



Ministry of  
**JUSTICE**

National Offender  
Management Service



**Invitation to Tender for the delivery  
of face to face debt advice to  
individuals detained in prison  
establishments in three areas of  
England: The South West, The East and  
East Midlands, Kent and Sussex**

**Invitation to Tender (ITT)**

**April 2009**

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## **Section One: Background information**

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### **1.1 Introduction**

The Legal Services Commission (LSC) and the National Offender Management Service (NOMS) invite Tenders from Applicants to deliver face to face debt advice services to individuals detained in named Clusters of prisons (and where appropriate their Family Members), in three geographic areas of England.

### **1.2 Summary of the Service**

We are looking for organisations to deliver services in 'Clusters' of prisons within three distinct geographical areas of England:

- The South West
- The East & East Midlands
- Kent & Sussex.

There are two aspects of the Service (with a further aspect, specifically for Services delivered in the South West). Applicants can Tender to deliver Services in one, two or all of the geographic areas.

First, organisations need to provide Debt Advice Surgeries to Clients, and where appropriate jointly with their Family Members, plus limited follow up work.

Second, organisations need to be able to deliver Debt Group Work sessions with Clients, providing general debt advice, information, education and encouraging financial literacy.

In addition in the South West area only, organisations need to deliver advice specifically for Family Members at selected prison sites.

Current LSC providers and new entrants to the market are welcome to apply. The Service will be carried out under a Contract (a draft of which is at Appendix Two).

**The closing date for submitting tenders is 12 noon on Tuesday 26 May 2009.**

### **1.3 Introduction to National Offender Management Service (NOMS)**

The National Offender Management Service is an executive agency of the Ministry of Justice and aims to reduce re-offending and protect the public. This involves the provision of secure, safe and decent custody; the implementation and enforcement of custodial and community sentences and the delivery of appropriate interventions in custody and in the community which reduce re-offending.

### **1.4 The Reducing Re-offending Strategy and the Finance, Benefits and Debt Pathway**

Many individuals detained in prisons have problems with finance, benefit and debt issues that can be related or unrelated to their offending. However if these problems remain unresolved, the likelihood of re-offending is increased. One of the components of the NOMS *Five Year Strategy for Protecting the Public and Reducing Re-offending* and its associated *National Re-offending Delivery Plan* (available through the NOMS website, <http://www.noms.homeoffice.gov.uk/>) is a pathway to take action on finance, benefit and debt issues. The Pathway's aim across England is to ensure offenders in custody and in the community have access to financial and advice services that will address money related

issues, maximising income and reducing debt to help prevent re-offending. A key element of this work is to develop close partnership working between prison and probation services and advice providers who are willing to work with offenders, to improve access to financial and advice services for offenders in custody and in the community and their families.

## **1.5 The Legal Services Commission (LSC) and its work**

### **A. The LSC**

The LSC is responsible for the provision of civil and criminal legal aid in England and Wales. Recipients of legal aid are often vulnerable and socially excluded people who may have a variety of problems in areas such as benefits and tax credits, debt or crime. Through the provision of information, advice and legal representation, the LSC helps around two million people each year to get access to justice.

The LSC was established under the Access to Justice Act 1999, replacing the Legal Aid Board in April 2000. The LSC is a non-departmental public body sponsored by the Ministry of Justice. The Secretary of State for Justice is accountable to Parliament for its activities and performance. With a head office in London, the LSC currently employs some 1,650 staff in 15 offices across England and Wales. A board of independent Commissioners oversees its work.

The LSC has a number of statutory duties including:

- Maintaining and developing the Community Legal Service and the Criminal Defence Service;
- Funding legal and advice services in England and Wales; and
- Identifying where there are unmet legal and advice needs.

Legal services are delivered through two schemes: the Criminal Defence Service and the Community Legal Service (the latter relates to civil categories of publicly funded services).

### **B. The Community Legal Service (“CLS”)**

The CLS consists of a network of legal and advice funders and providers across government and the private and voluntary sectors. The network includes solicitors and citizens advice bureaux, law centres and other community organisations, which have achieved the LSC’s own ‘Quality Mark’. The LSC has been contracting with providers to deliver services since 2000. In addition to individual organisations, the LSC is also working with local councils to set up Community Legal Advice Centres and Networks.

Through the CLS, people can access relevant information, advice and assistance to help with matters as wide ranging as family, mental health, debt, asylum, housing, employment, community care and education.

Help on offer varies according to the nature of the problem. It may take the form of basic advice, information leaflets or signposting to other services, some of which are funded by local authorities and other government departments. It may also involve specialist advice, including taking cases to court when necessary, with legal aid funding available to those who are eligible.

## 1.6 Using this Invitation to Tender (ITT)

The information and instructions contained in this ITT are designed to ensure that all Applicants are given equal and fair treatment and consideration. It is important therefore that Applicants provide all the information asked for in the format and order specified.

This ITT contains information on how to Tender, what a successful Applicant would be expected to deliver and the criteria on which we will assess applications. Applicants are encouraged to read this ITT in its entirety and where specified, download additional information from the LSC's website at [www.legalservices.gov.uk](http://www.legalservices.gov.uk). Please also regularly visit the LSC website to review any 'Frequently Asked Questions' ("FAQs") and other important information regarding this Tender process which we will publish by 8 May 2009.

This ITT is split into **Four** sections and **Five** appendices for ease of reference:

**Section One** contains information about us and a brief introduction to the invitation to tender;

**Section Two** contains information about the Service we wish to procure;

**Section Three** contains details of the tender process;

**Section Four** contains the Conditions of Tender;

**Appendix One** - Performance Standards

**Appendix Two** - Draft Contract Standard Terms and Schedule

**Appendix Three** - Vetting Questionnaire – enhanced check, not directly employed

**Appendix Four** - Calculation of Cluster contract values

**Appendix Five** - Tender Form

## **Section Two: Information about the Service we are inviting Applicants to deliver**

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### **2.1 Why are we tendering for this Service?**

The funds for the Service are a combination of LSC funding and funding from the Treasury as part of the Financial Inclusion Fund (FIF). The Government's key goals for financial inclusion are about ensuring that people have access to appropriate financial services, enabling them to:

- manage their money on a day-to-day basis, effectively, securely and confidently;
- plan for the future and cope with financial pressure, by managing their finances to protect against short-term variations in income and expenditure, and to take advantage of longer-term opportunities; and
- deal effectively with financial distress, should unexpected events lead to serious financial difficulty.

Delivering debt advice to individuals detained in prisons contributes to meeting Government financial inclusion aims; to meeting the NOMS Finance, Benefits and Debt Pathway aims of increasing access to financial and advice services for offenders that address money-related issues and reduce re-offending; and to meeting LSC objective of increasing access to specialist legal advice services.

The policy objective of the Service is to increase access to both generalist and specialist debt advice for Clients detained in prison, and where appropriate their Family Members, in the South West, the East & East Midlands and Kent & Sussex, and to help those in prisons in these geographical areas to better manage their finances. It is anticipated that increased access to debt advice and consequent easing or resolution of debt problems may help to reduce long term re-offending although this will not be monitored directly through this Service.

### **2.2 Who are we looking to contract with?**

The LSC has been contracting with organisations to deliver services since 2000.

