

# SPECIALIST TELEPHONE ADVICE CONTRACTS

## Information for Applicants

### Introduction

This document contains all the information you will require to tender for a Specialist Telephone Advice Contract to provide telephone advice within Community Legal Service Direct (CLS Direct). This document contains information on how to tender, what successful applicants will be expected to deliver, the criteria we will judge applications on and the relative importance of those.

This document should be read in conjunction with the draft contract which is posted as a separate document on the website. This contract is a draft but sets out the key elements of delivering the service, how providers will be expected to deliver it, and how they will be monitored and managed. The draft contract also sets out how providers will be paid and the key performance indicators they are expected to meet, as well as the sanctions we may take if performance does not meet these targets.

The draft contract will be subject to minor changes during the tendering period. You are advised to check our website ([www.legalservices.gov.uk](http://www.legalservices.gov.uk)) for updates every Friday and for posted answers to questions raised during the question period. We envisage that the final version of the contract will be published on the website on Friday 22 September 2006.

### Introduction to the Legal Services Commission

#### What is the Legal Services Commission (“LSC”)?

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

The LSC was established under the Access to Justice Act 1999, replacing the Legal Aid Board in April 2000. We are a non-departmental public body sponsored by the Department for Constitutional Affairs (DCA). The Secretary of State for Constitutional Affairs is accountable to Parliament for our activities and performance. With a head office in London, the LSC currently employs some 1,800 staff in 15 offices across England and Wales.

The LSC also operates eight Public Defender Service offices. A board of independent Commissioners oversees its work.

The LSC must provide evidence to Parliament each year that it has successfully met its four statutory responsibilities, which are:

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

- Developing suppliers and innovative services to meet the priority needs identified.

Legal services are delivered through two schemes: the Criminal Defence Service and the Community Legal Service.

### **The Criminal Defence Service (“CDS”)**

The CDS exists to provide advice and representation to those under investigation or facing criminal charges. In ensuring that those accused of crimes have access to representation, the CDS is fundamental to both the fairness and efficiency of the Criminal Justice System. It can also act as a gateway into the Community Legal Service, where addressing the underlying causes of offending behaviour can reduce the risk of re-offending.

The LSC funds a network of duty solicitors to advise clients at police stations and represent at magistrates’ courts. Public defenders also act directly for clients in more than 4,000 criminal cases each year through our Public Defender Service.

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

The CLS consists of a network of legal and advice funders and providers across government and the private and voluntary sectors. The network includes solicitors and citizens advice bureaux, law centres and community organisations that have achieved the Quality Mark. Through the CLS, people can access relevant, high quality information, advice and assistance to help with matters as wide-ranging as mental health, debt, asylum, housing, employment, community care and education.

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

The LSC has recently published its strategy for the Community Legal Service looking at the way that it will provide its services over the coming years, details can be found at: [http://www.legalservices.gov.uk/civil/innovations/strategy\\_for\\_cls.asp](http://www.legalservices.gov.uk/civil/innovations/strategy_for_cls.asp)

### **Community Legal Service Direct (“CLS Direct”)**

Community Legal Service Direct was launched in 2004 and provides free information and advice direct to the public on a range of common legal problems. The service consists of a national helpline 0845 345 4 345, a website, [www.clsdirect.org.uk](http://www.clsdirect.org.uk) and a series of free legal information leaflets under one unified brand.

All of these services are aimed directly at the general public. The overall aim is to provide residents in England and Wales access to rights information and legal advice, particularly traditionally hard to reach client groups and members of society who are amongst the most socially excluded.

The national helpline offers means tested specialist advice, including casework, in debt, benefits and tax credits, education, housing and employment. Callers with other kinds of problems can get help with finding a high quality local legal caseworker or solicitor and order free legal information leaflets through connecting with the CLS Directory Line and Leaflet Line respectively.

The provision of advice and information by telephone enables those who would find it difficult to access traditional face-to-face services to do so. An example of this would include those with mobility difficulties. Many people now prefer to use the telephone to seek help and advice. Data from the service shows that it attracts a wide range of clients from different backgrounds and with varying problems.

The service is now under development to provide a much more flexible and stable service that will be able to grow in line with demand and offer a far greater level of customer satisfaction to all who use the service.

### **Further information**

For further information about the Legal Services Commission it is recommended that you visit the LSC website at [http:// www.legalservices.gov.uk](http://www.legalservices.gov.uk)

## **This tendering exercise**

We are inviting tenders for contracts under which providers will give specialist telephone advice (which includes casework) to clients referred to them from CLS Direct by an Operator Service. Briefly, providers will receive calls from the Operator Service, which their caseworkers (or advisers) will answer. The caseworkers will be supervised by the providers' supervisors. Caseworkers will give telephone advice to clients on the categories of law covered by their contract and will follow up that advice with casework, bringing cases to resolution without meeting the client face-to-face. The providers' aim is to give the client a service equivalent to that of a face-to-face legal advice provider. The contract will authorise the providers to carry out telephone advice up to a certain number of hours. We will pay providers for telephone advice monthly in arrears based on the hours worked and reports provided.

We are holding a competitive bid round for these contracts.

### **Categories of law**

We are inviting tenders for contracts to provide a specialist telephone advice service in the areas of benefits and tax credits, debt, education, employment and housing. Information on what these categories cover is contained in the section, 'Topics included in the categories of law' of the draft contract. We expect all applicants to be able to provide the full range of advice within each category of law they bid for. Applicants can choose to bid to provide advice within any number of categories out of the five on offer. However, applicants who can offer advice in more than one category and, therefore, offer a greater level of flexibility and efficiency in handling calls will be favoured.

In order to meet the requirements of the Welsh Language Act 1993 and provide callers with information and advice in Welsh, we are also tendering for the provision of specialist telephone advice from Welsh speaking caseworkers in all of the above categories. These caseworkers could be based in England or Wales but will need a good knowledge of Welsh law and procedures.

### **Level of service**

We wish to enter into contracts with providers who are able to provide Legal Help, advice and the full range of legal services (excluding representation) in the specified areas of law.

Legal Help is defined as a level of service that provides initial advice and assistance with any legal problems, including giving advice, writing letters, negotiating with third parties, getting a barrister's opinion and preparing a written case if the client has to go before a court or tribunal.

It does not include:

- advocacy or instructing an advocate in proceedings;
- issuing or conducting court proceedings; or
- the provision of mediation or arbitration.

The service offered over the telephone by CLS Direct is equivalent to a full face-to-face casework service. A casework service involves taking action on behalf of clients in order to move a case on, and is fully explained in the section on 'Casework' in the draft contract. This may include providing written information to clients and negotiating with third parties to achieve an acceptable outcome. All the work is done over the telephone and in writing; caseworkers do not meet clients face-to-face. There is no limit on the length of time that can be spent advising clients at this level. The length of time providers spend advising clients on different cases will, however, be monitored during the contract term, and we may introduce a time limit during the contract term.

The service must be delivered by caseworkers and supervisors who are adequately skilled, trained and experienced in delivering advice in the categories of law they work in.

Further details of the skills and experience requirements can be found in 'The Caseworkers' role' and 'The Supervisors' role' sections of the draft contract.

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

This is an open tendering exercise and any organisation interested in providing the Legal Help services may apply, providing they meet the selection criteria. Applicants do not need to have a current legal aid contract in order to apply. Organisations such as solicitors, commercial call centre organisations, Not for Profit advice agencies and other public bodies are expected to bid; tenders from all types of organisation will be treated equally (but see 'location' below).

Applicants will be required to ensure that they meet all the requirements necessary to be able to offer advice under the contract, for example, applicants must comply with the rules of their regulatory body and any applicable law – e.g. if you are employing solicitors to carry out any of the telephone advice, you must ensure you are not acting in breach of the Solicitors' Practice Rules, the Employed Solicitors' Code, charities legislation, etc.

