

**Invitation to Tender for the delivery
of Immigration Advice to individuals
detained in Immigration Removal
Centres**

Information for Applicants (IFA)

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Section One: Background

1.1 Introduction

The Legal Services Commission (the “LSC”) is continuously looking for new and innovative ways of ensuring people gain access to justice whatever their circumstances. Following on from the evaluation of the LSC’s Pilot Scheme¹ we wish to commence an open tendering exercise and invite tenders from organisations wishing to deliver Immigration Advice (which includes both Immigration and Asylum cases²) services for individuals detained at Immigration Removal Centres (“IRCs”).

Most of the Clients who will access this service are some of the most vulnerable people in our society and therefore we are looking for organisations with highly skilled Immigration Advisers who will be fully committed to delivering the specialist advice work required by the Scheme.

The closing date for submission of tenders is 12 Noon on Tuesday 19 August 2008.

We are inviting tenders from applicants who can supply all immigration advice needs to those detained in the following IRCs:

- Campsfield
- Colnbrook
- Dover
- Harmondsworth
- Haslar
- Lindholme
- Oakington
- Tinsley House; and
- Yarl’s Wood.

You may tender to deliver advice at one or more of the IRCs.

Organisations should note that we only wish to enter into contracts with providers who are able to provide the full range of services in the Immigration Category of Law and for further details on the contractual requirements please see the draft Schedule at Appendix Three.

1.2 Summary of the Immigration Removal Centre Advice Scheme

There are two parts to our Immigration Removal Centre Advice Scheme (“the Scheme”);

1. Onsite Surgeries at all nine IRCs; and
2. Fast Track services at Harmondsworth and Yarl’s Wood.

1. On Site Surgeries at all nine IRCs

First, we are looking for organisations to be on a rota on a weekly basis (there will be a separate rota for each IRC) to give advice during On Site Surgeries to Clients detained at the IRC. All Clients will be entitled to 30 minutes advice during these surgeries, irrespective of their means or the merits of their case.

¹ http://www.legalservices.gov.uk/civil/docs_for_consultation/unified_contract_specification.asp

² See Appendix Two for SQM definition of Immigration and Asylum cases

Organisations will be required to tender for week long slots on a rota at an IRC during which their Advisers are “on call” to provide either half day (1 - 4 Clients) or full day (5+ Clients) surgeries as required (Monday through to Friday) by the IRC. It is anticipated that a full day surgery at any IRC will be for no more than 10 Clients.

The amount of surgeries each successful organisation is required to operate each week will depend on how many Clients request advice during the week the organisation is on call (our experience from the pilot shows that most IRC require two surgeries per week). The IRC may run multiple surgeries in a week or alternatively none if there is very low demand. Unfortunately the frequency and numbers of Clients are outside the control of both the LSC and the IRC and therefore you must have the ability to be flexible if tendering for this work.

Your commitment will be to attend and provide these surgeries during your allotted rota week(s).

Following a 30-minute advice session with the Client you may continue to advise the Client under Controlled Work (subject to the means test and application of the Funding Code Criteria – see Appendix One for details of the provisions relating to this level of work). The organisation will be required to provide ongoing advice and representation to these Clients and successful organisations will receive an allocation of Matter Starts for this work (see below for further information on Matter Starts).

You will be paid an Attendance Rate for each half or full day surgery you provide. You will be paid under the terms of the Civil Specification for any Controlled Work under our Unified Contract (Civil).

2. Fast Track services at Harmondsworth and Yarl’s Wood IRCs only

Organisations wishing to tender for On Site Surgeries at Harmondsworth and Yarl’s Wood as described above, must also be on a rota to attend, advise and represent Clients either going through the Detained Fast Track scheme (DFT) or subject to the Non-Suspensive Appeal (NSA) at these two IRCs. These types of cases are known throughout this document collectively as the “Fast Track” process or services.

Flow charts showing the timescales and processes involved in relation to cases following the DFT or NSA processes are shown at Appendix Four.

You will be bidding for places on the Fast Track rota, and the amount of work you receive from this rota place would depend on how many individuals require this service, and how many other organisations are on the rota. The rota will operate 5 days per week (Monday to Friday).

Your commitment would be to attend the IRC when on the Fast Track rota and requested by the Home Office to see Clients through the Fast Track process.

This work will be Controlled Work under our Unified Contract (Civil) and you will be paid at Hourly Rates under the terms of the Immigration Specification for this work. In addition we will remunerate you with a fixed amount for each day you are on ‘Standby’ to receive calls from the Home Office with details of Clients.

Important Note: Your tender for Harmondsworth and/or Yarl’s Wood IRC must be to deliver On Site Surgeries AND attend Clients within the Fast Track process.

1.3 The 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 11 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 (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 (known as “Providers”). 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. The aim of the LSC’s procurement programme is to provide resources, on a ‘one-stop-shop’ basis, for those Clients whom research has shown generally have ‘clusters’ of problems. Where Clients have more than one issue on which they need advice or assistance, research shows that if a Client has to go to more than one supplier of legal advice services, they are more likely to abandon the seeking of advice, leaving their needs unfulfilled.

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.

The publicly funded civil work that may only be carried out under our contracts is determined by our Funding Code, which can be found at www.legalservices.gov.uk (CLS>civil legal aid eligibility) and is governed by the terms of the Unified Contract (Civil). An outline of the Unified Contract (Civil) is set out in Appendix One. A full copy is available on our website (CLS>The Unified Contract).

C. Reform Programme

The LSC and its sponsoring department (the Ministry of Justice) are currently going through a reform programme following Lord Carter's Review of Legal Aid Procurement 2006 (Legal Aid: A Market based approach to reform).

The key document setting out the Reform Programme is 'Legal Aid Reform: The Way Ahead' (Cm6993 – available on our website). However, following further negotiations with The Law Society the LSC has now announced a revised timetable (the Civil Route Map) for implementation of the Reform Programme, which can also be accessed on our website.

In line with our Reform Programme, we are also intending to procure over the next 3 - 5 years a number of Community Legal Advice Centres and Networks. We have published on our website the list of areas where we are in discussions with local authorities about setting up Community Legal Advice Centres and Networks before 1 April 2010.

1.4 Using this Information for Applicants (IFA)

These instructions are designed to ensure that all Applicants are given equal and fair consideration. It is important therefore that you provide all the information asked for in the format and order specified.

This Information for Applicants (IFA) contains the information you will require to submit your Tender. It contains information on how to tender, what the successful organisation would be expected to deliver and the criteria on which we will assess applications. You are encouraged to read this IFA in its entirety and where specified, download additional information from our website at www.legalservices.gov.uk. Please also regularly visit our website to review any 'Frequently Asked Questions' ("FAQs") and other important information regarding this Tender process.

This IFA is split into **Five** sections for your ease of reference:

Section One contains background about the LSC's invitation to tender for Immigration Advice at IRCs.

Section Two contains information about the Services for which we are inviting tenders.

Section Three contains information about this Tender Process e.g. how you must submit your tender. We recommend you study this section carefully to ensure your application is made correctly.

Section Four contains the Conditions of Tender.

Section Five contains the specific Essential criteria and Selection criteria, against which you must demonstrate your suitability in your Tender Form.

- Appendix One – Background information about civil contracting
- Appendix Two – SQM definition of the Immigration Category of Law
- Appendix Three - *Draft* Immigration Removal Centre Advice Scheme (On site Surgery and Fast Track)
- Appendix Four - Data from the pilot and flow charts
- Appendix Five - Tender Form (see separate document)

Section Two: Information about the Service we are inviting Organisations to deliver

2.1 What are organisations applying for?

This tender is for the provision of Immigration advice services in Immigration Removal Centres. You must demonstrate how you meet the Essential and Selection criteria for each of the IRCs at which you wish to tender to deliver services. The work will be performed under our Unified Contract (Civil).

2.2 Background to the Immigration Removal Centre Advice Scheme

In December 2005, we piloted the provision of 'on site' immigration advice within IRCs. The pilot was introduced following concerns that there was an unmet need within the detention estate for immigration advice services. The purpose of the advice surgeries was to allow those who had not received advice or who no longer had an Adviser, an opportunity to access advice.

The pilot scheme was evaluated and the evaluation can be found on our website at

http://www.legalservices.gov.uk/civil/docs_for_consultation/unified_contract_specification.asp

We have for a number of years had exclusive contracting arrangements with providers to deliver specialist immigration advice to individuals who are subject to the Home Office Fast Track processes at Harmondsworth and Yarl's Wood.

There have also been exclusive contracting arrangements in place at the Oakington Reception Centre covering Non-Suspensive Appeal (NSA) cases (also known as Super Fast Track). From 1 October 2008 NSA cases previously dealt with at Oakington will all be dealt with at Harmondsworth (males) or Yarl's Wood (females). Whereas some NSA cases have previously been dealt with "remotely" at other IRCs albeit subject to the "Oakington process," the Home Office expect some NSA cases to continue to be dealt with remotely.

Following consultation³ with representative groups and providers we decided that we would introduce exclusive contracting arrangements in IRCs from October 2007. These arrangements will now start from 27 October 2008 following this tender exercise.

By providing immigration advice through exclusive contracting arrangements under the Unified Contract (Civil) we will be able to ensure that individuals who are in detention will be able to access Advisers who can provide good quality, publicly funded legal advice.

2.3 Who are we looking to contract with?

The LSC has been contracting with Providers 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 for the Scheme.

However, organisations 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.

³ 'Legal Aid: a sustainable future' published in July 2006

Successful Applicants must be able to demonstrate that they meet the Essential Criteria and Selection Criteria.

2.4 Contract for the Scheme

Appendix One provides a brief outline of the structure of the Unified Contract (Civil) which will underpin this Scheme.

Appendix Three to this IFA contains the *draft* Schedule that sets out the particular contractual provisions, which will govern the relationship with successful Providers as well as the rules that will facilitate the operation of the Scheme. In addition to the Schedule the rest of the provisions in the Unified Contract (Civil) will also apply (subject to any provisions which are dis-applied or amended by the Schedule).

We do not intend to alter the substantive content of this draft between now and when the Contract is awarded in September 2008. However, we will provide notice of any changes on our website.

All the Unified Contract (Civil) documentation is available on our website and consequently, whilst we have highlighted some key areas of the Contract in this IFA, we would strongly recommend you familiarise yourself with the express terms of the Contract prior to tendering for the Scheme.

The Contract has been in force since 1 April 2007 and will end on 31 March 2010 unless it is lawfully ended or extended before then. Consequently, subject to the terms of the Contract, the Scheme will commence on 27 October 2008 and end on 31 March 2010.

It is our intention to undertake a further large-scale procurement process in 2009 to procure all our civil legal aid services including Immigration advice at IRCs to commence on 1 April 2010.

2.5 What are 'Matter Starts' under Controlled Work?

Matter Starts are denoted by the opening of an individual Controlled Work matter for an advice service to be given to eligible Clients. Each successful organisation will be awarded a maximum number of Matter Starts in the Immigration Category of Law in which they are authorised to undertake work.

The main rules governing the Matter Starts are set out in the Unified Contract (Civil) Specification (for further information please see Appendix One). Any conditions (such as maximum numbers of Matters Starts) which are bespoke to your Contract award, will be set out in your Office Schedule

2.6 Legal status of Applicants

We understand from previous bid rounds 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 face-to-face advice services.

Therefore, should you 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 Provider's obligations under the Contract and that Client's retainer will always be with the single entity.

Where you wish to join together, we will not require you to do this before putting in your Tender. However, you would need to confirm to us in writing at the time you Tender that this is the case, and confirm that should you 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 you will pay another organisation to deliver part of the service). Instead your organisations must be able to provide all the services you 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 agent and Approved Representatives in certain circumstances).

2.7 Minimum number and maximum number of organisations required for the Scheme at each IRC

We would wish to have a minimum of 2 providers in each of the IRCs.

