

CONTRACT NOTICE OF AMENDMENT

General Civil Contract (Solicitors) & General Civil Contract (NfP) Amendments

The contract amendments as set out in this notice have been subject to consultation with the Law Society and other representative bodies. These changes will be incorporated into the General Civil Contract (Solicitors) and General Civil Contract (NfP) on 2 October 2006.

New text is shown in underline. Deleted text is shown in strikethrough.

IMMIGRATION

General Civil Contract (Solicitors) Specification - Para 12.2.3 General Civil Contract (NfP) Specification - Para 13.2.3

Accreditation

1. From 1 April 2005 all Contract Work in the Immigration Category will be restricted to individuals who are registered under a system of accreditation approved by the Commission.
2. From 1 April 2005 or such later date that we may notify you in writing only those individuals who are accredited at a recognised level under the Scheme may carry out publicly funded immigration and asylum work. Thereafter any work carried out by a non-accredited individual (including work on pre-existing cases) must not be claimed as Contract Work and will not be funded by the Legal Services Commission.
3. Only advisers who are fully accredited at Level 1, Level 2 or Level 3 should have conduct of their own case files. Level 1 Probationers may not have conduct of their own case files.

General Civil Contract (Solicitors) Specification - Para 12.2.13

Cases which require special authorisation

- 1 You may not provide Controlled Work to a client where the client's case is subject to (a) a detained Home Office fast track process (as defined by us, which we may vary from time to time in writing) or (b) is subject to a pilot specified by us either (i) in this Specification or (ii) by notice in writing to you unless:
 - (a) Your contract schedule specifically allows you to do this; or
 - (b) A supplier contracted to provide Controlled Work under (a) above refers the client to you.

- 2 Unless otherwise notified in writing:

Rule 12.2.13 (1) applies to all cases at ~~Oakington from 1 April 2004~~, and all cases subject to the detained Home Office fast track process at Oakington, Harmondsworth or Yarl's Wood and cases subject to that process where the client is detained elsewhere in England or Wales. ~~from 1 July 2004~~.

Rule 12.2.13 (1) applies to the detained fast track process for potentially non-suspensive appeal cases at locations and from dates to be specified.

Rule 12.2.13 (1) applies to the following specified pilot - all cases subject to the New Asylum Model Early Legal Advice Pilot at Solihull from 23 October 2006 (or such date that we may notify you in writing).

This Rule 12.2.13 (1) does **not** apply to cases (a) where you were performing Contract Work on the client's case before any date specified for the commencement of its application to a location or pilot where an existing client was in ~~Oakington or Harmondsworth~~ before those dates or (b) once a client has left, or been removed from, those any specified location or pilot.

- 3 Where a client has been referred to you under 12.2.13(1)(b) you must keep a record of the referral, including the date and the name of the supplier who made the referral, on your file.

General Civil Contract (NfP) Specification - Para 13.2.11

Cases which require special authorisation

- 1 You may not provide Controlled Work to a client where the client's case is subject to (a) a detained Home Office fast track process (as defined by us, which we may vary from time to time in writing) or (b) is subject to a pilot specified by us either (i) in this Specification or (ii) by notice in writing to you unless:

- (a) Your contract schedule specifically allows you to do this; or
- (b) A supplier contracted to provide Controlled Work under (a) above refers the client to you.

- 2 Unless otherwise notified in writing:

Rule 13.2.11 (1) applies to all cases at ~~Oakington from 1 April 2004~~, and all cases subject to the detained Home Office fast track process at Oakington, Harmondsworth or Yarl's Wood and cases subject to that process where the client is detained elsewhere in England or Wales. ~~from 1 July 2004~~.

Rule 13.2.11 (1) applies to the detained fast track process for potentially non-suspensive appeal cases at locations and from dates to be specified.

Rule 13.2.11 (1) applies to the following specified pilot - all cases subject to the New Asylum Model Early Legal Advice Pilot at Solihull from 23 October 2006 (or such date that we may notify you in writing).

This Rule 13.2.11(1) does not apply to cases (a) where you were performing Contract Work on the client's case before any date specified for the commencement of its application to a location or pilot where an existing client was in Oakington or Harmondsworth before those dates or (b) once a client has left, or been removed from, those any specified location or pilot.

