

Housing Possession Court Duty Scheme Procurement Plan for England and Wales

Procurement Summary

We will invite tenders to deliver Housing Possession Court Duty Scheme (HPCDS) services across 85 schemes covering 126 court locations.

We are also considering whether a further two courts at Thanet and Exeter meet our criteria for funding a scheme (see Appendix 5)

Organisations will tender for individual schemes and will be allocated acts of assistance for each scheme as specified in this procurement plan.

1. Scheme locations

We will tender for Housing Possession Court Duty Schemes (HPCDS) to cover all courts where we currently fund Housing Possession Court Duty work, except where a Community Legal Advice centre or network is, or will be, delivering the scheme by 14th October 2010.

In addition we will fund schemes in Wales to replace the current arrangements under which this type of work is funded.

We will invite tenders for a single scheme in 67 Social Welfare Law (SWL) procurement areas, with that scheme covering hearings in all courts within that procurement area listed in this procurement plan (some of these procurement areas will have courts with a scheme provided through a different route).

Due to the geography of the area or the nature and location of the court we will vary this approach in some areas:

- In 8 procurement areas we will tender for more than one scheme
- 2 schemes will cross procurement area boundaries

The remaining 57 procurement areas either have a scheme provided through a different route or do not have a court located within them¹.

HPCDS in procurement areas with a Community Legal Advice centre or network

The Legal Services Commission has jointly commissioned services with local authorities in some procurement areas. These Community Legal Advice services (centres or networks) deliver all SWL services, including HPCDS in the procurement area, through a single legal entity.

¹ Exeter and Thanet are included in this 57

HPCDS awarded before the start of the 2010 contract as part of a jointly commissioned Community Legal Advice service will not form part of this tender process.

We will therefore not be tendering for schemes as part of this bid round in Gateshead, Derby, Portsmouth, Hull, West Sussex (Chichester, Haywards Heath, Horsham and Worthing), Wakefield (Wakefield and Pontefract) and Manchester.

2. Allocation of acts of assistance

From 14th October 2010 all HPCDS will be allocated a number of acts of assistance that can be delivered through the scheme.

As set out in *Civil Bid Rounds for 2010: A consultation response* where we already fund a scheme the allocation will be based on previous level of service demand.

Schemes will be able to see up to 10% more clients ('the buffer') than their allocated acts of assistance before they must come back to us for permission to see more clients.

Where previous level of service usage has been below that which we would expect, we will increase the acts of assistance available to allow contracts for sustainable schemes to be let.

In our response to consultation, we indicated that where we will be funding a formal scheme for the first time from October 2010, acts of assistance would be allocated based on the volumes of work historically undertaken in similar sized courts. We have given this further consideration and no longer consider this to be the most appropriate method of allocating acts of assistance to these new schemes. Our rationale for this change is that we do not believe that the size of court is a wholly accurate indication of the volume of work to be undertaken as there are significant differences in the acts of assistance undertaken between courts with similar sized listings.

In light of this, for schemes being formally funded for the first time from October, we will instead allocate acts of assistance for the first Schedule year based on the national average usage across all funded schemes (i.e. 22% of listed cases). Future years' allocations will then be based on the level of service demand.

Providers who are awarded a contract to perform work under a HPCDS Schedule will be subject to contract management in line with our stated approach. We will ordinarily expect Providers delivering a scheme to deliver at least 85% of their allocated acts of assistance in any Schedule year and although we will take all relevant factors into account, we may take action where providers fail to meet this or any other requirement of the scheme.

Appendix 1 lists for each scheme the courts it will cover, the procurement area it is allocated to and the acts of assistance that will be allocated to each scheme.

3. Service specification

The specification for the HPCDS is in section 10 of the 2010 Standard Civil Contract Specification. The relevant paragraphs are also set out in Appendix 4.

The Specification sets out the obligations and restrictions upon scheme providers in the scope and delivery of service. Applicant Organisations should familiarise themselves with Section 10 of the 2010 Standard Civil Contract Specification in advance of submitting a tender.