There is no set maximum of providers. Following ranking of organisations against the criteria we will then award contracts until the number of slots on the rotas (both On Site Surgeries and Fast Track Schemes) are filled.

2.8 Payment

Organisations will receive 2 types of payment rates under this Scheme in addition to remuneration for any Controlled Work undertaken:

On Site Surgery

Attendance Rate (at either a full or half day rate) for attending the On Site Surgery. No other remuneration is payable for the 30 minute advice sessions given to Clients through the On Site surgery. Travel time is included in the Attendance Rate and no additional travel time may be claimed. Travel costs may be claimed as a disbursement.

Fast Track Process

- An hourly Standby Rate for the day an organisation is on standby to receive calls from the Home Office in relation to the Fast Track Process.

Where, as a result of either seeing a Client through an On Site Surgery or referral of a Fast Track Client, Controlled Work is undertaken, organisations will be remunerated under the terms of the Unified Contract (Civil) at hourly rates. For further information on Controlled Work and the rates payable please see the Unified Contract (Civil) Specification.

2.9 How On Site Surgeries under the Scheme will operate

We wish to invite tenders for On Site Surgeries at all nine IRC listed in Section 1.1 of this IFA. Organisations will be required to provide 30 minutes of immigration advice at the surgery to all Clients (regardless of their means or the merits of their cases) who have requested to see an Adviser.

The purpose of the advice session is to ascertain the basic facts of the Client's case and to make a decision as to what further action can be taken. It is a requirement under the Schedule that you must also ensure that each Client receives advice in relation to temporary admission and bail. Following this advice, and subject to both the means and merits test, an organisation may continue to provide advice to Clients under Controlled Work.

You must tender to provide the On Site Surgery in an IRC for a full week and you must tender for at least one week in the Schedule year. For example if you tender to deliver the surgeries at Dover you will be required to attend all the surgeries required at Dover for that week.

The number of advice surgeries that you will have to attend each week will depend on the demand for services and the number of organisations providing advice at the particular IRC. We do not guarantee any minimum amount of On Site Surgery work. It is anticipated that each IRC will require surgeries to take place, as a minimum, twice a week. Historically these have taken place on Tuesdays and Thursdays. There is a maximum of ten appointments available for each surgery, therefore each IRC will probably offer at least twenty appointment slots per week.

Currently Clients who wish to attend an advice surgery will attend the IRC library in order to have their name added to the rota sheet. The IRC library staff will then add the Client's name to the rota. The rota will be emailed or faxed to the advice provider the day before the surgery. This notification will include the Client's language so that an interpreter can be arranged by you.

2.10 How the Fast Track Process under the Scheme will operate.

At Harmondsworth and Yarl's Wood only, the DFT and NSA schemes provide for Clients' cases to be "fast tracked" through the immigration process. We are inviting organisations to be placed on a rota to attend these two IRCs to provide advice and representation to Clients throughout this Fast Track Process.

Please note: you can tender for either or both Harmondsworth and Yarl's Wood but you must tender for both the On Site Surgery and Fast Track Services.

Organisations will be on 'Standby' on a particular day to receive calls from the Home Office in relation to DFT and/or NSA Clients. The Home Office will inform organisations on Standby of those DFT and/or NSA Clients who require advice and assistance in preparation for the substantive interview, which is usually conducted the following day (the "Attendance Day").

Where a call is referred on a Standby Day the organisation must then provide an Adviser for each referred Client at the subsequent Attendance Day. Organisations must also be able to undertake any subsequent Controlled or Licensed Work required by the Client.

There are 45 potential Detained Fast Track places each week at Harmondsworth and 20 at Yarl's Wood. Following the pilot scheme evaluation we expect that there are likely to be no more than **nine** DFT Clients each day at Harmondsworth and **four** at Yarl's Wood. Based on Home Office indications of NSA Clients, there are likely to be no more than **four** NSA Clients each day at Harmondsworth and no more than **two** at Yarl's Wood. We require that you have sufficient staff to take the relevant referrals on the Standby Day and have sufficient Caseworkers to see all of the referred Clients on the Attendance Day (or otherwise).

The rota runs from Monday to Friday and excludes bank holidays. The setting up of rotas will be dependent on the number of successful applicants and the numbers of Advisers available to provide work under the contract.

You must bid to be on the rota for at least one Standby Day per week, and to deal with at least one Fast Track Client on that day. However, in accordance with the tiebreaker, we would favour an organisation that has the capacity to deal with the greatest number of Fast Track Clients on the Standby Day.

2.11 Note for Providers regarding Yarl's Wood IRC

The Fast Track Process at Yarl's Wood is exclusively for female Clients. When taking on Clients under the combined DFT/NSA rota providers should have regard to the particular issue of gender and the guidelines that have been published in relation to this issue.

Providers would be expected to address the issues with the Client and, if requested, to provide a female Adviser. This would also extend to the services of a female interpreter where one is used. If you are tendering to provide advice services at Yarl's Wood you need to demonstrate in your bid how you will be able to comply with such a request.

2.12 Tendering for work at certain IRCs

In your Tender Form you must separately tender for each IRC at which you wish to deliver services. Your tender must include details of how you meet both Essential and Selection criteria for each relevant IRC.

You will be required to confirm:

On Site Surgery

- Name of IRC(s) you wish to deliver the service from; and
- Minimum and maximum numbers of weeks in a Schedule year that you wish to be placed on the rota for that IRC.

Fast Track Process

- Name of the IRC(s) you wish to deliver the service from;
- Minimum and maximum numbers of Standby Days per week (Monday to Friday) you wish to be on the rota for. Please do not indicate a day of the week preference (i.e. Mondays and Thursdays) as we will not be able to accommodate such requests in scheduling the rotas; and
- Minimum and maximum numbers of Clients you wish to receive calls for on any Standby day (see above for information on likely numbers of Clients). There are 13 slots for Clients at Harmondsworth and 6 at Yarl's Wood.

For example only:

Harmondsworth – Information as to capacity of service your organisation can deliver.

Max number of Standby Days in a rota week (out of 5)	5/5
Min number of Standby days in a rota week (out of 5)	3/5
Max number of Clients on each Standby Day	9/13
Min number of Clients on each Standby Day	3/13

Depending on the number of successful organisations we will try to allocate the rota slots in line with the maximum and minimums stated on each Tender Form.

2.13 Accepting instructions from individuals at IRC

This Scheme seeks to provide Clients with access to advice by ensuring that regular rota arrangements are in place. An important part of the assessing tenders will be the assessment of realistic and effective management plans for providing the follow up casework that will result from the rotas.

Under the terms of the Schedule, once you accept instructions from a Client and undertake Controlled or Licensed Work, these instructions are likely to continue, as a minimum, for as long as the Client is in detention (e.g. until they get leave to remain, temporary admission or they are removed from the detention facility or the UK), unless the Client specifically ceases to give instructions.

The Unified Contract (Civil) terms apply in relation to means testing and the application of the Funding Code Criteria for Controlled Work.

In relation to Fast Track Rota arrangements the flow chart in Appendix 4 sets out the Home Office timescales for the consideration of an applicant's asylum application. Final decisions, including any substantial AIT appeal are made within 10 to 12 days of a Client arriving in the IRC. When bidding for Rota slots a provider will need to demonstrate that they have enough Advisers to undertake the casework that follows from being on the Rota within the Home Office timescales.

Similarly under the terms of the Schedule it is expected that many Clients who attend the On Site surgeries will need follow up casework to be undertaken.

You must therefore ensure that you have capacity to undertake the consequential casework from attending On Site Surgeries and Fast Track Services.

2.14 Home Office and IRC access to Advisers

Advisers must act in the best interest of their Clients, however it is anticipated that any advice to Clients under this Scheme will be provided during normal office hours. Your Accredited Advisers must be contactable during office hours when on the rota to accept calls from Clients who require legal advice. Providers must also be available to accept calls from Home Office/IRC staff. Home Office/IRC staff will need to liaise with providers regarding the combined DFT/NSA and the On Site surgery rota arrangements.

2.15 Note on operating the Scheme where the demand is low

Where the demand for a surgery is low the IRC and you may decide whether it is appropriate to operate a surgery or whether to advise Clients individually by telephone or in person without claiming for a full On Site Surgery. Providers must work in partnership with the LSC and ensure that public funds are properly and effectively spent.

For example where demand for a surgery is low you must ensure that you contact the Clients to discuss their need for legal advice. It is likely that you will still need to attend the IRC, however as you will already have established the need for legal advice to be provided you will not be attending the Client through the 'on site surgery' and therefore the payment and provision of advice will be through Controlled Work / Licensed Work (as appropriate to the circumstances of the case.)

2.16 Bail and Temporary Admission Applications

Under the Schedule you will need to consider making a temporary admission application and, if this is not successful, an application for bail (subject to the means test and application of the Funding Code Criteria being satisfied). It is anticipated that you will be making bail applications on a regular basis.

2.17 Volumes of Calls and flexibility

Appendix Four contains data on volumes of cases at each of the IRCs during the Pilot Scheme. It also shows data on Client volumes in the six months from 1 October 2007 to 31 March 2008.

Currently detainees can access advice through the on site surgery arrangements or they can seek to instruct an Adviser of their choice.

From the commencement of the Scheme, subject to some exceptions, detainees seeking publicly funded advice will access advice services through those organisations who have been awarded contracts through this tender process.

It is anticipated that the demand for on site services will increase although we cannot guarantee that this will occur. In addition we may require successful organisations to be willing to take on additional work where unforeseen circumstances cause an unfilled space in any rota.

Consequently we will require organisations to demonstrate how they will manage changes (both increases and decreases) in demand for the services at the IRC and will prefer to contract with providers who can demonstrate an ability to expand advice.

2.18 Capacity to deliver the service you are tendering for

The number of Clients held in the detention estate is constantly changing and there is no accurate way of estimating how many individuals will be detained at any one time. There may be times of limited movement within the detention estate and equally there may be times when the throughput of Clients is higher than normally expected. We therefore need providers who can demonstrate that they can offer flexibility and adapt or expand their service when required.

When submitting your application you must consider how many Advisers you can offer to provide the range of advice services. It will be for you to decide how many Advisers you can provide and how many you would additionally be able to make available if you needed to expand your services to deal with increased demand.

We will assess the number of available Advisers and each organisation's proposed method of operating the service as part of each tender.

2.19 Accreditation status of all Advisers

The Scheme requires Advisers to have an in-depth knowledge of immigration and asylum law. Applicants must demonstrate that their Accredited Advisers have an in-depth knowledge of immigration and asylum law. Individuals may be subject to detention at any stage of their case. The types of cases are also likely to be wide ranging e.g. asylum applicants, applications under the Immigration rules, deportation.

Therefore all Advisers who will work the Scheme will need to be accredited to at least Level 2 - Senior Caseworker - of the Immigration and Asylum Accreditation Scheme.

This requirement is subject to discretion to allow lower level caseworkers to work on Controlled Work cases that arise within an On Site Surgery only (n.b. Advisers to DFT/NSA Clients must always be Level 2).

As part of the tender process we will favour those tenders that can demonstrate that their Advisers have the experience of providing advice in immigration and asylum law to detained Clients. Many of the individuals seeking advice under the Scheme are likely to have been in the UK for some time and therefore knowledge and experience of previous immigration and asylum legislation will be necessary. This is particularly important given the necessity to provide Clients with accurate and prompt advice in detention.

Providers must make contemporaneous, accurate, records of the advice given to each detained individual, and to pass this advice to any other immigration Adviser who is already acting for, or is subsequently instructed by, that individual (see the provisions for referrals in the Unified Contract (Civil)).

