

Dear Colleague

Invitation to apply for a General Criminal Contract (January 2008) – new providers

We would like to invite you to apply for a General Criminal Contract (January 2008) from 14 January 2008. These are the contracts under which the bulk of publicly funded criminal defence services in England and Wales will be supplied from this date.

The Contract Documents will be based on our current General Criminal Contract for out of London providers, amended to implement the reforms listed below and described more fully in the Information for Applicants. A full copy of the General Criminal Contract (January 2008), as well as a summary of the amended clauses, can be found on our website, www.legalservices.gov.uk at CDS>Tenders.

This award is **not** a competitive process. We intend to issue a General Criminal Contract (January 2008) to all applicants who meet the requirements of a straightforward application process.

Please note that we are inviting new providers and our current providers to apply on equivalent terms and conditions (as we are required to do by law).

Background to this termination and invitation to apply for the General Criminal Contract (January 2008)

As you may be aware, we had originally planned to amend the current General Criminal Contract with effect from October 2007 in order to introduce a number of changes: to replace hourly rates for Police Station work with fixed fees; to implement an exclusive panel of providers for Very High Cost Cases and to expand our telephone services, the DSCC (Defence Solicitor Call Centre) and CDS Direct (subject to changes to PACE Code C currently under consultation), to cover own client work.

We announced on 5 September 2007 that, due to the uncertainty arising from the judgment in the judicial review challenge to the Unified Contract for civil providers¹, we had decided to terminate current General Criminal Contracts and issue a new General Criminal Contract (January 2008) incorporating the changes to run from 14 January 2008 for six months, when we plan to hold a tender to bring crime providers onto the Unified Contract.

In addition to new contractual provisions, we are currently considering legislative changes to The Criminal Defence Service (Funding) Order 2007, which covers remuneration for Crown Court work. Any changes to the remuneration structure

¹ See R (oaoThe Law Society v Legal Services Commission and Others [2007] EWHC 1848 (Admin)

for Crown Court work will depend on our response to the consultation on the Litigators Graduated Fees, to be announced shortly (see website, CDS>Consultations). Any changes will also come into effect in January 2008.

The Information for Applicants contains further background information on the Criminal Defence Service aimed at new providers, as well as information on the General Criminal Contract (January 2008) and the application process.

How do I apply for a General Criminal Contract (January 2008)?

All applicants should consider the Information for Applicants, available on our website at CDS>Tenders, together with relevant supporting documentation, including a list of Frequently Asked Questions, which will be regularly updated (see below).

New applicants will need to complete Application Form B which:

- asks you to provide basic details about your organisation and each office for which you are applying for a contract;
- asks you to fill in a number of SQM (“Specialist Quality Mark”) forms:
 - QM1 – Quality Mark Application form - requests the contact details of the organisation as a whole;
 - SQM Self Assessment Checklist - requests brief written confirmation of how the organisation meets, or intends to meet, each separate requirement in the SQM;
 - Supervisor Self Declaration form – requests information about how the supervisor for publicly funded criminal work will meet the supervisor requirements in the SQM;
 - Franchise Status Enquiry Forms (SIF1) – requires organisations to declare any claim against the Solicitors’ Indemnity Fund within the last 5 years;
 - Status Enquiry Forms (OSS1,2,3) which the LSC submits to the regulator to check for disciplinary proceedings or any other adverse findings by regulatory bodies against the firm or staff as part of your application.
- invites you to apply for slots on your local Duty Solicitor schemes (explained in the Information for Applicants);
- invites you to indicate any other Duty Solicitor schemes you would like to join should the LSC consider that there is insufficient capacity in any particular local scheme

As with the current General Criminal Contract, a General Criminal Contract (January 2008) will be issued to each office forming part of your firm and you should therefore fill in Application Form B for each of your offices.

Please note that if you are applying for contracts for several offices then you must submit one set of SQM documents for each office.

The completed forms and additional documentation must be received by the LSC by 16.00 on Wednesday 31 October 2007. Forms may be sent by post or DX to

your local Regional Office (see the website) or email to CDS.Contracts@legalservices.gov.uk. Please note that we are unable to accept faxed forms.

What will happen if you don't apply for a General Criminal Contract (January 2008)?

Whether to apply for the new General Criminal Contract (January 2008) is of course a decision to be made by each individual provider, however you should be aware that you will not have another opportunity to apply for a contract to conduct publicly funded criminal work until the expiry of the General Criminal Contract (January 2008), which will not be before July 2008.

Questions

We will be posting a list of answers to Frequently Asked Questions (FAQs) on our website at CDS>Tenders. In the event that the FAQs do not answer any individual queries, your local Regional Office will be happy to respond to general questions on the current General Criminal Contract, the current Duty Solicitor Schemes in your area, the new changes we are introducing and about the General Criminal Contract (January 2008).

Questions on the application process, allocation of duty solicitor slots from 14 January 2008 or of wider interest will be collated and answered by updating the FAQs, to ensure that all applicants and interested parties have equal access to the information in the answers. All personal or identifying information will be removed from questions prior to publication.

We will also accept questions by email to CDS.Contracts@legalservices.gov.uk.

We recognise that this is a challenging time for providers and would like to reaffirm our commitment to working with you to provide quality assured services to clients in real need within our financial constraints.

Yours sincerely