

INVITATION TO TENDER TO DELIVER
PUBLICLY FUNDED IMMIGRATION
TELEPHONE ADVICE TO INDIVIDUALS
DETAINED AT POLICE STATIONS IN ENGLAND
AND WALES

**INFORMATION
FOR
APPLICANTS**

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Section 1: Overview of this Information for Applicants (IFA)

What are we inviting Applicant Organisations to deliver?

1.1. The Legal Services Commission (LSC) is inviting Applicant Organisations to submit tenders to carry out publicly funded Police Station Immigration Telephone Advice from 14 October 2010. 'Police Station Immigration Telephone Advice' means the LSC's Scheme to deliver one off pieces of immigration legal advice, by telephone, to Clients who are detained at Police Stations in England & Wales. Please see Section 7 for more details.

What does this IFA cover?

1.2. This IFA contains the information, instructions, rules, conditions of contract award and Terms and Conditions of Tender that will govern the tender process for the Invitation to Tender (ITT).

Who may submit tenders?

1.3. This is an open process and Applicant Organisations do not need to be current contract holders with the LSC to apply. Any Applicant Organisation interested in undertaking Police Station Immigration Telephone Advice Services (the Scheme) in England and Wales may apply.

What are Applicant Organisations tendering for?

1.4. Applicant Organisations are tendering for a contract entitling them to provide legal advice to Clients detained at a Police Station via telephone in the Immigration Category of Law. The work will be performed under a separate contract based on the LSC's 2010 Standard Civil Contract and a bespoke Scheme Schedule which is in Annex 2 to this ITT. For more information please see Section 8.

How do Applicant Organisations submit tenders?

1.5. There is one ITT which will be published on our eTendering system for Applicant Organisations to submit tenders against. For tenders to be completed, a response to the Pre Qualification Questionnaire (PQQ) must also have been submitted. We will only accept tenders submitted through our eTendering system which can be accessed at www.legalservices.bravosolution.co.uk (see Section 9).

What does a completed tender consist of?

1.6. A completed tender consists of a response to the PQQ **and** a response to the ITT (see Section 9).

When can Applicant Organisations submit tenders from?

1.7. The ITT for the Police Station Telephone Immigration Advice Service outlined above opens on **Monday 14th June 2010** and you may submit a tender from this date until the deadline below.

When is the deadline for submitting tenders?

1.8. The deadline for submitting tenders is **12 noon on Friday 9th July 2010**. Tenders received after this deadline will not be considered (see Section 3 for full details of the timetable).

How will tenders be assessed?

1.9. Tenders will be assessed by the LSC in accordance with the process set out in Section 10.

Section 2: Services covered by this IFA

- 2.1. This IFA covers information on the Invitation to Tender (ITT) for the provision of Police Station Immigration Telephone Advice Services (the 'Scheme') across England and Wales from 14th October 2010.
- 2.2. These instructions are designed to ensure that all Applicant Organisations are given equal and fair consideration. It is important therefore that you provide all the information asked for in the format and order specified.
- 2.3. This IFA contains the information you will require to submit your tender. It contains information on how to tender, what the successful Applicant Organisation would be expected to deliver, and the criteria on which we will assess tenders. You are encouraged to read this IFA in its entirety.

What happens if a tender is successful?

- 2.4. If a tender is successful, we will enter into a contract with the Applicant Organisation to operate the applicable services under the terms of the 'Police Station Immigration Telephone Advice Services Contract' (3 year contract to commence on 14th October 2010 and extendable at our option by up to a further 2 years).
- 2.5. The contract will be a separate contract from the LSC's mainstream face to face civil contract (2010 Standard Civil Contract) but in essence will be based on the same terms (Contract for Signature/ Standard Terms and Specification) with a number of provisions dis-applied where the rules refer to face to face advice or legal representation.
- 2.6. In addition, the contract will contain its own Schedule containing specific rules on how the service must be delivered. A draft version of the Schedule is at Annex 2 to this IFA.
- 2.7. Visit our website www.legalservices.gov.uk (following the links Community Legal Service (CLS) > Civil Contracts > 2010 Standard Civil Contract) to see the Standard Terms, Contract for Signature and Civil Specification.

Section 3: About this IFA

Structure

3.1. This IFA is set out into 12 sections for your ease of reference:

Section 1: Overview of this Information For Applicants (IFA)

Section 2: Services covered by this IFA

Section 3: About this IFA

Section 4: Documents related to this IFA

Section 5: About the Legal Services Commission and legal aid

Section 6: Quality Standards for the delivery of services from October 2010

Section 7: Police Station Immigration Telephone Advice Services from October 2010

Section 8: About Police Station Immigration Telephone Advice Services -criteria

Section 9: How to respond to an ITT

Section 10: How tenders will be assessed

Section 11: Terms and Conditions of Tender

Section 12: Definitions

3.2. The IFA also contains 3 Annexes:

(1) Essential and Selection Criteria

(2) Draft Police Station Immigration Telephone Advice
Service Schedule

(3) Data on calls

Conditions of Tender and Definitions

3.3. Section 12 explains all the definitions of phrases capitalised throughout the Tender Documents. Section 11 contains the Terms and Conditions of Tender governing this tender process; Applicant Organisations should familiarise themselves with these sections.

Asking Questions

3.4. There will be two different channels through which to direct questions depending on the nature of your query. The two different question types are:

- Questions about the content of this IFA or the ITT; and
- Questions about how to technically use the eTendering system.

Questions about this IFA, the PQQ or the ITTs

- 3.5. If you have any questions about the content of this IFA, the PQQ or the ITT, you may submit them up until **12 noon on 25th June 2010** (note this is referred to as the 'End date for clarification messages') on the eTendering system.
- 3.6. All questions must be submitted using the online secure messaging tool within the eTendering System (see Section 9 for more detail about eTendering).
- 3.7. Questions that we consider to be of wider interest will be collated and answered centrally in writing to ensure that all interested parties have equal access to information in the answers. These questions and answers will be published regularly on the civil tender pages of our website in a 'Police Station Immigration Telephone Advice Frequently Asked Questions (FAQ)' document.
- 3.8. A final FAQ document will be published on **2nd July 2010**

Questions about how to use the eTendering system

- 3.9. We will offer a Helpdesk to provide technical support to Applicant Organisations using the eTendering System. However, the Helpdesk is **unable** to assist with problems with your own computer hardware or systems - for these types of issues you should contact your usual IT support.
- 3.10. Questions must be emailed to the following email address: lscsupport@bravosolution.co.uk. Alternatively, the telephone number for the Helpdesk is 0203 3496610 (charged at a local rate from any national destination).
- 3.11. Please note that we recommend that you start to complete your tender response early so that you identify any areas where you need help as soon possible, as the team is likely to be very busy in the days leading up to the tender deadline.

Timelines

3.12. A list of planned dates for key activities in this tender process are set out below.

| Activity | Timescale |
|--|--|
| Invitation to tender for Police Station Immigration Telephone Advice Services is opened and available via the LSC's eTender portal | 14th June 2010 |
| Final date to submit questions about this IFA and the ITT | 12 noon 25th June 2010 |
| Final 'Frequently Asked Questions' to be published | 2nd July 2010 |
| Deadline for submission of tenders (response to the PQQ and ITT) | 12 noon 9th July 2010 |
| Applicant Organisations notified of the outcome of the tender process | 26th July 2010 |
| Deadline for submission of appeals from Applicant Organisations | 6th August 2010 |
| Notification of decision on appeal | Late August 2010 |
| 2010 Standard Civil Contract including Schedules issued to successful Applicant Organisations | w/c 30th August 2010 |
| Contract Start Date | 14th October 2010 |

Section 4: Documents related to this IFA

Tender Documents - you MUST read these before submitting your tender

| NAME | Description | Location |
|--|---|---|
| Information for Applicants (IFA) | This document sets out the information, instructions, rules and Terms and Conditions of Tender relating to the ITT | LSC Website pathway: www.legalservices.gov.uk CLS > Tenders |
| Pre Qualification Questionnaire (PQQ) | Includes: (1) Series of questions; (2) Applicant Organisation Information Form (Private Sector or NfP); <u>and</u> (3) QM1 Form (<i>If applying for the SQM</i>) | PQQ pages on the eTendering portal: www.legalservices.bravosolution.co.uk |
| Invitation to Tender (ITT): This is one ITT | Includes: (1) Essential Criteria questions (including request to provide: (a) Supervisor Self Declaration Form(s); (b) Staff Details Form; and (c) Existing Contracts Form) (2) Selection Criteria questions (3) Declarations | ITT pages on the eTendering portal: www.legalservices.bravosolution.co.uk |

Supporting documents - contract documents, additional supporting guidance and information

| Name | Description | Location |
|---|---|---|
| 2010 Police Station Immigration Telephone Advice Services Contract (PSITAS) | All Contract documentation including: Contract for Signature 2010 Standard Terms Civil Specification PSITAS Schedule | LSC website pathway for the draft CFS, 2010 Standard Terms and Civil Specification which will form basis of this contract www.legalservices.gov.uk (CLS > Civil Contracts > 2010 Standard Civil Contract) See Annex 2 for PSITAS Schedule |
| Tender FAQ document | Questions and answers of wider interest to Applicant Organisations | LSC website pathway: www.legalservices.gov.uk (CLS > Tenders > Civil 2010 Contracts) |
| eTendering guidance* | Guidance on how to use the eTendering system including: (1) eTendering online training or Powerpoint presentation (2) eTendering Quick Guides (3) eTendering Technical FAQ | "Technical Support and Guidance" section on the eTendering portal: www.legalservices.bravosolution.co.uk Please note, this link is only available on the front page of the portal so we advise that Applicant Organisations familiarise themselves with this documentation before registering or logging in. |

*In addition to the LSC eTendering guidance, our provider of the eTendering system, Bravo Solution, has its own Supplier Helpdesk which can be accessed through clicking on the '?' options on the eTendering system. This Supplier Helpdesk contains Bravo Solution's own technical support which may assist you further in using the eTendering system.

Section 5: About the Legal Services Commission and legal aid

About the LSC

- 5.1. The Legal Services Commission (the LSC) is responsible for delivering legal aid (publicly funded advice and representation) through high quality service providers to people with legal problems in England and Wales.
- 5.2. The LSC was established under the Access to Justice Act 1999 ('the Act'), replacing the Legal Aid Board in April 2000. It is a non-departmental public body sponsored by the Ministry of Justice. The Lord Chancellor and the Secretary of State for Justice is accountable to Parliament for the LSC's activities and performance, and also appoints a board of non-executive Commissioners to oversee its work.