These organisations, including firms of solicitors, other commercial organisations and Not for Profit advice agencies are all welcome to Tender to deliver the Service.

Successful Applicants do not need to be current contracted providers under a Unified Contract (Civil) in order to apply, and new entrants to the market are welcome.

We will however only contract with organisations holding the LSC's Specialist Quality Mark so all Applicants must either already hold the SQM or be in a position to have passed the SQM desktop audit before the Service start date (see Section 2.14 for details of applying for the SQM) and have a Supervisor who meets the LSC's Supervisor Standards in the Debt category of law.

Successful Applicants must also be able to demonstrate that they meet all the Essential Criteria (Essential and Selection Criteria are detailed in the Tender Form).

To ensure the best possible service for Clients and Family Members, we wish to contract with organisations that are able to demonstrate that their Front Line Advisers have the greatest level of experience and capability to deliver debt advice in prisons or other places of detention. As this is a crucial requirement we are only accepting Tenders from Applicants who already employ the Front Line Advisers whose experience we will assess as part of the essential and selection criteria.

### 2.3 Duration of the Service

Subject to the terms of the Contract under which this Service will operate, the Service will commence as soon as is practicable and, in any event by the 1 October 2009. The Contract and Service will end on 31 March 2011 unless it is lawfully ended before this date as per the terms of the Contract.

### 2.4 What are Applicants Tendering for?

Successful Applicants will be provided with a Contract (a draft of which is at Appendix Two) permitting them to deliver the Service in one or more ‘Clusters’ of prisons. The prison Clusters are located in three distinct geographical areas of England:

- The South West
- The East & East Midlands
- Kent & Sussex.

#### **Clusters**

Because of the large number of prisons in each geographical area, prisons have been “clustered” together.

Organisations must deliver the Services across all prisons within a Cluster therefore Applicants are required to Tender to deliver the Service in all the prisons within a Cluster. Applicants can Tender for any number of Clusters. Applicants may also Tender for Clusters within more than one of the geographical areas.

Applicants can Tender to deliver the Service across more than one Cluster however if Tendering for more than one prison Cluster, Applicants will need to demonstrate that they have capacity to deliver the Service in all Clusters Tendered for.

The Clusters we are Tendering for are as follows:

<b>Geographic Area</b>	<b>Cluster</b>	<b>Prisons in Cluster<sup>1</sup></b>	<b>Prison Description</b>
South West	Devon	HMP Exeter	Male Local
		HMP Channings Wood	Male Category C
		Dartmoor	Male Category C
South West	Dorset	Dorchester	Male Local
		Guys Marsh	Male Category C
		Verne	Male Category C
		Portland	Male Closed Young Offender Institution
South West	Gloucestershire	HMP Gloucester	Male Local
		Eastwood Park	Female Local
		Leyhill	Male Category D

<sup>1</sup> Further detail about prisons is available on the HM Prison Service website at [www.hmprisonservice.gov.uk](http://www.hmprisonservice.gov.uk)

South West	Bristol, Wiltshire & Somerset	HMP Bristol	Male Local
		HMP Erlestoke	Male Category C
		HMP Shepton Mallet	Male Category C (life and indeterminate sentenced prisoners)
		Ashfield	Male Juvenile
East & East Midlands	East Northants, Bedford & Cambridge	Wellingborough	Male Category C
		Littlehey	Male Category C
		Bedford	Male Local
East & East Midlands	Peterborough & Rutland	Stocken	Male Category C
		Ashwell	Male Category C
		HMP Peterborough	Male & Female Category B and Young Offenders
East & East Midlands	Leicester & West Northants	Onley	Male Category C
		Rye Hill	Male Category B
		Gartree	Male Category B (lifer centre)
		HMP Leicester	Male Local
		Glen Parva	Male Closed Young Offender Institute and Remand Centre
East & East Midlands	Lincolnshire	North Sea Camp	Male Category D
		Morton Hall	Female Semi-Open
		HMP Lincoln	Male Local
East & East Midlands	Derbyshire & Nottingham	Sudbury	Male Category D
		HMP & YOI Foston Hall	Female Closed
		HMP Nottingham	Male Local
East & East Midlands	Nottinghamshire	Lowdham Grange	Male Category B
		HMP Whatton	Male Category C (specialist sex offender centre)
		Ranby	Male Category C
East & East Midlands	Norfolk & Blundeston	HMP & YOI Norwich	Male Local
		Wayland	Male Category C
		Blundeston	Male Category C
		HMP Coltishall	Male Category C (not yet open)
East & East Midlands	Suffolk	Edmunds Hill	Male Category C
		Highpoint	Male Category C
		Hollesley Bay	Male Category D

East & East Midlands	Essex & the Mount	The Mount	Male Category C
		HMP Chelmsford	Male Local and Young Offender Institute
		HMP Bullwood	Male Category C
Kent & Sussex	Sheppey	HMP Elmley	Male Local
		HMP Stanford Hill	Male Category D
		HMP Swaleside	Male Category B
Kent & Sussex	Goudhurst, Maidstone & Canterbury	Blantyre House	Male Category C & D
		HMP/YOI East Sutton Park	Female Open
		Canterbury	Male Foreign Nationals
Kent & Sussex	Ford & Lewes	HMP Ford	Male Category D
		HMP Lewes	Male Local (and Young Offenders on remand)
Kent & Sussex	Rochester & Maidstone	Rochester	Male Closed Young Offender Institute
		HMP/YOI Cookham Wood	Male Juvenile
		HMP Maidstone	Male Category C (Foreign National Centre and Sex Offenders Treatment Programme)

### **Service Outline**

There are two aspects of the Service (with a further aspect, specifically for Services delivered in the South West):

- Debt Advice Surgeries
- Debt Group Work sessions
- Family Member Debt Advice (South West only)

Successful Applicants must deliver the Service as outlined below and will be monitored against the performance standards set out in Appendix One. Failure to meet performance standards may constitute a breach of Contract which may ultimately result in Contract termination.

### **Debt Advice Surgery**

Successful Applicants will provide Debt Advice Surgeries giving legal advice on debt matters for Clients detained within the prison Clusters and to undertake limited follow up work. Advice jointly with Family Members will be possible (through prior arrangement) where involving Family Members is required to assist with the Client's debt problem and there is no conflict of interest.

On entry into custody, many individuals detained in prisons receive a 'Housing Needs Assessment' undertaken by the prison service. Successful Applicants will be required to accept all referrals of Clients identified through the Housing Needs Assessment as having debt problems and will be required to prioritise appointments at the Debt Advice Surgery for Clients referred via a Housing Needs Assessment.

We will require there to be at least one Debt Advice Surgery in each prison in the Cluster per week and there is no maximum number that can be held per week. These will be either half day (morning or afternoon or evening) or whole day (morning and afternoon or afternoon and evening) Surgeries. It is anticipated that approximately three appointments with Clients can be delivered in a half day session and six in a whole day. Please note that flexibility to deliver some evening and / or weekend work will be needed to meet demand in open prisons where a proportion of Clients will work during the day.

It is envisaged that Clients will normally attend one 45 minute Debt Advice Surgery session, unless a second Debt Advice Surgery session is needed to progress the Client's issue (such as facilitating a joint session with a Family Member or giving the Client the opportunity to collate required documents) and it is not possible to continue the case through alternative funding after the first Debt Advice Surgery session.

