

FOR THE ATTENTION OF THE SENIOR PARTNER / DIRECTOR

Dear Colleague

Notice of termination of your current General Criminal Contract and invitation to apply for a General Criminal Contract (January 2008) – current providers

Termination of your current General Criminal Contract

This letter is formal notice of the termination of your current General Criminal Contract with effect from midnight on 13 January 2008, in accordance with Clause 20.2 of the Standard Terms for providers outside the London Region, or in accordance with the terms of the Contract for Signature for providers in the London Region. As explained below, this termination is in order to facilitate changes announced as part of the legal aid reform programme following publication of “Legal Aid Reform: the Way Ahead” (Cm 6993).

Any other contract you may hold with the Legal Services Commission is unaffected by this notice of termination, unless it is a condition of that contract that you hold a General Criminal Contract.

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

We would like to invite you to apply for a new General Criminal Contract (January 2008) from 14 January 2008. The Contract Documents will be based on the current General Criminal Contract (out of London), 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 also inviting applications from new providers 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 will 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: fixed fees at the Police Station; an exclusive panel of providers for Very High Cost Cases, and the expansion of the DSCC, and of 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 (remuneration for Crown Court work). Any changes to the remuneration structure 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.

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). We enclose with this letter a copy of the Information for Applicants and Application Form A. This is the appropriate application form for all current providers apart from those which have undergone a significant change in their legal composition² or a change of office location of which the LSC is unaware.

The enclosed Application Form A simply:

- asks you to confirm to us that you continue to meet the SQM and Crime Category Supervisor requirements, and have not undergone a significant change in your legal composition or a change in your office location of which the LSC is unaware;
- invites you to apply for slots on your local Duty Solicitor Schemes;
- 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.

If you have undergone a significant change in your legal composition or change in office location of which the LSC is unaware, you may need to complete Application Form B for new applicants, which is available on the website at CDS>Tenders. You should discuss this with your Regional Office, as explained at Section 3.1 of the Information for Applicants.

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 the relevant Application Form for each of your offices. The completed forms and any additional documentation necessary must be received by the LSC by 16.00 on Wednesday 31 October 2007. Forms may be sent by DX or

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

² See Section 3.1 of the Information for Applicants for the definition of a "significant change".

post to your Regional Office or email to CDS.Contracts@legalservices.gov.uk. Please note that we are unable to accept faxed forms.

If you do not apply for a General Criminal Contract (January 2008) by 16.00 on Wednesday 31 October 2007 your right to undertake new criminal work, and participate in Duty Solicitor schemes (if desired), will terminate on 13 January 2008³.

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

Whether to apply for a new General Criminal Contract (January 2008) is of course a decision to be made by each individual provider, however you should be aware of the following implications should you decide not to apply:

- when your current contract ends your right to perform Contract Work and our obligation to make payments to you under it ceases (subject to limited exceptions set out in clause 21 of the Contract Standard Terms);
- 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;.
- as soon as possible after the 31 October, your Account/Relationship Manager will contact you to discuss arrangements for the transfer of Cases and Matters to one or more other contracted providers as appropriate, including the reconciliation of your account. Depending upon the state of your account, this may affect payments made to you under your current contract, including your SMP.

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 or 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.

³ unless you have a contract for Very High Cost Cases or to provide CDS Direct telephone advice in which case you will be able to provide the criminal defence services covered by these contracts.

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