## **Contract term**

We are inviting tenders priced over a three and five year contract term (both to have the option of extending by a maximum of a further two years on terms to be agreed). You will need to provide bids for both contract term options; the LSC will then select the contract term that offers best value for money. The Price Bid Form allows you to enter price details for both the three and the five year contract term options.

## **Location**

Tenders are invited from applicants based in England and Wales. Ideally, all caseworkers and supervisors should be located on one site for ease of management, supervision, IT and

telephony connectivity. However, caseworkers may be based at more than one site, such as over two premises or working from home, but you will need to clearly demonstrate that the supervision, management and technical requirements can be met and that information can be securely transferred between split locations. Home working may not be suitable due to the IT requirements set out in annex 16 of the draft contract.

Any organisation (whether based in England or Wales) may bid for a Welsh contract. However, you will need to demonstrate how you will satisfy both the Welsh language and Welsh legal requirements. It is likely that caseworkers taking calls from Wales may also be required to take calls from England at times of high demand.

All the buildings/ premises used by providers to deliver the telephone advice service must comply with all the relevant Health and Safety at Work regulations. These are set out in the draft contract in the 'Health and Safety at Work' section.

### **Joint or consortia applications and sub-contracting**

We wish to clarify what was stated about applications from consortia at the open meeting in June 2006. At that time, we stated that bids from consortia were welcome but that any consortium needed to be a legal entity and that a lead organisation was required. Having considered the contract in detail now, we have decided that we wish to enter into contracts with one provider only, not joint providers or providers working in partnership with others.

We appreciate that some organisations may wish to join together to put in an application – e.g. if you think you are better able to meet our flexibility / expansion requirements that way. For example, it may be that five CABs wish to tender for one contract. We have no objection to this, but would point out that we would only wish to contract with one CAB in this example – i.e. the contract would be in the name of CAB1 (the main contractor), but we would insert a clause allowing CAB1 to sub-contract the telephone advice to CAB2, CAB3, CAB4 and CAB5 as it saw fit (CAB2 to CAB5 would then be listed in an annex to the contract as sub-contractors). The contract would make it clear that we would have a relationship with CAB1 only, and that CAB1 was responsible for ensuring all of its sub-contractors complied with the terms of the contract throughout the contract term.

If any applicants wish to apply for a contract on these terms, we will consider such an application, and have included relevant questions in the Application Form.

The logistics of handling and transferring calls and data between the main contractor and the sub-contractor(s) must also be addressed to ensure that all organisations involved in delivering the service function as one single provider.

Only sub-contractors agreed by us may be used to deliver these services. If any sub-contractors dropped out of the arrangement, the main contractor would be expected to find replacement sub-contractors with our agreement, and take the responsibility for managing any potential drop in performance as a result. Where applicants wish to provide the services using sub-contractors, they must provide details of all sub-contracting arrangements on their Application Form.

For the avoidance of doubt, please note that we will not consider joint or consortia applications for these contracts. See the section later on 'Bidding for more than one contract' under 'The Application Process'.

## **Working in partnership**

Successful applicants will be required to develop a partnership working approach with us – with all the providers and the Operator Service sharing ideas and suggestions for improving the delivery of CLS Direct. In any new contract there are likely to be initial problems with the delivery of the telephone advice - for example, in connecting the various elements together, transferring clients and information exchange. Providers will be expected to give feedback on elements that are problematic, together with suggestions as to how to resolve those issues.

We expect all providers to work together to create a seamless service for clients, to identify better ways of working and to initiate and implement ongoing improvements to CLS Direct. To achieve this we expect to develop an open working relationship between all parties, where opinions can be voiced and ideas welcomed.

We expect all providers to strive to improve their performance and clients' satisfaction with CLS Direct. We are looking to contract with providers that have an ethos of delivering quality services to the public, that help improve the well being of the general public and that are committed to delivering services that improve people's quality of life.

We also expect providers to be prepared to test new ways of working and to pilot different ideas to find solutions to problems and to improve client satisfaction and value for money. We are looking for organisations who are prepared to work with us to provide added value to CLS Direct by telling us about the ways they can bring something to the relationship that adds value: e.g. identifying new opportunities for ways to benefit our business; infusing new skills, methodologies and capabilities in service delivery; and giving better, more efficient and cheaper telephone advice through economy of scale or rationalisation.

## **How the CLS Direct service works**

### **From 30 October 2006**

The LSC is developing the existing telephone service to incorporate a new Operator Service level. The new service will answer all calls to the CLS Direct 0845 345 4 345 number and replace the existing automated IVR (Interactive Voice Response) menu system. This element of the service is being run by the Operator Service, a not for profit organisation called BSS, based in Manchester, and will go live on 30 October 2006.

The new service will offer greater capacity to deal with demand; increased flexibility due to removal of problems caused by the number of options available on the IVR system; improved access for callers with language or disability issues; and effective referral systems to other sources of advice outside the service.

The operators within the Operator Service will diagnose clients' problems; carry out the eligibility test; give non-tailored legal rights information; provide access to information delivered by other CLS Direct services (the website and information leaflets on the internet via email and post) and external help line services; accept referrals from other services; and transfer clients on to specialist telephone advice providers, along with the client's case record.

Ineligible clients will not be given access to specialist telephone advice but will receive up to 15 minutes' advice and information from the Operator Service.

Eligible clients requiring specialist telephone advice will be referred to an appropriate provider by the Operator Service transferring them directly through to a specialist telephone

advice caseworker or by making an appointment or arranging a call back with a face-to-face service to ensure the client follows up the call with a visit to the appropriate service.

For clients for whom legal advice is not necessary or not the most appropriate course of action, operators will refer them to other services such as Government helplines, counselling services or specific client support groups. Where possible, calls will be directly transferred out to these linked services.

### **From December 2006 to 1 April 2007**

Providers will be required to start providing the telephone advice in accordance with a transition plan. This is because there will be a transition phase during which the service will be moving to that described above, bringing in the Operator Service through the phased timetable set out below. Where categories of law have not been phased into the Operator Service, the service will operate as described below.

By 1 April 2007 all categories of law will be filtered through the Operator Service and specialist telephone advice caseworkers will only receive calls once the filter has been applied. Until 1 April 2007, callers requiring advice will be connected directly to current specialist telephone advice caseworkers who will, in effect, perform the job of the Operator Service before going on to provide specialist telephone advice where necessary.

New providers (i.e. those applicants awarded contracts through this tendering exercise) will not be expected to work under the old system; they will only be required to start delivering advice in their contracted categories of law as they are phased in through the Operator Service.

### **Timetable for switching categories of law into the Operator Service:**

<b>Category of law</b>	<b>Date of switch</b>
Employment	1 November 2006
Debt	6 November 2006
Education	3 January 2007
Benefits and tax credits	8 February 2007
Housing	13 March 2007

Examples of how this will operate are included in the annex on 'Transition period' in the draft contract.

Under the existing service, when a caller calls 0845 345 4 345, the telephony system underlying the 0845 number identifies their location based on their telephone STD code (callers on mobile phones are asked to input their local dialling code).

Callers are offered options in an initial menu using an IVR system and are expected to self-select the category of law they require advice in. If clients choose one of the category-specific options from the menu (currently debt, benefits and tax credits, employment, housing and education) they are connected directly to a specialist telephone advice caseworker offering a full telephone advice service within the scope of the current CLS Direct contract.

There are currently 16 different organisations in the system offering telephone advice, linked via a virtual call centre set-up. Caseworkers log into call plans depending on which category of law they offer advice in, and calls are distributed on a 'longest wait' basis around available caseworkers. There are call queues for each category of law plus message takers when

lines are busy or out of hours. Callers from Wales are directed to Wales-specific providers due to differences of language and law; the only exception is in education law, where English providers give the advice.

The service described above where callers self-select the category of law they require will be phased out as the Operator Service is phased in.

