



INFORMATION FOR APPLICANTS



Pilot Scheme for Police Station Immigration Duty Advice

We are inviting tenders from organisations who are able to take part in a pilot scheme for providing legal advice by telephone on non-criminal immigration matters to individuals who are detained at Police Stations and Short-Term Immigration Holding Centres in England and Wales.

The pilot scheme is planned to commence on 12 June 2005 and run for a term of six months. We are inviting bids from providers who can supply telephone immigration advice on this basis for a minimum of 6 weeks during the pilot and whose advisers will be available 7 days a week, 24 hours a day during these weeks.

Throughout this document reference is made to advice at the police station, this equally applies to Short-Term Immigration Holding Centres unless we state otherwise.

Introduction to the Legal Services Commission

The Legal Services Commission ("the Commission") is an executive non-departmental public body set up under the Access to Justice Act 1999 and is the successor to the Legal Aid Board. Our role is to fund legal and advice services in England and Wales, to identify where there is unmet need, and to develop providers and innovative services to meet priority needs that we identify. The Commission's overall aim is to ensure that legal advice and representation are made available to those who need it. The Lord Chancellor is accountable to Parliament for its activities and performance. The Commission is a key component of the Government's plans to modernise justice by improving access and enhancing the value for money of public expenditure and its aims are consistent with the Government's aims of reform as set out in the Access to Justice Act 1999. The Commission's interests and responsibilities are:

- co-ordinating the commissioning and provision of legal services, legal aid and information services;
- securing access to quality services for those with a priority need;
- enhancing public understanding of legal rights and responsibilities; and
- controlling public expenditure on legal and advice services.

The Commission employs around 1,700 staff working in 11 offices across England, one in Wales, a head office in London and six Public Defender Service offices. Addresses can be found on the LSC web site, www.legalservices.gov.uk.

What is the pilot scheme for Police Station Immigration Duty Advice?

The purpose of the scheme is to ensure that individuals have access to independent legal advice from accredited practitioners in relation to non-criminal immigration matters while subject to detention at the Police Station.

The need for advice might arise where, for example, an individual has been subject to arrest on a criminal matter but during their detention, issues have arisen with regards to their immigration status in the UK.

In these cases the Immigration Service will be contacted and may attend the individual at the police station to ascertain their immigration status and what further action (if any) needs to be taken.

For some time the Commission and practitioners have been concerned that the crime Duty Solicitor is not best placed to provide advice to individuals held at police stations for non-criminal immigration matters. Criminal specialists are often not able to advise on non-criminal immigration law, and are unable effectively to refer these individuals to an appropriately qualified immigration lawyer, particularly if it is out of normal office hours.

In these circumstances we propose to pilot the provision of this by a 24 hour advice service providing specialist legal advice by telephone on non-criminal immigration matters. We believe that telephone advice will be an effective and responsive method of providing advice to these individuals and we will evaluate this method through the pilot before considering whether to make this a permanent service or expand or modify it in any way.

Some individuals may be under investigation in relation to immigration related criminal offences. The pilot scheme will not cover these cases. A client who is subject to a criminal investigation (in relation to an immigration offence) will be entitled to advice and assistance from the Duty Solicitor Scheme operated by the Criminal Defence Service.

How the pilot scheme will operate

Requests for advice under the pilot scheme from detained individuals will be lodged by police station staff to the call centre that currently handles requests for advice and assistance for the criminal duty solicitor scheme. The duty solicitor call centre staff will filter calls to ensure that the criminal duty solicitor is contacted if a criminal immigration offence is under investigation, and an immigration adviser under the pilot scheme is contacted if advice on non-criminal immigration matters is required.

The call centre will be provided with a rota that will set out the name and contact number of the provider supplying immigration advice. The call centre will then contact the duty adviser with the client and contact details. The duty adviser should then telephone the client in order to advise as deemed necessary in relation to his/her case.

The service is to be provided twenty-four hours a day seven days a week throughout the pilot and pilot scheme providers will be allocated week long slots during which they will receive all requests for telephone advice under the pilot scheme.

