable Criteria</b>	
11.	Applicants should demonstrate their level of experience in providing a generalist legal advice service. Evidence should be provided in relation to the range of subject areas covered, the methods of service delivery used and the mechanisms by which clients are referred or signposted.
12.	<p>Applicants should demonstrate their <u>level of experience</u> in providing a service including both specialist legal advice and representation (including by way of public law challenge where appropriate) in the categories of law demonstrated in Essential Criteria 2.</p> <p>Please note for <b>Family</b> the level of experience demonstrated will increase:</p> <ul style="list-style-type: none"> <li>• the more priority areas (outlined in Essential Criteria 2) the applicant can demonstrate;</li> <li>• the more criterion <u>within</u> the priority areas (outlined in Essential Criteria 2) the applicant can demonstrate;</li> <li>• the higher the volume of work undertaken by the applicant in the priority areas (outlined in Essential Criteria 2) in the last 12 months;</li> <li>• where applicants can demonstrate experience of delivering services to young people leaving care;</li> <li>• the wider the range of work delivered by the applicant across the Private Law cluster (e.g. domestic violence, children, finance and relationship breakdown);</li> <li>• the higher the ratio of fee earners who meet the LSC supervisor standard<sup>11</sup> to those who don't;</li> <li>• where additional evidence of involvement in public, voluntary or community sector initiatives relating to domestic violence is demonstrated (e.g. domestic violence fora, Crime and Disorder /Reduction Partnerships, management committee membership or trusteeship of victims support groups or services, provision of training to staff and volunteers etc.). (NB. supporting evidence from the relevant public, voluntary or community sector organisation must be provided).</li> </ul>

<sup>10</sup> The exception to this will be in relation to Community Care where no peer reviews will be conducted.

13.	The <u>effectiveness</u> of the applicant's Service Delivery Plan (see Criterion 8) for delivering the services set out in Section A to the standards required in Section B and the speed with which the full range of services set out in Section A (including any categories not currently demonstrated in Essential Criteria 2) are likely to be delivered.
14.	The <u>effectiveness</u> of the applicant's Organisational Plan (see Criterion 9) for managing the Centre and delivering the Service Delivery Plan.
15.	<p>Provider history:</p> <p>No adverse findings against the firm/organisation or solicitors (where employed) in the firm/organisation in the previous 3 years or been subject to any on-going official investigation by the OSS and Solicitors Disciplinary Tribunal for Solicitor firms or network bodies for Not for Profit organisations.</p>
16.	<p>An effective track record of providing legal services under contract. (NB. To ensure fair comparison across bids the following outlines how the criteria will be applied in different scenarios.)</p> <p>This should be demonstrated by:</p> <p><i>This criteria will only be used where <b>all</b> joint or lead bidding organisation(s) hold an LSC contract.</i></p> <p>Holding a Unified Contract with the LSC (however we will take into account your contract performance – including, without limitation, record on reconciliation, bill assessment rates, any Critical Quality Concerns raised and corrective action taken, any adverse peer review results (i.e. a rating of 4 or 5) and corrective action taken and hours performance if you are a Not-for-Profit agency.)</p> <p><i>This criteria will only be used where <b>all</b> joint or lead bidding organisation(s) hold a Local Authority service level agreement/contract.</i></p> <p>Holding a contract or service level agreement with Leicester City Council (however we will take into account your performance against this agreement or contract including, without limitation number of cases delivered/people helped for the funding )</p> <p><i>This criteria will only be used where <b>all</b> joint or lead bidding organisation(s) hold a non-LSC/non-Council service level agreement/contract.</i></p> <p>Effectively supplying legal services under a broadly comparable contract (we will take into account your contract performance and we shall require a written reference, and may require further information, from the organisation to whom you supply these services).</p>
17.	<p>Value for money:</p> <p>The extent to which an applicant is prepared to commit to delivering more for the funding provided i.e. agree to meeting higher performance standards than those set out in Section B whilst demonstrating quality will be maintained and remaining within the funding level set out in Section D. This might include realistic proposals</p>

<sup>11</sup> For more information see Section D3 of the Specialist Quality Mark Standard ([http://www.legalservices.gov.uk/docs/quality\\_mark/Specialist\\_Quality\\_Mark\\_Standard\\_Crime\\_Changes\\_September\\_2005.pdf](http://www.legalservices.gov.uk/docs/quality_mark/Specialist_Quality_Mark_Standard_Crime_Changes_September_2005.pdf))

	to deliver services earlier than required, or to open the Centre for longer hours.
18.	The ability of the applicant to bring in additional funding for legal services, which will complement the services to be provided in the Centre.

### ***How will bids be assessed?***

All application forms received by the closing date set out above will be assessed by a panel composed of Leicester City Council and LSC representatives.

If you hold a Unified Contract or provide advice work funded by Leicester City Council we may corroborate the information given on your Application Form, in relation to these, with the relevant LSC Regional Office or Council, as appropriate.

Bids will be assessed in the following stages:

#### ***Stage 1: Assessment against the essential criteria***

First, we will assess your application against essential criteria 1–9. We will not assess your application relative to other applications at this stage.