## **Operation of the specialist telephone advice service**

### **Opening hours**

Caseworkers must be available to provide telephone advice within the opening hours of 9.00am to 6.30pm Monday to Friday, excluding public holidays. We may, as the service develops, wish to change these core hours but we will give you notice as set out in the 'Changes to the Contract' section in the draft contract.

### **Receiving calls**

To receive calls from CLS Direct, caseworkers will log into a call plan by telephone or via the internet. A call plan lists the telephone numbers for every caseworker working for each provider. Call plans exist for each category of law for the delivery of telephone advice in English, advice about Welsh law in English, and advice about Welsh law in Welsh.

Providers must accept any call from a caller/ client using CLS Direct, regardless of from where they are calling. No geographical restrictions apply. Callers will be routed to you through a central non-geographical telephone number as shown in the CLS Direct flow chart at annex 3 of the draft contract.

Management information provided by the call routing software will be used to monitor the times the caseworkers are logged into the system, the number and duration of calls from clients to caseworkers and the client's telephone number.

### **Case management**

Providers will be required to access a web based Electronic Case Management System (or "ECMS") which will be maintained by the Operator Service. The ECMS has been designed to suit the demands of running a case file by telephone and will be able to record case notes, client details and other relevant information at the Operator Service level. Further details of the information that will be held and made accessible in the ECMS are set out in annex 16 of the draft contract. The ECMS will contain details of the client's problem(s) and the action taken / advice offered at the Operator Service level. Providers will then use their own case management system to record the remaining casework undertaken in each case.

### **Messages**

A message taker will be available for callers who have been dropped into a queue to speak to a caseworker when the queue is busy. Messages will be left on the answer phone centrally and must be checked by caseworkers the following morning and at intervals through the day – e.g. at 9.00am and 1.00pm, as these are the peak call times. Caseworkers must ring in and pick up the messages and must then return calls on the day the message is picked up.

## Branding and script

Successful applicants will be expected to train caseworkers working within CLS Direct to answer the telephone under the CLS Direct brand and operate as part of the Community Legal Service.

A suggested script will be provided to you as part of the contract to ensure that all providers answer the phone with consistency.

## Putting together your tender – what to bid for

Applicants must indicate on their Application Form the size of bid in each category of law in each year - i.e. the number of telephone advice hours they are looking to provide per year by category of law. Contracts will be awarded on the basis of a number of telephone advice hours by category, not on the basis of numbers of caseworkers. The following section gives applicants details of the number of hours that are available to be funded over the next three to five years. The section includes details for both England and Wales, as follows:

England:

- historical call volumes;
- projected call volumes; and
- hours of telephone advice available to bid for.

Wales:

- hours of telephone advice available to bid for.

## Demand for the service and number of hours of telephone advice available to bid for in England

### 1. Historical call volumes

**Figure 1: Number of calls to different elements of the current CLS Direct service: July 2005 - July 2006**

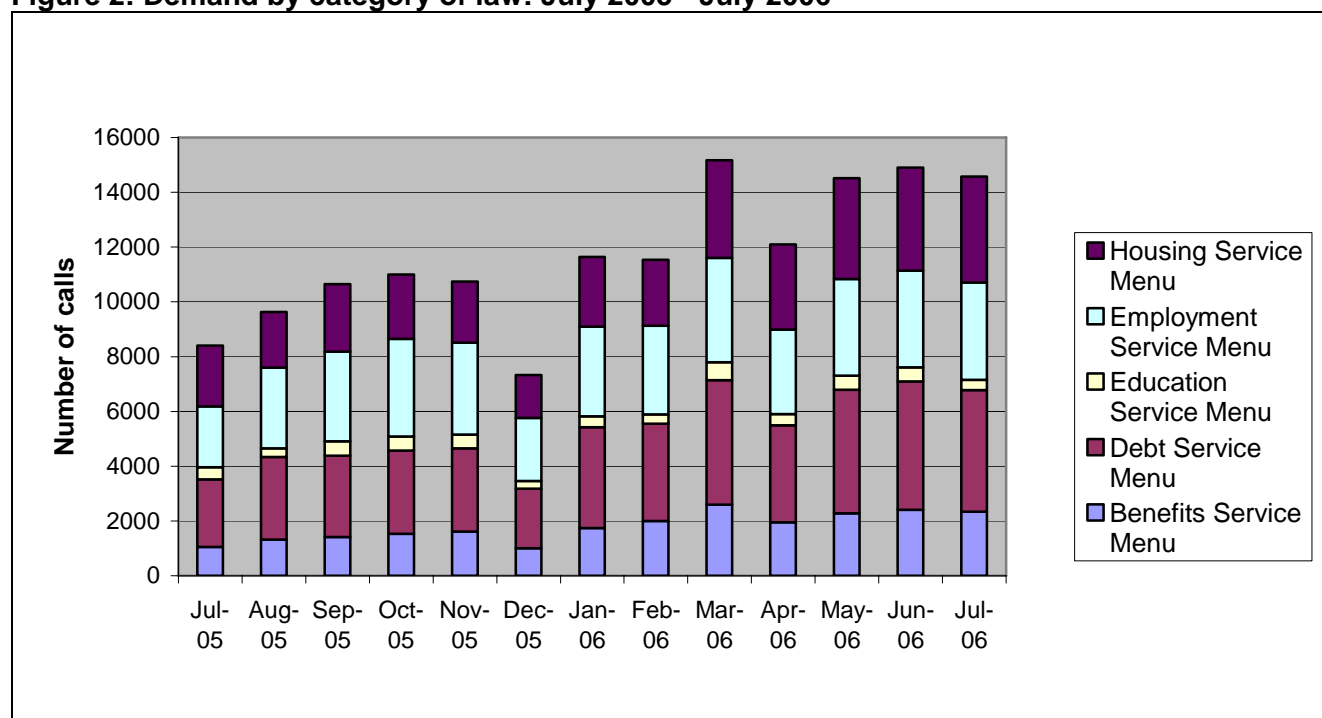
Month	Menu Option						
	Benefits Service	Debt Service	Education Service	Employment Service	Housing Service	Directory Line	Leaflet Line
Jul-05	1047	2474	440	2220	2225	9024	438
Aug-05	1317	3023	314	2942	2039	11025	800
Sep-05	1412	2968	530	3270	2471	10225	713
Oct-05	1534	3039	515	3562	2342	9911	646
Nov-05	1613	3042	499	3353	2231	9665	707
Dec-05	1003	2171	285	2307	1562	7084	529
Jan-06	1745	3675	400	3272	2548	10998	810
Feb-06	1998	3557	341	3227	2418	9877	737
Mar-06	2591	4548	651	3815	3565	10699	927
Apr-06	1956	3540	401	3089	3116	8626	715
May-06	2278	4509	522	3523	3683	10624	893
Jun-06	2405	4689	512	3537	3759	10737	900
Jul-06	2335	4439	374	3561	3869	10407	873

The aim of the above table is to demonstrate the demand for the different elements of the service that are currently available from the initial recorded menu that clients hear when they first call the CLS Direct telephone number. The Directory Line is a directory service giving clients details of their nearest face-to-face legal advice provider and the Leaflet Line is a connection out to a publishing and distribution house for the CLS Direct Information Leaflets. Both of these functions will be subsumed into the Operator Service function from 30 October 2006.

### Demand by category of law

The demand for the five categories of law over the past 12 months has varied between categories; the number of hours of telephone advice required in each category under the new contracting arrangements will, therefore, vary by category (hence the requirement for flexibility across categories).

