

Immigration Policy Team
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FAO: The Senior Partner

Date: 19 July 2006

Dear Practitioner

CLR Performance Indicator – Amendments to the General Civil Contract (Solicitors)

I enclose a notice of amendment to the General Civil Contract (GCC) that comes into force on 2 October 2006. The contract amendments that are set out in the notice were subject to consultation with immigration stakeholders and other representative bodies including the Law Society. The Commission's response to the Consultation and a copy of my letter of 19 May 2006 to stakeholders explaining the outcome of the consultation can be found at: www.legalservices.gov.uk/civil/immigration/immigration.asp

The amendments will add a second Performance Indicator (PI) to the GCC. The PI will require that a supplier's success rate for publicly funded appeals before the Asylum and Immigration Tribunal satisfies a minimum standard. Suppliers must satisfy an overall success rate of 40% and a minimum of 35% in each of immigration and asylum for appeals funded under Controlled Legal Representation (CLR). The fundamental aim of incorporating the PI into the contract is to drive up the standards of representation and advice.


We will carry out further consultation on how we will measure the PI from April 2007 and what contract sanctions we may take where providers outcomes are below these levels.

We had also consulted on the re-instatement of devolved powers to grant CLR to all suppliers, however as a result of not introducing contract sanctions to underpin the PI at this stage we decided not to do this. A review of all suppliers' performance against the current devolved powers criteria has recently taken place and you will have been contacted individually by us to tell you the outcome of that review and your success rate at appeal in 2005/06. If you have not received this information please contact your Account Manager. Unless you have been specifically granted devolved powers in writing you should continue to apply to the National Immigration Team for funding decisions on CLR.

As you are aware it has been our stated intention for some time to take account of success rates when making contracting decisions for April 2007. We will be using the existing devolved powers criteria to determine the type of contract that suppliers are awarded for 2007/08, i.e. those that fail to meet the criteria would only be awarded a temporary contract. The period of measurement will be a supplier's performance against the devolved powers criteria in the period January to September 2006. The letter informing you of your success rate at appeal in 2005/06 will also have explained how this is measured but no supplier will fail to get a contract in April 2007 merely because of their success rate at appeal.

We intend to re-instate devolved powers to grant CLR to all suppliers in the new contract in April 2007 and we will also consult on the circumstances where devolved powers could be removed as part of the April 2007 contract consultation exercise along with possible sanctions for failure to meet the PI.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Newell', is written above a thin blue horizontal line. To the right of the signature, there is a vertical black line extending downwards.

Paul Newell
Head of Immigration Policy