All Clients may receive Debt Advice Surgery sessions, irrespective of their means or the merits of the case. Additionally under this Service, successful Applicants will have an allowance of up to 45 minutes follow up work per Client outside the Debt Advice Surgery. Successful Applicants must have processes in place to ensure that the Client does not receive advice through the Service more than once (meaning the two 45 minute Debt Advice Surgeries and 45 minute follow up) on the same legal issue within any six month period.

If a Client still requires advice on a matter beyond the two 45 minute Debt Advice Surgeries and 45 minute follow up, this will be provided either through the successful Applicant's resources (i.e. other sources of funding or another LSC contract) or through effective referral to another organisation. If it is not possible to find an organisation to take the referral successful Applicants must inform the Client and close the matter. Access to the Service may be refused if the Successful Applicant, the prison or the LSC considers that the Client is abusing the scheme.

This is all the work that may be carried out under the Debt Advice Surgery part of the Service.

#### *Frequency and arrangement of Debt Advice Surgeries*

As a minimum we would expect there to be at least one half day Debt Advice Surgery per week in each prison in the Cluster unless there is no demand (see Section 2.8 for detail on operating the Service when demand is low).

The prisons in each Cluster will arrange the Debt Advice Surgeries following consultation with the successful Applicant and will notify the successful Applicant when they will take place. Where a Debt Advice Surgery will include a Family Member's attendance the prison will facilitate this on the request of the successful Applicant. Prisons in the South West will also facilitate geographic specific Family Member Debt Advice sessions (e.g. providing access to suitable premises).

If there are no appointments in a particular prison in a week and there is demand in another prison which merits more than one full day session (i.e. sufficient demand to warrant 1.5 days of work as defined above), successful Applicants will need to have flexibility and capacity in order that they can deliver Debt Advice Surgeries to meet actual need.

#### *Further Advice for Clients – outside the Debt Advice Surgery*

We recognise that the time allowance within the Debt Advice Surgery may not be sufficient to deal with all of a Client's legal issues unless they are straightforward or have no legal

remedy. The remit of the Service is only to facilitate Debt Advice Surgery sessions with Clients (and where appropriate their Family Members) and 45 minutes follow up work. Therefore one of the performance standards is that successful Applicants, having identified substantive issues that require legal advice outside the Service, must ensure that ongoing matters are dealt with effectively.

Preference will be given to Applicants who can provide ongoing specialist debt advice within their organisation (so that the Client receives a seamless service).

The Service requirements for the Debt Advice Surgery aspect of the Service are as follows:

Service	Details
Provide a general legal advice service in debt	<p>A face to face debt advice Service which is able to deal with a variable throughput of Clients and is able to offer to all Clients:</p> <ul style="list-style-type: none"> <li>• diagnosis of the Client’s problem(s);</li> <li>• provision of information;</li> <li>• provision and exploration with the Client the options available;</li> <li>• identification of further action the Client can take;</li> <li>• provision of initial assistance (e.g. filling in forms, helping the Client draft letters, supporting the Client to tackle the problem themselves);</li> <li>• identifying emergencies and the appropriate action to take;</li> <li>• establishment of eligibility for legal aid where further (specialist) advice is needed; and</li> <li>• arrangement of referrals where the Service is unable to deliver the necessary advice (see below).</li> </ul>
Have an effective and appropriate referral system to make referrals. This will include having access to details of locally provided external services.	<p>Referring Clients, for example to:</p> <ul style="list-style-type: none"> <li>• Community Legal Advice and other telephone Services (e.g. Consumer Direct) where this is appropriate and acceptable for the Client in the circumstances of the case;</li> <li>• alternative face to face legal advice providers who hold the CLS Specialist Quality Mark and provide advice in categories of law not provided by the Service (i.e. Debt, Welfare Benefits, Housing, Family, Employment, Community Care, Mental Health, Immigration, Education, Clinical Negligence, Actions Against the Police etc, Consumer and General Contract, Personal Injury and Crime.);</li> <li>• private practice legal advice providers if it is appropriate for the Client to pay for the advice required;</li> <li>• non-legal advice service providers, where the problem is or has aspects of a non-legal nature (for example a Client may be referred to local social or health services for further help).</li> </ul>

**Debt Group Work sessions**

In addition to the delivery of Debt Advice Surgeries successful Applicants will offer Debt Group Work sessions with Clients who are experiencing or who are at risk of experiencing debt problems.

Through Debt Group Work sessions, organisations will aim to:

- improve financial literacy of Clients

- raise the awareness of debt,
- identify the common causes of debt
- discuss the effects of indebtedness
- provide sources of help in resolving debt problems (including self-help, telephone and face to face sources of help).

All Clients will be entitled to attend Debt Group Work sessions irrespective of the means or the merits of any individual case. There is no maximum number of Debt Group Work sessions a Client may attend although attendance may be refused if the successful Applicant the prison or the LSC considers that the Client is abusing the scheme.

When during or after a Debt Group Work session successful Applicants identify that the Client has a debt problem, where the Client is in agreement, an appointment will be made for them to attend a Debt Advice Surgery session as described above.

The Debt Group Work sessions must provide general information and advice to Clients rather than taking action to resolve Clients' individual debt problems. This is all the work that may be carried out under the Debt Group Work part of this Service.

#### *Frequency and arrangement of Debt Group Work*

Debt Group Work sessions must be held for a minimum of three Clients and there is no maximum number that can attend. For the avoidance of doubt, Debt Group Work sessions may not be held for prison staff or anyone other than those detained in prison establishments.

The number of allowable half day (morning or afternoon) Debt Group Work sessions per prison per week varies in relation to the size of each prison (please refer to Appendix Four for details for each prison). However, Debt Group Work sessions must only be undertaken where there is sufficient demand and in line with the maximums for each prison.

The prisons will arrange the Debt Group Work sessions at a time and at a location in agreement with the Successful Applicant.

The Service requirements for the Debt Group Work aspect of the Service are as follows:

Service	Details
Provide a general legal advice and information Service in debt	<p>A face to face general debt advice and information Service to groups of at least three Clients and which is able to offer to all Clients:</p> <ul style="list-style-type: none"> <li>• information on the common causes of debt problems;</li> <li>• information on how debt can affect those experiencing it (such as mental health problems, physical health problems, relationship breakdown, other legal problems e.g. housing, welfare benefits, employment and family);</li> <li>• information on sources of self-help for resolving debt problems and how these can be accessed;</li> <li>• information on sources of Community Legal Advice and other telephone Services (e.g. Consumer Direct) and information on how these can be accessed;</li> <li>• information on the availability of legal aid and information on how to access face-to-face legal advice providers who hold the CLS Specialist Quality Mark in civil categories of law;</li> <li>• information on the availability of private practice legal advice providers for those for whom it is appropriate to pay for the advice required and information on how to access these services;</li> <li>• information on non-legal advice Service providers that can help with non-legal matters and / or the effects that debt can have on an individual (for example social or health Services).</li> </ul>
Identify Clients suitable for face-to-face debt advice	Identify those Clients who would benefit from individual debt advice to resolve debt problems they are experiencing and if the Client is willing, refer them to the Debt Advice Surgery (through the named prison contact who will make appointments) unless the Client's case can appropriately proceed under alternative funding (Legal Help under a Debt contract held by the provider or other funding stream).