**Figure 2: Demand by category of law: July 2005 - July 2006**



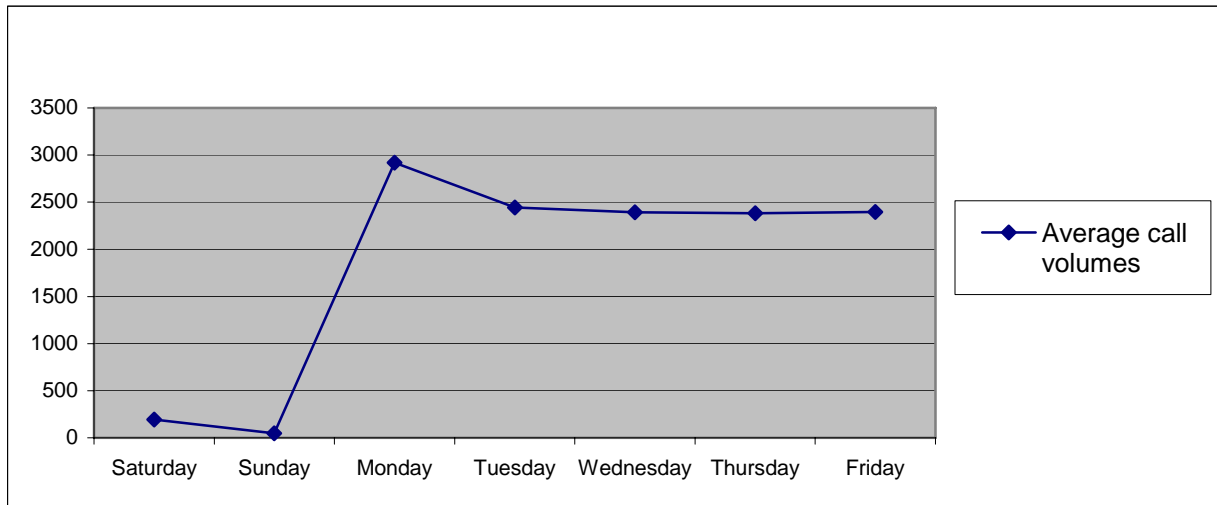
The above table shows debt to be the category of law most in demand. The demand for the different categories will be reflected in the hours of advice available to bid for in each category.

### Demand by day of the week

The next two graphs show the patterns of calls received throughout the days of the week and then within a single day. We would expect applicants to use this information to decide on the number of caseworkers and supervisors they would need to employ and on what staffing patterns or rotas, so as to cover as many calls as possible.

To date, the service has been busiest on Mondays, with demand then fairly consistent for the remainder of the week.

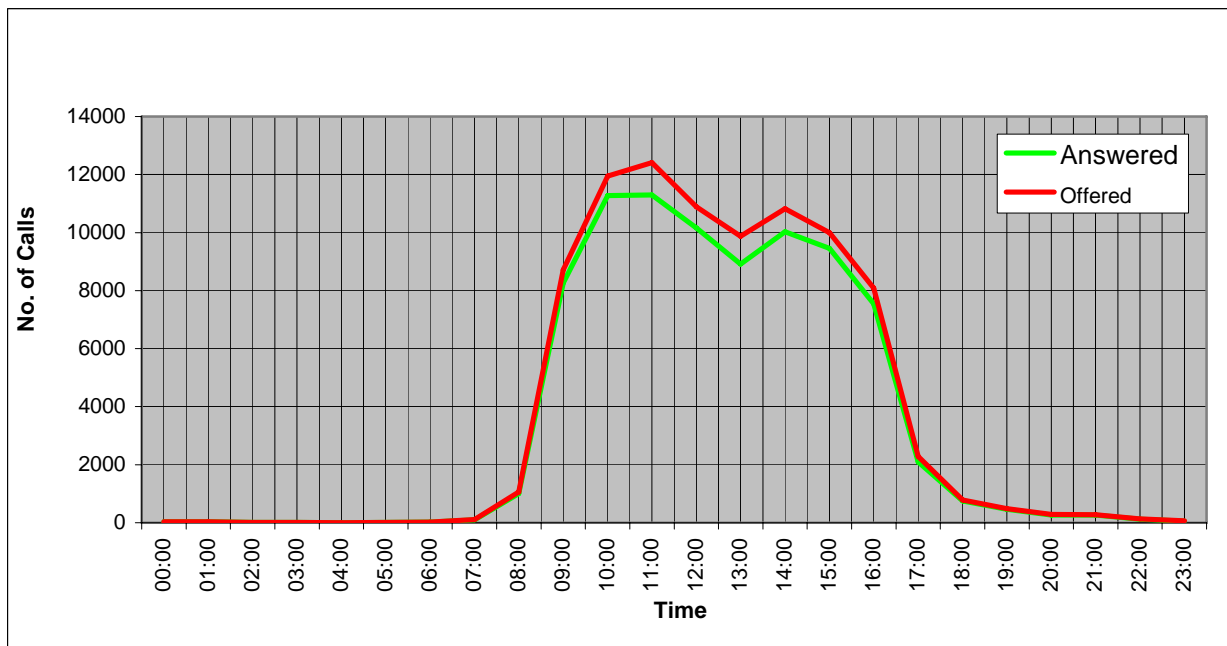
**Figure 3: Average demand for the service by weekday in July 2006**



**Demand during the day**

The following figure illustrates the times when calls are received throughout the day:

**Figure 4: Average times when calls were received in July 2006**



**2. Projected call volumes**

Figure 5 below shows the anticipated number of calls/cases we expect CLS Direct to receive over the period July 2006 to March 2008.

**Figure 5: Projected call and case volumes across different elements of CLS Direct**

Month	Total incoming calls to CLS Direct	Total new cases	Cases closed by Operator Service
Jul-06	42,200	8,100	0
Aug-06	42,200	7,900	0
Sep-06	42,500	7,900	0
Oct-06	42,300	7,800	0
Nov-06	38,600	10,000	15,400
Dec-06	25,200	7,200	9,900
Jan-07	36,300	10,000	15,400
Feb-07	37,400	10,600	16,200
Mar-07	39,400	11,100	17,900
Apr-07	37,100	11,600	18,000
May-07	38,000	12,100	18,300
Jun-07	39,000	12,600	18,600
Jul-07	39,900	12,500	19,400
Aug-07	40,700	12,900	19,600
Sep-07	42,100	13,300	20,300
Oct-07	43,300	13,900	20,700
Nov-07	44,400	14,500	21,000
Dec-07	36,700	10,000	18,300
Jan-08	45,000	14,600	21,100
Feb-08	46,300	15,200	21,500
Mar-08	48,000	16,100	22,100

The first column showing the total incoming calls to CLS Direct shows the total number of calls made to 0845 345 4 345; from 30 October 2006 these calls will start to be filtered by the Operator Service. From 1 April 2007 all calls will go through the Operator Service and only callers eligible for legal aid will be transferred to specialist telephone advice caseworkers.