Please note - No work may be started at court that has not been authorised either under a HPCDS exclusive schedule or under 10.67 of the civil specification.

It will be an essential requirement for the HPCDS tender process that an organisation has been awarded a 2010 Standard Civil Contract with Schedule Authorisation in the category of Housing (a 'Housing contract') to deliver services in at least one SWL procurement area.

Organisations that have formed part of a consortium should note that it is the individual organisation(s) holding a Housing contract that must tender rather than the consortium as a whole or constituent organisations that do not hold a Housing contract.

Please note - We will only contract with one single legal entity per scheme.

There is currently a good level of provision in the majority of procurement areas where we fund schemes and we anticipate that there will be competition to deliver many of these schemes. In addition to applying essential requirements, we will also use a competitive process to award schemes.

In addition to the requirement to hold a Housing contract, providers will also be required to:

- deliver advice under the scheme from the first session listed on or after 14th October 2010.
- undertake to liaise with the relevant court(s) to ensure that the service is in place and ready to commence by 14th October.
- cover all sessions that the court lists and provide services to any client who requests to see an advisor.
- staff the scheme with experienced housing advisers who, in their course of work, conduct a minimum of 12 hours of housing casework per week.

Please note – although we will only contract with a **single legal entity** to deliver each scheme we will permit that entity to deliver some of the service through the use of agents. Where agents are used, all staff delivering services must meet the essential experience requirement of being housing advisers who, in their course of work, conduct a minimum of 12 hours of housing casework per week.

4. Access

In *Civil Bid Rounds for 2010: A consultation response* we stated that HPCDS scheme providers must have an office undertaking Housing under an LSC contract in the same SWL procurement area as the court(s) where they are contracted to deliver the scheme.

After further consideration of this and in recognition of potential supply issues in some areas, we will no longer make this an essential requirement. However where there is competition for a scheme we will give preference to providers who are more closely located to the court(s) in terms of their location in SWL procurement areas.

5. Appendices

The following appended information is designed to assist potential applicants in preparing their tenders. In summary, each appendix contains the following information:

Appendix 1 – information on the schemes we are tendering for.

Appendix 1 lists, for each scheme, the courts it will cover, the procurement area it is allocated to and the acts of assistance that will be allocated to it.

Appendix 2 – Number of claims listed in the courts covered and the volume of acts of assistance undertaken by currently funded schemes January to December 2009.

Appendix 3 – Number of claims listed for the period January to December 2009 in each court where we intend to tender for a scheme

Possession claims listed based on the data [published quarterly](#) by the Ministry of Justice.

Appendix 4 – extract from Civil Specification

Appendix 5 – Funding Criteria for a Housing Possession Court Duty Scheme

Appendix 1: information on the schemes we are tendering for

Courts covered by scheme	LSC SWL procurement area	Allocated acts of assistance	10% buffer	Maximum permitted
West Midlands				
Birmingham	Birmingham	2240	224	2464
Burton-on-Trent	Staffordshire	140	14	154
Coventry	Coventry	300	30	330
Dudley, Stourbridge	Dudley	320	32	352
Kidderminster, Redditch, Worcester	Herefordshire and Worcestershire	410	41	451
Rugby, Nuneaton	Warwickshire	500	50	550
Stafford	Staffordshire	100	10	110
Stoke-on-Trent	Stoke on Trent	400	40	440
Tamworth	Staffordshire	170	17	187
Wolverhampton	Wolverhampton	860	86	946
Brighton Area				
<i>Ashford, Dover, Folkestone²</i>	Mid and South West Kent	140	14	154
Brighton	Brighton and Hove	260	26	286
Dartford (including Gravesend)	North Kent and Medway	400	40	440
Eastbourne	East Sussex	70	7	77
Tunbridge Wells	Mid and South West Kent	150	15	165
South West				
Cheltenham, Gloucester	Gloucestershire	280	28	308
Weston-super-Mare	Bristol, S Gloucestershire and N Somerset	120	12	132
East				
Basildon	West Essex	400	40	440
Bury St. Edmunds	Suffolk	130	13	143