2.20 Travel time to an IRC

It is important that providers can act promptly to requests for advice under the Scheme. In some cases the need for advice may be very urgent, for example where removal directions have been served on the Client. Although the use of rotas will allow providers to plan when they initially need resources to provide access for Clients there will of course be circumstances, particularly when conducting follow up casework, where providers may need to respond quickly to requests for advice.

It is equally important that the provision of public funds is focused on advice services. As part of the Selection criteria we will prefer those organisations that claim less return travel time return to the IRC for all controlled work including Fast Track cases. For example the actual return travel time from an organisation's office to the IRC is 2 hours 30 minutes, however the organisation tenders to limit claims for travel to 1 hour 30 minutes. You will still be able to claim your travel costs as a disbursement.

For the avoidance of any doubt, under paragraph 11.106 of the Immigration Specification, the maximum travel time that can be claimed for return travel to a place of detention is 3 hours. This provision also applies to these IRC schedules.

2.21 Translation Service

Providers must also have an ability to access a Translation Service during the period that they are on the rota to take calls. We will provide you with access to Language Line (telephone translation service) should you wish to instruct them. However, you may with our prior authority agree to use your own Translation Service.

2.22 Technical requirements

Organisation must have one central telephone number which will be held by the Home Office, IRC and LSC and on which the Advisers will be contactable. This may be a mobile telephone number. Your telephone system must also be able to respond to multiple calls. For example during peak periods, if an Adviser is already taking a call but another call for advice is made to that number you must have a divert or messaging facility so that the call can be received and responded to promptly.

2.23 Application for Specialist Quality Mark

As per the Essential criteria, if you are a new Provider, or an existing Provider applying for immigration as a new Category of Law or to deliver immigration from a new Office, you will need to submit those forms required for you to achieve the SQM qualification (which can be found on our website). You will need to submit one set of the following SQM documents for each office from which you intend to deliver the Service:

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

N.B: It will be a condition of any award of contract, that, where it has not already done so, the organisation must pass the desktop stage of the SQM in all the Immigration category of Law in each Office where the service is to be delivered, prior to the service commencing.

If you are successful in being awarded a contract, between the award and the start of the service, we will then conduct an internal, paper-based audit of the documents (known as a 'Desktop Audit') and your Office Manual to determine whether to award the SQM. We reserve the right to conduct further enquiries as to suitability, or to audit new Providers within the duration of the Contract, where appropriate.

2.24 Service must commence on 27 October 2008

It is an Essential criterion of all the invitations in this IFA that the applicant must be able to commence delivering the service on 27 October 2008.

This will be a fundamental condition of any award of contract. Failure to be able to be on the Rota by 27 October 2008 may amount to a fundamental breach and the Contract will be terminated.

Our intention is to award contracts around mid September 2008.

2.25 Contracting with current Providers for this work

Organisations usually hold only one Unified Contract (Civil) for civil work with the LSC. Consequently, if your Tender is successful, and your organisation already holds a Unified Contract (Civil), your Contract will be amended to include the additional work awarded under this Tender Process. This will be achieved by the award of an additional Office Schedule.

Important notes for current Providers under the Unified Contract (Civil)

This tender exercise is to procure additional work under new funding and therefore it has no impact on work already authorised for a current Provider, as set out in their Unified Contract (Civil) Office Schedule/s.

2.26 Contracting with new Providers for this work

Further to paragraph 2.23 (Application for Specialist Quality Mark), to meet the Essential Criteria, if you do not currently hold a Unified Contract (Civil) you must enclose, with your Tender Form the required supporting documentation including your Office Manual, to apply for the Specialist Quality Mark.

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

New Providers will be awarded a Unified Contract (Civil) i.e. authorising the organisation to carry out legal advice and/or representation in the Immigration Category of Law and locations specified in the Office Schedule.

Section Three: The Tender Process

3.1 Key date

The closing date for submitting tenders is **12 Noon on 19 August 2008.**

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 each individual service we wish to procure, contained in Section Five; and
3. Fill out the Tender Form and submit all relevant information (see Appendix Five standalone document).

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 IFA. Failure to comply with the Conditions and the IFA may lead the LSC to reject a Tender response.

The LSC relies on applicants' own analysis and review of information provided. Consequently, applicants are solely responsible for obtaining the information which they consider should be submitted in order for the LSC to make decisions regarding the content of their Tenders and to undertake any investigations considered necessary in order to verify any information provided to it during the procurement process.

3.3 What documents do you need to prepare your Tender?

Applicants should read this IFA and all relevant documentation carefully before completing the Tender Form. Failure to comply with these requirements for completion and submission of the Tender may result in the rejection of the Tender. Applicants are advised therefore to acquaint themselves fully with the extent and nature of the services being procured by the LSC and the associated contractual obligations.

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

Responses must be submitted in English and be word-processed for ease of reading.

Section Five contains the criteria against which we will assess tenders. Should you be interested in delivering the service you must demonstrate how you meet the criteria.

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

Please read the criteria carefully and ensure that you address all the points listed in your answers on the Tender Form.

You must submit:

- Tender Form (with any additional pages numbered sequentially e.g. 1 of 6)
- Application for SQM (f you are a new Provider, or an existing Provider applying for immigration as a new Category of Law or to deliver immigration from a new Office) 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 SQM;
 - 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 firm or staff as part of your application.
 - Office Manual

3.4 The Tender Form

To apply, organisations must complete a Tender Form.

The Tender process is set out below. If you cannot meet the requirements of the Essential criteria set out in Section Five please do not complete your responses to the Selection criteria, as your Tender Form will not be assessed.

We will rely on the information that you provide on this Tender Form in evaluating the criteria, and it is essential that you complete the Tender Form fully and accurately so that you do not misrepresent your position. We may clarify the information you supply with you, although you should not assume we will do so.

3.5 Criteria

The nature of the work means that we will be seeking to award contracts to those organisations that are able to offer the best service to Clients through breadth of service, skilled and experienced staff and effective supervision arrangements.

The selection criteria are split into two main sections:

- (a) Essential criteria
- (b) Selection criteria
- (b) Tiebreaker Criteria (For Harmondsworth and Yarl’s Wood only)

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

Please ensure that you address all the points listed in the criteria in your answers on the Tender Form and that you answer every question on the form. The criteria for each separate Tender covered by this IFA are contained in Section Five of this IFA.

3.6 Scoring System

Essential criteria

Section Five contains a list of criteria all of which are essential. Any bid that fails to meet any of these essential requirements 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

Section Five contains a list of Selection criteria. Selection criteria will be assessed on a rating of 1–5 with '5' ("excellent") being a tender which bests meets the criteria and '1' (poor) being a tender which least meets the criteria.

The following weighting will be applied to each Selection criterion:

Question 1 – Scores will be multiplied by 5

Question 2 – Scores will be multiplied by 4

Question 3 – Scores will be multiplied by 1

In relation to Question 3 only we will assess this by dividing the number of tenderers in to 5 by reference to travel time to be claimed for travel to an IRC. For example, if there were 10 tenderers, the top 2 lowest travel claims would score 5 points and the bottom 2 would score 1 point.

Tie Breaker

In relation to tenders for Harmondsworth and Yarl's Wood only, it is possible that, having applied both the Essential and the Selection Criteria, we have a large number of organisations meeting an equal number of those criteria. We may (at our absolute discretion) apply the Tiebreaker in Section Five.

3.7 How to submit your 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 you by an independent source. **We must receive tenders by 12 Noon on Tuesday 19 August 2008.**

For the avoidance of doubt it is not a condition of this tender that you 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 you by an independent source. If you choose 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 your application if it arrives before the deadline. However, if it arrives after the deadline or does not arrive at all, any delivery failure will not constitute exceptional circumstances under the Conditions of Tender at 4.1 below.

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

Tenders will be received any time up to the deadline stated above.

All applications, however sent, must be marked "Immigration Advice at IRCs" Advice Tender – Private & Confidential - for the attention of Glyn Hardy".

Please return applications to:

Immigration Policy Team
Legal Services Commission
12 Roger Street
London
WC1N 2JL

DX 328 London/Chancery Lane

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

3.8 Awarding contracts

We would wish to have a minimum of 2 providers in each of the IRCs.

Once we have ranked the bids according to the system set out above, we will award work to those organisations that have met the criteria, starting with highest ranking on Selection criteria. We will award contracts to Organisations until the number of slots on the rotas (both On Site Surgeries and Fast Track Schemes) are filled.

3.9 Appeals

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 a right of appeal against our assessment of your tender or our decision to reject your application if it is incomplete.

The right of appeal applies only in the following circumstances: -

(a) where an application is rejected because it has not been received by the deadline, on the basis that their application fell within the “exceptional circumstances” provided for in the Conditions of Tender;

(b) where the applicant does not meet all of the Essential criteria; and

(c) where the applicant meets fewer of the Selection criteria or is scored lower on the Selection Criteria than the other applicants who were successful.

Appeals should be made to the address is set out in Section 3 within 7 days of receipt of the letter notifying you of the outcome of your application.

The Legal Director (or the Legal Director’s appointed representative) will review all appeals, and he or she will determine the procedure and will decide whether to invite or require any further information and will notify you accordingly, before making a determination on the appeal.

There will be no further right of appeal.

3.10 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 you before any disclosure was made. The rules of the tender process (including application and selection rules) contained in this Information for Applicants are not legally binding and no contract is formed between applicants and the LSC. However, this Information for Applicants, the Tender Form and documents submitted as part of your tender, will form part of the contract for the successful organisation(s).

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 19 August 2008.

3.11 Questions about this Tender Process

If you have questions you are welcome to ask them up until **4pm on Tuesday 5 August 2008**.

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 organisations and interested parties have equal access to the information in the answers. These questions and answers will be published regularly on our website, with final answers published on **Monday 11 August 2008**. All personal or identifying information will be removed prior to publication.

Please email your questions direct to the following dedicated email address:
immigration-services@legalservices.gov.uk

3.12 Timeline		
Stage	Activity	Timescale
Stage 1	Documents published <ul style="list-style-type: none"> ▪ IFA ▪ Tender Form 	Tuesday 22 July 2008
Stage 2	Last date for receipt of emailed questions	4 pm Tuesday 5 August 2008
Stage 3	Last date upon which responses to questions to be published	Monday 11 August 2008
Stage 4	Closing date for Tenders to be received.	12 Noon Tuesday 19 August 2008
Stage 5	All Organisations advised of the outcome of its tender	5 September 2008
Stage 6	Final Date for receipt of Appeals	12 September 2008
Stage 7	Outcome of Appeals (estimate)	26 September 2008
Stage 8	Contract documents sent to successful tenderers (estimate)	3 October 2008
Stage 9	Commencement of Service	27 October 2008

Section Four: Conditions of Tender

Conditions of Tender

4.1 Tender Forms will be received until **12 Noon on the closing date Tuesday 19 August 2008**. No Tender Forms will be accepted after this time unless there are exceptional circumstances as defined in condition 4.2 below. Outside these exceptional circumstances we will not consider any late responses nor will we consider requests for extension of the time or date fixed for the submission of responses.

4.2 "Exceptional circumstances" means a cause which prevents the Applicant from meeting the stated time and date for submission of applications and which is directly attributable to an event or accident which:

- (a) was beyond the actual contemplation of the organisation concerned;
- (b) would ordinarily be beyond the contemplation of a reasonable organisation; and
- (c) the impact of the event or accident on the delay was not attributable to any act or omission of the organisation.

For example, act of God, war or national emergency, acts of terrorism, fire, flood, or storm. For the avoidance of doubt, if you submit your application by ordinary post or ordinary DX or any other method which does not result in proof of delivery, then failure of any of these methods will not constitute "exceptional circumstances".

4.3 All applications shall be signed by a duly authorised director, partner or designated member of the applicant.

4.4 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 you to clarify your 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 IFA 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 organisations 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 organisations that already hold a Unified Contract (Civil), we may corroborate the information given on your Tender Form with your local LSC office.