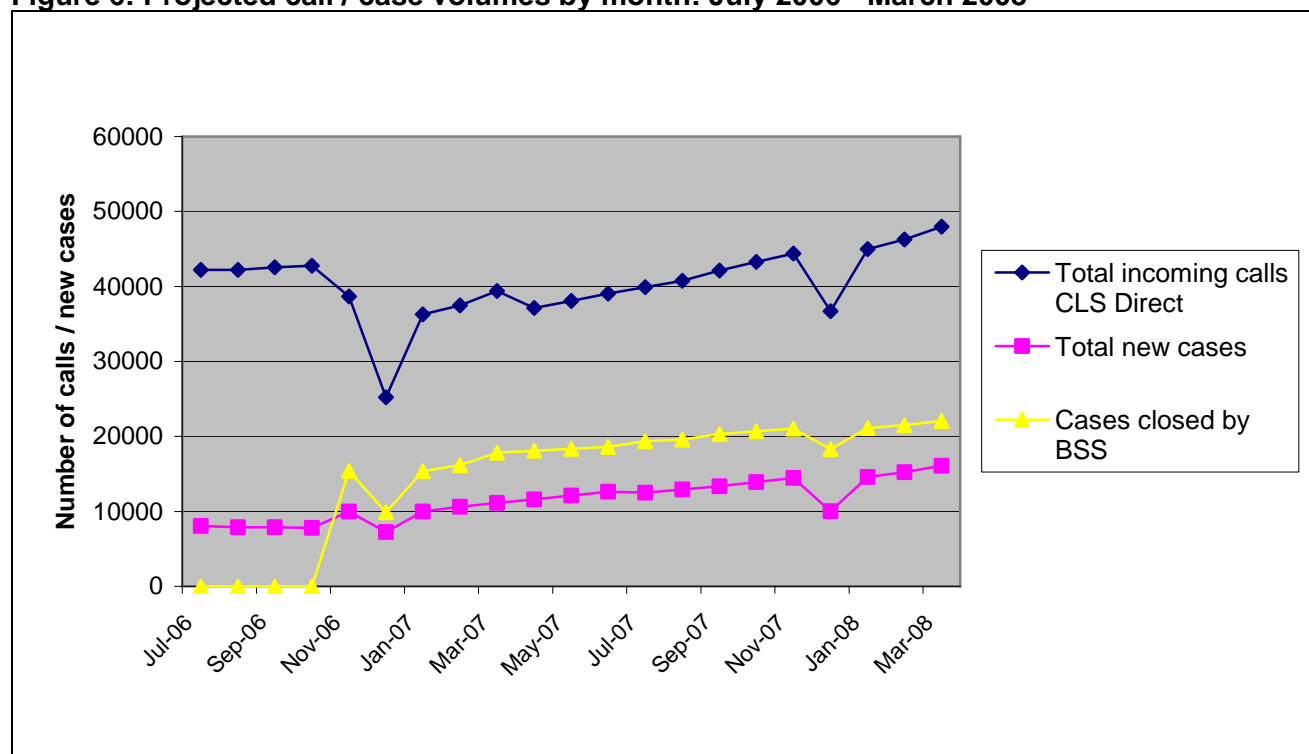
A case (second column) is defined as any problem requiring telephone advice. The 'total new cases' figure shows the number of cases we expect to be dealt with by specialist telephone advice caseworkers over the time period specified – i.e. referred on by the Operator Service to the caseworkers.

'Cases closed by the Operator Service' (third column) are the cases that can be dealt with at Operator Service level. These will tend to be those cases presented by clients who are ineligible for specialist telephone advice, or those where a small amount of rights-based advice will help solve the problem. For the purposes of the projections we are assuming a minimum of 25% of cases per category will be closed by the Operator Service.

Not all calls result in cases and some cases have multiple calls; hence there are more calls than cases in Figure 5 above (and, therefore, the total of the second and third columns does not equal the first column).

This information can be represented graphically as shown below:

**Figure 6: Projected call / case volumes by month: July 2006 - March 2008**



**3. Hours of telephone advice available to bid for**

Based on the above projections, the information below sets out how many hours of telephone advice we are looking to contract out in order to deliver the service under CLS Direct. These are presented (a) in total across all five categories of law by year, and (b) broken down by category of law and by year.

**Figure 7: Total number of hours of telephone advice available in England April 2007 – March 2012 (across all five categories of law)**

	Total number of hours
April 07 - Mar 08	183,900
April 08 - Mar 09	257,200
April 09 - Mar 10	360,300
April 10 - Mar 11	504,300
April 11 - Mar 12	706,100

Broken down by category of law, the total number of hours of telephone advice available are as follows:

**Figure 8: Estimated number of hours of telephone advice by category of law: April 2007 - March 2012**

	Employment	Education	Benefits and credits tax	Housing	Debt	Total
April 07 - Mar 08	35,200	5,900	31,600	42,000	69,200	183,900
April 08 - Mar 09	49,200	8,300	44,200	58,700	96,800	257,200

<b>April 09 - Mar 10</b>	69,000	11,600	61,900	82,200	135,600	360,300
<b>April 10 - Mar 11</b>	96,500	16,200	86,700	115,100	189,800	504,300
<b>April 11 - Mar 12</b>	135,100	22,700	121,400	161,200	265,700	706,100

These figures show the growth and expansion of the service as highlighted by the projections over time, and can be broken down further by month to reflect seasonal variations.

**Figure 9: Estimated number of hours of telephone advice needed per category of law (by month Nov 2006 - March 2008)**

	Employment	Education	Benefits & tax credits	Housing	Debt	Total
<b>Nov-06</b>	2200	300	1800	2300	3100	9700
<b>Dec-06</b>	1400	200	1100	1500	2900	7100
<b>Jan-07</b>	2200	300	1700	2300	3200	9700
<b>Feb-07</b>	2300	300	2200	2400	3200	10400
<b>Mar-07</b>	2400	500	2300	2900	3200	11300
<b>Apr-07</b>	2500	600	2400	3000	4700	13200
<b>May-07</b>	2600	600	2500	3200	4900	13800
<b>Jun-07</b>	2700	700	2600	3300	5100	14400
<b>Jul-07</b>	2800	400	2400	3400	5400	14400
<b>Aug-07</b>	2900	300	2500	3600	5600	14900
<b>Sep-07</b>	3000	500	2600	3500	5800	15400
<b>Oct-07</b>	3100	600	2700	3600	6100	16100
<b>Nov-07</b>	3200	500	2900	3800	6300	16700
<b>Dec-07</b>	2300	300	2000	2600	4400	11600
<b>Jan-08</b>	3300	400	2900	3800	6600	17000
<b>Feb-08</b>	3500	400	3000	4000	6900	17800
<b>Mar-08</b>	3600	600	3100	4100	7200	18600

Based on a working assumption that a caseworker can deliver 1,100 chargeable/claimable hours per annum (this excludes annual leave, sick leave, bank holidays, training, non-chargeable admin) we can provide an estimate of the number of caseworkers likely to be needed to deliver the number of hours of telephone advice as set out in Figure 9. See Figure 10 below. (NB: 1,100 hours per caseworker per annum is the basis for the current CLS Direct contracts which expire on 31 March 2007).

**Figure 10: Approximate estimated number of caseworkers likely to be needed to deliver the number of telephone advice hours set out in Figure 9 - (based on 1,100 hrs per caseworker per annum) (by month April 2007- March 2008 & by year 2007 - 2012)**

	Employment	Education	Benefits & tax credits	Housing	Debt	Total
<b>Nov-06</b>	24	4	19	25	34	106
<b>Dec-06</b>	16	2	12	16	32	78
<b>Jan-07</b>	24	4	19	25	34	107
<b>Feb-07</b>	25	4	24	26	35	114
<b>Mar-07</b>	26	6	25	32	35	123
<b>Apr-07</b>	27	6	26	33	52	144
<b>May-07</b>	28	7	27	34	54	150
<b>Jun-07</b>	29	7	29	36	56	157
<b>Jul-07</b>	30	5	26	37	58	157

Aug-07	31	4	27	39	61	162
Sep-07	32	6	29	38	64	168
Oct-07	34	6	30	40	66	175
Nov-07	35	5	31	41	69	182
Dec-07	25	3	21	29	48	127
Jan-08	36	4	31	41	72	185
Feb-08	38	4	33	43	75	193
Mar-08	39	7	34	45	79	204
April 07/ Mar 08	32	5	29	38	63	167
April 08/ Mar 09	45	8	40	53	88	234
April 09/ Mar 10	63	11	56	75	123	327
April 10/ Mar 11	88	15	79	105	173	458
April 11/ Mar 12	123	21	110	147	242	642

The information given above on the numbers of caseworkers required is provided for your information only. Applicants may set alternative targets for hours to be delivered per caseworker - e.g. these could be over 1,100 hours per annum if caseworkers work longer shifts, or under 1,100 hours per annum if caseworkers are employed on a part-time basis. This is entirely at the discretion of the applicant.

### **Demand for the service and number of hours of telephone advice available to bid for in Wales**

The information below shows figures relating only to the Welsh element of CLS Direct. Applicants wanting to offer telephone advice to callers in England should refer to the statistics provided in the section above.