² Courts in italics are Magistrates courts that host possession sessions

Courts covered by scheme	LSC SWL procurement area	Allocated acts of assistance	10% buffer	Maximum permitted
Cambridge, Huntingdon ³	Cambridgeshire	300	30	330
Colchester	East Essex	250	25	275
Harlow	West Essex	110	11	121
Hertford, St Albans, Watford	North Hertfordshire/ South Hertfordshire	540	54	594
Lowestoft, <i>Great Yarmouth</i>	Suffolk	150	15	165
Luton	Bedfordshire	250	25	275
Norwich, Kings Lynn	Norfolk	450	45	495
Peterborough	Cambridgeshire	220	22	242
Southend-on-Sea	East Essex	250	25	275
Yorkshire and Humberside				
Barnsley	Barnsley	190	19	209
Bradford, Keighley, Skipton	Bradford / N Yorkshire	400	40	440
Dewsbury, Huddersfield	Kirklees	360	36	396
Doncaster	Doncaster	310	31	341
Grimsby, Scunthorpe	NE Lincolnshire and N Lincolnshire	580	58	638
Halifax	Calderdale	170	17	187
Leeds	Leeds	450	45	495
Rotherham	Rotherham	220	22	242
Sheffield	Sheffield	760	76	836
Merseyside				
Birkenhead	Wirral	280	28	308
Blackpool, Preston	West Lancashire	470	47	517
Lancaster	West Lancashire	100	10	110
Liverpool	Liverpool	1620	162	1782
Southport	Sefton	60	6	66
St. Helens	St. Helens	310	31	341

³ The allocated acts of assistance for the Cambridge and Huntingdon Scheme is based on data July 08 to June 09, the last 12 months we have data for.

Courts covered by scheme	LSC SWL procurement area	Allocated acts of assistance	10% buffer	Maximum permitted
London Area				
Barnet	Barnet	290	29	319
Bow	Newham	990	99	1089
Bromley	Bromley	770	77	847
Central London	Westminster	460	46	506
Clerkenwell & Shoreditch	Islington	1330	133	1463
Croydon	Croydon	1170	117	1287
Edmonton	Enfield	1020	102	1122
Ilford	Redbridge	320	32	352
Kingston-upon-Thames	Kingston and Richmond	200	20	220
Lambeth	Lambeth	1060	106	1166
Wandsworth	Wandsworth	470	47	517
West London	Hammersmith and Fulham	310	31	341
Woolwich	Greenwich	550	55	605
North West				
Tameside	Tameside	260	26	286
Warrington, Runcorn	Warrington and Halton	250	25	275
Whitehaven	Cumbria	80	8	88
East Midlands				
Chesterfield	North Derbyshire	200	20	220
Kettering, Northampton, Wellingborough	Northamptonshire	590	59	649
Mansfield	North Nottinghamshire	290	29	319
Nottingham	Greater Nottingham	1250	125	1375
Reading Area				
Aldershot & Farnham	Hampshire	180	18	198
Oxford	Oxfordshire	230	23	253
Slough	Berkshire	150	15	165

Courts covered by scheme	LSC SWL procurement area	Allocated acts of assistance	10% buffer	Maximum permitted
Winchester	Hampshire	50	5	55
North East				
Darlington	Darlington	210	21	231
Durham, Bishop Auckland, Consett	Durham	400	40	440
Hartlepool	Hartlepool	240	24	264
Morpeth & Berwick, <i>Alnwick</i>	Northumberland	170	17	187
Newcastle-upon-Tyne	Newcastle	690	69	759
North Shields	North Tyneside	320	32	352
Scarborough, York, <i>Bridlington, Whitby</i>	North Yorkshire	360	36	396
South Shields	South Tyneside	200	20	220
Sunderland	Sunderland	200	20	220
Teesside	Middlesbrough	410	41	451
Wales				
Aberdare, Merthyr Tydfil, Pontypridd	Rhondda Cynon Taff & Merthyr Tydfil	210	21	231
Aberystwyth, Brecknock, Welshpool & Newtown	Central Wales	80	8	88
Blackwood, Newport (Gwent), Pontypool	South East	530	53	583
Bridgend, Cardiff	Bridgend, Cardiff, and the Vale	580	58	638
Caernarfon, Conwy & Colwyn, Llangefni	North West	150	15	165
Carmarthen, Haverfordwest, Llanelli	South West	240	24	264
Mold, Rhyl, Wrexham	North East	280	28	308
Neath & Port Talbot, Swansea	Neath, Port Talbot and Swansea	340	34	374

Appendix 2: Number of claims listed in the courts covered and the volume of acts of assistance undertaken by currently funded schemes January to December 2009.