4.5 You are required to reply to all questions on the Tender Form, even if you have previously provided this information or if you think we are already aware of it (e.g. if you 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.

4.6 We may request organisations give additional information/clarification at any time during the Tender process. You should be prepared to discuss any aspect of your response with us.

- 4.7 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.
- 4.8 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 4.19 below.
- 4.9 We reserve the right to cancel this invitation in its entirety, or individual Invitations to Tender outlined in detailed in Section Five, at any time at our absolute discretion.
- 4.10 If you are successful your application and any documents submitted as part of the application, may form part of your Unified Contract (Civil).
- 4.11 Tender Forms are submitted on the conditions stated in this IFA (as may be amended). Tender Forms submitted subject to additional or alternative conditions may be rejected on the grounds of such conditions alone.
- 4.12 By submitting a Tender Form, you are agreeing to be bound by the terms and conditions in the Unified Contract (Civil) if you are awarded one.
- 4.13 The right of appeal for unsuccessful candidates is limited to that set out at Section 3.9.
- 4.14 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.
- 4.15 All intellectual property rights in this IFA, associated documents, Tender Forms, and Contract Documents are and shall remain our property.
- 4.16 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 to organisations, including that within this document, is subject to organisations' own due diligence. We accept no liability to organisations whatsoever resulting from the use of this document, or any omissions from or deficiencies in this document.
- 4.17 The award of a Unified Contract (Civil) does not guarantee a minimum amount of On-Site Surgeries or Controlled Work. The LSC does not control the allocation of cases or work. Providers that are awarded a Unified Contract (Civil) will be authorised to undertake a maximum number of Matter Starts in the Immigration Category of Law and subject to any bespoke contracting conditions set out in the Contract's Office Schedule. Beyond this, work is obtained under open market conditions, where Clients are free to choose a legal representative of their choice to advise or represent them.
- 4.18 It is your responsibility to obtain at your own expense all additional information necessary for the preparation of your response to the application documents. No claims of insufficient knowledge will be entertained.

- 4.19 We may use the information included in your response for any reasonable purpose connected with this application exercise.
- 4.20 Any organisation who directly or indirectly canvasses any employee of the LSC concerning the award of the Contract(s) will be disqualified.
- 4.21 All organisations are recommended to seek their own financial and legal advice.

Confidentiality and Freedom of Information Act 2000

- 4.22 Applicants should note that under the Freedom of Information Act 2000 (“the FOIA”), we may be required to disclose details of your application 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 you are concerned about possible disclosure you should clearly identify the specific parts of your application and supporting documentation that you consider commercially sensitive or confidential (within the meaning of the FOIA), the harm that disclosure may cause and an estimated timescale of that sensitivity.

You 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 you 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 IFA are not legally binding and no contract is formed between applicants and the LSC. However, this IFA, the Tender Form and documents submitted as part of the Tender, will form part of the Contract for the successful Tenderer.

Definitions

- 4.23 When used in this IFA, the following expressions shall have the meanings set out below.

“Accredited Adviser” or “Adviser” means an Adviser who is Approved Personal employed by you to carry out work under this Schedule, and who must be accredited to at least Level 2 (Senior Caseworker) of the Immigration and Asylum Accreditation Scheme (except where permitted otherwise).

“AIT” means the Asylum and Immigration Tribunal which was formed in April 2005 to hear and decide appeals against decisions made by the Home Office in matters of asylum, immigration and nationality. It also considers applications made for bail by individuals who are detained under Immigration Act powers.

“Attendance Day” means the day under the Fast Track Rota Scheme when the Client has their ‘Substantive Interview’ and on which your Adviser must attend the IRC to advise and represent them (Usually the day after the Supplier has been on Standby and received calls from the Home Office).

“On Site Surgery Attendance Rate” means the rate (half or full day) payable for attendance to provide advice at an IRC On Site Surgery.

“Bail” means an application to the appropriate court for an individual’s release from detention when detained under Immigration Act powers.

“Client” means in the context of this Schedule only, all persons for whom you may undertake Contract Work under this Schedule whether or not they are Eligible Persons.

“Detained Fast Track (or “DFT”) Scheme” means the Home Office scheme used for the processing of specified asylum applications.

“Fast Track Client” means an individual detained under the Home Office DFT or NSA scheme.

“Immigration Removal Centre” or “IRC” means a centre at which individuals are detained either prior to removal or for the processing of their application to remain in the UK.

“Immigration and Asylum Accreditation Scheme” (IAAS) means the Solicitor Regulatory Authority’s accreditation scheme under which all immigration Suppliers conducting casework in the immigration category must be accredited in order to claim for publicly funded work.

“NSA” or “Non-Suspensive Appeal Scheme” or “NSA Scheme” means the Home Office scheme used for the processing of specified asylum applications.

“On Site Surgery(ies)” means the advice surgery at the IRC(s) which under a Rota you are required to attend to give a Client a maximum of 30 minutes advice.

“On Site Surgery Rota” means the Rota issued to you showing the days/weeks (Monday to Friday) during the Schedule period when you have to provide Adviser(s) to attend an IRC to provide an On Site Surgery.

“Rota” means a rota (On Site Surgery or Fast Track) issued under this Schedule allocating work or responsibilities relating to On Site Surgery Clients or Fast Track Scheme Clients.

“Scheme” means this Immigration Removal Centre Advice Scheme established by the Commission.

“Standby” means the defined period during the Fast Track Service Rota Week where you must have an Adviser(s) able to attend a Removal Centre to advise Fast Track Clients.

“Substantive Interview” means the interview conducted by the Home Office in relation to the DFT/NSA Client’s claim for asylum (usually conducted the day after the Supplier is given details of the Client whilst on Standby).

“Temporary admission” / “Temporary release” means an application made to the Home Office for the release from detention of an individual.

“Work Restrictions” means the IAAS Work restrictions, which have been issued by us.

Essential Criteria

(Not listed in order of importance – all the essential criteria are equally important)

- Organisations must satisfy all the following essential criteria in order to move on to the next stage where the selection criteria will be assessed
- You must answer all questions set out in the Tender Form under each essential criterion.

A. Commencing the Service

Organisations must be able to deliver the service in accordance with the terms of the contract from 27 October 2008 and in particular must have in place:

- A telephone system able to deal with multiple calls, through a call divert or messaging facility
- Arrangements to access a Translation Service
- Advisers to meet the service requirements including the ability to deliver any Controlled Work following an On site Surgery or Fast Track referral

B. Experience of Advisers

Organisations must have Advisers that are accredited to at least Level 2 (Senior Caseworker) under the Immigration and Asylum Accreditation Scheme.

The Advisers must also be registered with the relevant regulatory body for inclusion on their respective lists of accredited Advisers (i.e. the SRA register or the OISC list of accredited Advisers).

C. Supervision arrangements

Organisations must have at least one accredited Supervisor who:

1. Meets the SQM Supervisor Standards; and
2. Has at least 3 years experience as an Immigration Supervisor; and
3. Who will supervise the work under the Scheme and be accessible to Advisers to contact at all times during a Rota Week.

D. Full Range and Breadth of Immigration Advice

The organisation must be able and willing to deliver services across the full range and breadth of work in the Immigration Category of Law.

(For the full range see the Immigration SQM Category Definition contained in the SQM)

E. Specialist Quality Mark

Any organisation tendering that does not hold the Immigration SQM must submit the following documents in order to apply for the Specialist Quality Mark (SQM) with its tender application:

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

N.B: It will be a condition of any award of contract, that, where it has not already done so, the organisation must pass the desktop stage of the SQM in Immigration, prior to the service commencing.

F. Finance

On the written request of the LSC to repay money, the organisation must not have *failed* either to:

1. Make proposals for repayment by any deadline set; or
2. Adhere to a repayment agreement.

G. Notice to Terminate

The organisation must not have received a notice to terminate (other than on a no-fault basis) any contract (civil) between it and the LSC in the last two years (1 July 2006 – 1 July 2008).

H. Peer Review

Any organisation that currently holds a Unified Contract must not be operating under a confirmed peer review rating at 4 or 5 in any civil Categories of Law following conclusion of the Peer Review process.

Selection Criteria

Selection criteria will be assessed on a rating of 1–5 with ‘5’ (“excellent”) being a tender which bests meets the criteria and ‘1’ (poor) being a tender which least meets the criteria.

The following weighting will be applied to each Selection criterion:

Question 1 – Scores will be multiplied by 5

Question 2 – Scores will be multiplied by 4

Question 3 – Scores will be multiplied by 1

1. Preference will be given to Organisations that can demonstrate experience of delivering Immigration and Asylum advice services to at least Level 2 of the IAAS by reference to years of experience, volume and breadth of advice in Immigration and Asylum law provided by Advisers.

2. Preference will be given to an Organisation that can demonstrate, through a realistic and effective management plan, that it has the flexibility and capacity to deliver advice under the Scheme.

In particular, we are looking for organisations that can demonstrate the ability to effectively manage resources in a controlled and reasonable manner so as to allow the service to respond to peaks and troughs in demand for advice under this Scheme.

3. Preference will be given to organisations that tender to deliver work under the Scheme with lower claims for return travel time (not including travel costs) to the IRC (including Fast Track Cases).

We wish to ensure that Clients receive prompt and accurate advice and that public funds are focused on the provision of advice services.

Please confirm what is the maximum return travel time (in hours and minutes) you would/will claim per day to visit to each IRC you are bidding for.

(For example, it may take an organisation 2 hours in actual return travel time to the IRC however that organisation may wish to tender a maximum claim for travel time to a particular IRC of 1 hour – see the IFA for further information)

Tiebreaker (Harmondsworth and Yarl's Wood tenders only)

TIEBREAKER

Whilst consideration will be given to all tenders from organisations wishing to provide the services we require, in the case of a tie break situation (as described in section 3.6 of the IFA) then:

We may give preference to organisations that have capacity to deal with greatest number of Fast Track Clients on a Standby Day (i.e. up to 13 at Harmondsworth or 6 at Yarl's Wood).

To apply this tiebreaker we will use the information you have submitted in Table 2 of Section Three in this Tender Form

Appendix One: Background information about civil contracting

A. Funding Code

The Funding Code is the set of rules used to decide which individual cases are to be funded by the LSC as part of the Community Legal Service.

The Funding Code Criteria define what services the LSC will fund, ranging from basic legal advice to representation in court proceedings. Different criteria are set for different types of case according to the Lord Chancellor's priorities.

The Funding Code Procedures set out how the LSC takes decisions about the funding of services as part of the Community Legal Service. For further information see http://www.legalservices.gov.uk/civil/how/funding_code.asp

B. Levels of Funding Available

All civil contract work is either:

- Controlled Work; or
- Licensed Work

Controlled Work consists of work classified as advice and assistance to Clients. In most categories Controlled Work does not authorise Clients to be represented by their legal Adviser however, some representation at tribunals is allowed in the Mental Health and Immigration categories.

In non-Family cases there are 3 Levels of Service for Controlled Work:

- Legal Help
- Help at Court
- Controlled Legal Representation (or "CLR") which is Legal Representation:
 - o Before a Mental Health Review Tribunal;
 - o Before the Asylum and Immigration Tribunal;
 - o Before the High Court in relation to applications under section 103A of the Nationality, Immigration and Asylum Act 2002; or
 - o Provided by a Community Legal Advice Centre or Network and authorised under a separate contract to be funded as Controlled Work.

In Family cases Controlled Work covers:

- Legal Help
- Family Help (Lower)
- Legal Representation provided by a Community Legal Advice Centre or Network and authorised under a separate contract to be funded as Controlled Work.

Licensed Work covers all Legal Representation other than CLR or services funded by Individual Case Contracts. In Non Family cases Legal Representation can take the form of either Investigative Help or Full Representation. In Family cases, Licensed Work covers Family Help (Higher) and Legal Representation other than provided by Individual Case Contracts.