About legal aid

- 5.3. Legal aid enables people to safeguard their rights and address their legal problems. Our work is therefore essential to the fair, effective and efficient operation of the civil and criminal justice systems. It is also critical in helping to provide access to justice and fair trials (with professional representation) to over two million people each year.
- 5.4. We commission the services people need from solicitors, advice agencies, barristers and commercial organisations (known as our 'Providers'). The skills and commitment of legal aid service Providers are essential to helping people resolve their problems.
- 5.5. We deliver legal services through two schemes: the Criminal Defence Service (CDS) and the Community Legal Service (CLS). Both schemes have eligibility criteria in relation to the means of the Client and the nature of the problem, with certain limited exceptions.

The Community Legal Service (CLS)

- 5.6. The CLS consists of a network of Providers (including solicitors and not for profit agencies, such as Citizens Advice Bureaux and Law Centres), which provides and promotes civil and family legal advice and representation.
- 5.7. Part of this is done through Community Legal Advice, which includes telephone and Internet based services. We jointly fund legal services with local authorities known as Community Legal Advice Centres and Networks.

5.8. We also contract with Providers to deliver face-to-face civil legal aid services. Contracts are awarded by Categories of Law, allowing us to allocate funding to the areas where Clients need it most.

Client choice

5.9. While Providers contract with the LSC to conduct civil advice and representation services, the LSC does not control the allocation of cases or work. Providers with civil contracts obtain Clients under open market conditions, where Clients are free to choose, from those providers, a legal representative of their choice to advise or represent them.

Quality Assessment

5.10. It is a mandatory requirement for that all providers that deliver services under a civil or crime contract hold either the LSC's own quality standard – the Specialist Quality Mark (SQM) or the Law Society's quality standard - Lexcel. See Section 6 for more information about these and how to apply for the SQM.

5.11. The LSC also operates a quality assessment tool called peer review. Peer review involves independent experienced legal aid practitioners assessing a random sample of a Provider's case files to determine the quality of advice and legal work provided to Clients in a particular Category of Law. A standard ratings system is applied to the work as an indication of quality (1 being the highest rating and 5 being the lowest). More information on peer review can be found at www.legalservices.gov.uk (CLS > Quality and Performance > Peer review).

The Funding Code

5.12. The Funding Code is the set of rules used to decide which individual cases are to be funded by the LSC and is central to the delivery of legal aid services. The Funding Code criteria define what services the LSC will fund, ranging from basic legal advice to representation in court proceedings and sets out the types of cases known as the Levels of Service. A full copy of the Funding Code can be found at www.legalservices.gov.uk (CLS> Civil legal aid eligibility).

5.13. The Funding Code divides services into levels of cases known as Levels of Service. There are four Levels of Service in civil, three known collectively as Controlled Work and a fourth covering Licensed Work.

Controlled Work (not covered by the Scheme)

5.14. The three Levels of Service in Controlled Work cover basic levels of advice and assistance (and some representation before tribunals):

- Legal Help
- Help at Court
- Controlled Legal Representation (CLR) which is limited representation before:
 - o A Mental Health Tribunal
 - o An Asylum and Immigration Tribunal (including appeals).

Licensed Work (not covered by the Scheme)

5.15. Licensed Work covers all representation other than CLR (and excluding high cost cases which are managed through specialist contracts). Funding applications need to be submitted to the LSC for each case and the LSC decides whether the Funding Code criteria and the merits test are met. Limits in relation to the work are then set which may be varied on application by the Provider on behalf of the Client.

5.16. Payment for Licensed Work is assessed by either the court or the LSC and is paid on the basis of individual claims submitted by Providers.

Telephone Advice Services Work

5.17. The telephone service being procured through this ITT aims to reach Clients detained in Police Stations who are in need of immigration advice, which many criminal practitioners are not able to supply. This telephone advice service is not paid as Licensed or Controlled Work and how the service operates and is remunerated is set out in more detail at Section 7 and 8 and in Annex 2.

Who we will contract with

5.18. As part of this tender process we are introducing a Pre Qualification Questionnaire (PQQ), which will ask a series of questions designed to determine whether Applicant Organisations can meet the minimum standards for a contractual relationship with the LSC.

Legal Status of Applicants, subcontracting and consortia tenders

5.19. We will only contract with a single legal entity for the purposes of providing Police Station Immigration Telephone Services.

- 5.20. Therefore, should Applicant Organisations wish to merge or 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 a Client's retainer will always be with the single entity.
- 5.21. Where Applicant Organisations are tendering as a new single legal entity that will be in place 4 weeks before 14 October 2010, it must complete a single PQQ and complete its response to the ITT as that new legal entity.
- 5.22. We will not accept subcontracting arrangements (e.g. where you pay another organisation to deliver part of the service); instead, Applicant Organisations must be able to provide all the services they tender for, without the need to refer any calls or Levels of Work to other individuals or organisations. We will not accept consortia tenders for the provision of these contracts.

Indemnities from Applicant Organisations with limited liabilities (excluding charities)

- 5.23. If you are an Applicant Organisation with limited liability (unless you are a registered charity) you must as part of the ITTs commit to providing an indemnity on the relevant form specified by us following submission of a tender.
- 5.24. A draft copy of the form is available on our website at www.legalservices.gov.uk (CLS>Civil Contracts>2010 Standard Civil Contract).
- 5.25. It will be a condition of any contract award that you will supply us (by the date set out in any request) with a relevant indemnity form signed by the ultimate owners of your organisation and/or such persons as we might reasonably regard as being controllers and/or senior managers of your organisation and/or where you are a limited company, from any company which is your holding company.
- 5.26. In summary, by signing the form the ultimate owners of the organisation agree to indemnify the LSC in respect of any losses, costs, expenses, damages suffered or incurred by the LSC as a result of the Provider (or any receiver, administrator or similar person appointed by the Provider) failing to comply with its obligations under the contract(s).

Section 6: Quality Standards for the delivery of services from October 2010

- 6.1. It will be a requirement of the Contract that Providers hold a recognised quality standard – either Lexcel or the Specialist Quality Mark (SQM).
- 6.2. A New Provider (i.e. one that does not currently hold the Unified Contract (Civil or Crime) will be subject to a condition of contract award that they either:
- hold Lexcel; or
 - confirm in the PQQ that they wish to apply for the SQM and in accordance with the process set out below.
- 6.3. Those already holding the SQM in any Category of Law should note that the SQM has recently changed - it now applies to an organisation as a whole rather than being Office or category specific. Applicant Organisations will not need to apply for the SQM if they currently hold the Standard and wish to expand to deliver from an additional Office or in an additional Category of Law. Further information on these changes is available at www.legalservices.gov.uk (CLS > Quality and Performance > Quality Mark > Specialist Help).

Applying to hold the SQM

- 6.4. To obtain the SQM, Applicant Organisations will need to submit one set of the following documents electronically as part of their PQQ response:
- Completion and submission of a QM1 Form; and
 - Submission of an Office Manual
- 6.5. If an Applicant Organisation is successful in being awarded a contract, between the award and the start of the Contract we will conduct an internal, paper-based audit (known as a 'desktop audit') of the QM1 Form and Office Manual to determine whether the organisation has the necessary processes in place to be awarded the SQM. The desktop audit is the first stage of audit that Applicants must pass to be awarded the SQM and there are then further audit stages to achieve the SQM, which will be undertaken within the first 6 months of the contract.
- 6.6. Please note that it will be a pre-condition of any Contract award that, where it has not already been achieved, the organisation must pass the desktop audit stage of the SQM 4 weeks before 14th October 2010 and fully hold the SQM by 1st April 2011.

Lexcel

6.7. As Lexcel is an externally run quality standard, any Provider choosing to meet the quality requirements via this route would need to hold it at the time of tendering. Further information on Lexcel can be found at the Law Society's website: <http://www.lawsociety.org.uk/productsandservices/lexcel.page>.

Section 7: About Police Station Immigration Telephone Services from October 2010

Background to the Police Station Immigration Telephone Advice Services (the Scheme)

- 7.1. The purpose of the Scheme is to ensure that individuals detained at Police Stations have access to independent legal advice from an Immigration Accredited adviser in relation to non-criminal immigration matters.
- 7.2. The need for advice might arise where, for example, an individual has been subject to arrest on a criminal matter but during their detention, issues have arisen with regards to their immigration status in the UK.
- 7.3. The Crime Duty Solicitor is not able to provide advice to individuals held at Police Stations for non-criminal immigration matters. Criminal specialists are often not able to advise on non-criminal immigration law, and may not always effectively refer these individuals to an appropriately qualified immigration lawyer, particularly if it is out of normal office hours.
- 7.4. Providers will operate on a rota based system (Rota) where each week a Provider will take all the calls from Clients based in Police Stations across England and Wales.

Who are we looking to contract with?

- 7.5. 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, Applicant 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.
- 7.6. Successful Applicant Organisations must be able to demonstrate that they meet the Essential Criteria and if applicable the Selection Criteria.

Contract Start date and duration

- 7.7. The Contract will commence on 14th October 2010 and will end on 13 October 2013 unless it is lawfully extended or terminated before then. Our intention is to award contracts in late August 2010.

Allocation of Awards

7.8. It is essential that the mechanics of the Scheme operate well and provide Clients with prompt access to legal advice. We also recognise that for the Scheme to be attractive to tender for there has to be regular opportunities to be on the Rota to receive the calls. Our preference is to award contracts to 4 Applicant Organisations to cover the whole Scheme (giving each Applicant Organisation 1 Rota week in every 4).

7.9. However, if a number of Applicant Organisations are equally ranked we may award contracts to up to 6 Applicant Organisations (giving each Applicant Organisation 1 Rota week in every 6) (see Section 10 for more information).

7.10. This means that an Applicant Organisation's occurrence on the Rota will be between 1 in every 4 and 1 in every 6 weeks and Applicant Organisations tendering must be prepared to accept an allocation of Rota weeks on this basis.

Capacity to deliver the service

7.11. Providers must have capacity to answer all calls under the Scheme during each Rota Week. We are only inviting tenders from Applicant Organisations that have sufficient capacity to provide all advice required under the Scheme for a full Rota Week. As a minimum, and to meet the Essential criteria, you must have at least 6 full time caseworkers dedicated to the Scheme each Rota week.