Region	Courts covered by Scheme	SWL Procurement Area	Possession Claims Listed	Acts of Assistance Used
Birmingham	Birmingham	Birmingham	7119	2468
Birmingham	Coventry	Coventry	1511	231
Birmingham	Dudley, Stourbridge	Dudley	1577	348
Birmingham	Kidderminster, Redditch	Herefordshire and Worcestershire	1040	413
Birmingham	Worcester	Herefordshire and Worcestershire	746	42
Birmingham	Burton-upon-Trent	Staffordshire	685	142
Birmingham	Stafford	Staffordshire	525	54
Birmingham	Stoke-On-Trent	Stoke on Trent	1987	303
Birmingham	Rugby	Warwickshire	376	127
Birmingham	Tamworth, Nuneaton	Warwickshire/ Staffordshire	1286	607
Birmingham	Wolverhampton	Wolverhampton	1784	948
Brighton	Brighton	Brighton and Hove	1049	287
Brighton	Eastbourne	East Sussex	529	22
Brighton	Ashford, Dover, Folkestone	Mid and South West Kent	706	155
Brighton	Tunbridge Wells	Mid and South West Kent	734	150
Brighton	Dartford including Gravesend	North Kent and Medway	1980	306
Bristol	Weston-Super-Mare	Bristol, S Glos and N Somerset	443	128
Bristol	Cheltenham, Gloucester	Gloucestershire	1375	264
Cambridge	Luton	Bedfordshire	1638	115
Cambridge	Cambridge, Huntingdon	Cambridgeshire	1617	100
Cambridge	Peterborough	Cambridgeshire	1551	81
Cambridge	Colchester	East Essex	1606	111
Cambridge	Southend	East Essex	1232	221

Region	Courts covered by Scheme	SWL Procurement Area	Possession Claims Listed	Acts of Assistance Used
Cambridge	Norwich, Kings Lynn	Norfolk	2249	346
Cambridge	Hertford, St Albans, Watford	North Hertfordshire	2745	322
Cambridge	Bury St. Edmunds	Suffolk	659	131
Cambridge	Lowestoft, Great Yarmouth	Suffolk	748	157
Cambridge	Basildon	West Essex	1979	279
Cambridge	Harlow	West Essex	743	44
Leeds	Barnsley	Barnsley	970	185
Leeds	Bradford	Bradford	1776	165
Leeds	Keighley, Skipton	Bradford, N Yorkshire	454	47
Leeds	Doncaster, Halifax, Wakefield, Pontefract	Doncaster/ Wakefield/ Calderdale	3478	967
Leeds	Dewsbury, Huddersfield	Kirklees	1818	380
Leeds	Leeds	Leeds	2090	493
Leeds	Grimsby, Scunthorpe	NE Lincolnshire and N Lincolnshire	1417	632
Leeds	York, Scarborough, Bridlington, Whitby	North Yorkshire	1340	390
Leeds	Rotherham	Rotherham	959	242
Leeds	Sheffield	Sheffield	2612	830
Liverpool	Liverpool	Liverpool	4575	1782
Liverpool	Southport	Sefton	434	26
Liverpool	St. Helens	St Helens	1569	274
Liverpool	Birkenhead	Wirral	1328	309
London	Barnet	Barnet	1878	126
London	Bromley	Bromley	3073	848
London	Central London	Westminster	2630	239
London	Croydon	Croydon	4100	1281
London	Woolwich	Greenwich	2730	545
London	Clerkenwell & Shoreditch	Islington	4540	1466