The Unified Contract operates as a license for providers to undertake Licensed Work, normally subject to us approving your Client's application and subject to any limits we may place on the volume of Licensed Work cases you may start. For Licensed Work most decisions to allow you to take on a case and provide publicly funded services are taken by us through our Wales and Regional Offices, but you may also be devolved important powers such as the power to grant funding yourself in urgent cases.

C. Civil Contracting

The following outline of the civil contracting scheme is intended as a general introduction for new applicants and describes the current scheme and the LSC main Unified Contract (Civil), which underpins the scheme.

The Commission contracts with organisations (referred to as 'Providers') to provide services within the terms of the Unified Contract (Civil), which defines the legal aid, work that a provider may undertake for Clients.

For Controlled Work the decisions to provide services are generally taken by the Provider on the LSC's behalf, however this is subject to any controls regarding the number of cases a Provider may be authorised to start through the allocation in the Unified Contract (Civil) Office Schedule. Providers generally have the LSC's authority to commence Legal Help and Help at Court Matter Starts without further permission, provided they have sufficient Matter Starts available.

D. The Unified Contract (Civil)

The Unified Contract (Civil) sets out our standard terms, bespoke office schedules (which set out the services which a provider may deliver), the Specification and relevant Quality Mark information. All providers must achieve the Specialist Quality Mark standard in order to contract with the LSC, and therefore any successful Tenderer who currently does not hold a Unified Contract (Civil) will be awarded a on the condition that these standards are met within a prescribed period.

Structure of the Unified Contract (Civil)

A full copy of the Unified Contract (Civil) can be downloaded from our website at www.legalservices.gov.uk>CLS>TheUnifiedContract Or you can ask your regional office to provide a full copy of the Unified Contract (Civil).

Structure of the Contract	
Contract Document	Main areas
1. Contract for Signature	(a) the parties to the Contract (b) terms on liabilities of parties (c) overall payments
2. Office Schedule/S	We will issue you with Office Schedule/s from the date you commence the contract work. The Office Schedules will set out: (a) The Legal Services you must undertake during each Contract Year (or as pro-rated) and other conditions of the of the Contract (b) Payments and any Performance Standards for that year.
3. Standard Terms	These are the LSC's Unified Contract Standard Terms, which cover our relationship with you and apply to all providers.

4. Annexes to the Standard Terms	There are 8 annexes to the Standard Terms which cover: Annex A: Liaison Annex Annex B: Media Annex Annex C: Equality and diversity Annex D: Client Service Annex E: Monitoring Annex Annex F: Approved Personnel and Supervisors Annex Annex G: Key Performance Indicators Annex Annex H: Fundamental Breach Annex
5. Contract Specification	This covers the way you should undertake Specialist/Controlled Work and Representation/Licensed Work for Clients and includes: <ul style="list-style-type: none"> ▪ General Rules (covering all Categories of Law); ▪ Category Specific Rules; ▪ Payment Annex 2007; and ▪ Payment Annex 2008.
6. IFA	The requirements set out in the IFA are terms of this Contract.
7. Your Tender	It is a term of this Contract that you comply with your Tender submitted in response to the IFA including any Letters of Clarification.

E. Payment and reconciliation

The remuneration systems and payment rates for work under the Unified Contract (Civil) are set out in the Specification (Payment Annexes 2007 and 2008).

On a monthly basis, Providers compile and submit a claim to the LSC detailing the value of cases completed that month. Payment for Controlled work from 1 October 2007 is made through the LSC's Fixed Fee Scheme.

Under the Contract, Providers are paid a monthly amount for Controlled Work based on the average value of these monthly claims. This is called the Standard Monthly Payment (SMP).

Licensed Work is paid as Providers submit individual claims. The Contract provides for periodic review, or reconciliation, of the Standard Monthly Payment against a Provider's individual claiming profile, and the LSC Account Manager looking after the Provider may alter the SMP from time to time to ensure payments are kept roughly in line with claims.

Appendix Two - Specialist Quality Mark (SQM) Definition in the Immigration Category of Law

1. Legal Help concerning immigration, nationality, asylum, deportation or terms of entry or stay in the United Kingdom.

2. Proceedings before the Asylum and Immigration Tribunal, and thereafter before the High Court, Court of Appeal or the House of Lords.

Appendix Three – Immigration Removal Centre Advice Scheme Schedule

Legal Services Commission

Unified Contract Number []

DRAFT Immigration Removal Centre Advice Scheme (On Site Surgery and Fast Track Service)

Schedule Number []

Name of Supplier	
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TABLE 1 – SCHEDULE DATES			
Schedule Start Date	27 October 2008	Schedule End Date	31 March 2010

TABLE 2 – ON SITE SURGERY			
Name of the Immigration Removal Centre	Max Controlled Work Matter Starts	Min Controlled Work Matter Starts	Number Rota Weeks during Schedule
[Name]	[Number]	[Number]	
[Name]	[Number]	[Number]	

TABLE 3 – Fast Track Services			
Name of the Immigration Removal Centre	Max Controlled Work Matter Starts	Min Controlled Work Matter Starts	Number Standby Days per Week
Harmondsworth	[Number]	[Number]	
Yarls Wood	[Number]	[Number]	

TABLE 4 – SPECIAL PROVISIONS

Immigration Removal Centre Advice Scheme

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Aims of the Scheme

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- 2) Key Conditions of performing advice work under this Scheme
- 3) Accreditation Level of Advisers under this Scheme
- 4) Financial Eligibility and Funding Code criteria at an On Site Surgery
- 5) Controlled Work and Licensed Work under this Schedule
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 - On Site Surgery rota
 - Fast Track Services rota
- 7) Attending and taking instructions (On Site Surgery)
- 8) Attending and taking instructions (DFT and NSA Clients)
- 9) Where the Client is already represented (Exceptions to the Provision of exclusive advice)
- 10) Where your Client is released from detention (Exceptions to the Provision of exclusive advice)
- 11) Procedures to deal with emergency cases at the IRC
- 12) Referrals and declining instructions from Clients under this Scheme
- 13) Bail and Temporary Admissions
- 14) Reporting under this Scheme
- 15) Use of Agent
- 16) Rates of Payment
- 17) Submitting your Claims
- 18) Training

Annexes to this Schedule

A – Rates of Payment

B – Monitoring and Performance

Section One – Introduction

Background

- A. This is a Unified Contract Schedule (“Schedule”) granting you the right to perform work under the Immigration Removal Centre Advice Scheme (the “Scheme”) the details of which are set out below.
- B. This Scheme is an Immigration advice scheme under which you will provide legal advice to individuals detained at Immigration Removal Centres (“IRC”) through:
- On Site Surgeries; and
 - Fast Track Services (which includes Detained Fast Track (DFT) clients and Non-Suspensive Appeal (NSA) clients)
- C. The scope of this Scheme is to ensure that individuals detained at IRCs have access to an Accredited Adviser who can provide advice and assistance (and in some cases representation) in relation to immigration matters.
- D. In accordance with the Funding Code, work undertaken under this Scheme is Legal Help work.
- E. Under the terms of this Schedule, you are required to provide an On Site Surgery or Fast Track Services at an IRC when you are on the Rota, and will receive an allocation of “Immigration Asylum or Non Asylum” Matter Starts under which Controlled Work can be given to detained Clients. For the avoidance of doubt you should note that this Controlled Work will be paid under Exclusive Contracting rules in the Unified Contract (Civil) Specification.

Aims of the Scheme

Through this Scheme we wish to achieve the following aims:

- To create an accessible, independent, quality assured and integrated legal advice and representation service for individuals detained at an IRC;
- To ensure that services provided by suppliers at the IRC meet the needs and priorities of the individuals detained; and
- To deliver the best possible value for money service.

Summary of Advice to be provided under this Scheme

You must be able to provide the following full range of Immigration legal advice services as set out in the SQM to Clients:

Legal Advice/ Controlled Work

1. On Site Surgery Advice (maximum of 30 minutes legal advice on Immigration matters regardless of means or merits)
2. In relation to temporary admission / Chief Immigration Officer Bail / Bail (AIT or other appropriate court)
3. In relation to an immigration and/or asylum application
4. In relation to an immigration and/or asylum appeal
5. For those detained under the DTF or NSA process
6. In relation to challenging removal

Licensed Work

7. In addition to the range of services listed above you must also be able to provide Clients with access to the full range of services required to pursue their case including the remedies of Judicial Review and where appropriate injunctive relief.

All Licensed Work will be performed under the terms of your Civil Office Schedule.

Contract Terms which apply to this Scheme

The Unified Contract Standard Terms, Civil Specification (including Section 11 Immigration Specification) apply to the Controlled Work and Licensed Work undertaken as part of this Scheme unless otherwise stated.

You should read this Schedule in conjunction with the Unified Contract Standard Terms and Civil Specification and in particular Paragraph 11 of the Immigration Category Specific Rules where you will find in particular rules on:

- Claiming disbursements
- Means and merits testing for Immigration Controlled Work
- Levels of service under Immigration Controlled Work
- Referrals for matters requiring advice outside of the Immigration category
- Providing Translation Services

The terms of this Schedule take precedence over any terms in the other Contract Documents if there is any conflict between them.

Section Two – The Scheme

1 Interpretation

Definitions set out in the Unified Contract apply to this Schedule.

In addition, the words and phrases defined and set out below apply:

“Accredited Adviser” or “Adviser” means an adviser who is Approved Personal employed by you to carry out work under this Schedule, and who must be accredited to at least Level 2 (Senior Caseworker) of the Immigration and Asylum Accreditation Scheme (except where permitted otherwise).

“AIT” means the Asylum and Immigration Tribunal which was formed in April 2005 to hear and decide appeals against decisions made by the Home Office in matters of asylum, immigration and nationality. It also considers applications made for bail by individuals who are detained under Immigration Act powers.

“Attendance Day” means the day under the Fast Track Rota Scheme when the Client has their ‘Substantive Interview’ and on which your Adviser must attend the IRC to advise and represent them (Usually the day after the Supplier has been on Standby and received calls from the Home Office).

“On Site Surgery Attendance Rate” means the rate (half or full day) payable for attendance to provide advice at an IRC On Site Surgery.

“Bail” means an application to the appropriate court for an individual’s release from detention when detained under Immigration Act powers.

“Client” means in the context of this Schedule only, all persons for whom you may undertake Contract Work under this Schedule whether or not they are Eligible Persons.

“Detained Fast Track (or “DFT”) Scheme” means the Home Office scheme used for the processing of specified asylum applications.

“Fast Track Service” or Fast Track Process” means advice given to clients under this Scheme in relation to DFT or NSA work.

“Fast Track Services Rota” means means the Rota issued to you usually divided into weeks and specifying the days (Monday to Friday) when you are on Standby and/or must be available to attend a Client’s Substantive Interview at the IRC in relation to DFT or NSA.

“Fast Track Client” means an individual detained under the Home Office DFT or NSA scheme.

“Immigration Removal Centre” or “IRC” means a centre at which individuals are detained either prior to removal or for the processing of their application to remain in the UK.

“Immigration and Asylum Accreditation Scheme” (IAAS) means the Solicitor Regulatory Authority’s accreditation scheme under which all immigration Suppliers conducting casework in the immigration category must be accredited in order to claim for publicly funded work.

“NSA” or “Non-Suspensive Appeal Scheme” or “NSA Scheme” means the Home Office scheme used for the processing of specified asylum applications.

“On Site Surgery(ies)” means the advice surgery at the IRC(s) which under a Rota you are required to attend to give a Client a maximum of 30 minutes advice.

“On Site Surgery Rota” means the Rota issued to you showing the days/weeks (Monday to Friday) during the Schedule period when you have to provide Adviser(s) to attend an IRC to provide an On Site Surgery.