7.12. In Annex 3 we have provided information in relation to previous call volumes which shows that on average there were 968 calls per month during the period March 2009 – February 2010, however we are unable to estimate or confirm what the future demand for the service will be.

How the Scheme will operate

7.13. Police Station staff will lodge requests for advice from detained individuals with the Call Centre which handles requests for legal assistance. The same Call Centre currently handles requests for advice and assistance for the Crime Duty Solicitor scheme. The Call Centre will filter calls to ensure that the Crime Duty Solicitor is contacted if a criminal immigration offence is under investigation, and an immigration adviser will be contacted if advice on non-criminal immigration matters is required.

7.14. The LSC will provide the Call Centre with a weekly-based rota that will set out the name and contact number of the Provider supplying immigration advice for that Rota week. The Call Centre will then contact the Provider on the Rota for that week with the Client and police station's contact details.

7.15. A single Provider will be on the Rota for 7 days at a time (i.e. there will not be a panel of Providers on the rota). Providers will be expected to deal with all calls from the Call Centre during that Rota week which may include Bank or Public Holidays.

7.16. The Scheme will operate from 7am to 12 midnight seven days a week, 365 days a year and Applicant Organisations will be allocated week long slots during which they will receive all requests for telephone advice from the Call Centre.

7.17. The contract will include a right for the LSC to extend a Rota day up to 19 hours if it is identified that the volume of Clients requiring advice under the Scheme between 12 midnight and 7am increases significantly from current levels.

Performance Standards

7.18. There will be two key performance standards which Providers will have to meet:

(1) Where the Call Centre does not speak directly to the Provider but leaves a message on its telephone system, the Provider must contact the Call Centre to receive details of the call within 30 minutes of the message being left. This will be monitored by the LSC using management information obtained via the Call Centre.

(2) Once a Provider has received the details of a Client from the Call Centre the Provider must telephone the Police Station to speak to the Client within 45 minutes of receiving the call in order to take initial instructions (and where possible to give advice). Providers must have a system (manual or electronic) in place to record performance against this performance standard. Results are to be submitted to the LSC on a monthly basis.

Stacked Calls

7.19. Any calls received between 12 midnight and 7am will be stacked by the Call Centre until 7am at which point the Providers will be contacted. Consequently, there may be a

backlog of calls to deal with when the adviser comes on duty at 7am. Providers will be expected to provide sufficient caseworkers in order to ensure that at all times (and especially at 7am) calls received from the Call Centre will be dealt with within 45 minutes.

What type of Immigration Advice is required?

7.20. The Scheme is structured so that caseworkers can give one off pieces of advice primarily to ensure Clients are aware of their legal rights and entitlements in relation to their immigration status. Where the Client requires further advice, at the conclusion of the telephone call, Applicant Organisations must refer the Client either to the CLA Directory or where the Client is to be detained, to an LSC funded detention duty advice scheme if applicable.

7.21. Caseworkers must make contemporaneous, accurate, records of advice given to each detained individual including times and outcomes of all calls made.

7.22. There will be no requirement for the Providers to carry out a means test to give advice under this Scheme. Further details of the advice required is set out in the draft Schedule in Annex 2.

Demand for the Scheme

7.23. As Providers will be on the Rota for the entire week it will receive all calls from Police Stations in England and Wales (please see Annex 3 for breakdown of historical calls).

7.24. However, there is no guarantee of any minimum amounts of work through the Scheme. Volumes of work will depend on how many individuals requiring non-criminal immigration advice have been detained at the Police Station, and whether they wish to use the Scheme to obtain legal advice or contact another adviser outside the Scheme.

7.25. There are greater volumes of calls during certain periods and it is therefore necessary that Providers providing this Scheme to be able to react quickly to the needs of Clients in detention. Multiple caseworkers will be required to cover the demand for advice services at any one time and to ensure that Providers respond to calls within the required timescale. Therefore Providers are required to have sufficient numbers of caseworkers who can handle overflow calls at busy times, to avoid detained individuals having to wait lengthy periods for advice.

Accreditation status of all caseworkers

7.26. The telephone advice Scheme requires caseworkers to have an in-depth knowledge of immigration and asylum law. Individuals accessing the Scheme are likely to have differing immigration/asylum issues and these may also be complicated by actions against the Client in relation to criminal immigration offences. Therefore **all** caseworkers (including Authorised Litigators and Supervisors) who provide advice under the Scheme will need to be accredited to at least Level 2 - Senior Caseworker - of the Law Society's Immigration and Asylum Accreditation Scheme (IAAS).

Translation Service

7.27. 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.

Technical requirements

7.28. The Provider's telephone system must be able to accommodate and be able to make three way calls so that the adviser, interpreter and the Client are able to communicate effectively. Applicant Organisations must have one central number, which will be held by the Call Centre and on which its caseworkers will be contactable. This may be a mobile telephone number.

7.29. The telephone system must also be able to respond to multiple calls. For example 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 in line with the Performance Standards set out in 7.8.

Payment

7.30. Providers will receive a Standby Rate of £71.40 for each day it is on the Rota. In addition it will receive £30.25 for each Client it advises. The rate of £30.25 is a fixed fee regardless of the number of calls and breadth of advice required by the Client. See Annex 2 for the full payment details.

Section 8: Police Station Immigration Telephone Services – Criteria

- 8.1. This section describes the criteria requirements that apply to the Police Station Immigration Telephone Services we wish to procure.
- 8.2. Below are the criteria based on experience and key terms of the contract that we will ask Applicant Organisations to confirm they can meet in their response to an ITT.
- 8.3. The key terms of the contract referred to are not all the obligations you will be required to meet during the terms of the contract, and you should read the draft contract to understand the full extent of your obligations should you be awarded a contract.
- 8.4. The Immigration Category of Law is defined by the Funding Code to cover both Asylum and Immigration Non-Asylum cases (see www.legalservices.gov.uk CLS> Civil legal aid eligibility for further information).

Key Contract terms (Essential Criteria)

- 8.5. The ITT set out a number of requirements (known in the ITT as the 'Essential Criteria') which an Applicant Organisation tendering to deliver Immigration Services must demonstrate that it is able to meet. For the detailed wording on each of the Essential Criteria please refer to Annex 1.
- 8.6. The Essential Criteria cover the ability to:
 - By 14 October 2010, the Applicant Organisation must be able and willing to deliver Police Station Immigration Telephone Advice Services in accordance with the terms of the contract
 - By 14 October 2010, the Applicant Organisation must employ a Level 2 or 3 Accredited Authorised Litigator available to deliver Immigration Services during a Rota week
 - By 14 October 2010 all the Applicant Organisation's caseworkers delivering Immigration Services must be accredited by the Law Society's Immigration and Asylum Accreditation Scheme (IAAS) to at least Level 2
 - By 14 October 2010 the Applicant Organisation must employ at least one full time equivalent (FTE) Supervisor (who meets the Supervisor Standard in the

Immigration Category of Law and actively supervises) for every six employed FTE caseworkers

- By 14 October 2010, the Applicant Organisation must confirm that it will have access to telephone translation services that will translate in any language required by a Client
- By 14 October 2010 the Applicant Organisation must employ, as a minimum, the equivalent of 6 FTE caseworkers available to work during a Rota week ('caseworkers' may include an individual who is also a Supervisor and/or an Authorised Litigator)
- By 14 October 2010 the Applicant Organisation must have a suitable telephone system which includes:
 1. A messaging or divert system that will allow messages to be left by the Call Centre and to be retrieved by your caseworkers; and
 2. Capacity to undertake a 3 way call to enable a caseworker, Client and if necessary interpreter to take part in the call simultaneously while in different locations
- The Applicant Organisation must not have received a 'Confirmed Peer Review' rating of 4 or 5 in the Immigration Category of Law since June 2007
- The Applicant Organisation must, in the previous 2 years, have held a contract or grant with a public body or commercial organisation to deliver a legal advice service to clients by telephone, which has been operational for at least 12 continuous months.

8.7. Where the criteria refer to 'employ' or 'employed' it means that the Applicant Organisation must hold an employment contract with that caseworker (including Supervisors and Authorised Litigators).

The Law Society Immigration and Asylum Accreditation Scheme (IAAS)

8.8. The Immigration and Asylum Accreditation Scheme (IAAS) is a compulsory accreditation scheme run by the Law Society for all individuals performing publicly funded work. The IAAS is designed to assess that each adviser possesses both the knowledge of Immigration law and procedure and the practical skills required to provide good quality legal services in this Category of Law.

8.9. All caseworkers (including Supervisors and Authorised Litigators) must be accredited to at least Level 2.

Immigration Supervisor Standard

8.10. All references to requirements for Supervisors means an individual who meets the Supervisor Standard in the Immigration Category of Law. This means that in addition to the general requirements for Supervisors set out in Section 2 of the Civil Specification, an Immigration Supervisor must:

- a) be a IAAS Level 2 Senior caseworker or Level 3 Advanced caseworker accredited; and
- b) have achieved the IAAS Supervisor Level of accreditation.

Ratio of Supervisors to Caseworkers of 1:6

8.11. One FTE equates to working at least 35 hours per week. For the purposes of calculating this ratio a Supervisor is defined as someone who meets the Immigration Supervisor Standard and actively supervises.

Preference for Immigration Services (Selection Criteria)

8.12. In addition to the minimum requirements covered by the Essential Criteria, we have additional preferences known in the ITT as Selection Criteria which Applicant Organisations can demonstrate they meet, to deliver the Immigration Service.

8.13. If an Applicant Organisation is awarded a contract on the basis of Selection Criteria, these preferences will become obligations in the contract, which the Applicant Organisation will be required to maintain. For the detailed wording on each of the Selection Criteria please refer to Annex 1.

8.14. We will prefer Applicants that can demonstrate to us a higher level of confidence of their ability to deliver Immigration Services from 14th October 2010 based on:

- Preference will be given to Applicant Organisations that can provide us with a higher level of confidence of delivery, through its experience of delivering face to face immigration non asylum legal advice to a greater number of clients since 1 June 2009.
- Preference will be given to Applicant Organisations that can provide us with a higher level of confidence of delivery, through its experience of delivering face to face asylum legal advice to a greater number of clients since 1 June 2009.