### ***Family Member Debt Advice – South West only***

In addition to the delivery of Debt Advice Surgeries and Debt Group Work sessions, the regional priority for the South West is also to deliver Family Member Debt Advice.

Successful Applicants will deliver debt advice sessions independently to Family Members who attend specific named prisons to visit a detained individual. For the avoidance of doubt Family Members may obtain their own separate advice as previous projects in this geographic location have indicated that there is a greater success in tackling detained individuals' debt problems with the full engagement of Family Members.

Family Member Debt Advice sessions will be delivered in two prisons in each prison Cluster as follows:

<b>Cluster</b>	<b>Location for Family Member Debt Advice service</b>
Devon	HMP Exeter HMP Channings Wood
Dorset	HMP Dorchester HMP Guys Marsh
Gloucestershire	HMP Gloucester HMP Eastwood Park
Bristol, Wiltshire & Somerset	HMP Bristol HMP Erlestoke

A maximum of one Family Member per detained individual may access this service in any six month period. A detained individual's Family Member will be entitled to up to one 45 minute legal advice session during these Family Member Debt Advice sessions, irrespective of their means or the merits of the case. Additionally under this Service, successful Applicants will have an allowance of up to 45 minutes follow up work per Family Member outside the Family Member Debt Advice service. Where a Family Member has also accessed advice jointly with a Client through the Debt Advice Surgery, they cannot also receive advice through a Family Member Debt Advice session. This is all the work successful Applicants in the South West may carry out under the Family Member Debt Advice part of this Service.

If a Family Member still requires advice on a matter beyond the 45 minute session and 45 minute follow up, this will be provided either through the successful Applicant's resources (i.e. other sources of funding or another LSC contract) or through effective referral to another agency or organisation. The successful Applicant must ensure that processes are in place to ensure that the Family Member does not receive advice through this Service more than once and that advice is limited to one Family Member per detained individual in any six month period. Access to the Service may be refused if the successful Applicant, the prison or the LSC considers that the Family Member is abusing the scheme.

The prison will facilitate the Family Member Debt Advice sessions at times and on days in agreement with the successful Applicant but it is envisaged that they will be delivered to coincide with family visits on a drop in basis rather than through pre-arranged appointments. Successful Applicants will be able to deliver a maximum of one full day (morning and afternoon) Family Member Debt Advice session per month in any one prison.

The Service requirements for the Family Member Debt Advice aspect of the Service are as follows:

Service	Details
Provide a general legal advice service in debt	<p>A face to face debt advice Service which is able to deal with a variable throughput of Family Members and is able to offer Family Members whose debt problem relates to that of a detained individual:</p> <ul style="list-style-type: none"> <li>• diagnosis of the Family Member's debt problem(s) and any link with the problem(s) of a detained individual;</li> <li>• provision of information;</li> <li>• provision and exploration with the Family Member the options available;</li> <li>• identification of further action the Family Member can take;</li> <li>• provision of initial assistance (e.g. filling in forms, helping the Family Member draft letters, supporting Family Member to tackle the problem themselves);</li> <li>• identifying emergencies and the appropriate action to take;</li> <li>• establishment of eligibility for legal aid where further (specialist) advice is needed; and</li> <li>• arrangement of referrals where the Service is unable to deliver the necessary advice (see below).</li> </ul>
Have an effective and appropriate referral system to make referrals. This will include having access to details of locally provided external Services.	<p>Referring Family Members, for example to:</p> <ul style="list-style-type: none"> <li>• Community Legal Advice and other telephone services (e.g. Consumer Direct) where this is appropriate and acceptable for the Family Member in the circumstances of the case;</li> <li>• alternative face to face legal advice providers who hold the CLS Specialist Quality Mark in categories of law not provided by the Service (i.e. Debt, Welfare Benefits, Housing, Family, Employment, Community Care, Mental Health, Immigration, Education, Clinical Negligence, Actions Against the Police etc, Consumer and General Contract, Personal Injury and Crime.);</li> <li>• private practice legal advice providers if it is appropriate for the Family Member to pay for the advice required;</li> <li>• non-legal advice service providers, where the problem is or has aspects of a non-legal nature (for example a Family Member may be referred to local social or health Services for further help).</li> </ul>

## 2.5 Operation of the Service

There will be one named prison contact in each prison in a Cluster. The named contact will co-ordinate and facilitate the Debt Advice Surgery, Debt Group Work sessions and any geographic specific aspects of the Service across the Cluster in agreement with the successful Applicant.

### ***Debt Advice Surgery***

The successful Applicant will be expected to liaise with the named prison contact to arrange times to meet there obligations under the Service. The named prison contact will be responsible for the practical arrangements of providing the Debt Advice Surgery, for example arranging access to the establishment, booking of appointments, escorting of clients etc. Successful Applicants must comply with the reasonable requirements of the prison on arrangements for access to the prison and running the Debt Advice Surgeries. Where a Surgery needs to be cancelled, the prison will give a minimum of 48 hours' notice to allow sufficient notice for additional work to be arranged in other prisons within the Cluster where

there is high demand for the Service (as referred under *Frequency and arrangement of Debt Advice Surgeries* in section 2.4 above).

### ***Debt Group Work sessions***

The booking of attendance at a Debt Group Work session will also be arranged by the named prison contact.

It is the successful Applicant's responsibility to monitor the number of Debt Group Work sessions delivered to ensure the maximum allowable sessions (referred to in Section 2.4) are not exceeded. The named contact will be responsible for the practical arrangements of providing the Debt Group Work sessions, for example arranging access to the establishment, booking of appointments, escorting of clients etc. Successful Applicants must comply with the reasonable requirements of the prison on arrangements for access to the prison and running the Debt Group Work sessions.

### ***Family Member Debt Advice – South West only***

The named prison contact will facilitate the advice sessions specifically for the Family Member Debt Advice sessions. Successful Applicants will be able to deliver a maximum of one full day (morning and afternoon) Family Member advice session per month in any one prison.

Successful Applicants must comply with the reasonable requirements of the prison on arrangements for access to the prison and running the South West geographic specific aspect of the Service.

## **2.6 Volumes of cases and flexibility**

We require successful Applicants to be able to manage changes (both increases and decreases) in demand for Services so that the Service can meet identified need.

When submitting a Tender, Applicants must consider the level of skill and the number of Front Line Advisers they need to provide the Service in all of the Clusters tendered for. This will include making suitably skilled staff available to meet the requirements of this Service, for example, responding to periods of increased demand, expected and unexpected Front Line Adviser absence.

If Tendering to deliver the Service in more than one prison Cluster, Applicants will also need to be able to demonstrate that their organisation and Front Line Advisers have the necessary capacity to deliver the Service in **all** the Clusters Tendered for.

## **2.7 Payment for the Service**

Successful Applicants will receive two types of payment rate under this Service.

There will be a fixed payment rate of £150 per half-day prison attendance (£300 for a full day attendance). This covers the delivery of Debt Advice Surgeries, Debt Group Work and, in the South West Family Member Debt Advice.