- 3 Where a client has been referred to you under 13.2.11(1)(b) you must keep a record of the referral, including the date and the name of the supplier who made the referral, on your file.

General Civil Contract (Solicitors) Specification - Para 12.3.2

Attendance at interviews

We will not pay for attendance at interviews conducted by the Home Office by you or any agent of yours unless you are authorised by us or we have granted you an extension to the Legal Help Cost Limit for this purpose.

1. You are authorised to claim reasonable costs in addition to the Legal Help Cost Limit for time spent, including travel and waiting, in accompanying a client to a substantive interview where:
 - (a) The client is subject to a Home Office fast track process (see Rule 12.2.13 above); or
 - (b) The client is to be interviewed by an Immigration Officer under PACE (usually in relation to offences connected with illegal entry); or
 - (c) Where it is alleged that the client may pose a threat to national security; or
 - (d) The client is subject to the New Asylum Model Early Legal Advice Pilot at Solihull from 23 October 2006 (see Rule 12.2.13 above).
2. You may apply for an extension to the Legal Help Cost Limit to cover the costs for time spent, including travel and waiting, in accompanying the client to an interview where:
 - (a) The client is a minor or claims on reasonable grounds to be a minor; or
 - (b) The client suffers or appears to suffer from a “mental incapacity”. A person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of or a disturbance in the functioning of the mind or brain; and

- (c) In either case, the Home Office nevertheless intends to proceed with an interview.
- (d) The client is to be interviewed in relation to a non-asylum immigration matter and, having regard to the particular circumstances of the case, it is both reasonable and necessary for a representative to attend the interview with the client given the nature of the interview and the representative's role within the interview.

General Civil Contract (NfP) Specification Para - 13.3.2

Attendance at interviews

We will not pay for attendance at interviews conducted by the Home Office by you or any agent of yours unless you are authorised by us or we have granted you an extension to the Legal Help Casework Limit for this purpose.

1. You are authorised to claim reasonable costs in addition to the Legal Help Casework Limit for time spent, including travel and waiting, in accompanying a client to a substantive interview where:
 - (a) The client is subject to a Home Office fast track process (see Rule 13.2.11 above); or
 - (b) The client is to be interviewed by an Immigration Officer under PACE (usually in relation to offences connected with illegal entry); or
 - (c) Where it is alleged that the client may pose a threat to national security; or
 - (d) The client is subject to the New Asylum Model Early Legal Advice Pilot at Solihull from 23 October 2006 (see Rule 13.2.11 above).
2. You may apply for an extension to the Legal Help Casework Limit to cover the costs for time spent, including travel and waiting, in accompanying the client to an interview where:
 - (a) The client is a minor or claims on reasonable grounds to be a minor; or
 - (b) The client suffers or appears to suffer from a “mental incapacity”. A person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of or a disturbance in the functioning of the mind or brain; and
 - (c) In either case, the Home Office nevertheless intends to proceed with an interview.

- (d) The client is to be interviewed in relation to a non-asylum immigration matter and, having regard to the particular circumstances of the case, it is both reasonable and necessary for a representative to attend the interview with the client given the nature of the interview and the representative's role within the interview.

General Civil Contract (Solicitors) Specification - Para 12.6

Reporting a case – Stage Billing

1. You **must** submit a Controlled Work claim within three months of the end of each of the following stages of the case citing the correct Unique Client Number:
 - (a) Legal Help:
 - (i) the date you receive the initial Home Office decision or following the submission of a fresh application for asylum to the Home Office (see 12.2.6 (4)) or when you have completed work under Legal Help if earlier;
 - (ii) when all further work under Legal Help has been completed. Only those costs incurred since stage (a)(i) should be reported.

General Civil Contract (NfP) Specification - Para 13.6

Reporting a case – Stage Claiming

1. You **must** submit a Controlled Work claim within three months of the end of each of the following stages of the case citing the correct Unique Client Number:
 - (a) Legal Help:
 - (i) the date you receive the initial Home Office decision or following the submission of a fresh application for asylum to the Home Office (see 13.2.5(4)) or when you have completed work under Legal Help if earlier;
 - (ii) when all further work under Legal Help has been completed. Only the work incurred since stage (a)(i) should be reported.