It is expected that in many cases, following advice from the pilot scheme, an individual will be released from detention. For example this can occur following the Home Office confirming that the individual has leave to remain in the UK or has an outstanding immigration application awaiting consideration with the Home Office.

In such cases if the individual requires further immigration advice the pilot scheme advisers should make a referral (in accordance with clause 4.19 of the draft Schedule). If the client is to be moved to a detention centre then the pilot scheme adviser should advise them about the CLS advice services available within the detention estate. For example, if the client has an asylum application that is subject to the Fast Track process they should be advised that a duty representative would be available to offer advice and assistance in relation to their claim.

Some detained individuals will already have an immigration adviser and they will be advised to contact that adviser. In cases where this is not practical because the adviser is not contactable out of office hours, the individual should be advised under this pilot scheme and the pilot scheme adviser must ensure that a copy of the advice given is forwarded to the client's adviser.

There is no guarantee of any minimum amounts of work on the pilot scheme. Volumes of work will depend on how many individuals requiring non-criminal immigration advice have been detained at the Police Station, and whether they wish to use the pilot service, or contact another adviser outside the pilot scheme.

Services being tendered for

Minimum bids

We are seeking a small number of organisations to cover the whole pilot scheme (probably between two and five providers). One of the aims of the pilot is to record and report to the Commission accurate information about volume and type of calls, and to inform us of other relevant issues arising during the pilot. In addition we aim to make the scheme as administratively simple as possible, to minimise teething problems and cost.

For these reasons, we have decided to have only one pilot scheme provider supplying advice at any one time, which means that bidders must have capacity to answer all calls under the Pilot Scheme during each week long slot. We also wish to limit the number of providers collecting information on the pilot scheme so we can work closely with them in order to effectively monitor the scheme and assess how future need for advice in this area should be met. For these reasons we are only inviting bids from providers who have sufficient capacity to provide all advice required under the pilot scheme for a minimum of 6 weeks during the 6 month period the pilot scheme will run.

Hours

The pilot scheme service is to be provided twenty-four hours a day, seven days a week, including bank holidays. Advisers will need to be contactable throughout the pilot scheme provider's rota slot. This is essential.

Numbers of advisers

There are likely to be greater volumes of calls during certain periods and it is therefore necessary that organisations providing this service are able to react quickly to the needs of clients in detention. More than one individual may require advice at any one time, and therefore providers are required to have a primary adviser and no fewer than two back up advisers who can handle overflow calls at busy times, to avoid detained individuals having to wait lengthy periods for advice.

Advice may be required 24 hours a day, 7 days a week, during each week long slot, and therefore providers will need to have one adviser available at all times, day and night during the rota slot plus at least 2 back up advisers available from 9am to 5pm Monday to Friday who can advise detained individuals when the primary adviser is already busy.

The pilot scheme advisers may carry out office based work during a rota slot which does not unreasonably limit his/her ability to take calls under the Pilot, but should not attend Court, Tribunal or Home Office interviews when "on duty" under this Pilot Scheme. We will monitor the availability of duty advisers to take calls, and may terminate a provider's participation in the Pilot Scheme, or reduce the number of their rota slots, if the level of availability is unacceptable.

It is a necessary condition of the providers that they have sufficient advisers to meet the requirements of the pilot scheme, and clearly that responsibility should not affect responsibilities to other clients. In our view it is unlikely that applicants will be able to meet the service requirements of the pilot scheme (24 hours a day, 7 days a week during each week long slot) unless they have a minimum number of 14 full time equivalent staff accredited to at least Level 2 to undertake the work. We will assess the number of available advisers as part of each applicant's bid. Due to the difficulty in estimating demand for the service the Commission will look favourably on bids that can demonstrate an ability to expand the service if, during the pilot, it is established that the demand for services is higher than expected.

Accreditation status of advisers

The telephone advice service will require advisers to have an in-depth knowledge of immigration and asylum law. Individuals accessing the service are likely to have differing immigration/ asylum issues and these may also be complicated by actions against the client in relation to criminal immigration offences. Therefore all advisers who will work as main or back up advisers on the pilot scheme will need to be accredited to at least Level 2 - Senior Caseworker - of the Immigration and Asylum Accreditation Scheme.