If you cannot meet the requirements of all essential criteria 1-9 your application will not be successful and your application will not be assessed against essential criteria 10 or considered against the desirable criteria. Unsuccessful applicants will be notified in writing at this stage and any case files submitted will be returned.

If you can meet the requirements of essential criteria 1–9 your application will be assessed against the desirable criteria (see Stage 2) and assessment against essential criteria 10 will begin.

Assessment against essential criteria 10 (i.e. a peer review of sample case files) will be conducted for each applicant organisation (including sub-contractors<sup>12</sup>) that currently provides specialist legal advice in the categories selected under Criterion 2.

If a bidding organisation (including subcontractors) has received a peer review rating of 3 or above in the selected categories (i.e. those outlined in Criteria 2 and Criterion 12) since April 2005 then no further peer review will be undertaken within this tender process. The rating already received will apply for the purposes of the application.

#### ***Stage 2: Assessment against the desirable criteria and shortlisting of applications***

We will then assess the extent to which remaining applications have demonstrated compliance with each desirable criterion as 'unacceptable', 'acceptable' or 'good'.

We will compare the applications against other applications received and select the applications that best meet the desirable criteria, on the basis of the information submitted in the application.

Where marks are broadly comparable we may distinguish between them with reasons, for example stating why we prefer one application to another on a particular criterion even though both are broadly 'good'.

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<sup>12</sup> It is the responsibility of the applicant to ensure that any subcontractors are willing and able to undergo a peer review, or the application may be discounted.

Applications that best meet the desirable criteria and pass the assessment against essential criteria 10 will be shortlisted.

Please note, any representations against the findings of the peer reviewer may only be made by organisations that receive a rating of 4 or 5. Representations must be submitted by the organisation concerned within 28 (calendar) days of receiving the peer review findings. Stage 3 of the application process will not begin until all representations have been concluded.

### ***Stage 3: Interviews of shortlisted applicants***

All applications that are successful at Stages 1 and 2 of the process will be invited to attend an interview with a panel of Leicester City Council and LSC representatives. At this interview the applicants will be invited to make a presentation on their plans for the Centre, and answer questions on their applications.

### ***Stage 4: Selection of Successful applicant***

After completion of all the interviews, taking into account any additional information obtained at interview, and interview performance, the successful applicant will be selected on the basis of:

- which best meets the essential and desirable criteria overall; and
- how closely the application meets the aims and objectives of the Centre overall.

The successful applicant will be informed that they have been selected. Other applicants will be given full written reasons as to why they were unsuccessful. There will be no right of appeal following receipt of this information.

### ***Stage 5: Contract Award***

Once the contract has been awarded to the successful applicant there will be a period in which we will finalise the contract schedule setting out the programme of work.

The final form of the contract will be signed at this stage.

## **J. Conditions of tender**

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 and/or Leicester City Council. However, this Information for Applicants, the application form and documents submitted as part of the application, will form part of the Centre contract for the successful applicant.

We reserve the right to cancel the tender process and/or amend the tender rules and/or tender process/details of tender including the assessment criteria at any time by giving general notice in writing on the Leicester City Council website before the date for submission of applications, or by giving general notice in writing to all applicants who have submitted tenders, and who are still being considered in the tender process, where the date for submission of applications has passed.

We may request applicants to give additional information or clarification at any time during the tender process.

In relation to the tender criteria set out in Section I, applicants must demonstrate to the reasonable satisfaction of the tender panel that their application meets them. Applicants must address all the points in the criteria in their answers on the Application Form and every question on the form must be answered. It is the responsibility of the applicant to ensure that any claims made in their application or supporting documents are supported by evidence.

It is the obligation of applicants to make sure that their application is fully completed with all the information they wish to be considered and accompanied by the appropriate documents. We are under no obligation to contact you to clarify your application or to obtain missing information or documents.

We reserve the right to take into account any knowledge of an applicant (or in the case of a joint application, of any of its members) or an applicant's proposed subcontractors that Leicester City Council or the LSC may have, but applicants should not assume that any such information will be taken into account and should restate it on their application form if they consider it relevant.

In the case of joint applications, all statements made in an application by any joint bidder will be deemed to be made jointly and severally by all bidders involved in that bid.

We reserve the right not to award a contract for the Centre.

There will be no right of internal appeal for unsuccessful candidates.

You will not be entitled to claim from us any costs or expenses incurred in preparing your response to this tender, to participating in the selection process or any subsequent tender negotiations or associated work.

### ***Applicant changing status***

If an applicant changes its status between submitting its tender and being awarded a contract (except from forming any single legal entities with other organisations as proposed in the bid), we reserve the right (depending on the nature and effect of the change in status) to revoke the contract award and request the new applicant (post-change) to submit a fresh tender. If the new applicant should choose to take up this option, they would have to re-tender in a short space of time, specified by us, so as not to disrupt the evaluation and award process. If the new applicant was unable or unwilling to submit a fresh tender, we may revisit other applicant's tenders and award the contract to the applicant who best meets the tender criteria.