“Rota” means a rota (On Site Surgery or Fast Track) issued under this Schedule allocating work or responsibilities relating to On Site Surgery Clients or Fast Track Scheme Clients.

“Scheme” means this Immigration Removal Centre Advice Scheme established by the Commission.

“Standby” means the defined period during the Fast Track Service Rota Week where you must have an Adviser(s) able to attend a Removal Centre to advise Fast Track Clients.

“Substantive Interview” means the interview conducted by the Home Office in relation to the DFT/NSA Client’s claim for asylum (usually conducted the day after the Supplier is given details of the Client whilst on Standby).

“Temporary admission” / “Temporary release” means an application made to the Home Office for the release from detention of an individual.

“Work Restrictions” means the IAAS Work restrictions, which have been issued by us.

2. Key Conditions of performing advice work under this Scheme

- 2.1 You must perform all the work under this Scheme in accordance with the terms of this Contract, however this section contains the key conditions of this Scheme.
- 2.2 An appropriate level of Accredited Adviser must be used at all time to advise Clients under this Scheme.
- 2.3 You must ensure you have sufficient numbers of Immigration Advisers available to meet your obligations under a Rota to this Schedule.
- 2.4 When attending a Client under the Scheme, an Adviser must always advise a Client in relation to temporary admission and bail and record the outcome of this advice on the file.
- 2.5 You must have a fully operational fax, telephone and e-mail system on which the Home Office, IRC or we can contact you with information regarding Rotas, Clients etc.
- 2.6 You must make claims for all work covered by this Schedule on the payment basis set out below.

3. Accreditation Level of Advisers under this Scheme

- 3.1 All Advisers (“Advisers”) providing advice under this Scheme at an IRC must be accredited in accordance with the requirements of the Immigration and Asylum Accreditation Scheme (IAAS) as required by Paragraph 11.77 of the Immigration Specification. The requirements are above those stated in the IAAS Work Restrictions.
- 3.2 Clients detained in an IRC may have complex immigration histories therefore only Advisers accredited to Level 2 (Senior Caseworker) of the IAAS may provide initial advice to Clients seen during an On Site Surgery or allocated under the Fast Track Process.
- 3.3 All work on behalf of a client detained under the Fast Track Process must be undertaken by Advisers accredited to Level 2 (Senior Caseworker) of the IAAS.
- 3.4 Where a Client’s case has initially been assessed by a Level 2 Accredited Adviser during an On Site Surgery and a Controlled Work Matter Start has subsequently been commenced, the Level 2 accredited Adviser may, where appropriate, pass the case to another Accredited Adviser (see 3.6 below).
- 3.5 You must always ensure that the Adviser is accredited to the appropriate level of the IAAS to undertake the work required. Work undertaken by Advisers that are not accredited to the appropriate level will not be remunerated.
- 3.6 The table below shows which levels of Accredited Adviser are permitted to undertake work under this Scheme:

	On Site Surgery (30 Mins advice only)	Controlled Work resulting from an On Site Surgery	Controlled Work resulting from Fast Track Process
Level of Adviser	Level 2 and above	Level 1 and above	Level 2 and above

4. Financial Eligibility and Funding Code criteria at an On Site Surgery

- 4.1 You may provide a maximum of 30 minutes advice to a Client at an On Site Surgery without reference to the client's financial eligibility.
- 4.2 On the conclusion of advice at 4.1 above you may provide Controlled Work if further advice is required. By the conclusion of the Client's advice session you must have applied the appropriate assessment of financial eligibility in accordance with Paragraphs 2.3 – 2.8 of the Specification and the Funding Code Criteria to the matter in accordance with Paragraph 2.1 –2.2 of the Specification to ascertain whether you are able to continue to advise the Client under Controlled Work.

5. Controlled Work and Licensed Work under this Schedule

- 5.1 This Schedule entitles you to provide Controlled Work to Clients either resulting from an On Site Surgery or referred to you through the Fast Track Process.
- 5.2 You are entitled to commence Controlled Work in the Immigration Category of Law in accordance with the terms of your Civil Office Schedule.
- 5.3 You will be allocated Matter Starts to allow you to provide the Controlled Work in 4.2 above.
- 5.4 You are permitted to undertake Full Representation (Licensed Work) to Clients who are referred to you under this Scheme in accordance with the terms of your Unified Contract and your Civil Office Schedule.

6. Rotas

6.1 Under the terms of the Scheme we will operate two separate Rotas, one for the provision of On Site Surgeries at IRCs and a combined one covering the provision of advice services to clients under the Fast Track Process at Harmondsworth and Yarl's Wood IRCs only.

Rota for the 'On Site Surgeries' at the IRC

6.2 For the duration of this Schedule we shall operate an On Site Surgery Rota system for each IRC under this Scheme.

6.3 The Rota for the IRC(s) named in Table 2 above will set out your weeks on the Rota at the IRC(s) throughout the Schedule Period in accordance with your entitlements set out in that Table. The On Site Surgery Rota will operate from Monday through to Friday inclusive. The On Site Surgery Rota will include any Bank and Public Holidays, which happen to fall within a particular week.

6.4 You are required to provide all full day or half day On Site Surgeries at the relevant IRC(s) during the weeks you are on the Rota required. Due to demand the frequency of these full days or half days during each Rota week may vary.

6.5 We will give you notice under the terms of this Contract (Clause 24 of the Standard Terms) of your allocated On Site Surgery Rota weeks. We will endeavour to provide you with at least a rolling 12-week Rota showing your Rota week(s) for this period.

6.6 During each On Site Surgery Rota week you will be advised by the IRC of the number of On Site Surgeries required during that week. The IRC will provide you with information as to the:

- Number of On Site Surgeries required during the week at the IRC;
- Time and date of the On Site Surgery;
- Location; and
- Details of Clients you are required to see at each On Site Surgery.

6.7 You must have a fax number(s), telephone number(s) and e-mail address(es) through which we or the IRC(s) may contact you or your advisers. In most cases it is anticipated that the main form of communication will be via e-mail however telephone and fax contact numbers will also be required. You should agree with the IRC the preferred method of communication regarding the Rota.

Rotas for Fast Track Process

- 6.8 For the duration of this Schedule we shall operate a Fast Track Rota to provide services under this Scheme at Harmondsworth and Yarl's Wood IRC ("Fast Track IRCs").
- 6.9 You will be allocated slots for Standby days on the Fast Track Rota throughout the Schedule Period according to your allocation (if any) set out in Table 3. The Fast Track Rota will operate from Monday through to Friday inclusive. It will exclude any Bank and Public Holidays, which happen to fall within a particular week.
- 6.10 Table 3 sets out the number of days when you are required to be on Standby to receive calls from the Home Office with details of DFT and NSA Clients. You may only claim one Standby rate regardless of the number of Advisers in your organisation who take calls from the Home Office or the number of calls you receive from the Home Office on a Standby Day.
- 6.11 Each Standby day will commence at 9am and finish at 6 pm.
- 6.12 During each Standby day you will be advised by the Home Office of the number of DFT and NSA Clients you are required to advise and represent at a subsequent Attendance Day. The Home Office will provide you with information as to the:
- Details of DFT and NSA Client(s);
 - Time, date and location of the relevant attendance;
- 6.13 The allocation of DFT and NSA Clients to you on your Standby days on the Rota will depend on whether the individuals have been detained under these Home Office schemes and/or whether the Clients wish to use the IRC Scheme to access legal advice and representation or instruct their 'own solicitor'. These issues are outside the control of the LSC and we make no guarantee or representation about volumes of Clients or work. Unless otherwise stated in this Schedule, you must, subject to the means test and Funding Code criteria, advise and represent all Clients allocated to you whilst you are on the Fast Track Rota.
- 6.14 The Home Office will usually inform you of its requirements by e-mail or telephone however you are permitted to agree with the IRC any reasonable method of communication (e.g. fax).
- 6.15 You must have a fax number(s), telephone number(s) and e-mail address(es) through which the Home Office, IRC or we may contact your or your Advisers. You must ensure that your telephone has a messaging facility, which is checked regularly. In most cases it is anticipated that the main form of communication will be via e-mail or telephone.

6.16 You are required to provide a full service of Controlled Work to DFT and NSA Clients who are referred to you by the Home Office while you are on Standby during a Fast Track Rota Week.

6.17 We will give you notice under the terms of this Contract (Clause 24 of the Standard Terms) of your allocated Standby Days under the Fast Track Rota. We will endeavour to provide you with at least a rolling 12-week rota showing your Rota Week(s) for this period.

7. Attending and taking instructions at an On Site Surgery

7.1 You must, in accordance with this Schedule, provide advice and assistance in the Immigration Category of law to all Clients who have requested to see an Adviser under the On Site Surgery Scheme at a time when you are on the On Site Surgery Rota. The number of Clients wishing to access the service will vary and On Site Surgeries will take place on the basis of demand from Clients. These issues are outside the control of the LSC and we make no guarantee or representation as to the volumes of Clients or work under this Schedule. In deciding whether an On Site Surgery is appropriate where there is a single Client or a small number of Clients to see, you should consider your obligation under the Unified Contract Standard Terms to act reasonably. You must balance the needs of the Client with the additional cost to public funds.

7.2 You must ensure that an Adviser is available to attend the IRC and provide an On Site Surgery on the day that you have been scheduled to provide such advice at an On Site Surgery. You must ensure that you have sufficient Advisers available.

7.3 The initial advice session for each Client should last for no more than 30 minutes. The purpose of the advice session is to ascertain the basic facts of the matter and to make a decision as to whether the matter requires further investigation or whether further action can be taken. Work undertaken within the On Site Surgery.

7.4 When attending a Client under the Scheme, an Adviser must always advise a Client in relation to temporary admission and bail (see below).

7.5 You must record the time spent with each Client on the Contract Report Form specified by us.

7.6 Following the initial 30 minutes advice you may, if necessary, open a Controlled Work Matter Start to provide advice to the Client under the Controlled Work scheme and in accordance with the terms of the Unified Contract (Civil) (i.e. following assessment of the Client's means and application of the Funding Code Criteria).

8. Attending and taking instructions through the Fast Track Process

- 8.1 The Standby day is the day you will receive calls from the Home Office regarding DFT and/or NSA Clients. The Attendance Day is the day you will be required to attend the IRC to assist your DFT or NSA Client at the Substantive Interview. An Attendance Day is normally required the day after you have been advised of your DFT or NSA Client whilst on Standby.
- 8.2 When you are on Standby, the Home Office will notify you as soon as possible after the claim for asylum has been made that an individual requires legal advice and provide the date of the Substantive Interview. You are required, according to the Client's needs:
- To telephone the Client on the Standby Day to prepare for the Attendance Day;
 - To advise the Client on the Attendance Day;
 - To advise the Client prior to their Substantive Interview;
 - To attend (under Legal Help) at the Substantive Interview;
 - To advise the Client after the decision has been served (which may be on a different day to the Attendance day);
 - To provide an interpreter (potentially at short notice).
- 8.3 You must ensure that your Advisers are familiar with the Home Office flexibility policy in Detained Fast Track cases.
- 8.4 The rules governing giving Telephone Advice to Clients under Controlled Work are set out in Section Two of the Civil Specification.
- 8.5 Except as provided for in this paragraph you may only provide Contract Work to a DFT or NSA Client when that Client has been allocated to you whilst on Standby. If one of the exceptions contained in Rule 11.97 of the Civil Specification apply you may provide advice to other Fast Track Clients under the Scheme, but not otherwise. Where a Client's case switches from the NSA process to the DFT process you must continue to act for the client in accordance with this Schedule.
- 8.6 The IRC will notify you when a decision has been made on your DFT or NSA Client's application for asylum. You must then attend your DFT or NSA Client at the IRC, so that you can provide further advice when the decision has been given.
- 8.7 In providing advice on the decision, you must advise on its effect and, if it is adverse, must advise on whether there are grounds for appeal to an Immigration Judge and on the prospects of success. You must apply the relevant Funding Code Criteria and assess the Client's financial eligibility as appropriate before granting funding for any appeal and you must not grant CLR merely to preserve your DFT or NSA Client's right of appeal. If you refuse CLR you must ensure that your DFT or NSA Client is aware of their right to seek a review of your decision by the Independent Funding Adjudicator (IFA) and you should assist them in submitting that review if necessary.
- 8.8 After having provided CLR for an appeal to an Immigration Judge, the Asylum Adviser may (provided the Funding Code Criteria are met) carry out such further Contract Work in connection with the Client's removal under CLR as they consider appropriate (e.g. advice on the grounds for an application for review and reconsideration under section 103A of Nationality and Immigration Act 2002), making such arrangements with the IRC as may be necessary for the purpose of taking instructions and giving advice.