Region	Courts covered by Scheme	SWL Procurement Area	Possession Claims Listed	Acts of Assistance Used
London	West London	Hammersmith and Fulham	1548	328
London	Edmonton	Enfield	4624	1119
London	Kingston-upon-Thames	Kingston and Richmond	993	186
London	Lambeth	Lambeth	5310	917
London	Ilford	Redbridge	1740	179
London	Bow	Newham	4946	675
London	Wandsworth	Wandsworth	2350	456
Manchester	Whitehaven	Cumbria	409	59
Manchester	Tameside	Tameside	1628	119
Manchester	Runcorn, Warrington	Warrington and Halton	1253	205
Manchester	Blackpool	West Lancashire	1125	122
Manchester	Lancaster	West Lancashire	413	105
Manchester	Preston	West Lancashire	1227	328
Nottingham	Nottingham	Greater Nottingham	3630	1372
Nottingham	Chesterfield	North Derbyshire	982	162
Nottingham	Mansfield	North Nottinghamshire	1184	313
Nottingham	Kettering, Northampton, Wellingborough	Northamptonshire	2950	467
Reading	Slough	Berkshire	1279	37
Reading	Aldershot & Farnham	Hampshire	904	135
Reading	Winchester	Hampshire	235	54
Reading	Oxford	Oxfordshire	1443	107
S Tyneside	Darlington	Darlington	872	235
S Tyneside	Durham, Bishop Auckland, Consett	Durham	1980	366
S Tyneside	Hartlepool	Hartlepool	628	264
S Tyneside	Teesside	Middlesbrough	1952	452
S Tyneside	Newcastle-upon-Tyne	Newcastle	2525	756

Region	Courts covered by Scheme	SWL Procurement Area	Possession Claims Listed	Acts of Assistance Used
S Tyneside	North Shields	North Tyneside	901	352
S Tyneside	Morpeth and Berwick, Alnwick	Northumberland	721	191
S Tyneside	South Shields	South Tyneside	861	217
S Tyneside	Sunderland	Sunderland	983	191
Wales	Swansea	Neath, Port Talbot and Swansea	1102	143

Appendix 3: Number of claims listed for the period January to December 2009 in each court where we intend to tender for a scheme.

Court	Possession Claims Listed
Aberdare	305
Aberystwyth	124
Aldershot & Farnham	904
Ashford	706
Barnet	1878
Barnsley	970
Basildon	1979
Birkenhead	1328
Birmingham	7119
Bishop Auckland	479
Blackpool	1125
Blackwood	943
Bow	4946
Bradford	1776
Brecknock	118
Bridgend	652
Brighton	1049
Bromley	3073
Burton-upon-Trent	685
Bury St. Edmunds	659
Caernarfon	261
Cambridge	1179
Cardiff	2229
Carmarthen	263
Central London	2630
Cheltenham	460
Chesterfield	982
Clerkenwell & Shoreditch	4540
Colchester	1606
Consett	386
Conwy & Colwyn	295
Coventry	1511
Croydon	4100
Darlington	872
Dartford (including Gravesend)	1980
Dewsbury	1022
Doncaster	1566
Dudley	1025
Durham	1115
Eastbourne	529
Edmonton	4624
Gloucester	915
Great Grimsby	844

Halifax	711
Harlow	743
Hartlepool	628
Haverfordwest	506
Hertford	533
Huddersfield	796
Huntingdon	438
Ilford	1740
Keighley	313
Kettering	859
Kidderminster	487
Kings Lynn	797
Kingston-upon-Thames	993
Lambeth	5310
Lancaster	413
Leeds	2090
Liverpool	4575
Llanelli	451
Llangefni	166
Lowestoft	748
Luton	1638
Mansfield	1184
Merthyr Tydfil	323
Mold	302
Morpeth & Berwick	721
Neath & Port Talbot	740
Newcastle-upon-Tyne	2525
Newport (Gwent)	1223
North Shields	901
Northampton	1447
Norwich	1452
Nottingham	3630
Nuneaton	896
Oxford	1443
Peterborough	1551
Pontypool	499
Pontypridd	710
Preston	1227
Redditch	553
Rhyl	495
Rotherham	959
Rugby	376
Runcorn	435
Scarborough	548
Scunthorpe	573
Sheffield	2612
Skipton	141
Slough	1279