Interpreters

Providers must also have an ability to access telephone interpreters so that you can take instructions and advise an individual in detention. Your telephone system must also be able to accommodate and be able to make three way calls so that the adviser, interpreter and individual in detention are able to communicate effectively. The Commission will provide you with access to Language Line (telephone translation service) should you wish to instruct them, but under the pilot scheme you may use your own interpreters and claim the cost as a disbursement, if you wish to do this, provided that these interpreters are able to work on a telephone basis.

Technical requirements

Providers must have one, constant, central number which will be held by the call centre and on which the advisers will be directly contactable. This may be a mobile telephone number. Your telephone system must also be able to respond to multiple calls. For example during 9 am to 5 pm Monday to Friday, which we anticipate to be peak periods, if an adviser is already taking a call but another call for advice is made to that number you must have a divert facility to another adviser so that the call can be taken.

Refusal to accept a referral could ultimately lead to removal from the rota.

Providers' telephone systems must be able to facilitate a three way conversation with the detained individual, an interpreter and an adviser, if necessary.

Providers must make contemporaneous, accurate, records of advice given to each detained individual, and to pass this advice to any other immigration adviser who is already acting for, or is subsequently instructed by, that individual.

Providers must be able promptly to refer individuals to appropriate immigration advisers who can give face-to-face advice if this is necessary.

Payment under the Pilot Scheme

Payment will consist of a fixed fee for each case taken under the pilot scheme (regardless of how many calls are made in relation to an individual matter). A standby payment will also be claimable

	Payment Rate
Police Station Immigration Duty Advice Telephone Advice fixed fee (includes all calls made in relation to the matter)	£30.25 per claim
Standby rates*	£4.20 per hour

*This is payable for period on which the main duty adviser is on the rota. It is not claimable in relation to back up advisers. Where a back up adviser takes a call and provides advice they will be able to claim the fixed fee for the advice given.

Monitoring and evaluation

The monitoring and evaluation of the pilot is of paramount importance. In designing the current scheme it has been difficult to assess the likely number of calls for the service due to the lack of distinction between criminal immigration matters and non-criminal immigration matters. Organisations taking part in the scheme will be required to provide such information regarding the pilot as requested by us. You are also likely to be requested to attend meetings with us and other pilot providers so that we can assess how the scheme is working.

Organisations which may tender

Applications are invited from commercial, solicitor or not for profit organisations which currently have a General Civil Contract with the Legal Services Commission and which currently hold the SQM in the immigration category and can meet the essential selection criteria set out below. We will also consider joint bids from existing providers if individually,

the providers involved in the bid meet the criteria for bidders set out below but cannot supply the necessary numbers of advisers for the pilot scheme without joining together.

Awarding of contracts to participate in the pilot scheme

Selection of pilot providers

Applicants will be assessed according to set selection criteria and questions. We do not wish to give pilot scheme contracts for less than 6 weeks work and we wish to work with more than one provider, in order to get a balance of views and experiences on the pilot scheme. Therefore, although the number of contracts awarded will depend on the number and quality of bids received, we anticipate awarding between 2 and 5 pilot scheme contracts.

Police Station Immigration Duty Advice Schedules will be awarded to organisations that in our judgement best meet our criteria for this work.

Award of contracts

Successful providers will be given an additional Schedule to their General Civil Contract (as defined) requiring them to give telephone advice to persons detained at Police Stations and Immigration Short Term Holding Centres. We anticipate the Schedule will initially run from 12 June 2006 to 31 December 2006, when we will review the pilot in order to see how, and whether, we will contract for these services in the future.