Additionally each Client who attends the Debt Advice Surgery or Family Member Debt Advice sessions will be eligible for an additional 45 minutes follow up work (not usually face to face advice) that will be paid a fixed fee of £30 for the 45 minute session (although we would expect this additional payment only to be claimed where it was not appropriate to immediately sign up the Client for Legal Help or to proceed the case through an alternative

funding stream) or to refer the Client. Where a case proceeds through Legal Help, LSC means and merits eligibility criteria will apply.

Both fees exclude VAT, but include travel and waiting time and any disbursements incurred.

For holders of an LSC Unified Contract, where the organisation subsequently undertakes Controlled or Licensed Work on behalf of a Client / Family Member as a result of the Debt Advice Surgery or the geographic specific service, this work will be paid for under the terms of the Unified Contract (Civil) Specification or any subsequent contract.

## **2.8 Note on operating the Service where the demand is low**

Where successful Applicants are informed by the prison that the demand for a Debt Advice Surgery is low, i.e. only one Client in a half day session, they should normally ask the prison to postpone the surgery until more Clients have requested advice. A low demand surgery should only be operated if the prison informs a successful Applicant that one of the Clients would otherwise either have been released from custody before the next scheduled Debt Advice Surgery or would have to wait more than 10 working days for advice.

Where a Debt Group Work session is booked but subsequently the number of Clients attending drops to one or two, the successful Applicant should normally request that the session be rescheduled for a future date when the number of Clients booked to attend is at least three. A low demand Debt Group Work session should only be operated where the prison provides notification of this on the same day as the session is to take place.

## **2.9 Technical requirements**

Applicants must have one central telephone number, which will be held by the named prison contact and the LSC and on which a successful Applicant will be contacted.

## **2.10 Contract for the Service**

Appendix Two contains the *draft* Contract for this Service. We will provide via our website notice of all the major changes (if any) we make to the Contract during the Tender Process. The Final Contract will be available at the date of the award.

In addition Appendix One sets out the Performance Standards that successful providers must comply with.

## **2.11 Legal status of Applicants**

We understand from previous tender processes that organisations may wish to join together in groupings or consortia or expand to put in Tenders which create subcontracting arrangements. However, at the present time, we only wish to contract with a single legal entity for the purposes of providing these Services.

Therefore, should Applicants wish to join up with others it will be necessary to form a new single legal entity to provide the advice Services required. This will mean that the single entity will be responsible for ensuring the performance of the successful Applicant's obligations under the Contract and that a Client's retainer will always be with the single entity.

Where an Applicant wishes to join up with others, we will not require Applicants to do this before putting in a Tender. However, the Applicant would need to confirm to us in writing at the time they Tender that this is the case, and confirm that should they be offered a Contract

the single legal entity will be in place before the date on which the Services commence. The award of a Contract will be conditional upon the single legal entity being in place.

We will also not accept any subcontracting arrangements (e.g. where the successful Applicant pays another organisation to deliver part of the Service). Instead Applicants must be able to provide all the Services they are tendering for, without the need to refer any of these matters or levels of work to other organisations (although the Contract does permit the use of agents and Approved Representatives in certain circumstances).

## **2.12 Important note for current providers under the Unified Contract (Civil)**

Where Applicants are an existing LSC provider, and are interested in Tendering for this additional work, then they must still complete the Tender Form, regardless of whether they are already delivering services in the Debt Category of Law.

## **2.13 Contracting with new providers for this work**

Further to Section 2.14 (Application for Specialist Quality Mark), to meet the Essential Criteria, if an Applicant does not hold a Unified Contract (Civil) they must enclose with their Tender Form the required supporting documentation, including their Office Manual, to apply for the Specialist Quality Mark.

If awarded a Contract they may also be required to fill in additional LSC forms (applying for an account number etc.)

## **2.14 Application for Specialist Quality Mark (SQM)**

As per the Essential Criteria, where an Applicant does not currently hold and comply with the SQM they will need to submit those forms required to achieve the SQM qualification. These Applicants will need to submit one set of the following SQM documents (which can be found on the LSC's website) for each office from which an Applicant intends to deliver the Service:

- QM1;
- SQM Self Assessment Checklist
- Supervisor Self Declaration Form
- Status Enquiry Form (SIF and OSS)
- Copy of Office Manual.

***N.B: Where they have not already done so, Applicants submitting a Tender are committing to achieving the desktop stage of the Specialist Quality Mark by the commencement of the contract and the SQM in full no later than 9 months from contract award. This will be a condition of any award of Contract.***

Applicants who currently do hold and comply with the SQM but do not currently hold a LSC Unified Contract in the Category of Debt must submit a completed Status Enquiry Forms (SIF and OSS) with their Tender Form.

Where Applicants are successful in being awarded a Contract and do not currently hold and comply with the SQM, between the award and the start of the Service, the LSC will then conduct an internal, paper-based audit of the documents (known as a 'Desktop Audit') and the Applicant's Office Manual to determine whether to award the SQM.

The LSC reserves the right to conduct further enquiries as to suitability, or to audit new providers within the duration of the Contract, where appropriate.

## **2.15 Number of successful Applicants required for the Service**

The maximum number of Applicants that we will contract with for the Service is 17 (one organisation for each Cluster) but our preferred contracting solution will be to contract with fewer organisations than this.

## **2.16 When must the successful Applicants be ready to deliver the Service?**

It is an Essential Criterion that a successful Applicant must be able to commence delivering the Service from 1 October 2009 at the latest. In the event that an Applicant can deliver the Services sooner, we will look to facilitate this with the relevant prison Cluster.

This will be a fundamental condition of any award of contract. Failure to be able to provide the Service by 1 October 2009 may amount to a fundamental breach and the Contract will be terminated.

Our intention is to award contracts towards the end of June 2009.

## **2.17 Approved Front Line Advisers**

The prisons at which the Service is to be delivered require the Front Line Advisers to undergo relevant security checking appropriate to the establishment they are entering.

This is normally what is called an “enhanced check” which consists of:

- An identity check;
- Confirmation of entitlement to work in the United Kingdom;
- Criminal convictions check;
- Criminal Record Bureau Check (CRB); and
- National Security Vetting, as and where appropriate.

In order to expedite the process successful Applicants will be required to submit details of all the Front Line Advisers who will be operating the Service using the form ‘Vetting Questionnaire – enhanced check, not directly employed workers’ (attached at Appendix Three) immediately upon the award of the contract. The questionnaire includes details of the required supporting evidence which will need to be presented in person to the prison service.

## **2.18 Important note: No guarantee of work**

The award of a Contract to provide the Service does not guarantee a minimum amount of work.

However the LSC will commit to paying for one half-day attendance per week in each prison in the Cluster (i.e. £150) for the lifetime of the contract.

## **Section Three: The Tender Process**

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### **3.1 Key date**

The closing date for submitting tenders is **12 noon on Tuesday 26 May 2009.**

This is a competitive tender and organisations must take care to ensure they:

1. Comply with the Conditions of Tender set out in Section Four;
2. Demonstrate how they meet the relevant criteria as set out for the Service we wish to procure, contained in the stand alone Tender Form that accompanies this ITT; and
3. Fill out the Tender Form and submit all relevant information (see standalone Tender Form document on the LSC website).

### **3.2 Preparation of Tender**

Applicants are required to complete and provide all information required by the LSC in accordance with the Conditions of Tender and the ITT. Failure to comply with the Conditions and the ITT may lead the LSC to reject a Tender.