South Shields	861
Southend	1232
Southport	434
St. Albans	569
St. Helens	1569
Stafford	525
Stoke-on-Trent	1987
Stourbridge	552
Sunderland	983
Swansea	1102
Tameside	1628
Tamworth	390
Teesside	1952
Tunbridge Wells	734
Wandsworth	2350
Warrington	818
Watford	1643
Wellingborough	644
Welshpool & Newtown	150
West London	1548
Weston-super-Mare	443
Whitehaven	409
Winchester	235
Wolverhampton	1784
Woolwich	2730
Worcester	746
Worthing	517
Wrexham	618
York	792

Appendix 4 – Extract from Civil specification

Housing Possession Court Duty Scheme

10.31 You may participate in the Housing Possession Court Duty Scheme only if you are authorised to do so under an Exclusive Schedule (see Paragraphs 1.40 to 1.41). Unless otherwise stated, in Paragraphs 10.32 to 10.70:

- (a) References to a Schedule (other than a “main” Schedule) refer to your Exclusive Schedule for the Housing Possession Court Duty Scheme;
- (b) “The Scheme” means the Housing Possession Court Duty Scheme operating under this Contract; and
- (c) “The Service” means services you provide as part of the Scheme, as more specifically described at Paragraphs 10.33 and 10.54 to 10.55 below.

The Schedule

10.32 All work carried out under the Scheme is subject to any conditions or restrictions set out in that Schedule. You may only provide services under the Scheme during the period specified in your Schedule. When your Schedule comes to an end we will normally hold a competitive bid round to allocate further Schedules under the Scheme.

The Service

10.33 The Service involves the provision at a court of Legal Help and Help at Court to Clients and for cases described at Paragraphs 10.52 to 10.55 below. Subject to the terms of your Schedule, work covered by the Scheme may not be claimed for under any other part of this Contract.

Payment

10.34 The Housing Possession Court Duty Scheme is Controlled Work. The payment provisions for all work under the Scheme (save for any management fee payable under Paragraph 10.51) are specified at Section 6 of the Payment Annex.

10.35 Payment will be monthly in arrears for work done. Payments will be made separately from your Standard Monthly Payments for other Controlled Work under Paragraphs 4.28 to 4.30. Periodically we will reconcile your Claims and payments. If, in any Housing Possession Court Duty Scheme session, you have performed no work for Clients we will pay you on the basis that you have seen one Client during the session and you are entitled to payment on that basis.

10.36 For the purpose of the Scheme, “session” means either a morning or afternoon period when the court is in session. Consequently, a court can list a maximum of two sessions per day e.g. 10am – 12 noon and 2pm – 4pm. However, there must be a clear break between sessions listed on the same day for two payments to be claimed. Where the court lists a full day session e.g. from 10am – 4pm without a clear break, you will only be entitled to claim one payment for this full day session.

- 10.37 The rate referred to in Section 6 of the Payment Annex is payable per Client and covers all work for a Client under the Scheme (including e.g. advice, representation, advice in writing) so that no additional payments will be made. There are no additional payments for travel or waiting.
- 10.38 You must comply with the requirements to provide information about the Scheme by the specified times and your entitlement to receive payment is conditional on your doing so.

Matter Start Rules

- 10.39 If you provide the Service at Court and, within six months of doing so, subsequently open a new Housing Matter Start in relation to the same case then you cannot claim any payment for providing the Service at Court.
- 10.40 The rule at Paragraph 10.39 above does not apply if you subsequently open a non-Housing Matter Start after providing the service at Court. The Matter Start Rules set out in Section 3 of this Specification will apply in these circumstances.