If, during this tendering exercise, your organisation changes its status in any way from that named in the Application Form, (e.g. from a partnership to a limited liability partnership or a limited company), we reserve the right to decide whether to award a contract to the new organisation. Any decision would be solely within our discretion. You must inform us immediately of any such change in writing. For these purposes, a change in more than one-third of the membership of a partnership is a change of status; so is an organisation merging with another or being sold to another. These are all factors we would wish to consider when evaluating the tenders.

### ***Freedom of Information Act 2000***

Applicants should note that under the Freedom of Information Act 2000 (“the Act”), Leicester City Council/LSC may be required to disclose details of your application to third parties, including price information. If you have concerns in this area, you should identify which parts of your application would fall within the Section 43 exemption and make a claim for confidentiality with reasons that reflect the terms of the Act. You should be aware, however, that the Act is likely to be interpreted to allow contract details generally to be placed in the public domain.

## Annex 1

### Background information about the Legal Aid Scheme for bidders

#### Background to Legal Services Commission (“the LSC”)

The LSC is a non-departmental public body, sponsored by the Department for Constitutional Affairs. The LSC looks after legal aid in England and Wales and purchases around £2 billion of legal services annually for clients. Key to the LSC role is to make sure people can access the information, advice and legal help they need to deal with a wide range of problems. The LSC works in partnership with our providers to provide services to help people in need. Legally aided clients include many vulnerable and socially excluded people, who may have a variety of problems concerning debt, housing, welfare benefits and issues related to crime (amongst others).

Services funded by the LSC enable clients to:

- protect their fundamental rights in the face of action by public authorities and to receive a fair hearing (e.g. criminal trial, mental health tribunal, family hearing);
- gain easy access to the legal process (where this is the only or most appropriate method of solving their problem); and
- address problems which contribute to their social exclusion or can help them move out of social exclusion (e.g. debt, welfare benefits, housing).

#### Background to the Community Legal Service

Part of the LSC’s statutory duties is to establish, maintain and develop the ‘Community Legal Service’ (“CLS”) to ensure that people can get information and advice about their civil legal rights and help with enforcing them. Bringing together legal aid solicitors, Citizens Advice Bureaux, Law Centres, local authority services and other organisations in local networks, the CLS is an important part of the Government’s fight against social exclusion.

#### 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](http://www.legalservices.gov.uk/civil/how/funding_code.asp)

#### Levels of Funding Available

For civil legal advice (i.e. non criminal defence work), LSC suppliers’ work is divided into:

- Controlled Work; and
- Licensed Work.

## Controlled Work

There are different levels of Controlled Work for non-family and family cases:

<b>Controlled Work - non family work</b>	
Legal Help	Legal Help – which is advice as to how the law applies in particular circumstances, help in preventing, or settling or otherwise resolving, disputes about legal rights and duties, help enforcing legal decisions, and help in relation to legal proceedings not relating to disputes
Help at Court	Help at Court – which is help and advocacy services in relation to legal hearings, without formally acting as a client’s representative
Controlled Legal Representation (or “CLR”)	Legal Representation before <ul style="list-style-type: none"><li>• a Mental Health Review Tribunal;</li><li>• the Asylum and Immigration Tribunal;</li><li>• the High Court in relation to applications under section 103A of the Nationality, Immigration and Asylum Act 2002</li></ul>

<b>Controlled Work – family work</b>	
General Family Help	Help and advice in relation to a family dispute including assistance on resolution of that dispute. It includes issuing proceedings and representation in proceedings where necessary to secure early resolution of a dispute, but not resolution at a contested final hearing
Help with Mediation	Help and advice on Family Mediation, including help on drawing up an agreement reached and related conveyancing matters

The Commission contracts with organisations (known as ‘Providers’) to provide services and sets out in the contract what work may be carried out. 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 Contract’s 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.

## Licensed Work

Where the LSC grants a certificate for an advisor to formally act (i.e. provide Legal Representation) on behalf of a client in legal proceedings, this is defined as ‘Licensed Work’. Certificates generally allow an advisor to provide litigation and advocacy services in accordance with a particular scope of work and a financial limit.

For all areas of work Licensed Work covers all Legal Representation other than Controlled Legal Representation or services funded by Individual Case Contracts (mainly where the likely costs of the case exceed £25,000). In Non Family cases Legal Representation can take the form of either Investigative Help or Full Representation.

The LSC’s contracts with Providers operate as a license for Providers to undertake Licensed Work, normally subject to the LSC assessing a Client’s application for funding (based on

means and merits). For Licensed Work most decisions to allow a provider to take on a case and provide publicly funded services are taken through Regional Offices but the contract may also grant devolved powers to a Provider which may allow them in certain circumstances grant funding themselves for example in urgent cases.

The LSC contracts with its suppliers (local solicitors, advice agencies and commercial organisations) to give advice on a range of civil legal matters including Family, Housing, Debt and Employment.

Further information can be found on the LSC web site at [www.legalservices.gov.uk](http://www.legalservices.gov.uk)