The figures set out below show that the demand for advice from Wales is relatively low. However, in order to meet the requirements of the Welsh Language Act 1993, we must offer the whole service in the Welsh language. There are also appreciable differences in Welsh and English legal procedures and, for these reasons, we have included Welsh services in this tendering exercise.

### **Hours of telephone advice available to bid for**

The information below sets out how many hours of telephone advice we are looking to contract out in order to deliver the service under CLS Direct. These are presented (a) in total across all five categories of law by year and (b) broken down by category of law and by year.

**Figure 1: Total number of hours of telephone advice available (Wales only) April 2007 – March 2012**

	Total Number of hours
April 07 – Mar 08	7694
April 08 – Mar 09	10810
April 09 – Mar 10	15083
April 10 – Mar 11	21306
April 11 – Mar 12	29835

The total number of hours of advice broken down by category of law for the next 5 years is shown below. These figures are further broken down into the number of hours needed for advice relating to (a) Welsh law in English and (b) Welsh law in Welsh.

**Figure 2: Estimated number of hours by category of law (Welsh service divided up by English and Welsh language requirements): April 2007 – March 2012**

	Employment		Education		Benefits and tax credits		Housing		Debt		Total	
	Eng	Wel	Eng	Wel	Eng	Wel	Eng	Wel	Eng	Wel	Eng	Wel
<b>April 07- Mar 08</b>	1600	40	130	4	1100	60	1400	35	3300	25	7530	164
<b>April 08- Mar 09</b>	2200	50	180	5	1600	90	2000	50	4600	35	10580	230
<b>April 09- Mar 10</b>	3000	75	260	8	2200	125	2800	65	6500	50	14760	323
<b>April 10- Mar 11</b>	4300	100	360	11	3100	175	4000	90	9100	70	20860	446
<b>April 11- Mar 12</b>	6000	150	500	15	4400	240	5500	130	12800	100	29200	635

Eng = number of hours of Welsh law required delivered in English language.  
 Wel = number of hours of Welsh law required delivered in Welsh language.

The above figures show the projected growth and expansion of the service over time.

Based on a working assumption that a caseworker can deliver 1,100 chargeable/ claimable hours per annum (this excludes annual leave, sick leave, bank holidays, training, non-chargeable admin) we can provide an estimate of the number of caseworkers likely to be needed to deliver the total number of hours of telephone advice in Welsh law, for the next five years, as set out in Figure 2. See Figure 3 below. (NB. 1,100 hours per caseworker per annum is the basis for the current CLS Direct contracts which expire on 31 March 2007).

**Figure 3: Approximate estimated number of caseworkers likely to be needed to deliver the number of telephone advice hours set out in Figure 2 - (based on 1,100 hrs per caseworker per annum) (by year April 2007 – March 2012)**

	Employment		Education		Benefits and tax credits		Housing		Debt		Total	
	Eng	Wel	Eng	Wel	Eng	Wel	Eng	Wel	Eng	Wel	Eng	Wel
<b>April 07- Mar 08</b>	1.5	0.04	0.1	0.01	1	0.05	1.5	0.03	3	0.02	7.12	0.14
<b>April 08- Mar 09</b>	2	0.05	0.2	0.01	1.5	0.08	2	0.05	4	0.03	9.66	0.22
<b>April 09- Mar 10</b>	3	0.07	0.3	0.01	2	0.11	3	0.06	6	0.05	14.3	0.3
<b>April 10- Mar 11</b>	4	0.09	0.3	0.01	3	0.16	4	0.08	8	0.06	19.3	0.4
<b>April 11- Mar 12</b>	5.5	0.14	0.5	0.01	4	0.22	5	0.12	12	0.09	27	0.58

Eng = number of hours of Welsh law required delivered in English language.  
 Wel = number of hours of Welsh law required delivered in Welsh language.

The information given above on the projected numbers of caseworkers required is provided for your information only. Applicants may set alternative targets for hours to be delivered per caseworker – e.g. these could be over 1,100 hours per annum if caseworkers work longer shifts, or under 1,100 hours per annum if caseworkers are employed on a part-time basis. This is entirely at the discretion of the applicant.

## **Size of bids**

Please note there is no minimum size for a bid. However, we are looking for value for money from these new contracts, and this may only be possible within large services able to offer or take advantage of economies of scale. Applicants are also encouraged to bid for multi-category contracts and to recruit staff capable of delivering telephone advice in more than one category of law. Information on the size of your bid must be entered on both the Application Form and the Price Bid Form.

It is possible that we may wish to expand providers' contracts up to a maximum of 50% of their contracted telephone advice hours (i.e.  $X + 50\%$  of  $X$ ) - at our option - in any and each contract year.

You will, therefore, need to indicate how many of the total number of hours per category (a) in England, (b) in Wales or (c) in both England and Wales, you are bidding to provide per year and how many hours you would be able to provide over and above this figure. The hourly rate you propose per annum/per category will apply to any additional hours we may purchase. The Price Bid Form has space to provide details on how many additional hours you could provide over and above your initial bid.

## **Start-up process/ transition period**

We do not expect all successful applicants to be able to provide the full volume of hours required from the start date of the contract. We accept that the majority of applicants will need to expand any existing operations to deliver the size of service bid for. To allow for this, we are factoring in a 'transition period' from the award of contract (December 2006) to 1 April 2007. During this transition period, contracts currently in place (with the existing 16 providers) will decline and new contracts awarded through this tendering exercise will increase in size to meet demand.

You will also need to consider how you would grow in size in order to be ready to provide the number of hours that you believe you can supply from 1 April 2007. Factors to consider include recruitment and training of caseworkers and supervisors, and obtaining appropriate premises. Your response should include a detailed implementation plan for the transition period (December 2006 to 1 April 2007) to demonstrate how you will have the maximum number of caseworkers in place for 1 April 2007 and for year 2 and year 3 of the contract. Applicants should provide a staged growth plan to fit with your projections as to the size of contract you are bidding for. Once agreed, this will form part of the contract (annex 5) and will be monitored under the contract.

We are aware that a wide range of organisations may tender for these contracts. We recognise that organisations not currently involved in the provision of telephone advice will take longer to implement the service than those organisations with more relevant previous experience. As such, whilst 1 April 2007 is the planned date to have the maximum number of caseworkers in place for year 1, we will consider bids from organisations that would prefer a longer period of transition. Your transition plans will be considered as part of the bid process.

## **Flexibility**

All providers must appreciate the need for flexibility on their part in delivering these services. We want providers to work with us if CLS Direct needs to expand. If one provider is

experiencing problems, we may ask another provider to step in and take over some of its calls.

These contracts will offer a new service within which it is difficult to predict size/ growth. Providers must, therefore, be flexible to change and must be prepared to grow with the demand for CLS Direct in the initial five categories of law. In addition, it is likely that we will increase the range of categories of law available through CLS Direct (e.g. perhaps to cover family and immigration) over the coming years. We may also wish to expand the service's opening hours, to cover evenings and weekends, in the future.

Details of how the service may grow under the contract are set out in the 'Your Telephone Advice hours' section of the draft contract, which gives examples of how we may wish to grow the size of contracts. Applicants are expected to provide details of how their service may grow, and the costs associated with that growth, within the Price Bid Form.

## **Skills and experience of caseworkers and supervisors**

Caseworkers and supervisors are expected to be suitably experienced to carry out the work on a daily basis. The sections on 'The Caseworkers' role' and 'The Supervisors' role' in the draft contract set out the knowledge and experience we expect each to have at the commencement of the contract. Supervisors must be able to meet the category specific supervisor standards in the Quality Standards at annex 11 of the draft contract.

The ratio of supervisors to caseworkers is also an important factor in providing your service. We therefore ask you to provide an organogram of supervisors, managers and caseworkers to demonstrate how this will operate if you were awarded a contract.