- Preference will be given to Applicant Organisations who currently employ at least one full time equivalent caseworker who is accredited to IAAS Level 3 (Advanced caseworker) and who will be available to work throughout the Rota week.
- Preference will be given to Applicant Organisations that can provide us with a higher level of confidence of delivery by demonstrating that the telephone contract or grant (referred to in Essential Criteria 9) was delivered to a greater number of clients per average month. Where the Applicant Organisation has held more than 1 contract or grant we will accept the collective number of clients advised.
- Preference will be given to those Applicant Organisations that can provide us with a higher level of confidence of delivery, through having a lower number of Level 2 caseworkers to recruit in order to deliver the Immigration Service.

Section 9: How to respond to an ITT

Introduction

9.1. Below we provide an overview of the steps that an Applicant Organisation must follow in order to tender. These steps are set out in the eTendering system, we suggest you register and look at the system in conjunction with reading this section.

9.2. One tender per Applicant Organisation is permitted in relation to this ITT.

The eTendering system

9.3. E-Tendering is an electronic application process used increasingly by Government and private organisations to procure contracts and commission services. It replaces paper-based forms and uses a secure Internet site as a platform through which interested parties can submit applications. It also offers a secure messaging service enabling Applicant Organisations and the LSC to communicate with each other throughout the tender process.

9.4. E-Tendering offers many advantages over paper-based systems:

- Access to all relevant documents in one place
- Secure portal through which to submit applications and send/receive communications
- Instant submission with no risk associated with postal failure
- Automatic acknowledgement of receipt
- Full audit trail of all transactions etc.

How to register onto the eTendering system

9.5. You can access the LSC eTendering system at:
www.legalservices.bravosolution.co.uk

9.6. To use the eTendering system and to be able to view the PQQ and ITTs you will need to register onto the system. Once you have registered you will receive an automated email sent to your registered email address detailing your username and password to enable you to log into the system in future. For more information on how to use the eTendering system please see the 'Technical Support and Guidance' on the eTendering portal.

9.7. You must:

(1) Register your organisation once on the eTendering system.

(2) Use the eTendering system to prepare a single organisational response to the Pre-qualification Questionnaire (PQQ).

9.8. Then use the eTendering system to prepare a separate response for the ITT. Your response will comprise of:

- Essential Criteria

You must prepare a single organisational response and you must warrant that your Applicant Organisation meets the Essential Criteria. This will include uploading the following three forms:

- (1) Immigration Supervisor Self Declaration Form
- (2) Existing Contracts Form
- (3) Staff Details Form

- Selection Criteria

You must respond to the Selection Criteria confirming how your Applicant Organisation meets each of the Selection Criteria.

9.9. Once you have completed your response you must ensure you submit ('publish') it.

Important Note: if you have already expressed an interest or responded to the PQQ on the eTendering system in relation to another LSC ITT.

9.10. You must as part of your response to these ITTs submit a response to the PQQ on the eTendering system.

9.11. You may though have already 'expressed an interest' or in fact completed and submitted a response to the PQQ as part of responding to another LSC invitation to tender.

9.12. To avoid you having to fill in a new PQQ each time you submit a response to an ITT, the eTendering system is designed so that it saves your latest submitted response to the PQQ. However, this means that you will need to review your response to ensure that you have answered all required questions and the information provided is accurate.

9.13. As part of your response to the ITT(s), you will be required to confirm that a response to the PQQ has been submitted and that the information contained in the last response remains accurate and up to date at the time of submitting the ITT.

9.14. In relation to this tender process, at **12 noon on 9 July 2010**, we will extract your response to the PQQ held on the eTendering system. We will assess on the basis of the latest information included in the response to the PQQ submitted to us before this closing time and date.

Pre Qualification Questionnaire (PQQ)

9.15. The PQQ's purpose is to enable us to assess whether an Applicant Organisation meets our minimum standards of suitability for a publicly funded legal aid contract and to gather certain other information about Applicant Organisations.

9.16. The PQQ covers the following areas:

- Are there any mandatory grounds for rejection of the Applicant under regulation 23(1) of the Public Contracts Regulations 2006 (Applicants or Key Personnel convicted of conspiracy, bribery, fraud, money laundering)?
- Requirement to have 1 year's managerial experience and 3 years' experience of delivering specialist legal advice
- Requirement to have a complaints process, and no history of complaints being upheld and sanctions applied by a regulatory/complaints body, or upheld professional negligence claims, in the last 3 years (in relation to publicly funded areas of law only)
- Requirement to have appropriate professional indemnity, public liability and employers' liability insurance cover
- Requirement to comply with workplace legislation (data protection, equalities and health and safety at work) by having appropriate policies and procedures and an acceptable history of discrimination claims in the last 3 years
- An acceptable history of business conduct including interventions and adverse findings by regulatory bodies, bankruptcy/insolvency, terminations for fault of public sector contracts, criminal convictions and failures to repay money owing on public sector contracts
- Confirmation that the Applicant Organisation has met its tax, VAT and NI liabilities

- Confirmation that the Applicant Organisation will hold an appropriate quality standard (SQM or Lexcell)

9.17. A full version of the PQQ can be found on the eTendering system through the 'PQQs open to all suppliers' link.

9.18. Answers to these questions will be assessed on a pass/fail basis. If an Applicant Organisation fails any question, we will reject their application. The requirement to have the required experience, and not to have any mandatory grounds for rejection, are absolute and we will reject any application that does not meet our requirements. Other questions provide an opportunity to set out exceptional circumstances where an Applicant Organisation considers that they cannot meet the requirements but that exceptional circumstances apply which mean that they can meet our required standard even though they cannot give the appropriate answer to our question. For example, a new organisation would not be able to give confirmation that it had professional indemnity insurance in place, but could explain that this was the reason, and we would then decide that in these circumstances it met our overall requirement to have appropriate workplace insurance.

9.19. Where exceptional circumstances are given in a PQQ response, we will undertake an assessment of these to establish whether we would be willing to contract with the Applicant Organisation.

9.20. The PQQ also asks for information about financial sustainability. This information is not assessed, although we may use the financial sustainability information to inform future contract management. You should complete and attach the relevant Applicant Information Form (Private Sector or Not for Profit as appropriate).

Invitation to Tender (ITT)

9.21. There will be one ITT through which we are inviting tenders to deliver Police Station Immigration Telephone Advice Services.

9.22. Applicant Organisations can access the ITT by clicking on the open to all suppliers' link. This will bring up the ITT that relates to this tender process.

9.23. From the list Applicant Organisations should select the ITT title 'Police Station Immigration Telephone Advice'. This will bring up an overview of the ITT. Applicants

can then decide whether they would like to 'express an interest' to the ITT and 'reply' to it (these links can be found on the left-hand side of the page).

What is in the ITT?

9.24. The ITT comprises of a 'Technical Response' section which contains all the Essential and Selection Criteria.

Essential Criteria

9.25. In the Technical Response section Applicant Organisations will see first the Essential Criteria and related questions.

9.26. The questions in this section will seek confirmation that the Applicant Organisation meets the minimum service requirements to be considered for the award of a contract (see Annex 1 for a list of Essential Criteria).

9.27. All the questions in this section require an answer of Yes or No.

9.28. One of the Essential Criteria relates to an Applicant Organisation's Immigration Supervisors. There is a facility in the right hand side of the screen (Buyer Attachments) to download the Immigration Supervisor Self Declaration Form.

9.29. This form should be downloaded and completed with details of each Immigration Supervisor who is currently in post at the Office(s) that an Applicant is tendering to deliver services from as part of their tender. It should then be uploaded with the response.

9.30. If an Applicant Organisation does not currently have a Supervisor in post then they must confirm and provide us with an Immigration Supervisor Self Declaration Form once this individual is recruited and in any event at least 4 weeks before the contract start date.

9.31. The above process for downloading, completing and uploading a Buyer Attachments should also be followed in relation to the Staff Details Form or Existing Contracts Form.

Selection Criteria

9.32. After completing questions regarding the Essential Criteria, Applicant Organisations should then go on to consider the Selection Criteria which follows in the same Technical Response section.

9.33. The Selection Criteria are set out in detail at the top of the page. The option answers for each Selection Criterion are then summarised and presented in a series of drop down fields. Applicant Organisations should select the appropriate option answers listed.

What happens once a response is 'published'?

9.34. Tenders submitted will be treated as sealed bids. This means that the LSC will not open any responses until after the deadline for the tender exercise.

9.35. Applicant Organisations can therefore amend and resubmit their responses to the PQQ and/or ITTs up until the closing date for tenders to be submitted.

Section 10: How tenders will be assessed

10.1. Responses submitted by Applicant Organisations will not be opened until after the deadline has passed. An authorised LSC representative will open responses and all responses will be opened at the same time (parallel opening) to ensure fairness.

PQQ

10.2. At **12 noon on 9 July 2010**, we will extract your response to the PQQ held on the eTendering system. We will assess on the basis of the latest information included in the response to the PQQ submitted to us before this closing time and date.

10.3. The PQQ consists of a series of yes/no questions that are designed to test compliance with our requirements.

10.4. We expect all Applicant Organisations to confirm compliance with all our PQQ requirements. If an Applicant Organisation fails the PQQ then it will not be considered further and its tender will be unsuccessful.

Essential Criteria

10.5. The Essential Criteria reflect the minimum service requirements that all Providers delivering the Immigration Services must meet.

10.6. All Essential Criteria will be assessed on the basis of pass or fail and any Applicant Organisation unable to confirm that it meets all our requirements will have its tender assessed as unsuccessful.

Selection Criteria

10.7. Selection Criteria will be applied should 5 or more Applicant Organisations pass the Essential Criteria.

10.8. The Selection Criteria and scoring mechanism is set out in Annex 1.

10.9. Each option answer in relation to a Selection Criterion has its own points score. We will total up the points awarded to each Applicant Organisation, and then rank Applicant Organisations according to the overall total points scored. Once we have ranked all Applicant Organisations, we will first look to award contracts to the 4 top ranked Applicant Organisations.

10.10. Where a number of Applicant Organisations are equally ranked (meaning we cannot award 4 contracts) we will award up to 6 contracts without going to the interview stage.

Interviews

10.11. If it has not been possible to award 6 contracts (for example a number of Applicant Organisations are equally ranked) we will at our discretion invite some or all Applicant Organisations for interview. We may choose to invite only those Applicant Organisations who are equally ranked.

