

Immigration detained advice bid round
Frequently Asked Questions

Immigration Removal Centres

Reference	Dated Received	Question / Clarification Required	Dated Responded	Answer
1	21/11/07	<p>For prospective new providers currently without a Unified Contract but who employ staff accredited to level two, including those accredited to supervisory level:</p> <ol style="list-style-type: none"> 1. Can they apply for the tenders at both the Police Stations and Immigration Removal Centres? 2. If so, how would they be paid under the Unified Contract? 	04/12/07	<p>Yes. Incoming new Providers will be awarded a Unified Contract authorizing the organization to carry out work under the Scheme as set out in the Schedule.</p> <p>In relation to how organizations will be paid for work under either scheme, please refer to the Payment sections of the individual IFA documents.</p>
2	22/11/07	<p>If a provider is <u>not</u> part of the scheme for offering on site advice and they receive a request for assistance from a person detained at a detention centre who has not previously had assistance, can they act for him/her under their immigration contract under the legal help scheme?</p>	04/12/07	<p>No. If a provider does not hold the relevant Exclusive Contract then they may not provide Controlled Work to a Client where the Client's case is subject to a pilot or scheme specified by us as work to be carried out under our Exclusive Contracting arrangements. There are several limited exceptions to this rule; these are detailed at paragraph 11.97 of the Immigration Specification.</p>

3	22/11/07	If a provider is successful in obtaining a contract for a particular Immigration Removal Centre (IRC), would they be able to act for someone in a different removal centre from that where we have our contract?	04/12/07	If the provider does not hold the relevant Exclusive Contract for a particular IRC, then unless one of the exceptions detailed in paragraph 11.97 of the Immigration Specification applied, they would not be funded to act for that client.
4	26/11/07	Could a level 2 accredited advisor be on tender forms of more than one organisation?	04/12/07	Yes. There is nothing to preclude an appropriately accredited advisor being included on the tenders of more than one organization, however this will be taken into account when comparing the bids received.
5	03/12/07	What is the minimum for which a firm or organisation can tender? One week a year? One week every six months? One week every three months?	11/12/07	As per 3.2 of the Immigration Removal Centre IFA, a bid to provide the On Site Surgery in an IRC should be for at least one week in the Schedule year (e.g. out of 52 weeks) and providers may bid for up to 52 weeks in each IRC.
6	03/12/07	Are there a maximum number of contracts into which the LSC will enter for a single centre?	11/12/07	<p>We have not set a maximum number of contracts we will enter into for each IRC. The number of contracts awarded will be determined following evaluation of the individual bids received.</p> <p>However, we have said that once we have ranked the bids, we will award work to those organisations that have met the essential criteria, starting with highest ranking on desirable criteria, until we reach the maximum number of organisations for the Scheme (paragraph 4.6).</p>

				<p>The maximum number of organisations for the Scheme will therefore be dependant on the capacity of work, which each successful bidder is able to undertake. E.g. The highest-ranking organisations may only wish to undertake 1 week of work and therefore we will go to the next ranked organisation and so forth.</p>
7	03/12/07	Why is there no scope for another provider contracted with the centre to take up cases where the one doing the rota has no capacity?	11/12/07	<p>It is a key condition of this contract (paragraph 2.3) that providers must ensure they have sufficient numbers of advisers available to meet obligations under the Rota. By making this a key condition of the contract we would hope to limit any situations where a provider has no capacity. However, in the unlikely that a provider has no capacity, the provider is required to inform the Account Manager without delay to that adequate cover can be arranged.</p>
8	03/12/07	Can we clarify that no minimum level of work, nor minimum payment whatsoever, is guaranteed?	11/12/07	<p>As detailed at 3.17 of the Immigration Removal Centre IFA:</p> <p>The award of a Schedule to do work under this scheme does not guarantee a minimum amount of advice work under the Scheme. There is no guarantee that you will receive any requests for advice during your Rota Slots, as the volume of work under this Scheme will depend on a number of factors outside of the Commission's control. While Suppliers contract with the LSC for payment for civil work, the LSC does not control the allocation of cases or work.</p>