## **Balancing calls and casework**

Whilst making caseworkers available to receive calls referred to you, providers will also need to ensure that caseworkers are able to conduct the casework necessary to progress files in a timely manner. This will be a requirement of the contract. To manage this successfully, providers may want to consider creating a rota to ensure that (a) sufficient caseworkers are available to answer calls between 9.00am and 6.30pm; (b) calls to backdoor numbers can be answered; and (c) caseworkers have time set aside to undertake the casework needed to assist the client to resolve their problem. As a guide, a caseworker can deliver approximately 1,100 hours of claimable telephone advice per year, and providers may wish to use this as a basis for establishing staff numbers.

To show how they would meet this contract requirement, applicants are required to demonstrate in their bid how they will balance calls and casework. The diagram under the 'training' section of the draft contract plus the guidance in annex 6 explains the demands on caseworkers' time in terms of being able to balance taking on new clients, answering calls from repeat clients and conducting casework where follow-up work from calls is required. This is a difficult balance to achieve, and we will require our providers to monitor their service carefully and have a clear plan about how they deal with fluctuating demand daily, weekly and seasonally.

## **Payment and reviewing your claims for payment**

Under the contract, we will pay providers monthly in arrears for the telephone advice hours they have carried out, as reported to us monthly on the Hours Worked Report, the details of which are then set out in their monthly invoice. A sample invoice and more information on payment can be found in annex 12 of the draft contract.

Because we cannot guarantee demand for the service during the transition period and predict the impact of the Operator Service on call volumes to providers, the contract will offer a guaranteed minimum payment. If, which is exceptionally unlikely, providers do not have any telephone advice hours to invoice in any month due to a lack of incoming calls from CLS Direct we will guarantee to pay you at an agreed rate as set out in your Price Bid Form (number of hours x hourly rate per month) for the first six months.

With effect from six months after the contract start date, we will periodically (normally every three months) review the payments made to you against the telephone advice provided by you.

We will review your reports periodically to see the total hours you have claimed and the total hours spent on the cases you have closed to see if they are roughly the same. Full details of the reporting process and how we will review your claims can be found in annexes 12 and 14 of the draft contract.

## **Communication and key contacts**

During the contract award process we will establish three groups of people to manage the contract as follows:

- Level 1: contract managers, responsible for the day-to-day running of the contract;
- Level 2: relationship managers, responsible for overseeing the relationship between the parties; and
- Level 3: senior executives, responsible for dealing with strategic issues.

These roles will have different responsibilities within the contract – these are laid out in the ‘Communication and Key Contacts’ section of the draft contract and we will endeavor to maintain as much continuity in the identity of these key contacts as possible.

We will hold liaison meetings approximately every three months between us, the Operator Service and the other providers. The purpose of these meetings will be to share experiences of working within CLS Direct, to learn from any mistakes, to pass learning experiences onto others, to develop best practice, and to build relationships to enhance networking between all the providers and the Operator Service. This may include finding ways of developing telephone advice, delivering the telephone advice or sharing resources, where appropriate.

All providers will be required to send either the contract manager or relationship manager or, on some occasions, both, to attend liaison meetings. The cost of travel and attendance at these meetings should be factored into your hourly rate as part of your price bid.

## **IT requirements**

Under the contract, providers will be required to install and maintain relevant telephone equipment to interact with the CLS Direct telephony system. In addition, each Caseworker must have access to an individual direct line telephone and a computer with access to an email address and the internet, in particular, [www.clsdirect.org.uk](http://www.clsdirect.org.uk).

The internet, via a secure channel, will be the transmission medium for case information transferred from the Operator Service and all providers’ IT infrastructure must support IPsec

VPN (Internet Protocol security Virtual Private Network) connections as defined by the Internet Engineering Task Force (IETF).

All providers' IT infrastructure must meet a number of conditions and must provide adequate security as the nature of the technical connection between the providers and the Operator Service would mean that a lack of security within a provider's network could cause a breach of security within the Operator Service, possibly leading to the discovery of sensitive personal information that will be held about the callers to CLS Direct.

All of these requirements are set out in Annex 16 of the draft contract.

In addition, in order that CLS Direct operates efficiently, providers' computer and telephony infrastructures are required to connect and communicate with the computer and telephony infrastructure provided by the Operator Service (the ECMS). This will enable case information to be accessed, and calls seamlessly transferred to and from the providers.

Applicants are required to demonstrate in their Application Form how all these conditions will be met and, if additional work is required, the timescale for implementing any changes or upgrades to IT systems.

## **Monitoring and reporting**

As part of the contract, all providers will be required to produce regular reports to enable the CLS Direct Team to monitor the use of the service and providers' performance under the contract. We will expect providers to take a proactive approach to reporting, and all reports should include analysis and projections.

The reporting requirements are set out in annex 14 of the draft contract; more detailed guidance will be provided prior to the contract start date.

## **Key performance indicators (KPIs)**

In order to ensure efficient operation of the service and a consistently high quality of advice, we have set a number of KPIs which all providers will be required to meet under the contract. To incentivise good performance, we will regularly publish each provider's performance against the KPIs by way of a league table. The league table will indicate where each provider is ranked based on overall performance against each KPI.

The KPIs are set out in annex 18 of the draft contract. This annex also shows what steps we may take if providers fail to meet the minimum targets under the KPIs.

## **Quality**

### **Quality standards**

Quality will be measured by an applicants' ability to meet the Quality Standards contained in annex 11 of the draft contract.

Applicants who already hold an existing contract with the LSC (a General Civil Contract) must comply with the Specialist Quality Mark (SQM) in full and the Additional Requirements and Definitions for Telephone Services (ARDTS) – as defined in the Quality Standards at annex 11 - until such time as the SQM and/or ARDTS are abolished or replaced by the LSC, in which case GCC holders must comply with whatever replaces the SQM in its entirety.

Applicants who do not hold an existing contract with the LSC will in all probability have their own quality standards in place, which they will set out in the Application Form, and continue to comply with if they are awarded a contract.

## **Peer Review**

All providers will be subject to the Peer Review process within 3 to 6 months of the contract start date. Peer Review is the direct independent assessment of the quality of advice and legal work provided by Providers, and is carried out by experienced peer practitioners. Full details of the Peer Review process can be found in annex 17 of the draft contract. Peer Review results will also be used as one of the KPIs under the contract.

## **Quality profiles**

Over time, we intend to develop quality profiles to measure providers' performance against a series of indicators, such as case duration and case mix. These will be used to provide a picture of case performance across a category of law over a period of time and will enable the identification of any trends or changes in performance. If necessary, areas of improvement can then be identified for providers who are out of profile. Profiles will also be compared with those of other providers. Quality profiles are not yet in place but will be brought in within 12 months of the contract start date.

## **Performance review**

Providers will be subject to monthly and (more formal) quarterly performance reviews, full details of which are set out in the 'Performance review' section of the draft contract.

## **TUPE**

The Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") will apply to the successful applicants taking on work under the contract if there is a transfer of an undertaking or a service provision change in accordance with Section 3 (1) of TUPE. If there is a transfer to which TUPE applies then the contracts of employment of all the employees who are assigned to the service will transfer to the successful applicant(s).

If TUPE applies to an applicant taking on work under this contract then the successful applicant will need to consider whether it has positions available for all of the employees who transfer to it or whether it will be necessary to make redundancies from within its workforce. The applicants will need to take legal advice if appropriate as to whether any employees transfer and with regard to the redundancy rights of any such employees. If it is the case that any employees transfer to the employment of a successful applicant then the Commission will reimburse the successful applicants for any costs they incur in relation to making redundancy payments to such employees. However, the Commission will not reimburse the applicants for any other costs which they incur as a result of TUPE applying, nor for any costs which result from any claims of unfair dismissal or any other employment related claims which arise in relation to such employees.

The Commission wishes to facilitate a smooth transfer of services from its current providers to the appointed applicants and will work with all successful applicants to achieve a smooth transfer of the services.

## **Application and selection process**

### **What we are looking for - Selection Criteria**

The criteria will we use to assess tenders is:

- exclusion or rejection for honesty and solvency issues (pass/fail barrier);
- economic and financial standing; and
- technical and professional ability (“best fit” for this contract).