10.12. Applicant Organisations invited to interview will be asked to make a 15 minute presentation on its Delivery Plan for managing and operating the service (interviews will take place between the 12th and 23rd of July).

10.13. Applicant Organisations will be given notice of at least 3 business days before interviews will take place. We will provide further instructions within the notice regarding the topics which the Delivery Plan must cover and an explanation of how those topics will be assessed.

Appeals

10.14. A completed tender will consist of (1) a response to the PQQ **and** (2) a response to an ITT (including forms required by the Essential Criteria) submitted prior to the deadline of 12 noon on 9 July 2010.

10.15. Where a tender is unsuccessful or rejected, the Applicant Organisation will be given written reasons as to why it was unsuccessful or rejected.

10.16. There will be no right of appeal against a decision to reject a tender if it is incomplete or if a tender is received after 12 noon on 9 July 2010 (or after any deadline set by a request for clarification or further information) or is not received by the LSC at all.

10.17. There will be a right of appeal if a tender is unsuccessful in the following circumstances:

- i. where the Applicant Organisation does not pass the PQQ;
- ii. where the Applicant Organisation does not pass the Essential Criteria;
- iii. where the Applicant Organisation does not comply with paragraph 11.2 *and* a notice that the tender is unsuccessful stipulates a right of appeal; and

- iv. where the Applicant Organisation is unsuccessful, because its tender ranks lower than other Applicant Organisations' tenders following assessment of the Selection Criteria (and interview if applicable), and it is subsequently not awarded any contract work.

10.18. Appeals will only be accepted if made through the eTendering system and must be received prior to the applicable deadline(s) stated in the notification to Applicant Organisations that their tender has been unsuccessful. An appeal submitted after the applicable deadline, in any other form or by any other method will not be considered.

10.19. The Legal Director (or the Legal Director's appointed representative) will review all appeals, and will determine the procedure and will decide whether to invite or require any further information from the Applicant Organisation, before making a determination on the appeal.

10.20. There will be no further right of appeal.

Section 11: Terms and Conditions of Tender

- 11.1. The Applicant Organisation's participation in the tendering exercise for publicly funded Police Station Immigration Telephone Advice Services covered by the 2010 Standard Civil Contract are governed by these Terms and Conditions of Tender. The Applicant Organisation must also comply with the User Agreement governing use of the LSC eTendering System and all rules, conditions of contract award and instructions set out in any Tender Document.
- 11.2. Submission of a tender which fails to comply with any Terms and Conditions of Tender, User Agreement or other rules, conditions of contract award and instructions shall, without affecting the Applicant Organisation's liability for non compliance, entitle the LSC to reject a tender, assess the tender as unsuccessful and/or entitle the LSC not to proceed with any decision made to award the Applicant Organisation a Contract or entitle the LSC to terminate the contract pursuant to Clause 25 of the Standard Terms.
- 11.3. A tender must be submitted by **12 noon on 9th July 2010** ("the deadline"). For the purposes of this deadline, it is understood that the time on the eTendering System shall be the definitive time.
- 11.4. By submitting a tender, the Applicant Organisation is agreeing to comply with any conditions of contract award stated in the Tender Documents and the Terms and Conditions in the Contract if it is awarded one. Any reference to 'tender' includes any part of a tender.
- 11.5. The Applicant Organisation acknowledges that the award of a Police Station Immigration Telephone Services Contract does not guarantee any minimum amount of work. Work under the Contract, including that which may arise from rotas or slots type arrangements, is dependent on a successful Applicant Organisation attracting Clients, and is subject to amendment under the terms of the Contract.
- 11.6. All tenders and appeals must be submitted on the eTendering System at www.legalservices.bravosolution.co.uk. A tender or appeal submitted in any other form, or by any other method, will not be considered.

- 11.7. For a tender to be complete, the Applicant Organisation must, prior to the deadline, submit a tender consisting of (1) a response to the PQQ **and** (2) a response to an ITT (including any forms required by the Essential Criteria). The LSC may award contracts to 4, 5 or 6 Applicant Organisations in accordance with the process set out in Section 10. Where less than 4 Applicant Organisations pass the Essential Criteria the LSC may award contracts to 3 or less Applicant Organisations.
- 11.8. The Applicant Organisation must not amend or alter any document comprising part of the tender after the deadline.
- 11.9. After the deadline any information or documents submitted in response to a request for clarification or further information (in accordance with paragraph 11.25) will also form part of the Applicant Organisation's tender.
- 11.10. In the event of any conflict between the information, answers or documents submitted as part of a tender, the conflict will be resolved by accepting the information, answer or document least favourable to the Applicant Organisation.
- 11.11. It is the responsibility of Applicant Organisation to make sure that a tender is fully and accurately completed (including any forms required by the Essential Criteria). The LSC is under no obligation to contact the Applicant Organisation to clarify its tender or to obtain missing information or forms.
- 11.12. It is the responsibility of the Applicant Organisation to make sure that it submits a tender in good time to take account of any problems or delays in uploading the tender and documents requested by the LSC, accessing the LSC eTendering System owing to heavy usage, internet access or with the Applicant Organisation's own IT systems.
- 11.13. The Applicant Organisation is solely responsible for the costs and expenses incurred in connection with the preparation and submission of the tender and all other stages of the tender process. Under no circumstances will the LSC, or any of its employees, be liable for any costs.
- 11.14. The Applicant Organisation must reply to all the questions in order to respond to the PQQ and the ITT, even if it has previously provided this information or if it thinks the LSC is already aware of it (e.g. if the Applicant Organisation holds an existing contract with the LSC).

- 11.15. The Applicant Organisation must not submit a tender which contains any information which the Applicant Organisation knows to be, or has reason to believe is false or misleading in accordance with Clause 18 of the 2010 Standard Civil Contract Standard Terms. If information given by the Applicant Organisation is subsequently found to be false or misleading, this may lead to the Applicant Organisation's tender being unsuccessful and/or entitle the LSC not to proceed with any decision made to award the Applicant Organisation a Contract or entitle the LSC to terminate the contract pursuant to Clause 25 of the Standard Terms.
- 11.16. If, because an Application Organisation has registered more than once on the LSC eTendering system or, for any other reason, more than one response to the PQQ or an ITT is received by the LSC the latest response submitted by an Applicant Organisation prior to the deadline shall be the response that is considered by the LSC in the assessment and award process.
- 11.17. The Applicant Organisation may amend and re-submit their response to the PQQ and/or each ITT at any time up to the deadline. If so amended and re-submitted by the Applicant Organisation the latest response submitted by an Applicant Organisation prior to the deadline shall be the response that is considered by the LSC in the evaluation and award process.
- 11.18. The person who submits a tender must be a member of the Applicant Organisation's Key Personnel with appropriate authority to submit a tender for the Applicant Organisation.
- 11.19. A tender will be rejected if it is submitted after the deadline nor will the LSC consider (1) requests to submit the tender after the deadline or (2) requests for an extension of the time or date fixed for the submission of the tender.
- 11.20. A tender will be unsuccessful where, following assessment, the Applicant Organisation:
- a. fails to pass the PQQ;
 - b. fails to pass the Essential Criteria; and/or
 - c. has its tender ranked lower than other Applicant Organisations' tenders following assessment of the Selection Criteria (or interview if applicable), and it is subsequently not awarded contract work.

- 11.21. The LSC reserves the right to amend at any time any of the Tender Documents and the Contract or to issue clarifications (including in response to questions and answers from Applicant Organisations) or to correct errors or omissions provided that in all cases any such amendment is not sufficiently material to amount to a new tender or contract for the purposes of the Public Contracts Regulations 2006. Subject to paragraph 11.24, any notices of amendment etc will be published on the LSC website tender pages (CLS > Tenders > Civil 2010 Contracts) and sent by email to all Applicant Organisations that have expressed an interest in the relevant ITT and/or PQQ.
- 11.22. A submitted tender, which does not comply with any additional or alternative Terms and Conditions of Tender, rules, conditions of contract award and instructions (or other qualifications) introduced in accordance with paragraph 11.21 above, may be rejected or unsuccessful.
- 11.23. Any communications about the Tender Documents will be given by notice published on the LSC website tender pages (CLS > Tenders > Civil 2010 Contracts) and sent by email to all Applicant Organisations that have expressed an interest in the relevant ITT or PQQ.
- 11.24. After the deadline, notices (pursuant to paragraph 11.21) relating to the Contract will be published on the LSC tender pages of the LSC website (CLS > Tenders > Civil 2010 Contracts) only.
- 11.25. Should the LSC, at any time during the tender process, request the Applicant Organisation to give additional information / clarification, the Applicant Organisation should be prepared to provide additional information and/or clarify any aspect of a tender by the deadline set out in the request. The LSC reserve the right to validate any part of the Applicant Organisation's tender and information subsequently given to it.
- 11.26. Any questions and answers posted on the LSC website during the tender process (or before) will not form part of any contract subsequently awarded (unless the LSC notifies Applicant Organisations as part of the answers posted that it will amend the Contract accordingly).

- 11.27. The LSC reserves the right to cancel the invitations to tender or PQQ covered by this IFA in their entirety or in part, and not to proceed to award contracts or to suspend any stage of the process at any time at its absolute discretion.
- 11.28. The Applicant Organisation agrees to keep any tender valid and capable of acceptance by the LSC up to the 14 October 2010 (Contract start date).
- 11.29. The right of appeal for an unsuccessful Applicant Organisation is limited to that set out in Section 10.
- 11.30. After assessment is complete, the LSC will retain copies of tenders for such time as it considers reasonable to satisfy the LSC's audit obligations and for any associated contract management purposes.
- 11.31. All intellectual property rights in the Tender Documents and any associated documents are and shall remain the LSC's property.
- 11.32. While the LSC have taken all reasonable steps to ensure, as at the date of the issue of the Tender Documents, that the facts which are contained in the Tender Documents and associated documents are true and accurate in all material respects, it does not make any representation or warranty as to the accuracy or completeness or otherwise of these documents, or the reasonableness of any assumptions on which these documents may be based.
- 11.33. All information supplied by the LSC to the Applicant Organisation or potential applicants, including that within the Tender Documents, is subject to that Applicant Organisation's own due diligence. The LSC accepts no liability to the Applicant Organisation or potential applicants whatsoever resulting from the use of the Tender Documents, or any omissions from or deficiencies in them.
- 11.34. Without prejudice to any warranties given, the rules, instructions, conditions of contract award and Terms and Conditions of Tender contained in this Tender Documents, do not form a separate collateral contract between the Applicant Organisation and the LSC. The relevant parts of the Applicant Organisation's tender may form part of any Contract subsequently awarded.