9	03/12/07	In relation to Page 10 box 6 - the suggestion that a firm or organisation should be in a position to pick up all detained fast track cases in one centre in one day - is there any flexibility on this?	11/12/07	<p>It is not a requirement, however desirable criteria 6 states that preference will be given to organisations that can supply sufficient advisers to deliver advice to all Clients who are placed on the Fast Track Rota at the IRC in any one Attendance day.</p> <p>Therefore, you can tender to deliver, for example, advice to one or four clients (the maximum) at Yarl's Wood on any one Attendance day. However, should you tender to deliver advice to only one client then when assessing your tender against this criteria, you will score lower than an organisation that tenders to deliver advice to four clients.</p>
10	03/12/07	Page 16, at 3.12 - what lead in time would be given to expanding a service?	11/12/07	<p>Paragraph 3.12 is aimed to draw your attention to the potential for peaks and troughs of demand within the scheme and we do not set out any 'lead in time' as such that is required to deliver the services.</p> <p>However desirable criteria one states that preference will be given to an organisation that can demonstrate through a realistic and effective plan how they will deliver the service. To score a higher rating against this criteria we are looking in particular for organisations that can demonstrate ability to effectively manage resources in controlled and reasonable manner so as to allow the service to respond to peaks and troughs in demand for advice.</p>
11	03/12/07	Will bail be paid at hourly rates?	11/12/07	Bail will continue to be funded at hourly rates in accordance with payment annex.

12	03/12/07	Concerning point 8.2 at page 43 - should this not read 'legal help' rather than 'controlled legal representation'?	11/12/07	This is an error and should read "Legal help" not "controlled legal representation". The form has been amended accordingly.
13	03/12/07	Para 8.5, page 43 what if a firm is referred clients in the detained fast track, for example by specialist non-governmental organisations? Will a firm with an exclusive contract be able to take the case even if they did not see the client on a rota session? Will a firm with no exclusive contract the firm be able to take the case, and in what circumstances?	11/12/07	No, they would not be able to take on the case in these circumstances unless it were demonstrated that one of the exceptions detailed at paragraph 11.97 of the Immigration Specification applied. The client would be referred to a provider with an Exclusive Contract via the Fast Track Rota.
14	03/12/07	Paragraph 8.6 - must post-decision advice always be in person or could it ever be by telephone?	11/12/07	The rules governing giving Telephone Advice to Clients under Controlled Work are set out in Section Two of the Unified Contract Civil Specification.
15	03/12/07	Please confirm that providers will still be able to act for detained clients for whom they have done 5 hours work and what the payment will be?	11/12/07	<p>If one of the exceptions detailed in paragraph 11.97 of the Immigration Specification applied, and a provider had undertaken 5 hours of substantive work for a client then they could continue to be funded to assist that client however that work would not be funded through an exclusive schedule but rather through the Immigration Specification.</p> <p>If the matter were opened under the Graduated Fee scheme, then it would continue to be remunerated under this scheme. Similarly if the matter had been opened under Hourly Rates it would continue to be paid at hourly rates.</p>

16	03/12/07	Paragraph 12.2 - Will firms be allowed to pass cases to other firms with exclusive contracts for the centre if the firm who saw the client on the duty rota does not have capacity?	11/12/07	See answer to question 7 above.
17	03/12/07	Is travel subject to a three-hour travel cap?	11/12/07	Successful applicants for a contract in relation to providing advice at an IRC will be entitled to claim up to the maximum return travel time as demonstrated on their bid, however this cannot be more than 3 hours for a return journey per day to visit an IRC.
18	03/12/07	Please confirm that if a client is lifted out of the detained fast track the case will be paid at hourly rates?	11/12/07	The matter will continue to be paid at hourly rates until the end of the current stage of the matter, at which point the next stage will be paid under the Graduated Fee Scheme.
19	05/12/07	In relation to Essential criteria B- is it really necessary to forward copy Level 2 accreditation certificates, or can these be supplied on demand?	11/12/07	These can be supplied on demand, you should however confirm as a minimum: <ul style="list-style-type: none"> a) the Advisers' Accreditation PIN Number b) the date on which they achieved Level 2 Accreditation and c) confirmation that they continue to be Accredited to that level
20	05/12/07	In relation to Essential criteria D- please confirm the reference to Community Care is an error, should the reference be to Immigration?	11/12/07	Yes this is an error on the form; the reference to Community Care is incorrect and should be a reference to Immigration. The form has been amended accordingly.