A copy of the draft Police Station Immigration Duty Advice Schedule is attached to this document. The finalised version of the Schedule will comprise the contractual document that each provider will be required to sign up to. The Commission reserves the right to alter the terms and conditions of the Schedule prior to the award of the contracts, but the document is enclosed now for your information. Please read the Schedule for further details of the services we are looking for organisations to provide. In particular, we draw your attention to the following:

- Work carried out under a Police Station Duty Advice Schedule is not Controlled Work and only advice by telephone may be given to these clients. It is a condition of being issued a Police Station Duty Advice Schedule that providers do not use Matter Starts under their General Civil Contract to advise these clients, except in exceptional circumstances.
- We will not initially be increasing the Schedule Payment Limits of successful bidders. Should providers require an increase in the Schedule Payment Limit then you should apply to your Regional Office in the normal way.

If we award a contract to a joint bidder, we reserve the right to make amendments to the draft Schedule to include appropriate provisions for joint providers. These are likely to include a provision stating that all joint providers are jointly and severally liable for performance under the contract, and that if one joint provider wishes to stop participating in the pilot service, then the entire contract will be terminated.

What we are looking for - Selection Criteria for Pilot Providers

The nature of the work means that we will be seeking to award contracts to those providers who are able to offer the best service to clients through sufficient numbers of skilled and experienced staff, effective supervision arrangements, applicable experience and who have a good track record of audit with the Commission.

We have split the selection criteria into three sections:

Section 1 – essential criteria;
Section 2 – desirable criteria
Section 3 – key considerations.

Section 1 contains a list of criteria that it is absolutely essential that all organisations bidding for contracts are able to meet. This section takes into account performance under the Commission's current contracting scheme. Any bid that fails to meet Section 1's essential requirements will not be considered further. For bidders that pass the Section 1 criteria, Section 2 contains desirable elements and will be assessed relative to other bids. Your answers to the Section 2 questions will be taken into account on assessment. The various elements set out in Section 2 are, as they say, "desirable" only. Additional weighting will be given to some of the criteria and this has been specified in the tender documentation.

Section 3 asks applicants to set out their views on the key considerations in providing a telephone advice scheme of this kind.

The various criteria will be tested through the questions set out in the Application Form. If we consider it necessary, we may call bidders for interview for those who comply with Section 1's essential criteria. If we decide to hold interviews, we will interview all bidders in this category. There will also be space to provide additional information that you believe is relevant to your bid.

Please ensure that you address all the points listed in the criteria in your answers on the Application Form and that you answer every question on the form. The selection criteria are set out at the end of this document.

This Pilot Scheme invites bids from eligible providers who will be able to provide telephone advice to individuals who require immigration advice in these circumstances.

The Selection Process

To apply, bidders (including all joint bidders – see below for further details) must complete the enclosed Application Form.

The application process is set out below. If you cannot meet the requirements of Section 1 of the selection criteria please do not complete Section 2 or 3, as your bid will not be assessed.

We will corroborate the information given on your Application Form with your regional office.

We will rely on the information that you provide on this form (together with our other management information, such as your record before the Asylum and Immigration Tribunal) in evaluating the criteria, and it is essential that you complete the form fully and accurately. We may verify or supplement the information you supply by other means – e.g. we may wish to interview some of your staff to verify their expertise and experience.

The selection process will consist of 4 stages as set out below.

Timetable: Selection Process

Stage	Activity	Timescale
Stage 1	Friday 5 May 2006 - bids received. Responses to Section 1 essential criteria questions assessed. Where Section 1 essential criteria not met, bids will go no further and unsuccessful applicants will be notified in writing.	8 - 12 May 2006
Stage 2	Section 2 desirable criteria reviewed and assessed for applicants meeting Section 1 essential criteria. Selection of bids that best meet the desirable criteria, compared to other bidders.	15 - 19 May 2006
Stage 3	Applicants who are successful at Stage 2 and/or their accredited advisers may, if we consider it necessary be invited to attend an interview with a panel from the Commission during the week 15 – 19 May. Applicants will be notified by telephone no later than Friday 12 May if they are required to attend an interview during the following week.	week commencing 15 May 2006
Stage 4	Final decisions made – offers sent out to successful applicants “subject to contract”. Contracts drawn up for signature. Unsuccessful applicants notified. Rotas sent out to all providers awarded Police Station Immigration Duty Advice Schedules.	19 May to 2 June 2006

Assessors within the Commission will assess the bids. Applicants will be assessed relative to other applicants and successful providers will be selected on how closely they meet the service requirements. Unsuccessful applicants will be given written reasons as to why they were unsuccessful. The table above reflect the anticipated time scales, however these may be subject to change.