11.35. If an Applicant Organisation changes its status or any material element of its tender including management or Key Personnel, between submitting its tender and being awarded a Contract, the LSC must be informed of this as soon as possible in writing. The LSC reserve the right (depending on the nature and effect of the change in status) to revoke any contract award made and may request the new Applicant Organisation (post-change) to submit a fresh tender.

11.36. The Applicant Organisation must ensure that its employees, partners, directors, Key Personnel and agents must not;

- a. canvass any officers, employees, agents or caseworkers of the LSC in connection with this tender process; or
- b. offer or agree to pay or give any sum of money, inducement or valuable consideration (directly or indirectly) to any person for doing or having done or causing or having caused to be done in relation to this tender, any act or omission.

11.37. The Applicant Organisation must not enter into any agreement or arrangement with any other person or organisation about whether it should or should not tender, or to fix or adjust the amount of any tender, or collude with any such other person or organisation in any way, in this tender process.

11.38. Nothing in these Terms and Conditions prevents the Applicant Organisation from approaching or recruiting employees or agents (in accordance with the terms of the Contract) to undertake work covered by this tender process on behalf of the Applicant Organisation.

11.39. If the Applicant Organisation is a legal entity with limited liability (unless it is a registered charity) any Contract awarded will be conditional upon the Applicant Organisation supplying the LSC with a relevant indemnity form signed by the ultimate owners of the Applicant Organisation and/or such persons as the LSC might reasonably regard as being controllers and/or senior managers of the organisation and/or where the Applicant Organisation is a limited company, from any company which is a holding company.

Confidentiality and Freedom of Information Act 2000

11.40. The LSC may share any information contained in an Applicant Organisation's tender with Bravo Solutions Limited for the purposes of administering the tender process.

- 11.41. The Applicant Organisation should note that under the Freedom of Information Act 2000 (the “FOIA”) the LSC may be required to disclose details of its tender in response to a request from third parties, either during or after the tender process. The LSC can only withhold information where it is covered by a valid exemption as set out in the FOIA.
- 11.42. If an Applicant Organisation is concerned about possible disclosure it should contact the LSC and clearly identify the specific parts of the tender that it consider commercially sensitive or confidential (within the meaning of the FOIA), the harm that disclosure may cause and an estimated timescale for that sensitivity. The Applicant Organisation should familiarise itself with the Information Commissioner’s current position on the disclosure and non disclosure of commercially sensitive information and therefore should not notify us of blanket labelling of all its tender as confidential.
- 11.43. The Applicant Organisation should also be aware that the receipt by the LSC of information marked ‘confidential’ does not mean that the LSC accepts any duty of confidence in relation to that marking. Neither does the LSC guarantee that information identified by the Applicant Organisation as confidential will not be disclosed where the public interest favours disclosure pursuant to our obligations under FOIA.
- 11.44. 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 tender process is complete.
- 11.45. The LSC, will collect, hold and use personal data obtained from and about the Applicant Organisation and its Key Personnel during the course of the tender process (“Personal Data”).
- 11.46. The Applicant Organisation must agree to such Personal Data being collected, held and used in accordance with and for the purposes of administering the tender process as contemplated by the Tender Documents and for contract management of any Contract subsequently awarded.
- 11.47. The Applicant Organisation warrants, on a continuing basis, that it has:
- a. all requisite authority and has obtained and will maintain all necessary consents required under the Data Protection Regulations (which means the

Data Protection Act 1998, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and all relevant regulations together with any codes of conduct and guidance issued by the Information Commissioner);and

b. otherwise fully complied with all of its obligations under the Data Protection Regulations, in order to disclose to the LSC the Personal Data, and allow the LSC to carry out the tender process. The Applicant Organisation shall immediately notify the LSC if any of the consents are revoked or changed in any way which impacts on the LSC's rights or obligations in relation to such Personal Data.

Section 12: Definitions

Many of the phrases used in the Tender Documents are explained in the relevant paragraph of this IFA. Further definitions (including Office, Permanent and Part-time Presence and Authorised Litigator) are set out in the 2010 Standard Civil Contract and are not repeated here.

Set out below are some summary definitions you may find helpful.

“Applicant Organisation” and “Applicant” means a single legal entity tendering to deliver Immigration Services;

“Authorised Litigator” means a solicitor or other authorised litigator as defined in Section 119 of the Courts and Legal Services Act 1990. An authorised litigator, as defined by the Act, is “any person (including a solicitor) who has a right to conduct litigation granted by an authorised body.” An authorised litigator’s role is primarily to issue proceedings and apply for a funding certificate for Legal Representation, and then to conduct the litigation. Without an authorised litigator, a provider organisation will not be able to provide the full range of services up to full Legal Representation for their clients.

“Client” means an individual detained at a Police Station in England and Wales who requires immigration telephone advice services;

“Confirmed Peer Review” means at the conclusion of the peer review process, following appeal and any follow-up audit;

“Data Controller” is a person or organisation that determines the purposes for which, and the manner in which, personal information is processed with reference to the Data Protection Act 1998;

“Equalities Legislation” refers to the:

- Equal Pay Act 1970;
- Sex Discrimination Act 1975;
- Race Relations Act 1976;
- Disability Discrimination Act 1995;
- Employment Rights Act 1996;

Human Rights Act 1998;
Sex Discrimination (Gender Recognition) Regulation 1999;
Part Time Workers (Prevention Of Less Favourable Treatment) Regulations 2000;
Fixed Term Employees (Prevention Of Less Favourable Treatment) Regulations
2000;
Employment Act 2002;
Employment Equality (Sexual Orientation) Regulations 2003;
Employment Equality (Religion Or Belief) Regulations 2003;
Gender Recognition Act 2004;
Civil Partnership Act 2004;
Equality Act 2006;
Work And Families Act 2006;
Employment Equality (Age) Regulations 2006; or
any other equivalent legislation in a foreign state where the Applicant Organisation employs
staff or engages in business activities;

“eTendering System” means the online system that will be used to run the tender process
and through which Applicant Organisations must submit tenders;

“Immigration Service” means all the services required by the Police Station Immigration
Telephone Advice contract during each Rota week (*“Scheme”* as the related meaning);

“Individual Voluntary Arrangement” or *“IVA”* or is a formal agreement between you and your
creditors, to make reduced payments towards the total amount of your debt;

“Information Commissioners Office (ICO)” is an independent authority sponsored by the
Ministry of Justice, to oversee the Data Protection Act, the Freedom of Information Act and
the Environmental Information Regulations;

“Information for Applicants” or *“IFA”* means the document that contains information,
instructions, rules and Conditions of Tender that will govern the tender process and the other
Tender Documents (PQQ and ITTs);

“Invitation to Tender” or *“ITT”* means the specific Police Station Immigration Telephone
Advice Services that Applicant Organisations can tender against.

“Key Personnel” means any person who has powers of representation, decision or control of an organisation including partners, directors and trustees;

“Partnership Voluntary Arrangement or PVA ” is a formal agreement with the partnership’s creditors to repay their debts either in full or more likely partially over a fixed period of time;

“Provider” means an organisation with a contract to deliver the services required by the Scheme;

“Regulatory Bodies” means the Law Society, the Solicitors’ Regulation Authority, Bar Council, National Citizens’ Advice Bureau or the equivalent organisation in a foreign jurisdiction;

“Rota” means the week (Monday to Sunday inclusive) when the Provider will provide services to Client through calls received between the hours of 7am and 12midnight;

“Scheme” means all the services required by the Police Station Immigration Telephone Advice contract during each Rota week (*“Immigration Service”* as the related meaning);

“Specialist Legal Advice” means giving legal advice where you are taking action on behalf of the Clients in order to move the case forward, with the adviser taking responsibility for further action. This includes negotiation and representing the Client to third parties on the telephone, by letter or face to face. This also includes providing litigation and advocacy services. It does not include triage or initial general advice; and

“Tender Documents” means this IFA, the PQQ and ITT

Annex 1: Essential and Selection Criteria

Essential Criteria

Criterion 1

By 14 October 2010, the Applicant Organisation must be able and willing to deliver Police Station Immigration Telephone Advice Services in accordance with the terms of the contract.

Criterion 2

By 14 October 2010, the Applicant Organisation must employ a Level 2 or 3 Accredited Authorised Litigator available to deliver Immigration Services during a Rota week.

Criterion 3

By 14 October 2010 all the Applicant Organisation's caseworkers delivering Immigration Services must be accredited by the Law Society's Immigration and Asylum Accreditation Scheme (IAAS) to at least Level 2.

Criterion 4

By 14 October 2010 the Applicant Organisation must employ at least one full time equivalent (FTE) Supervisor (who meets the Supervisor Standard in the Immigration Category of Law and actively supervises) for every six employed FTE caseworkers.

Criterion 5

By 14 October 2010, the Applicant Organisation must confirm that it will have access to telephone translation services that will translate in any language required by a Client.

Criterion 6

By 14 October 2010 the Applicant Organisation must employ, as a minimum, the equivalent of 6 FTE caseworkers available to work during a Rota week.

Criterion 7

By 14 October 2010 the Applicant Organisation must have a suitable telephone system which includes:

1. A messaging or divert system that will allow messages to be left by the Call Centre and to be retrieved by your caseworkers; and
2. Capacity to undertake a 3 way call to enable a caseworker, Client and if necessary interpreter to take part in the call simultaneously while in different locations.

Criterion 8

The Applicant Organisation must not have received a 'Confirmed Peer Review' rating of 4 or 5 in the Immigration Category of Law since June 2007.

Criterion 9

The Applicant Organisation must, in the previous 2 years, have held a contract or grant with a public body or commercial organisation to deliver a legal advice service to clients by telephone, which has been operational for at least 12 continuous months.