**If any of the application documents are missing or incomplete the tender may be rejected prior to assessment.**

**Responses must be word-processed for ease of reading.**

The Tender Form (Appendix Five) contains the criteria, which describe the types of service we wish the successful Applicants to deliver. Applicants who are interested in delivering the Service must demonstrate how they meet the criteria.

The extent to which Applicants meet the criteria will be assessed on the basis of the responses given to the questions set out in the Tender Form.

Applicants are advised to read the criteria carefully and ensure that all the points listed are addressed in their answers on the Tender Form.

#### **Applicants must submit:**

- The Tender Form (with any additional pages numbered sequentially e.g. 1 of 6)
- Completed Status Enquiry Forms (SIF and OSS) (in the case of organisations who hold the SQM but do not currently hold an LSC Contract in the Debt Category).
- Application for SQM (in the case of organisations who do not hold the SQM including:
  - 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 civil work will meet the supervisor requirements in the Debt Category of Law
- Status Enquiry Forms x 2
  - 1: (SIF1) – requires organisations to declare any claim against the Solicitors' Indemnity Fund within the last 5 years;
  - 2: 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 organisation or staff as part of the application.
- Office Manual

### **3.3 The Tender Form**

To apply, Applicants must complete a Tender Form which accompanies this ITT on the LSC website. Applicants may apply for one or more Clusters, and should use the same Tender Form for all Clusters they wish to apply for.

The Tender process is set out below. Applicants that cannot meet the requirements of the Essential Criteria should not complete responses to the Selection Criteria, as the Tender will be rejected.

We will rely on the information that is provided by Applicants on their Tender Form in evaluating the criteria, and it is essential that Applicants complete the Tender Form fully and accurately so that they do not misrepresent their position. We may clarify with Applicants the information supplied, although it should not be assumed that we will do so.

### **3.4 Criteria**

The selection criteria are split into two main sections:

- (a) Essential Criteria
- (b) Selection Criteria

The scoring systems for and application of these criteria are described in section 3.5 below.

The criteria are contained in the Tender Form.

### **3.5 Scoring system and assessment of bids**

All Tender Forms received by the closing date set out above will be assessed by a panel composed of LSC and NOMS representatives.

If an Applicant holds a Unified Contract (Civil) or provides advice work funded by the LSC we may corroborate the information given on their Tender Form with the relevant LSC Regional Office.

#### ***Essential Criteria***

The Tender Form contains detail of criteria all of which are essential. Any Tender that fails to meet any of these Essential Criteria will not be considered further.

Essential Criteria will therefore be assessed on the basis of pass or fail. An Applicant must pass all of the Essential Criteria.

### **Selection Criteria**

The Tender Form contains detail of Selection Criteria. Selection Criteria will be assessed in the order of importance and against the marks available. This is a competitive process and Applicants will be ranked according to the marks allocated to them. The Contract will be awarded to the highest ranking organisation. For the avoidance of doubt, only Applicants that pass all the Essential Criteria will receive a mark.

### **3.6 Awarding contracts**

We will award a Contract on a Cluster by Cluster basis. Once we have marked the bids according to the system set out above, we will award the Contract to deliver the Service in each Cluster to the Applicant which has met the Essential Criteria and receives the highest ranking on assessment of the Selection Criteria.

If we have more than one Applicant 'tied' on the same score after marking we reserve the right to conduct interviews as set out below.

Where a Tender received by us is unsuccessful or rejected, Applicants will be given written reasons as to why it was unsuccessful or rejected. There will be no right of appeal against our assessment of Tenders or our decision to reject an application if it is incomplete or late.

### **3.7 Tiebreak situations - interviews of shortlisted Applicants**

If a number of Applicants are "tied" as set out above, these Applicants may then be invited to attend an interview with a panel of LSC and NOMS representatives. At this interview the Applicants may be invited to further explain their plans or the Service they are to provide, and answer questions on their Tender and we may distinguish between the "tied" Applicants on the basis of these interviews, considering which Tender overall meets the objectives of the Service and the criteria.

### **3.8 How to submit a Tender**

Tenders should be sent by hand delivery, recorded delivery/ guaranteed post, courier, tracked DX or other form of delivery where proof of delivery is given to the Applicant by an independent source. **We must receive Tenders by 12 noon on Tuesday 26 May 2009.**

For the avoidance of doubt it is not a condition of this tender that Applicants may only use hand delivery, recorded delivery/ guaranteed post, courier, tracked DX or other form of delivery where delivery is guaranteed and proof of delivery is given to the Applicant by an independent source. If an Applicant chooses to use ordinary post or any other form of non-guaranteed delivery (except for fax or email which are not permitted under any circumstances) we will consider their application if it arrives before the deadline.

**Faxed or emailed applications will not be accepted and we will not consider any applications submitted to us by these methods.**

Tenders may be received any time up to the deadline stated above. No extensions will be granted in any circumstances.

All applications, however sent, must be marked "Debt Advice Service for Prisons in England – Private & Confidential - for the attention of Caroline Jones".

Please return applications to:

Caroline Jones  
Legal Services Commission  
4<sup>th</sup> Floor  
Abbey Orchard Street  
London  
SW1P 2BS

DX 328 London

Please note, applications sent to the wrong address (e.g. an LSC regional office) that do not reach the Abbey Orchard Street office in advance of the closing date will be treated as arriving late and will not be considered.

Apart from confirming receipt by telephone in response to an Applicant's enquiry to the LSC's Abbey Orchard Street office, please note that we will not check receipt and/or notify Applicants under any circumstances and it is ultimately Applicants' responsibility to take all necessary steps to ensure that their application has arrived before the deadline. Please note that we will not acknowledge receipt of any applications in writing.

### **3.9 Conditions of the Tender Process and disclosure of information**

It is important to note that the sensitivity of information is likely to change over time and therefore it is likely that general contract details would be disclosed once the selection process is complete. Where possible, we would consult with Applicants before any disclosure was made. The rules of the Tender Process (including application and selection rules) contained in this ITT are not legally binding and no contract is formed between Applicants and the LSC.

**The Conditions of Tender are set out in Section Four and the closing date and time for Tenders to be received by us, is 12 noon on Tuesday 26 May 2009.**

### **3.10 Questions about this Tender Process**

Applicants are welcome to ask questions up until 5pm on 1 May 2009.

Any questions that potential bidders have about the practicalities of providing advice in prisons should be emailed to Caroline Jones ([caroline.jones@legalservices.gov.uk](mailto:caroline.jones@legalservices.gov.uk)). All questions will be collated and answered in liaison with NOMS.

Questions on information contained in this document or which we consider to be of wider interest will be collated and answered centrally in writing, to ensure that all Applicants and interested parties have equal access to the information in the answers. These questions and answers will be published regularly on our website with answers published on or before 8 May 2009. All personal or identifying information will be removed prior to publication.

The LSC Offices covering the geographical areas where the Service will be delivered will be happy to respond to general questions on the background material of the LSC and the civil contracting scheme. Contact details for our regional offices are available on the LSC website ([www.legalservices.gov.uk](http://www.legalservices.gov.uk)) under About Us > Our regional network.