The Application Process

You should read carefully the following documents:

- Information for Applicants;
- Application Form;
- Draft Schedule

You should return to us:

- Your completed Application Form(s) (with any attached pages numbered sequentially - e.g. 1 of 6)
- List of Duty Advisers

The tender closing date and time for applications/bids is **12 noon on Friday 5 May 2006**. Completed applications must be received by the Commission before 12 noon on the day. Unless there are exceptional circumstances (e.g. fire or accident), late applications will not be accepted. Applications should be sent by registered/ guaranteed post or email, but not by fax. If you send your application by Royal Mail or DX, please note that this is at your risk, as there is no guarantee we will receive it. It is your responsibility to telephone us to check we have received your bid (however it was sent). We are not responsible for any failure of post, DX or email. All postal bids will be acknowledged in writing. If you would like to submit an email application please contact immigration.services@legalservices.gov.uk for a copy of the Application Form that can then be completed and submitted electronically.

Unless you receive an email acknowledgement, you should not assume we have received your application. We would advise you to email us **before 5.00 p.m. on Thursday 4 May** so that, if you do not receive an acknowledgement back from us, you can email it again before the **Friday 5 May** deadline.

All applications, however sent, must be marked "Police Station Immigration Duty Advice – Private & Confidential - for the attention of Fiona Hannan".

Please return postal applications to:

Immigration Policy Team
Legal Services Commission
12 Roger Street
London
WC1N 2JL

Please return email applications to:

immigration.services@legalservices.gov.uk

If you have any questions about the bid process please contact the Immigration Policy Team by e-mail at immigration.services@legalservices.gov.uk no later than Friday 28 April 2006.

We will answer these as quickly as we can and responses to these questions (including the question itself) will be posted on www.legalservices.gov.uk/civil/immigration/immigration.asp so that all applicants can consider them, rather than being sent directly to you. We recommend that all applicants check these questions to see if they are of any information or assistance to their bid.

Joint bids

If you wish to submit a joint bid, all providers involved in the bid should fill in a separate copy of the application form, as explained in more detail on the application form. One provider

should be nominated as the main contact, and should indicate this on the form. We will only correspond with the main contact about the bid.

Joint bidders should explain how they will co-ordinate provision of the pilot scheme between them and how supervision of the pilot scheme advisers will take place in the context of a jointly provided service.

Freedom of Information Act 2000

Applicants should note that under the Freedom of Information Act 2000 (“the Act”), the Commission may be required to disclose details of your bid to third parties. If you have concerns in this area, you should identify which parts of your bid would fall within the Section 43 exemption (which is a qualified 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 after the selection process and any related appeals have concluded.

Conditions of tender

We reserve the right to amend the tender rules, the selection criteria and the tender procedure, including by inserting additional stages or requirements, at any time in writing.

We reserve the right not to award any contract for the pilot if we consider that none of the bids submitted are satisfactory.

We reserve the right to cancel this tendering exercise at our absolute discretion.

Selection Criteria

The selection criteria will be tested through the questions set out in the Application Form. There will also be space to provide additional information that you believe is relevant to your bid.

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

Applications will be considered against the selection criteria and against other bids, and assessed as being “unacceptable, poor, average, good or excellent” in respect of each criterion.

You are reminded that your tender will be assessed against other bids and you should therefore ensure that you answer each question as fully as possible.