Selection Criteria:

Criterion 1

Preference will be given to Applicant Organisations that can provide us with a higher level of confidence of delivery, through its experience of delivering face to face immigration non asylum legal advice to a greater number of clients since 1 June 2009. Please choose from one of the following options, indicating the number of clients the Applicant Organisation has delivered face to face non asylum legal advice to since 1 June 2009.

| | | Scoring |
|----------|---------------------|---------|
| Option 1 | 361 or more clients | 5 |
| Option 2 | 181 to 360 clients | 3 |
| Option 3 | 91 to 180 clients | 2 |
| Option 4 | 1 to 90 clients | 1 |

Criterion 2

Preference will be given to Applicant Organisations that can provide us with a higher level of confidence of delivery, through its experience of delivering face to face asylum legal advice to a greater number of clients since 1 June 2009. Please choose from one of the following options, indicating the number of clients the Applicant Organisation has delivered face to face asylum legal advice to since 1 June 2009.

| | | Scoring |
|----------|---------------------|---------|
| Option 1 | 361 or more clients | 5 |
| Option 2 | 181 to 360 clients | 3 |
| Option 3 | 91 to 180 clients | 2 |
| Option 4 | 1 to 90 clients | 1 |

Criterion 3

Preference will be given to Applicant Organisations who currently employ at least one full time equivalent caseworker who is accredited to IAAS Level 3 (Advanced caseworker) and who will be available to work throughout the Rota week.

| | | Scoring |
|----------|--|---------|
| Option 1 | The Applicant Organisation currently employs at least one full time equivalent caseworker who is accredited to IAAS Level 3 and will be available to work throughout the Rota week | 5 |
| Option 2 | The Applicant Organisation does not employ an IAAS Level 3 accredited caseworker | 0 |

Criterion 4

Preference will be given to Applicant Organisations that can provide us with a higher level of confidence of delivery by demonstrating that the telephone contract or grant (referred to in Essential Criteria 9) was delivered to a greater number of clients per average month. Where the Applicant Organisation has held more than 1 contract or grant we will accept the collective number of clients advised.

| | | Scoring |
|----------|-------------------------------|---------|
| Option 1 | 200 or more clients per month | 5 |
| Option 2 | 150 -199 clients per month | 4 |
| Option 3 | 100 - 149 clients per month | 3 |
| Option 4 | 50 - 99 clients per month | 2 |
| Option 5 | 25 - 49 clients per month | 1 |
| Option 6 | 24 or fewer clients per month | 0 |

Criterion 5

Preference will be given to those Applicant Organisations that can provide us with a higher level of confidence of delivery, through having a lower number of Level 2 caseworkers to recruit in order to deliver the Immigration Service. Please choose from one of the following options.

| | | Scoring |
|----------|--|---------|
| Option 1 | No Level 2 caseworkers to recruit | 5 |
| Option 2 | Between 1 and 2 Level 2 caseworkers to recruit | 3 |
| Option 3 | Between 3 and 4 Level 2 caseworkers to recruit | 1 |
| Option 4 | More than 4 Level 2 caseworkers to recruit | 0 |

Annex 2: Draft Police Station Immigration Telephone Advice Service Schedule

Legal Services Commission (LSC)

Contract Number []

Police Station Immigration Telephone Advice Scheme

Schedule Number []

| | |
|-------------------------|--|
| Name of Supplier | |
|-------------------------|--|

| TABLE 1 – SCHEDULE DATES | | | |
|--------------------------|-----------------|---------------------|--|
| Schedule Start | 14 October 2010 | Schedule End | |
| Date | | Date | |

| TABLE 2 – Minimum Number of Rota Weeks | |
|--|--|
| | |

Background:

1. This is a Police Station Immigration Telephone Advice Services Schedule (“Schedule”) granting you the right to perform work under the Police Station Immigration Telephone Advice Scheme (the “Scheme”) the details of which are set out below.
2. This is a Schedule to your Police Station Immigration Telephone Advice Services Contract.
3. This Scheme is a national telephone advice scheme under which you will provide, via telephone, Immigration legal advice to Clients detained at a Police Station.
4. The scope of this Scheme is to ensure that Clients detained at Police Stations have access to an adviser who can advise them on their legal rights and entitlements in relation to Immigration matters.

5. This Scheme is for civil Immigration advice and does not cover advice in relation to any criminal immigration offences.
6. In accordance with the Funding Code, work undertaken under this Scheme is Legal Help work. However this Schedule does **not** allocate any additional Matter Starts.
7. Any work undertaken for Clients in relation to this Scheme will not count as “Immigration Asylum or Non Asylum” Matter Starts under a Provider’s 2010 Standard Civil Contract.
8. The provisions of the 2010 Standard Civil Specification apply to this Scheme except for the following Sections of the Civil Specification:

[Sections related to face to face advice - To be Confirmed]

1. Interpretation

Definitions set out in the 2010 Standard Terms apply to this Schedule.

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

“*Call Centre*” means the organisation that the LSC contracts with who will receive calls direct from the Police Station and will be responsible for referring the details of the call to you.

“*ITA Claim*” means an individual fixed fee claim for all work done in relation to a Client referred to you by the Call Centre under this Schedule.

“*Home Office*” means the department within the Home Office which deals with Immigration and Asylum issues, currently know as the ‘UK Border Agency.

“*Immigration Telephone Adviser*” means an adviser employed by you to carry out Immigration Telephone Advice Work under this Schedule, and who must be accredited to at least Level 2 (Senior Caseworker) of the Immigration and Asylum Accreditation Scheme.

“*Immigration Advice Telephone Number*” means the designated number you have provided to us and which the Call Centre will use to contact you during your Rota Slots.

“*Immigration Telephone Advice Work*” means the provision of legal services by Immigration Telephone Advisers to Clients in accordance with this Schedule.

“*Police Station*” means any police station in England or Wales.

“*Rota Week*” means a seven day period from 7am on Monday to 12 Midnight on Sunday.

“*Rota Slot(s)*” means the period of time (on any day of the Rota Week) between 7am to 12 Midnight inclusive’

“*Scheme*” means this Police Station Immigration Telephone Advice Scheme established by the LSC.

“*Translation Service*” means Language Line or some other translation service as agreed with the Commission.

2. Schedule Period

2.1. This Scheme will commence on 14 October 2010 and will terminate on 13 October 2013, unless it is lawfully ended (in accordance with Clause 25 of the Standard Terms) or extended before then.

3. How the rota for the Scheme operates

3.1. For the duration of this Schedule we shall operate a rota system for all Providers who operate under this Scheme. We shall divide the rota into periods of 7 days know as a “Rota Week”.

3.2. You will be allocated Rota Weeks throughout the Schedule Period. A Rota Week is deemed to be a 7-day week commencing at 7am on a Monday and concluding at 12 midnight on the following Sunday. The Rota Week will include any Bank and Public Holidays, which happen to fall within a particular Rota Week.

3.3. Each Rota Week is made up of 7 Rota Slots – one for each day of the Rota Week (i.e. Monday to Sunday). Each Rota Slot will commence at 7am and finish at 12 midnight inclusive.

3.4. We will give you notice under the terms of this Contract (clause 20 of the Standard Terms) of your allocated Rota Week. However, we will endeavour to provide you with at least a rolling 12-week rota showing your Rota Weeks for this period.

4. Conditions of this Schedule with which you must comply

- 4.1. It is a condition of this Contract that you must ensure your Immigration Advice Telephone Number is available (and fully operational) to take all calls from the Call Centre during your Rota Slots.
- 4.2. It is a condition of this Contract that you must have [*insert number as per tender*] numbers of Immigration Telephone Advisers available during your Rota Week to give advice by telephone on non-criminal Immigration matters to all Clients detained at the Police Station that request advice.
- 4.3. It is a condition of this Contract that, where the Call Centre leaves a message on your messaging service asking you to contact them, you must ensure that an Immigration Telephone Adviser contacts the Call Centre to take details of the Client to be contacted within 30 minutes.
- 4.4. It is a condition of this Contract that you must ensure that an Immigration Telephone Adviser contacts the Client at the police station to take instructions (and where possible to give advice) within 45 minutes of receiving the details of the Client from the Call Centre.
- 4.5. If you have difficulties in contacting the Police Station (e.g. where the Police Station does not answer the phone) you must record this on the case file and report this on the relevant Contract Report Form.
- 4.6. In relation to paragraphs 4.3 and 4.4, we may monitor the time period between when the initial call from the Call Centre is made and when your Immigration Telephone Adviser telephones the Client to take instructions (and where possible give advice). If we consider it appropriate we may carry out further investigation. If as a result of this further investigation, it appears that you have breached this provision we may take appropriate action, including applying a Sanction under Clause 24 of the Standard Terms.

5. Telephone Facilities

- 5.1. You must provide us with one Immigration Advice Telephone Number (which may be a mobile telephone number) through which the Call Centre can refer the details of the Client etc to you during each of your Rota Slots.
- 5.2. You must ensure that the Immigration Advice Telephone Number is fully operational during your Rota Slots.
- 5.3. The telephone service you use to supply your Immigration Advice Telephone Number must include a messaging service to enable the Call Centre to leave a message where for example the Immigration Advice Telephone Number is engaged or the call not answered.
- 5.4. The telephone service you use to supply your Immigration Advice Telephone Number must have capacity for a three way caller service. This is required so that the Immigration Telephone Adviser, Client and if necessary the interpreter, can take part in the call simultaneously while at different locations.

6. Receiving a call from the Call Centre

- 6.1. The Call Centre will contact you during your Rota Slots on your Immigration Advice Telephone Number.
- 6.2. The Call Centre will provide you with the Police Station contact details and the details of the Client who has been detained and requires advice under this Scheme.
- 6.3. Where the Call Centre is not able to speak with you directly, the Call Centre shall leave a message on your messaging service asking you to contact them. You must contact the Call Centre as soon as possible and in any event within 30 minutes, in order to obtain the details of the Client who has been detained.
- 6.4. For the purpose of clause 6.3 above, you are deemed to have received a call from the Call Centre on the date and at the time when either the earlier of:
 - 1) The Call Centre speaks directly to a member of your staff to refer the details of the Client etc to you; or
 - 2) The Call Centre leaves a message on your messaging service and you subsequently return the call and speak to the Call Centre and obtain the details of the Client.

6.5. It shall be your responsibility at all times to monitor your messaging service and to ensure that all calls from the Call Centre are retrieved and contact is made with the Client by an Immigration Telephone Adviser within 45 minutes of receiving a call from the Call Centre.

7. Interpreters

7.1. You must at all times during your Rota Slots have access to a Translation Service which can provide interpreters, where one is reasonably required, to take part in the telephone call to the Client at short notice.