21	11/12/07	For providers with more than one office, would a separate tender application be required for each office under each separate Account Number or under The Unified Contract would only one application be required?	11/12/07	<p>A current provider's Unified Contract may contain a number of offices schedules pertaining to the offices within the provider organisation that may deliver work under the contract.</p> <p>However, for the purpose of this tender you should submit your tender on behalf of the single legal entity, e.g. 'Smith and Partners' or 'Jones LLP' and not per office.</p> <p>In relation to IRCs, the key under this IFA for the number of Tender Forms an organisation should submit depends on the number of IRCs the organisation wishes to tender to deliver services at - i.e. if your organisation wishes to deliver services in 2 IRCs you should submit a Tender Form for each IRC.</p>
22	11/12/07	If providers are seeking to employ further appropriately accredited staff if successful in their tender, do they have to state the names and accreditation details of the proposed staff in the tender form(s)?	18/12/07	<p>It is possible that an organisation may not already employ the numbers of accredited advisers, which it wishes to employ to form the basis of its service, for example where the contract of employment has not yet been agreed.</p> <p>Where possible you should in relation to essential criteria B provide details of any proposed additional accredited advisers or if it is not possible to give the names, you should confirm the number of Level 2 caseworkers you are proposing to use.</p> <p>However you should also note that in relation to desirable criteria 1 you may be assessed as less desirable if you cannot provide the required information in relation to your advisers.</p>

23	11/12/07	For proposed staff that are accredited to supervisor standard but are not yet employed by the provider tendering the bid, would they be required to complete and submit a self-supervisors form with the tender?	18/12/07	<p>Further to the answer to question 22, in relation to the completion of the SQM supervisor standard, we would not expect this to be completed if the provider submitting the tender, does not currently employ the supervisor.</p> <p>The provider should however be able to meet the preliminary stages of the SQM as required by essential criteria D, which include the standards for supervisory arrangements.</p>
24	10/12/07	Must providers provide the information requested in Section 2.1 (d) (caseworker caseload for new matter starts to 30th September) electronically or may they submit the information using alternative methods?	18/12/07	We would expect this information to be readily available to providers via their electronic case management systems however this information can be submitted using manual records if your systems cannot provide this at present.
25	14/12/07	Can a bid to tender to deliver advice at IRC's be made by any firm or only those already with legal aid contract to provide immigration advice?	18/12/07	As outlined in the IFA at para 1.7, organisations do not need to be current Providers under a Unified Contract in order to apply, and new entrants to the market are welcome.
26	14/12/07	In completing the tender form relating to the Fast track and the On Site surgery, whilst it is clear that we must complete one part B for each of the IRCs that we wish to work with, we would like to confirm whether or not we should complete a separate form for the same centre where we are applying for both Fast track and On Site surgery services at that IRC. i.e. if we wish to tender for fast track and on site surgery services at	18/12/07	No, you would not be required to complete individual Part B sections for the onsite surgery scheme and the Fast Track scheme for Harmondsworth and Yarl's Wood – you would only be required to complete individual Part B sections should you seek to bid for more than 1 IRC.

		Harmondsworth, would we need to complete two separate forms?		
27	14/12/07	On part A of the tender form, page 5, one of the details required is, "Name of Representative". Please confirm that this may be an individual within a firm who will be the main point of contact in relation to the tender?	18/12/07	Yes, the representative detailed should be your agreed point of contact within your organisation in relation to this tender.
28	14/12/07	On question two on page 18 of the tender form, the following is stated: "...you should demonstrate how you would ensure that detainees who qualify for further advice, either through controlled or licensed work, would receive prompt advice." We would like to confirm that this part of the question is referring to clients seen at the on site surgery and not fast track clients. If it is referring also to fast track clients we would like further explanation as to what is meant.	18/12/07	This question is referring to clients seen at the on site surgeries and how an organisation will ensure that those requiring further advice ensure that such advice is promptly provided.
29	14/12/07	Is question 4 on page 19 of the tender form referring to the On Site surgery service or the Fast track service or to both?	18/12/07	This question primarily concerns the provision of emergency advice to detainees where it may not be practical to wait until the next onsite surgery to seek advice e.g. due to imminent removal directions. However there may be instances where clients on Fast Track may require emergency advice from their provider due to similar circumstances arising.
30	14/12/07	Are the figures provided in Appendix 5 for the maximum number of surgery slots per IRC for a 6 month or 12 month period?	18/12/07	For ease of clarification, the figures provided in Appendix 5 regarding the maximum slots for all IRCs (except Tinsley house) are the 6 monthly projected figures; therefore the maximum over the course of 12 months would be expected to be 960 for each.

31	14/12/07	The IRC IFA states at 3.2 that each IRC "will probably offer at least twenty appointment slots per week" it would appear more appropriate for this to read "will probably offer up to twenty appointment slots per week"	18/12/07	<p>Although we appreciate that not all slots may be filled, there will always be an option of an IRC asking for more surgeries where the demand is high.</p> <p>The need for slots (and hence surgeries) is demand led and the number of slots could be higher or lower than the twenty slots that will be made available through the surgery arrangements dependent on demand.</p>
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