Reporting

- 10.41 You must report data about the Service to us in such form as we may specify. Monthly monitoring reports showing details of Clients assisted must be completed fully and returned to us by you within 10 days after the end of each month. Payments are triggered by our receipt of fully completed monthly monitoring reports on or before their respective due date. If you fail to provide any report to us by its due date, your payment will be delayed until after we have received it.

Volumes of Work

- 10.42 We will allocate a volume of acts of assistance to each Scheme for the year (or such other period as is specified in your Schedule). Schemes will be able to provide 10% more acts of assistance than their allocated volume without prior authorisation from us. If Schemes wish to provide acts of assistance above this level then our prior written approval is required. Provision of the Service does not allow or require you to use up Housing Matter Starts issued to you for services not covered by the Scheme.

Management

- 10.43 You must have a Housing Supervisor at all times you are delivering the Service.
- 10.44 You must nominate a member of your personnel who is responsible for the overall supervision and management of the Service and provide us with their name. This person must meet the Housing Supervisor Standard.
- 10.45 The nominated member of your personnel must liaise with the court to ensure that the Scheme is in place each time the court lists possession proceedings.
- 10.46 You must demonstrate that the Scheme has effective induction, training, appraisal and supervision procedures for all Caseworkers.

- 10.47 You must ensure that you have appropriate adviser(s) present on each day at the court when the Service is required.
- 10.48 For the purposes of paragraph 10.47 above “appropriate adviser” means a Caseworker who conducts a minimum of 12 hours casework per week.
- 10.49 You must include your Housing Possession Court Duty Scheme files in any file review process you conduct.

Delegation of the Service

- 10.50 Without prejudice to your management obligations at Paragraphs 10.43 to 10.49 above, you may delegate provision of the Service to other Providers who will act as your Agents for the purposes of the Scheme. Any such delegation must be authorised under your Schedule. Unless otherwise provided in your Schedule, we will make payments to you for all work covered by the Schedule and you will be responsible for any payments agreed between you and the Agents.
- 10.51 Where you provide the Service in this way and manage the provision of the Service by your Agents, a management fee may also be payable to you in the circumstances specified in your Schedule.

Who can use the Scheme?

- 10.52 The Scheme is available to any person (regardless of means) whose home is at immediate risk because of possession proceedings. You must provide the Service to any such person (the Client) who requires it during one of the specified court sessions. The Client does not pay anything for the Service. If a Client has received the Service and wishes to use it again you may provide it to them if they are in genuine need of it and it is appropriate to do so.
- 10.53 You must provide the Service to all Clients who request to see an adviser under the Scheme.

Scope of the Scheme

- 10.54 The Scheme covers the following types of proceedings at the Court set out in your Schedule.
- Private rented possession proceedings;
 - Public/Registered Social Landlord rented possession proceedings;
 - Mortgage possession proceedings;
 - Applications to stay/suspend execution of warrants of possession; and
 - Clients with charging orders relating to property – whereby the Client is at immediate risk of losing their home through a forced sale (i.e. not when the charging order is put in place).
- 10.55 For Clients within the scope of the Scheme (see Paragraphs 10.52 to 10.54) you must provide the following services:
- Face to face advice to the Client on the day, prior to the hearing;
 - Advocacy for the relevant proceedings on the day of the hearing;

- Face to face advice to the Client on the day, post the hearing, explaining the outcome and the options available to the Client;
- On the day of the hearing, assisting Clients to liaise with 3rd parties, for example negotiating payments with landlords or lenders or assisting Clients with payment plans if appropriate in the circumstances;
- Referrals to other Providers to take on follow up work where you are unable to take on this work under your Contract or to other organisations where the Client may not be eligible for legal aid;
- Send a letter to each Client setting out your advice.

Clients requesting advice outside the terms of the Scheme

10.56 Where a Client seeks your advice outside of the terms of the Housing Possession Court Duty Scheme, then, subject to any means or merits tests you should (if you are permitted by your Contract) consider whether it is appropriate in the circumstances to commence Legal Help, Help at Court or Licensed Work. You will be entitled to payment for assisting that Client in accordance with your Contract but you will not be entitled to claim any fee under the Housing Possession Court Duty Scheme.