7.2. You may claim for any necessary and reasonable costs of the Translation Service as a disbursement.

8. Assessment of means under this Scheme

8.1. There is no requirement to carry out an assessment of means in relation to any Clients referred to you by the Call Centre for Immigration Telephone Advice Work under the terms of this Scheme.

9. Work you can undertake under this Scheme

9.1. Your Immigration Telephone Advisers must provide Immigration Telephone Advice Work by telephone to all Clients who are referred to you under the Scheme. This advice should include (but is not limited to):

- Making enquiries with the Home Office/Police Station with regards to reasons for the Client's detention;
- Establishing any further information you will require in order to properly advise the Client;
- Advising the Client accordingly as to what the proposed course of action is for the Client and
- Making a telephone application for temporary admission or bail.

9.2. You are reminded that where a Client's immediate removal is being sought you should always seek the agreement of the Home Office to suspend such removal where possible and thereby reducing the need to seek injunctive relief.

9.3. You may not refuse to receive a call from the Call Centre. However, if, for any reason, an Immigration Telephone Adviser considers that they are unable to provide effective advice to the Client, or they had difficulty in doing so, they must record why and must notify the LSC.

10. Limitation of work under this Schedule

10.1. You may only provide advice to Clients under this Scheme who are referred to you by the Call Centre during one of your Rota Slots.

10.2. You may only provide Immigration Advice Work by telephone and may not attend the Client face to face either at the Police Station or any other location.

10.3. You cannot give any advice to the Client in relation to any criminal offence (even if the Immigration Telephone Adviser has the requisite skills and you hold a 2010 Standard Contract (Crime)). Where the Client requires advice on a criminal matter your Immigration Telephone Adviser should request the police to contact the Call Centre for deployment of the Client's own solicitor or the CDS Duty Solicitor.

10.4. Where you determine that the Immigration Advice Work you can provide under the terms of the Scheme is insufficient and the Client is released from detention you must refer the Client to the CLA Directory.

10.5. Where you determine that the Immigration Advice Work you can provide under the terms of the Scheme is insufficient and the Client is detained you should:

- refer the Client to the LSC funded advice service at the place of detention;
- or in the event there is no advice service at the place of detention:
- refer the Client to the CLA Directory.

10.6. You should close your file following the referral procedures set out in 10.4 and 10.5 above.

11. Immigration Telephone Advisers

11.1. All Immigration Telephone Advisers undertaking work under the Scheme must be Approved Personnel and at all times be accredited to at least Level 2 (Senior Caseworkers Level) under the Immigration and Asylum Accreditation Scheme.

- 11.2. You must ensure that an Immigration Supervisor and an Authorised Litigator is available for Immigration Telephone Advisers to contact at all times during the Rota Week.
- 11.3. You must notify us of the names of all your Approved Personnel who intend to act as Immigration Telephone Advisers. At any time you may nominate additional Immigration Telephone Advisers by notifying us in writing.
- 11.4. If at any time an Immigration Telephone Adviser no longer meets the requirements of the Immigration and Asylum Accreditation Scheme or you no longer want them to carry out Immigration Telephone Advice Work under this Schedule you must notify us immediately in writing.

12. Immigration Telephone Advice Claim (ITA Claim)

- 12.1. You shall be entitled to make a single fixed fee ITA Claim per Client referred to you by the Call Centre, provided that you undertake at least one telephone call in relation to the Client's case.
- 12.2. Your ITA Claim will cover all calls you make with regard to the Client including (but not limited to) those calls to the Police Station, Home Office, and the Client. Your ITA Claim will also cover all work you may do on the Client's behalf, including but not limited to, any telephone application for temporary admission or bail.
- 12.3. If you advise a Client and the Client then subsequently calls you again directly (or through referral by the Call Centre) for further advice on the same set of circumstances you may still only claim one ITA Claim in respect of that Client.
- 12.4. If any work is not performed in accordance with the Schedule, any Claim for payment for it is likely to be reduced or disallowed on Assessment.

13. Standby Payment

- 13.1. You are entitled to claim a Standby Payment for each Rota Slot your organisation undertakes (i.e. per Rota Day within a Rota Week, not per Adviser). You will receive this Standby Payment in addition to any ITA Claim(s) you make.
- 13.2. If you do not complete a full Rota Slot your Standby Payment will be pro-rated dependant on the complete hours you undertake within the Rota Slot(s).

14. Disbursements

14.1. You may not make any claim for disbursements under this Scheme except for reasonable claims for necessary telephone Translation Services.

15. Flexibility

15.1. If a Provider on a Rota Week is experiencing problems, we may ask you to step in and take over some or all of its calls.

15.2. We may extend the hours of any Rota Slots up to 19 hours (e.g. to commence from 6am and end at 1am) by giving you Notice under this Contract. Where we increase the hours we will pro rata increase the Standby Payment.

15.3. If you do undertake calls in addition to your designated Rota Weeks under 15.1 above we shall pay you for those calls and make Standby Payments in accordance with the terms of this Schedule.

16. Contingency plan for failure in telephone system

16.1. You will need to have in place contingency plans which take account of major failure occurring in your telephone system. If your telephone service goes down and you are unable to receive and / or make calls, you must notify us and the Call Centre within 15 minutes who will arrange for calls to go another Provider until such time as the original Provider is up and running again.

16.2. If your telephone system or phone lines go down, you will need to use cell phones to make the outgoing calls to Clients until such time as the telephony system or phone lines become available again.

16.3. You must have staff in place throughout the Contract Term with the relevant skills to maintain their IT systems. Providers must also have suitable maintenance contract(s) and back-up system(s) in place for their telephone equipment and IT system in the event of any malfunction or breakdown to ensure swift resolution.

16.4. If your telephone system fails, then depending upon the level of service available, we reserves the right to request an action plan including steps and timescales to improve systems, terminate the contract or move work to another provider.

17. Rates of Payment

17.1. The payment rates are set out in the Table below:

| | Payment Rate (excluding VAT) |
|--|---|
| Immigration Telephone Advice Claim (ITA Claim) (Includes all calls made in relation to the matter) | £30.25 per ITA Claim |
| Standby Payment per Rota Slot – 17 hours (7am – 12 midnight) (Pro rata rate £4.20 per hour) | £71.40 |
| Public and Bank Holiday Standby Payment per Rota Slot – 17 hours (7am – 12midnight) (Pro rata rate £8.40 per hour) | £142.80 |

17.2. Public and Bank Holidays are payable at the rates shown in table 17.1. Note that higher rates are only payable for being on Standby on a Bank or other Public Holiday.

18. Submitting your ITA Claims and method of payment

18.1. You must submit your ITA Claims on the appropriate Contract Report Form by the 20th of each month. (i.e. your ITA Claims for November 2010 must be submitted to us by the 20th of December 2010).

18.2. We will pay you on a monthly basis in accordance with the Standard Terms.

18.3. Your entitlement to payment for work under this Scheme is only as provided by this Schedule.

Annex 3: Data on Calls

The historic call data provided in this annex is expected to be sufficient for bidders to evaluate the needs of the service. However, the LSC may be able to supply additional information and any requests will be handled as part of the formal Q & A process.

3.1 Calls received by the service since March 2009

| Mar 09 | Apr 09 | May 09 | Jun 09 | July 09 | Aug 09 | Sep 09 | Oct 09 | Nov 09 | Dec 09 | Jan 10 | Feb 10 |
|--------|--------|--------|--------|---------|--------|--------|--------|--------|--------|--------|--------|
| 1165 | 876 | 929 | 909 | 1020 | 848 | 986 | 1113 | 1061 | 855 | 934 | 919 |

The above table below shows historical monthly demand for the service for the period March 2009 – February 2010. The average monthly demand for the service based on the above is 968 calls.

3.2 Average demand by day and hour.

| | MON | TUE | WED | THU | FRI | SAT | SUN | TOTAL |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| 00:00 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 6 |
| 01:00 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 5 |
| 02:00 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 5 |
| 03:00 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 3 |
| 04:00 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 3 |
| 05:00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| 06:00 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 3 |
| 07:00 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 4 |
| 08:00 | 1 | 2 | 2 | 2 | 1 | 1 | 1 | 10 |
| 09:00 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 12 |
| 10:00 | 2 | 2 | 3 | 3 | 2 | 1 | 1 | 13 |
| 11:00 | 2 | 3 | 3 | 3 | 2 | 1 | 1 | 15 |
| 12:00 | 2 | 3 | 3 | 3 | 2 | 2 | 1 | 14 |
| 13:00 | 2 | 3 | 2 | 2 | 2 | 1 | 1 | 13 |
| 14:00 | 1 | 3 | 3 | 3 | 3 | 1 | 1 | 15 |
| 15:00 | 2 | 2 | 2 | 3 | 2 | 1 | 1 | 13 |
| 16:00 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 13 |
| 17:00 | 2 | 3 | 3 | 2 | 2 | 1 | 1 | 13 |
| 18:00 | 2 | 2 | 2 | 2 | 2 | 1 | 1 | 11 |
| 19:00 | 2 | 2 | 2 | 2 | 2 | 1 | 0 | 11 |
| 20:00 | 1 | 2 | 2 | 3 | 2 | 1 | 1 | 11 |
| 21:00 | 1 | 2 | 2 | 2 | 1 | 0 | 1 | 9 |
| 22:00 | 1 | 1 | 1 | 1 | 2 | 1 | 1 | 7 |
| 23:00 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 7 |
| | 28 | 40 | 40 | 40 | 33 | 19 | 17 | 217 |

The above table shows the average number of calls deployed to providers on the scheme within each hour of each day for the period 01 September 2009 – 28 February 2010.

For instance, the average number of calls deployed to providers between 14:00 and 15:00 on a Tuesday was 3.

These breakdowns can be used as a tool by potential bidders to determine the historical level of intake across periods of each day and week, and thereby aid them in deciding the level of resource i.e. number of Advisers, that may be required to support the scheme

It should be borne in mind however that as the scheme currently does not operate between 00:00 and 07:00, providers can expect that the number of calls taken by the DSCC from Police Stations in that period to be stacked up for the scheduled provider at 07:00.

For instance, each Monday over the last six months, an average of 4 calls will have been taken by the DSCC between 00:00 and 07:00 which will then be stacked up for the provider to deal with at 07:00.

Please note that the figures included in the table above represent average numbers of calls deployed to providers within each hour of each day. As such these do not represent exact figures on the volume of calls received and are intended for use as a guide only.