Tenders for Police Station Immigration Duty Solicitor Scheme	
Section 1 – Essential Criteria	
1	You hold both a current General Civil Contract and the Specialist Quality Mark in the category of Immigration.
2	You held at 01 April 2006 a devolved power to grant Controlled Legal Representation under paragraph 12.5 of the Specification to the General Civil Contract for Solicitors (Paragraph 13.5 of the Not for profit Specification)

3	<p>You have sufficient numbers of advisers at Level 2 (Senior Caseworker) under the Immigration and Asylum Accreditation Scheme who will be available to provide telephone advice under the scheme, taking into account the requirements of the Pilot Scheme and their usual day to day work duties.</p> <p>You can ensure that your organisation(s) can conduct supervision of the work undertaken by the telephone advisers under the pilot scheme, including supervision of out of office hours telephone advice.</p> <p>In the case of joint bids, you will have suitable arrangements in place to facilitate effective supervision of the pilot scheme.</p>
4	<p>You have not received a confirmed Category 3 rating following your last contract compliance audit (i.e. you have been given a Category 3 rating which is either not subject to an appeal or has been confirmed at Category 3 on appeal).</p>
5	<p>You are clearly able to make this service operational by 12 June 2006.</p> <p>You should in particular be able to address the following issues:</p> <ul style="list-style-type: none"> • You are able to provide the rota commitments outlined above for at least 6 weeks during the pilot period • Your advisers will be available to cover rota commitments which will be in weekly slots providing immigration advice twenty four hours days, 7 days a week including public holidays during the rota period. You should take into account any existing duty rotas that advisers have committed to undertake and their case/work load. (If you fail to address this issue and it is clear from Commission records that you have advisers undertaking work on other duty rotas your bid will score poorly compared to bidders who have addressed the issue and demonstrated their ability to combine different rota commitments.) • You have sufficient capacity to refer advice calls to 2 back up advisers, within your organisation(s), during office hours (anticipated busy periods for the service). • You have a suitable telephone system that will allow you to deal with calls as outlined in the Information for Applicants. In particular that you have a system that will allow calls to be diverted to other advisers during anticipated busy periods. • In the case of joint bids, you will have suitable arrangements in place to co-ordinate provision of the pilot scheme by joint providers.

Section 2 – Desirable Criteria

When evaluating this section extra weighting will be given to desirable criteria 3, apart from this they are in no particular order of importance.

1	<p>You have advisers who are able to provide advice and assistance under both the Criminal Defence Service Contract and the Immigration Specification of the General Civil Contract.</p> <p>Although advisers will be giving advice only in relation to the immigration category of law there will be some cases where the client will also be subject to criminal investigation/ prosecution. An adviser's ability to have a clear understanding of a client's position in both areas of law will benefit clients.</p>
2	<p>If you have been subject to a peer review in the immigration category in the last 12 months, you have received a rating of 3 or better. (Ratings of 4 or 5 will only count against a bid if they have been confirmed).</p>
3	<p>Your team of advisers available to provide telephone advice under the Scheme constitute a stable, well supervised, well qualified and experienced team of advisers.</p> <p>Please enclose one-page CVs of all Level 2 advisers who will work on the pilot scheme and state in relation to each adviser the status of their working relationship with you (employee, consultant, agency worker, etc) and how long they have held this position with you.</p>
4	<p>No more than 3 Critical Quality Concerns (CQCs) have been noted at audit over the last 12 months. In respect of any CQCs, evidence must be available to show that corrective action has been taken and problems rectified to the satisfaction of the regional office.</p> <p>This applies to any category of law provided by you under your General Civil Contract.</p>
5	<p>You have experience of operating a system of providing legal advice to clients exclusively by telephone. (To clarify that is where a client's only form of access to advice is through the telephone.)</p> <p>You should provide examples of any schemes that you have/ are operating/ in relation to telephone advice schemes by your organisation(s). You should also provide examples of where you have had experience of providing three way telephone calls when providing advice –that is where it has been necessary to access an interpreter over the telephone in order to provide advice the client.</p> <p>You are asked to limit your answer to 600 words.</p>
6	<p>You have the capacity to allocate additional advisers to the pilot scheme during your rota slots, if the demand for telephone advice during slots is greater than can be met by one main adviser with two back up advisers during 9 am to 5 pm Monday to Friday.</p>

Section 3

How will you approach providing telephone advice under the scheme? What specific considerations will you need to give in providing advice in this area where your organisation is likely to be the only access to advice that a client in the police station will have?

You are asked to limit your answer to 600 words.