

Housing Possession Court Duty Scheme - Invitation to Tender

Frequently Asked Questions

Questions submitted up to 4pm on Thursday 21 August 2008

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- Q1. Please let me know how much, if anything, is paid for providing this service.**

Section 2.8 of the Information For Applicants (IFA) sets out the rates for this work.

- Q2. Why are the rates of pay so appallingly low?**

The per client rate was calculated based on the average time spent per client by the 13 pilot schemes, using the hourly rates for Legal Help or Help at Court for a defendant in a possession claim (see Table 7c of the Unified Contract (Civil) Payment Annex 2007). Providers are delivering services nationally at these rates and we consider that the fees are reasonable for the services provided under the scheme.

- Q3. I have noticed that the LSC are inviting tenders from organisations to deliver a housing possession court duty scheme in some county courts in the south, is there any chance of this opportunity reaching the north? I am really keen on offering such a service to our clients. I am based in Easington in Durham. I was promised an opportunity to join the scheme but it did not work out. Is it possible that there may be a tiny chance in the future of the 'north' being out for tender?**

At the moment we have coverage in all HPCDS in the north where courts indicated they wish to set up a scheme.

We may invite further tenders for HPCDS where other courts indicate they wish to have a scheme - we would encourage you to continue to access our website where all opportunities will be published.

All current HPCDS will end on 31 March 2010 and therefore we will be inviting tenders for civil contracts, including HPCDS from April 2010. Further details about the civil contract 2010 will be set out in our consultation available from late September.

- Q4. With regard to section 2.14 of the information for applicants it mentions carrying out a means assessment. The majority of court desk clients, if they do turn up for their hearings, will not have relevant income documentation with them. Can we base the means assessment on their declaration of means at the time? Experience tells us that it would be difficult to follow up many of the clients to obtain sight of such documentation.**

The HPCDS means assessment is a slimmed down version of the normal means test, designed to be quick and simple to complete. As clients do not have to meet our normal eligibility requirements for this work, the means assessment can be completed on the client's declaration of means at the time.

However, any further work taken on for these clients, outside of the scope of the scheme, is subject to the normal eligibility rules.

Q5. In respect of the invitation to tender we would be obliged if you would be able to provide us with the following information relating to the schemes which will be run at Burton on Trent, Stoke on Trent, Rugby and Stafford:

- a. **The day of the week on which the sessions will be run?**
- b. **Whether those sessions are for a morning, an afternoon or whole day?**

Annex Four of the IFA contains all the information provided to us by the court concerned. If you require further detail on listing patterns you may wish to contact the court directly.

All courts listed have agreed to a HPCDS being introduced and will be happy to work with the successful bidder to set the service up.

- c. **Whether one organisation be selected or whether a number of organisations will run the scheme together?**

We are looking for one organisation per scheme but an organisation may run more than one scheme. We will not contract with multiple agency schemes.

Q6. Are quarter 1 figures typical? Is it safe to times that by 4 to give a likely annual total?

The claim figures can fluctuate for a number of reasons such as time of year or the number of people in arrears.

Claim figures are published quarterly by the Ministry of Justice. Since the invitation to tender was released the 2008 quarter 2 figures have been released as well as historical data for the past twenty years. This information can be accessed at <http://www.justice.gov.uk/publications/statistics.htm>.

Q7. Where the court sits for the full day is a minimum payment made for the morning session AND the afternoon session?

Providers will be paid the minimum payment for any session where they see no clients. We define a 'session' as either morning or afternoon therefore a court can list a maximum of 2 sessions per day e.g. 10am – 12noon and 2pm – 4pm. However there must be a clear break between the sessions listed on the same day for 2 minimum payments to be claimed. For example, where the court lists its session as 10am – 4pm we would regard this as one session. Please note: this Question 7 clarifies the IFA at page 8 which referred to a 'day' rather than a 'session'.

Q8. How many weeks does the court desk operate per year? Do most courts operate 52 weeks or are there standard periods of closure for e.g. Easter, Christmas and the New Year?

Courts operate throughout the year, although the level of listings may vary. Providers will be expected to provide the service whenever the possession lists are heard.

Q9. The listings seem very high in some areas e.g. Stoke on Trent works out at 61 cases for each Tuesday morning. Is this correct? Does this mean that more than one judge is sitting? Is there any way to find out if more than one judge is sitting per session and, if so, how many?

Listing patterns are at the discretion of each court and are not monitored centrally by HMCS. Some courts do list cases at high frequencies, or have more than one judge sitting at one time.

If you contact the court in question they may be able to provide further detail on their listing patterns.

See also the answer to question 5 a and b

Q10. Will the means assessment questionnaire referred to in 2.14 of the IFA be a standard form issued by the LSC or will it up to the individual providers to produce this? If it is to be the latter, does a copy have to be submitted with the tender?

The LSC has a standard form for successful providers to use.