### 3.11 Timeline

<b>Stage</b>	<b>Activity</b>	<b>Timescale</b>
Stage 1	Invitation to Tender including Tender Form and Draft Contract published	14 April 2009
Stage 2	Deadline for questions	1 May 2009
Stage 3	Answers to all questions posted on website	On or before 8 May 2009
Stage 4	Closing date for Tenders to be received.	26 May 2009
Stage 5	Initial decisions made on Tenders	Week commencing 8 June 2009
Stage 6	Possible interviews (with 3 days notice)	Week commencing 22 June 2009
Stage 7	Final date decisions made, offer and rejections letter sent.	Week commencing 29 June 2009
Stage 8	Contract starts	1 October 2009

This is a proposed timetable for information. The final tender timescale may be subject to change.

## Section Four: Conditions of Tender

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### Conditions of Tender

- 4.1 Tender Forms will be received until **12 noon on the closing date Tuesday 26 May 2009**. No Tender Forms will be accepted after this time.
- 4.2 All applications shall be signed by a duly authorised director, partner or designated member of the Applicant.
- 4.3 We reserve the right to amend the Conditions of Tender, the Tender process/procedure and/or the criteria, at any time in writing before or after the application closing date, by giving general notice on our website.

It is the obligation of Applicants to make sure that their Tender Form is fully and accurately completed and accompanied by the appropriate documents. We are under no obligation to contact Applicants to clarify their Tender or to obtain missing information or documents. It may not be possible to consider a Tender if incomplete information is given at the time of Tender, or if any particulars and data asked for in the ITT or Tender Form are not provided in full.

We reserve the right to take into account any knowledge of an organisation that we may have, but Applicants should not assume that any such information will be taken into account and should restate it on their Tender Form if they consider it relevant. For Applicants that already hold a Unified Contract (Civil), we may corroborate the information given on Tender Forms with the appropriate local LSC office.

- 4.4 Applicants are required to reply to all questions on the Tender Form, even if they have previously provided this information or if they think we are already aware of it (e.g. if they hold an existing Contract with us). This is to ensure that we can compare each application and Applicant in a fair, like-for-like and reasonable manner.
- 4.5 We may request Applicants give additional information/clarification at any time during the Tender process. Applicants should be prepared to discuss any aspect of their response with us.
- 4.6 Any questions and answers posted on our website during the Tender process (or before) will not form part of the Contract. Information on errors and omissions may also be posted on the website during the Tender process. Where due notice is given, such information may form part of the Contract.
- 4.7 After evaluation is complete, we will retain copies of all responses for such time as we consider reasonable to satisfy our audit obligations and for other purposes in accordance with condition 4.18 below.
- 4.8 We reserve the right to cancel this invitation in its entirety at any time at our absolute discretion.
- 4.9 If an Applicant successful their application and any documents submitted as part of the application, may form part of their Contract.
- 4.10 Tender Forms are submitted on the conditions stated in this ITT (as may be amended). Tender Forms submitted subject to additional or alternative conditions may be rejected on the grounds of such conditions alone.

- 4.11 By submitting a Tender Form, Applicants are agreeing to be bound by the terms and conditions in the Contract if they are awarded one.
- 4.12 Applicants are solely responsible for the costs and expenses incurred in connection with the preparation and submission of their Tender and all other stages of the selection and evaluation process. Under no circumstances will the LSC, or any of their advisers, be liable for any costs.
- 4.13 All intellectual property rights in this ITT, associated documents, Tender Forms, and Contract Documents are and shall remain our property.
- 4.14 While we have taken all reasonable steps to ensure, as at the date of this document, that the facts which are contained in this document are true and accurate in all material respects, we do not make any representation or warranty as to the accuracy or completeness or otherwise of this document, or the reasonableness of any assumptions on which this document may be based. All information supplied by us, including that within this document, is subject to Applicants' own due diligence. We accept no liability to Applicants whatsoever resulting from the use of this document, or any omissions from or deficiencies in this document.
- 4.15 Applicants should note that any quantities or volumes contained in the ITT are for indicative purposes only and any future quantities or volumes may vary from those stated. The award of a contract does not guarantee a minimum amount of work.
- 4.16 It is each Applicant's responsibility to obtain at their own expense all additional information necessary for the preparation of their response to the application documents. No claims of insufficient knowledge will be entertained.
- 4.17 We may use the information included in responses for any reasonable purpose connected with this application exercise.
- 4.18 Any Applicant who directly or indirectly canvasses any employee of the LSC concerning the award of the Contract(s) will be disqualified.
- 4.19 All Applicants are recommended to seek their own financial and legal advice.

#### **Confidentiality and Freedom of Information Act 2000**

- 4.20 Applicants should note that under the Freedom of Information Act 2000 ("the FOIA"), we may be required to disclose details of applications to third parties, either during or after the application process. We can only withhold information where it is covered by a valid exemption as set out in the FOIA.

If any Applicant is concerned about possible disclosure they should clearly identify the specific parts of their application and supporting documentation that they consider commercially sensitive or confidential (within the meaning of the FOIA), the harm that disclosure may cause and an estimated timescale of that sensitivity.

Applicants should be aware, however, that the receipt by us of information marked 'confidential' does not mean that we accept any duty of confidence in relation to that marking. Neither do we guarantee that information identified by Applicants will not be disclosed, where the public interest favours disclosure.

It is important to note that the sensitivity of information is likely to change over time and therefore it is likely that general contract details will be disclosed once the selection process is complete. The rules of the Tender process (including application and selection rules) contained in this ITT are not legally binding and no contract is formed between Applicants and the LSC. However, this ITT, the Tender Form and documents submitted as part of the Tender, will form part of the Contract for the successful Tenderer.

## Definitions

4.21 When used in this ITT, the following expressions shall have the meanings set out below or in the *draft* Schedule.

“Act” means the Access to Justice Act 1999;

“Applicant” means the organisation that is making a Tender to deliver the Service as set out in this Tender Process.

“Category of Law” or “Category” or “Category of Work” means a category of law defined in the Funding Code (and which may be described in the Funding Code as an “SQM Category”) and any reference to any Category of Law by name alone e.g. “Debt” implies the words “Category of Law” immediately following it;

“Cluster” means one or more prisons that have been grouped together for the purpose of this Tender and successful Applicants must deliver the Service across all prisons in the Cluster(s) they are awarded;

“Client” means a person detained in one of the prison establishments listed in section 2.4 of this ITT who receives the Service;

“Community Legal Service” (or “CLS”) has the meaning given in Section 4 of the Act;

“Contract” means the Contract for this Service, a draft of which is at Appendix 2;

“Debt Advice Surgery” or “Debt Advice Surgeries” means limited face-to-face advice on debt matters to Clients, and where appropriate their Family Members, plus limited follow up work and associated services;

“Debt Group Work” means working with groups comprised of at a minimum of three Clients to provide advice and information that not specific to individual Clients’ problems and that is aimed at improving financial literacy and raising awareness of debt, the effects of indebtedness and sources of help in resolving debt problems;

“Family Member” means a person with debts legally tied to those of the Client and may be either a relation, partner or other visitor to the prison;

“Family Member Debt Advice” means limited face-to-face advice on debt matters directly to Family Members at named prisons, plus limited follow up work and associated services;

“Front Line Adviser” means a member of staff employed by the successful Applicant who will deliver all or part of the Service tendered for.