10.57 Further to paragraph 10.55 above, when considering whether it is appropriate in the circumstances, you should take account of the Client's location and whether it is feasible to deliver face-to-face advice from your Office or whether it is more appropriate to refer the Client to a Provider located nearer the Client.

10.58 If the Client needs further services but you are not able to provide them yourself under your Contract, you must (if it is practicable to do so) refer the client to an organisation that will be able to provide them or to Community Legal Advice. If the Client is likely to be financially eligible this should be an organisation holding a Contract.

Emergency Representation

10.59 In exceptional cases it may be appropriate for you to grant Emergency Representation to a Client who has contacted you under the Scheme. The fact that advocacy under the Scheme is available is not automatically a ground for refusing Emergency Representation where it would otherwise be justified but is a relevant consideration for the purposes of Code Criterion 5.4.4 (other Levels of Service available).

10.60 Any grant of Emergency Representation by you must be made in accordance with the Funding Code and Section 5 of the Specification and does not fall within the Housing Possession Court Duty Scheme.

Reporting and Auditing

10.61 You must make a record of the Service that you give to each Client (or why you refused to provide the Service).

10.62 In addition to the requirements to keep records under Clause 8 of the Standard Terms, you must keep a central record (in such form as we may specify) of Clients seen under the Scheme.

- 10.63 Although the Service is available to any person (regardless of means) whose home is at immediate risk because of possession proceedings, we need to know how many clients would be financially eligible for the Scheme if there were a means test. Therefore, you must ensure that, for each client, our means assessment questionnaire is completed.
- 10.64 You must report to us such data (in such form as we may reasonably specify) about the Scheme at such intervals (not more often than monthly) as we may require.

Flexibility

- 10.65 Your obligation is to provide a Scheme at the Court listed in your Schedule. You must provide Services at all sessions the Court runs and therefore you must have the flexibility to cater for the fluctuations in demand for the Services.
- 10.66 If you are unable to provide Services at a court session you must inform your Relationship Manager immediately.

Providing services at a Court where the Scheme is not in place

- 10.67 As an exception to Paragraph 2.57 (services normally to be delivered from your Office) you are permitted to sign Legal Help forms at Court and provide the services detailed in Paragraph 10.55 above in the proceedings set out in Paragraph 10.54 above, but only when:
- the appropriate Regional Office has provided a written authorisation (in your main Schedule or otherwise) under this Paragraph to do so ; and
 - there is no current Scheme operating at that Court.
- 10.68 Client eligibility for the Scheme under this section is equivalent to that defined in Paragraph 10.52 above and unless otherwise stated the rules of the Scheme as set out at Paragraphs 10.33 to 10.66 above are applicable. For the avoidance of doubt Clients who do not meet our usual eligibility criteria may only have services provided as detailed at Paragraph 10.55
- 10.69 Where you provide services under paragraph 10.67 you may claim only the fixed fee specified for the Scheme under section 6 of the Payment Annex. You may not claim the normal Legal Help Housing Fixed Fee (but paragraph 10.39 will still apply). No payment will be made for sessions where you see no Clients and no management fee will be paid.
- 10.70 We will allocate housing possession Matter Starts to you specifically for any services authorised under Paragraph 10.67. These will be set out in your main schedule. Reporting, reconciliation and payment mechanisms for such work will be in accordance with Section 4 of this Specification.

Appendix 5 - Funding Criteria for a Housing Possession Court Duty Scheme

Before the LSC can agree to fund and tender for a scheme the following criteria must be met:

1. The Court (or group of courts) must have over 300 possession cases listed per annum.
2. The Court must not have a funded scheme in place. The one exception to this is if the scheme is being funded via outreach under a provider's Unified Contract (i.e. legal help forms are being signed at court). Where there is an unfunded scheme (i.e. a pro bono or voluntary scheme) in the Court we should not replace this where the Court is happy with the arrangements.
3. The Court must be willing to accommodate a scheme i.e.:
 - a. Give it space (within limits of court building)
 - b. Block list the possession hearings in reasonable length sessions
 - c. Support it e.g. require ushers to signpost people to the scheme