9. Where an individual is already represented (Exceptions to the Provision of advice by an Exclusive Contractor)

- 9.1 It will be necessary to establish at the earliest opportunity whether an individual has a representative before giving any advice under this Schedule. Where a Client already has a representative and wishes to continue to instruct them, then in the circumstances set out in Paragraphs 11.97 of the Immigration Specification, they will be entitled to do so. If Paragraph 11.97 does not apply then you should provide Contract Work in the individual's case (subject to an assessment of their means and the relevant Funding Code Criteria).
- 9.2 If the previous representative no longer acts for the individual or if they are no longer able to act for the individual you should ensure that you obtain their file of papers so that you may (assuming that the means and merits test is met) fully advise the client on their case and their prospects of success.

10. Where your Client is released from the IRC or moved to another IRC (Exceptions to the Provision of advice by an Exclusive Contractor)

- 10.1 Where you have been providing Contract Work to a Client under the terms of this Schedule and your Client is either released from the IRC or moved to another detention facility (including a prison), then you must continue to provide advice under this Schedule until the case reaches one of the following stages:
1. Where the Home Office has granted the Client's application;
 2. Where the Home Office has refused the Client's application and you have granted CLR in relation to their appeal; or
 3. Where the AIT has refused the Client's appeal and you have decided that there are merits to make an application for review and reconsideration.
- 10.2 Where you have refused CLR for the appeal but the Client still requires further advice (e.g. in relation to their continued detention) you may continue to provide advice under this Schedule provided that the Funding Code criteria are met.
- 10.3 Where you refuse to grant Controlled Work you must ensure you comply with rules set out in the Immigration Specification.
- 10.4 Where a Client has been released from detention and before you commence further Contract Work you should decide whether it is in the best interests of the Client to refer them to Community Legal Advice to advise them of local Suppliers or to continue to represent them. As the adviser you will be best placed to assess all the circumstances.

- 10.5 Where a Client has been moved to another IRC, once the case reaches either of the stages in 10.1 above, you should decide whether it is in the best interests of the Client to refer them to either:
- (a) an exclusive contract provider (if exclusive contracting arrangements are in operation); or
 - (b) Community Legal Advice

As the adviser you will be best placed to assess all the circumstances.

- 10.6 In some cases a referral as described above may not be appropriate, for example where a Client is to be removed from the UK, and their move to another IRC is for a short period prior to removal. However you should ensure that the Client is advised to contact you for further advice should their removal not proceed and they therefore require further advice regarding their case/detention. In such circumstances you should then consider whether a referral should be made.
- 10.7 Where it has been decided that a referral should be made you should ensure that you comply with the terms of this Contract. Where you make a referral you should ensure that you provide the new adviser with a copy of the Client's file of papers as soon as possible but in any event no later than 7 days from the date of the request from the Client's new adviser.

11. Procedures to deal with emergency cases at any IRC

- 11.1 It is anticipated that most Clients (except for DFT or NSA Clients) will be referred to the On Site Surgery as the first point of contact if they require a legal adviser. However it may not always be practical for a Client to wait until the next On Site Surgery, this will particularly be the case where, for example, an appeal deadline needs to be met or removal directions have been issued.
- 11.2 Where you are the provider on duty during a Rota period and you are contacted directly by a Client, or by a third party on their behalf, who does not have a legal representative and the circumstances are such that it would be inappropriate to refer the Client to the next On Site Surgery then you may, under this Scheme, arrange to visit the Client at the IRC in order to take their instructions and to advise them with regards to their case and the options available to them.
- 11.3 Occasionally the Home Office may contact you where you are the provider during a Rota period and a Client is subject to Fast Track Process 'remotely', i.e. the Client is being held in an IRC other than Harmondsworth or Yarl's Wood. In such circumstances you should ensure that you provide the services set out in Section 8 of this Schedule.
- 11.4 Where the Client already has a legal representative, you must refer them to their own representative for advice and assistance provided that the provisions of Paragraphs 11.93 to 11.97 are met.

12. Referrals and Reasons for Declining instructions from Clients under this Scheme

- 12.1 Under the terms of this Scheme you are required to provide the full range of Contract Work in the Immigration Category of law that a Client requests (subject to application of the appropriate assessment of means and Funding Code Criteria).
- 12.2 You may not refuse to accept instructions from any individual on the grounds that you do not have sufficient capacity. You must be able to provide all advice services required under this Schedule. If you are unable to do so we reserve the right to terminate your IRC Contract with immediate effect and re-distribute your On Site Surgery and Fast Track rota slots amongst the other providers with a Contract at the IRC.
- 12.3 Notwithstanding 12.1 (above), there may be times where it may be necessary to refer an individual to another Supplier/organisation (e.g. where there is a conflict of interest, there are professional conduct issues or where advice is needed in relation to a non-Immigration matter).
- 12.4 You must provide an effective and appropriate referral system (as required by the terms of this Contract to ensure that Clients who you cannot assist under this Schedule are able to access appropriate advice and representation. In accordance with Section B1.3 of the SQM you must maintain a record of all referrals.
- 12.5 You can only refuse to take on a Client under this Scheme where either:
1. They already have a legal representative and the requirements of Paragraph 11.97 of the Unified Contract Immigration Specification are met; or
 2. They fail the applicable means test or Funding Code Criteria for Controlled Work; or
 3. There is a conflict of interest or professional conduct issues which would make it inappropriate to represent the Client.
- 12.6 On accepting instructions from a Client, you should anticipate that those instructions will continue, as a minimum, for as long as the Client is in detention, (e.g. until they get leave to remain, temporary admission or they are removed from the detention facility or the UK), unless the Client specifically ceases to give instructions.
- 12.7 If, for any reason, you consider that you are unable to provide Contract Work regarding removal to any Client, or if you had difficulty in doing so, you must record why and must notify your Account Manager without delay.

13 Bail and temporary admission

- 13.1 You must ensure that the Client receives advice on the appropriateness of making a temporary admission or bail application at any particular time (including when appeal rights have been exhausted). There will normally be sufficient benefit to the Client in receiving that advice to meet the Funding Code Criteria.

- 13.2 Where an application for Temporary Admission is refused you should consider making an application for Chief Immigration Officer Bail or to make a bail application to the appropriate court. When applying the Funding Code Criteria the fact that the Client is in (continues to be in) detention will obviously be a factor in that assessment of merit.
- 13.3 For the avoidance of any doubt, you are reminded that, even where a Client's substantive appeal lacks merits and therefore would not warrant the grant of CLR for the appeal, the case may still warrant the grant of CLR funding for a bail application. CLR can be granted for the sole purpose of making a bail application.
- 13.4 If, at any time, you consider that an application for bail should be made and the appropriate Funding Code Criteria are met, such work may be carried out under this Schedule as CLR (which may be a continuation of CLR already granted for other proceedings).
- 13.5 When applying/ re-applying the Funding Code Criteria you must ensure that you address any reasons provided by the Home Office/ Immigration Service for previously refusing bail/ temporary admission. This, of course, would need to be considered along with the other circumstances of the case.
- 13.6 Where there is an appeal listed before the AIT you must always consider making a bail application at the appeal hearing. If you decide not to make a bail application at this stage you should record your reasons on the file. This will be monitored on audit.
- 13.7 Where you decide there is no merit in making such an application you must also inform the client of their right of review your decision. You should complete the Contract Work Report Form (currently form CW4) explaining the reasons for refusal (in accordance with Rule 11.144 of the Unified Contract Immigration Specification). This information must subsequently be confirmed to the Client in writing.
- 13.8 You are reminded that you may make a bail application at any stage in the proceedings where there the CLR merits test is satisfied. Before making a bail application you should make an application for Temporary Admission/Release. You must ensure that you regularly review your client's detention.
- 13.9 Where you cease to provide advice in relation to a Client's substantive Immigration matter and the Client is still requesting legal advice, you must consider whether an appropriate referral can be made and you must advise the Client of other options regarding advice.

14. Reporting under this Scheme

- 14.1 We require you to record the information and report it to us on the appropriate Contract Report Form. This information will include but is not limited to:
- (a) all time spent on each case (including a breakdown of the time spent);
 - (b) profile information on each individual at the IRC and the services they access from you;
 - (c) the frequency of each On Site Surgery; and
 - (d) reasons for emergency advice.

We will issue further guidance on the information we require when the Contract Report Forms are issued.

- 14.2 We will also require you to submit information to us in order for us to assess your performance standards under the Schedule as set out in Annex B.

15 Use of Agents

- 15.1 You must perform all Contract Work under this Schedule.
- 15.2 However, this Contract does not prohibit you from instructing Approved Representatives in accordance with normal practice and in compliance with this Contract and with the Act and Regulations. However, if you instruct agents, they must be a Supplier with a Unified Contract that would permit them to perform such work (unless it is impracticable to instruct such a Supplier in which case, you must record on the matter file why it is impracticable).

16. Rates of Payment

- 16.1 All rates of payment for this work are set out in Annex A to this Schedule.
- 16.2 Any Licensed Work undertaken will be paid for under the terms of your Civil Office Schedule under which your license to perform that work is granted.

On Site Surgery

- 16.3 You may claim an Attendance Rate for attending and advising Clients at an On Site Surgery on the basis set out below. You may not make any claim for travelling time in addition to the Attendance Rate for On Site Surgeries.
- 16.4 To claim the half day Attendance Rate you must have attended the IRC and given advice to between one and four Clients.
- 16.5 To claim the full day Attendance Rate you must have attended the IRC and given advice to five or more Clients.
- 16.6 For the avoidance of doubt if you do not attend the IRC (e.g. because the IRC confirm, prior to your attendance, that there is no requirement for the On Site Surgery) you will be unable to claim any Attendance Rate.
- 16.7 Where you grant Controlled Work to Clients following on from advice given at the On Site Surgery you may claim Hourly Rates as set out at Table 7 of the Payment Annex and the normal payment and assessment rules for Controlled Work under the Unified Contract apply.

Fast Track Services

- 16.8 You may claim the Standby Rate for each day you are on the Fast Track Rota to receive calls from the Home Office with details of a DFT or NSA Client.
- 16.9 Where you carry out Controlled Work for a DFT or NSA Client the normal payment rules for Controlled Work under the Unified Contract apply to this work (including, for the avoidance of doubt, any telephone advice you may give to the Client on the Standby day).

17 Submitting your Claims

- 17.1 All Controlled Work referred to or obtained by you under this Schedule will be paid through this Schedule. This includes matters where the Client is subsequently released from detention and you continue to act on the matter.
- 17.2 You must submit your Claims on the appropriate Contract Report Form by the 20th of each month. (i.e. your Claims for October 2008 must be submitted to us by the 20th of November 2008).
- 17.3 We will pay you on a monthly basis on the same terms as Controlled Work is paid under the Unified Contract (see Clauses 14 – 18 of the Standard Terms).
- 17.4 Your entitlement to payment for Controlled Work covered by this Schedule is only as provided by this Schedule.