“Funding Code” means the code published under section 8 of the Act, including its criteria, procedures and guidance;

“Housing Needs Assessment” means a Client assessment undertaken by the prison within the first five days of reception into custody and where a need for debt advice is identified at assessment a Client will be referred to the Service;

“Legal Help” has the meaning set out in the Funding Code;

“Licensed Work” means all Civil Contract Work except that which is Controlled Work;

“Local Prison” means a custodial establishment which receives Clients direct from court on both remand and sentences;

“LSC” means the Legal Services Commission;

“NOMS” means the National Offender Management Service;

“Reform of the Legal Aid Scheme” means such reforms as we may wish to implement in order better to comply with our statutory duties or fulfil our statutory functions including (a) such changes as we wish to make to, or as are related to, the CLS, CDS, or both, consequent on, or related to, the paper “Legal Aid Reform: the Way Ahead Cm 6993”; or (b) new approaches to procurement and contracting for the provision of publicly funded legal services;

“Service” means the service to which the invitation to tenders relates, to deliver Debt Advice Surgeries and Debt Group Work sessions (and in the South West, Family Member Debt Advice) under the Contract;

“Specialist Quality Mark” or “SQM” means the quality assurance standard published by us from time to time, which all providers must meet to hold a contract with the LSC;

“Tender” means an offer by an organisation that submits an application to deliver the work contained in an Invitation to Tender;

“Tender Process” means the process contained in this ITT setting out how Applicants must submit their Tender;

“Tender Form” means the designated form on which Applicants must Tender for work;

“Unified Contract (Civil)” means the contract for civil legal aid providers first issued in April 2007.

## Appendix One: Performance Standards

The Service will work to a range of performance standards that set down the levels of work expected in return for the available funding.

Area	Performance standard
Number of Clients seen through the Debt Advice Surgery across the prisons in a Cluster.	As the prison Clusters are comprised of a range of prison types, we anticipate demand in each prison in a Cluster will not be uniform. We would anticipate that demand across a Cluster is likely to be high and anticipate a minimum of <b>9</b> Clients will receive debt advice through the Debt Advice Surgery each week (where a Family Member attends an appointment with the Client, this should not be counted separately). This requirement will be monitored with the provider and adjusted after 3 months if required.
Access to Debt Advice Surgery	<p>90% of all Clients should receive an appointment within <b>10</b> working days of requesting it.</p> <p>To have a process in place by the time the Service is operational to ensure Clients do not receive advice more than twice on the same debt issue in any six month period.</p>
Access to Debt Advice Surgery for Clients referred to from Debt Group Work sessions	90% of Clients referred to the Debt Advice Surgery should receive an appointment within <b>10</b> working days of requesting it.
Clients who require further assistance beyond the Debt Advice Surgery.	90% of Clients who require follow up work on debt legal matters beyond the Debt Advice Surgery appointments should receive it either from the Service provider or through effective referral.
Family Members who require further assistance beyond their Family Member Debt Advice session (South West only)	<p>90% of Family Members who require follow up work on debt legal matters beyond the session they attend should receive it either from the Service provider or through effective referral.</p> <p>To have a process in place by the time the Service is operational to ensure Family Members do not receive advice more once in any six month period.</p> <p>To have in place a process by the time the Service is operational to ensure no more than one Family Member per detained individual receives advice in any six month period.</p> <p>To have in place a process by the time the Service is operational to ensure Family Members do not receive advice through both Family Member Debt Advice and through attending a Debt Advice Surgery together with a Client.</p>

Prevention of legal problems	<p>To identify and address issues that are repeatedly the cause of debt problems for Clients/Family Members.</p> <p>To provide a written report to the LSC Account / Relationship Manager and NOMS each quarter, and submitted one week before the quarterly review meeting including:</p> <ul style="list-style-type: none"> <li>• case studies identifying Client/Family Member problems, the work undertaken with the Client/Family Member and the outcome);</li> <li>• summary of Client/Family Member feedback (number of Clients / Family Members sought from and a summary of all views);</li> <li>• trends arising from Service (e.g. common Client/Family Member problems, outcomes, service uptake, level of debt reduction); and</li> <li>• any quantitative evidence of the service impacting on levels of re-offending.</li> </ul>
Completion and submission of reporting forms	<p>To complete reporting forms (templates provided by the LSC) each month giving details including:</p> <ul style="list-style-type: none"> <li>• the individuals receiving the Service;</li> <li>• the number of sessions (Debt Advice Surgery, Debt Group Work, and in the South West, Family Member Debt Advice);</li> <li>• number of sessions each individual receives;</li> <li>• Primary area(s) of debt problem individuals are experiencing;</li> <li>• whether a Family Member attends a Debt Advice Surgery with the Client;</li> <li>• outcome from the service received (e.g. whether resolved through the Service, referral);</li> <li>• Levels of debt reduction achieved.</li> </ul> <p>95% of reporting forms to be submitted by the 10<sup>th</sup> day of each month to the organisation's LSC Account / Relationship Manager.</p>
Performance review meetings	<p>To attend and participate in regular performance reviews conducted by a member of the LSC, and where appropriate also attended by NOMS representatives.</p>
Quarterly review meetings	<p>To co-ordinate and facilitate quarterly review meetings with the named prison contact(s), the LSC Account / Relationship Manager and where appropriate representatives from all prisons in the Cluster. Meetings should include discussion about</p> <ul style="list-style-type: none"> <li>• any issues about the operation of the service (but not individual cases);</li> <li>• trends identified (as compiled in a report as</li> </ul>

	<p>part of the 'Prevention of legal problems' performance standard);</p> <ul style="list-style-type: none"> <li>• feedback about the Service (as gathered as part of the 'Client/Family Member feedback' performance standard);</li> <li>• any amendments needed.</li> </ul>
Complaint resolution	<p>100% of complaints received are recorded, together with a record of how the complaint was dealt with</p> <p>95% of complaints from Clients / Family Members resolved internally</p> <p>95% of complaints responded to within 5 working days</p> <p>90% of complaints are fully resolved within 28 working days</p> <p>Progress of 90% of complaints communicated to prisoners, where appropriate through liaison with prison staff</p>
Client feedback	<p>Client feedback gathered on a quarterly basis, including feedback on:</p> <ul style="list-style-type: none"> <li>• Client satisfaction;</li> <li>• Client perception of the quality of advice received (through Debt Advice Surgeries);</li> <li>• Usefulness and suggestions for improvement of Debt Group Work; and</li> <li>• Client perception of the impact of the Service received on their likelihood of re-offending.</li> </ul> <p>N.B. providers in the South West should also gather feedback from Family Members receiving advice through the Family Member Debt Advice part of the Service.</p>
Marketing and promotion	<p>To undertake marketing and promotion within the prisons in the Cluster in agreement with the named prison contact and the LSC Account / Relationship Manager.</p>

### Quality Requirements

Although the Service provided under this Contract will be for generalist debt advice we will require providers to meet the requirements of the Specialist Quality Mark (SQM).

**Available on the LSC Website**

**Appendix Three: Vetting Questionnaire – enhanced check, not directly employed workers**

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**Available on the LSC Website**

**Available on the LSC Website**

## **Appendix Five: Tender Form**

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**Available on the LSC Website**