18. Training

- 18.1 We reserve the right to introduce minimum training requirements for all advisers operating under this Scheme. For example we may specify that we would expect Advisers to attend a course relevant to detention work.

Annex A – Rates of Payment

▪ On Site Surgeries

Payment for advice provision at on site surgeries is through a fixed payment.

Disbursements such as costs of travel and interpreting costs are also claimable.

Full day Attendance Rate

Where you advise 5 or more Clients a payment of £400 (excluding VAT) is claimable. No additional payment for travel/waiting time is claimable.

Half day Attendance Rate

Where you advise 4 or less Clients a payment of £200 (excluding VAT) is claimable. No additional payment for travel/waiting time is claimable.

▪ Fast Track cases only

The payment rates for Standby (and relevant guidance) in relation to travel and waiting only apply to cases allocated under the Fast Track Rota arrangements.

Standby rates

A Standby payment of £4.20 per hour (excluding VAT) or part thereof during which you are on Standby. Note that the current Standby period is 8 hours per day.

▪ Controlled Work

Except as otherwise set out in this Annex, payment for Controlled Work will be made under Exclusive Contracting arrangements as set out in Section 11 of the Civil Specification. The rates of payment are set out in Part B: Payment Annex (Tables 7(a), 8(a) and 8(b) for work paid at hourly rates). The rates do not attract the 2% (Legal Help) or 5% (Controlled Legal Representation) increases agreed as part of the deed agreed between the Law Society and the Commission to settle the Unified Contract dispute. Those increases only apply to work which falls within the Graduated Fee Scheme.

For the avoidance of doubt the Controlled Work costs limits contained in the Immigration Specification at paragraphs 11.32 through to 11.69 apply to matters opened under this Scheme.

▪ Disbursements at the Removal Centres

You may claim for the cost of utilising the 'pay as you use' telephone, fax and photocopying services available at the Removal Centre in accordance with the terms of the Civil Specification

Annex B – Monitoring and Performance

Set out below are a number of performance standards against which we will measure your performance under the terms of this Scheme and management information which we will require from you for the purposes of developing this Scheme. We may request you to report information to us throughout the period of the Scheme, which we shall use to inform us about you and how the Scheme is operating in practice.

For the avoidance of doubt the areas below are not Key Performance Indicators (as defined in the Standard Terms) and Contract Sanctions will not normally be given in respect of any of these performance standards unless there is a separate breach of contract. However, we will discuss them with you and they may trigger audit activity.

Performance Monitoring & Management Information

	Area	Report Requirement
1.	<p>Management Information: Number of Clients receiving advice through each Scheduled on site surgery</p> <p>You should also keep a record of:</p> <p>Number of Matter Starts commenced in relation to Clients referred at On Site Surgeries in relation to the substantive case (including bail)</p> <p>Number of Matter Starts commenced in relation to Clients referred at On Site Surgeries in relation to bail only.</p> <p>Number of Matter Starts commenced in relation to Clients referred under the Scheme but other than at On Site Surgeries in relation to the substantive case (including bail)</p> <p>Number of Matter Starts commenced in relation to Clients referred under the Scheme but other than at On Site Surgeries in relation to bail only.</p>	between 3 to 10 clients
2.	<p>Management Information: Number of clients receiving advice through each ad hoc on site surgeries (these surgeries will be demand led)</p>	between 3 to 10 clients
3.	<p>Management Information: Number of scheduled on site advice surgeries</p>	(number of) surgeries over (stated) period

4.	Management Information: Number of ad hoc on site surgeries you may commence	(number of) surgeries over (stated) period
5.	Performance indicator: Number of applications for bail	We will measure the percentage of bail applications you make for each case you open as a NMS. We will also measure this against other IRC contract holders to see how you compare. We will discuss the findings with you.
6.	Performance indicator: Successful case outcomes - bail	We will discuss your success rate with you, in particular we will look at the success rate of other IRC contract holders and use this as a comparison when establishing what, in the future, may be determined to be a successful outcome.
7 & 8 relate to Fast Track cases only.		
7.	Performance indicator: The number of applications made for Clients to be removed from the DFT or NSA process	We will measure the percentage of applications you make for each fast track case you open. We will also measure this against other IRC contract holders to see how you compare. We will discuss the findings with you.
8.	Performance indicator: The outcome of any applications made for the Client to be removed from the DFT/NSA process.	We will measure the success rate of your applications. We will also measure this against other IRC contract holders to see how you compare. We will discuss the findings with you.

Appendix Four - Data for On Site Surgeries under the Pilot Scheme

The table below shows, in the first column, the average number of clients that attended the on site advice surgeries over the six month period covered by the Pilot Scheme.

The second column shows the number of On Site Surgery slots that will be available through the surgeries per year for detainees to make bookings. The number of surgeries will take place on the basis of demand for services and there may be periods of increased demand for services.

	Average	Maximum	Fast Track
Campsfield	258	480	
Colnbrook	366	480	
Dover	414	480	
Lindholme	312	480	
Tinsley	570	600	
Haslar	No data	480	
Harmondsworth	414	480	1170
Yarls' Wood	366	480	520
Total		3960	1690

	Onsite detention advice surgeries	
	Average clients per surgery session	Average clients per month
IRC		
Campsfield House	5	43
Colnbrook	7	61
Dover	8	69
Harmondsworth	8	69
Haslar	No data	No data
Lindholme	6	52
Tinsley House	11	95
Yarl's Wood	7	61

Average take on rate for Controlled Work was 27% with the exception was Dover where the rate was 65%.

On average 18% detainees attending surgeries had an existing legal adviser.

It is envisaged that exclusive contracting arrangements (see Clause 11.93 – 11.95 of the Immigration Specification) may increase the numbers of detainees requesting advice through this scheme.

Data on Surgeries/Clients from 1 October 2007- 31 March 2008

The table below shows the number of On Site Surgeries held at each IRC, the number of clients seen at those Surgeries and the average number of clients seen at each surgery in the six months up to 31 March 2008.

On Site Surgeries			
IRC	Number of Surgeries Held	Number of Clients Seen in Surgeries	Average Number of Clients Seen at Each Surgery
Campsfield	48	78	2
Colnbrook	50	135	3
Dover	48	363	8
Harmondsworth	41	157	4
Haslar	23	69	3
Lindholme	47	328	7
Oakington*	183	2,607*	14
Tinsley	48	187	4
Yarls Wood	57	422	7

*Note that the "Surgery" system operating at Oakington during this period operated 7 days per week, however this is not expected to continue. 2,607 DEPMU clients detained at Oakington received up to 30 minutes advice. Controlled Work Matter Starts were opened in respect of 661 of these clients, which equates to a conversion rate of 25%.

The table below shows the number of Detained Fast Track (DFT) and Non-Suspensive Appeals (NSA) cases dealt with at each IRC in the 6 months to 31 March 2008. It also shows the average number of DFT cases at each IRC per day and the average number of NSA cases at each IRC per week.

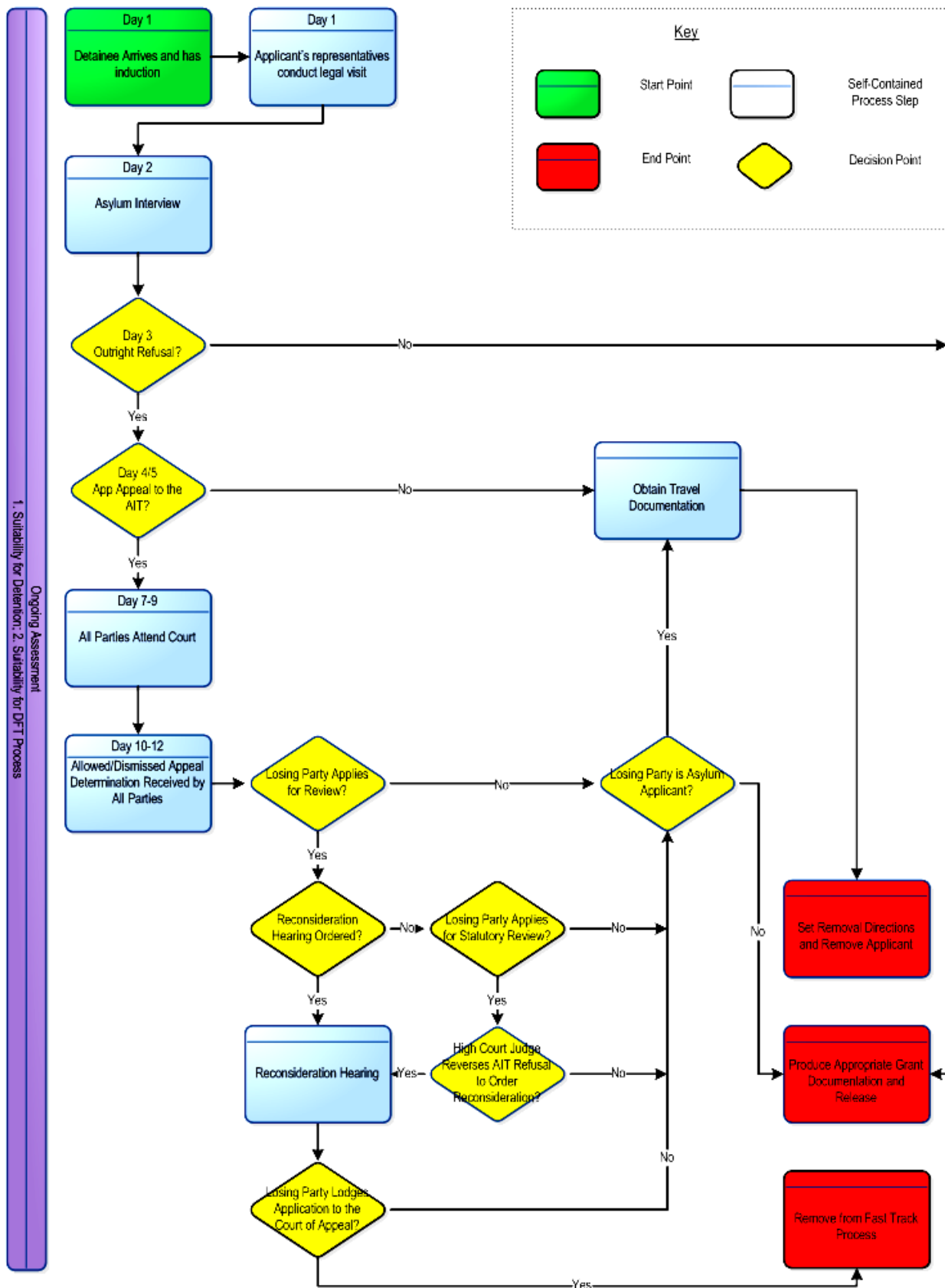
Detained Fast Track (DFT) and Non-Suspensive Appeals (NSA) Cases				
IRC	Total Number of DFT Cases*	Average Number of DFT Cases Per Day	Total Number of NSA Cases**	Average Number of NSA Cases Per Week
Campsfield	N/A		4	0
Colnbrook	N/A		5	0
Dover	N/A		4	0
Harmondsworth	504	4	6	0
Haslar	N/A		0	0
Lindholme	N/A		0	0
Oakington	N/A		370	14
Tinsley	N/A		0	0
Yarls Wood	258	2	22	1

*Taken from figures provided by organisations operating under Fast Track contracts

**Note that some NSA cases were dealt with remotely at other IRCs despite following the Oakington NSA process. The Home Office has confirmed that all NSA cases will be dealt with at Harmondsworth (Male) or Yarls Wood (Female/Family) from 1 October 2008 and that they do not anticipate being any further "remote" cases from that date.

Detained Fast Track and Non Suspensive Appeals Process Charts

Detained_Fast_Track_(Process_Overview)



Detained_Non_Suspensive_Appeals_(Process_Overview)