The nature of the work means that we will be seeking to award contracts to those providers who are able to offer a quality service to clients through having skilled and experienced staff and effective supervision arrangements, the ability to be flexible in managing the service and commitment to working with the LSC in developing CLS Direct, who can offer value for money and have (where relevant) a good track record with the Commission.

All applicants are asked to firstly complete the Exclusion Criteria Form, which is a pass/fail test. We are looking for applicants who pass the honesty/ solvency test.

Applicants who are not excluded, having completed the Exclusion Criteria Form, should complete the Application Form.

We have split the selection criteria into two sections:

Section 1 – essential criteria; and  
Section 2 – desirable criteria.

Applications will be assessed against the essential and desirable criteria. Section 1 contains a list of criteria that it is absolutely essential that all organisations bidding for contracts are able to meet. The criteria in Section 1 are listed in order of importance in accordance with the weightings we will give each criterion on evaluation. Any bid that fails to meet Section 1’s essential requirements will not be considered further.

For bidders that pass the Section 1 criteria, Section 2 contains desirable elements which will be assessed relative to other bids. The various elements set out in Section 2 are, as they say, “desirable” only. Again, the criteria in Section 2 are listed in order of importance, in accordance with the weightings we will give each criterion on evaluation.

Section 3 asks applicants to set out any additional information they have not included elsewhere in their application which they think is relevant.

The various criteria will be tested through the questions set out in the Application Form. The selection criteria are set out at the end of this document.

### **The Selection Process**

To apply, applicants must complete the Exclusion Criteria Form, the Application Form and the Price Bid Form.

If you cannot meet the requirements of Section 1 of the selection criteria on the Application Form please do not complete Sections 2 or 3, as your application will not be assessed.

There will be space in the Application Form to provide additional information that you believe is relevant to your bid.

The selection criteria will be tested through the questions set out in the Application Form. Please read the selection criteria carefully and ensure that you address all the points listed in your answers on the Application Form.

Please ensure that any claims you make in your Application Form are supported by evidence. It is your obligation to make sure that your application is fully completed and accompanied by the appropriate documents. We are under no obligation to contact you to clarify your application or to obtain missing information or documents.

For applicants that hold a current General Civil Contract, we may corroborate the information given on your Application Form with your regional office.

For applicants that hold a current Telephone Advice contract, we may corroborate the information given on your Application Form with the CLS Direct Team. We will also look at your performance history under your existing contract for telephone advice.

We will rely on the information that you provide on the Application Form (together with any other management information we may have, as above) in evaluating the criteria, and it is essential that you complete the form fully and accurately. We may verify or supplement the information you supply by other means – e.g. we may wish to interview some of your staff to verify their expertise and experience.

The selection process we propose to follow is set out below. Please note that the table below reflects the time scales we hope to adhere to. These may be subject to change (see 'Conditions of tender' below).

Stage	Activity	Dates
Stage 1	<p>Application Forms received</p> <p>Price Bid Forms kept in a sealed envelope, not evaluated at this stage.</p>	Up to noon 20 October 2006
Stage 2	<p>Applications assessed against Section 1 essential criteria (excepting price and value for money).</p> <p>Where Section 1 essential criteria not met, bids will go no further and unsuccessful applicants will be notified in writing – i.e. the application will not be considered against the desirable criteria.</p>	w/c 23 October 2006
Stage 3	<p>Applications assessed against Section 2 desirable criteria for applicants meeting Section 1 essential criteria.</p> <p>We will assess the extent to which remaining applications have demonstrated compliance with each desirable criterion as ‘unacceptable’, ‘poor’, ‘acceptable’, ‘good’ or ‘excellent’.</p> <p>We will also assess the information provided in Section 3, if any, in accordance with the above ratings.</p> <p>Short-listing of applications that best meet the desirable criteria: we will compare the applications against others received and select the applications that best meet the desirable criteria, on the basis of the information submitted in the application. We will be less likely to short-list an application that was assessed as ‘poor’ or ‘unacceptable’ in one or more of the desirable criteria. Where applications are broadly comparable, we may distinguish between them with reasons, e.g. stating why we preferred one application over another on a particular criterion, even though both were broadly assessed as being ‘good’.</p> <p>We may choose to ask applicants supplementary questions if, for example, certain aspects of their application requires clarification.</p>	w/c 23 October and 30 October 2006
Stage 4	<p>Sealed envelopes containing the Price Bid Forms are opened for the short-listed applicants.</p> <p>Applications assessed against the remaining Section 1 criterion – price and value for money – on the basis of ‘unacceptable’, ‘poor’, ‘acceptable’, ‘good’ or ‘excellent’.</p> <p>Short-listing of applications that best meet the price</p>	w/c 6 November 2006

	and value for money criteria, compared to other applications.	
Stage 5	<p>If we consider it necessary or useful, we may invite some applicants to attend an interview/ give a short presentation to a panel from the Commission. We would ask those applicants to be represented by individuals who can demonstrate their commitment to the contract and their expertise.</p> <p>Alternatively, members of the Commission's assessment panel may wish to undertake a site visit at an applicant's premises, and also conduct an interview/ invite the applicant to give a short presentation.</p> <p>Where we do this, applicants will be notified by telephone no later than the Friday before if they are required to attend an interview or hold a site visit during the following week. Where we invite applicants to give a presentation, we will circulate any questions we wish them to answer in advance.</p>	w/c 13 November and 20 November 2006
Stage 6	<p>Selection of providers.</p> <p>After completion of all the interviews (if held), we will re-evaluate the short-listed applications, taking into account any additional information obtained at interview, and interview performance.</p> <p>We will then carry out a final evaluation of the short-listed applications against all the criteria and, applying a weighting of quality 60% and price 40%, will select those applicants that best meet the essential and desirable criteria overall.</p> <p>Offers sent out to successful applicants "subject to contract".<sup>1</sup></p> <p>Contracts drawn up for signature.</p> <p>Unsuccessful applicants notified.</p>	w/c 27 November 2006
Stage 7	Successful applicants to provide details of the telephone numbers which will be used to provide the telephone advice service (see the section on 'Telephone numbers' in the draft contract).	5 days prior to the contract start date

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The contract is currently in draft form and is provided at this stage to give applicants an indication of what it will look like when complete. We will be revising the contract over the next two weeks and will post the final version on our website on Friday 22 September 2006. The contract is not subject to negotiation, although you will see that certain sections can only be finalised once the successful applicants have been selected, e.g. price, contract start and end date. Any questions and answers posted on our website will not form part of the contract.

	Contract start date.	December 2006
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A panel of assessors within the Commission will assess the bids.

As will be clear from this Information for Applicants, we are looking to contract with organisations that have an ethos of delivering quality services to the public; that help improve the well being of the general public; and that are committed to delivering services that improve people’s quality of life. We are also looking for providers who will be flexible in managing the service, and both committed to and innovative with regard to its ongoing development.

We will look favourably at applications from organisations able to provide telephone advice in two or more categories of law: caseworkers who are able to advise in two or more categories will provide the flexibility we need to meet the demands of the service. We will look more favourably still at applications from organisations able to provide telephone advice in three or more categories of law: caseworkers who are able to advise in three or more categories of law will be able to accept more calls and move between areas of law as demand dictates. Multi-category contracts (three or more) will also be beneficial in advising clients with problems encompassing more than one area of advice.

However, applications in just one category of law are invited, and may be successful where, for example, we do not receive sufficient numbers of applications in a particular category, or where the value of money offered by an organisation bidding for only one category is significantly better than other applications.

We will give credit to ‘added value’ bids: for example, where applicants can provide caseworkers who speak different languages, and we anticipate client demand for these skills, or where applicants offer particularly good training and development opportunities to their staff.

We will evaluate applications on the basis of quality and price. Applications will be considered against the selection criteria and against other applications, and assessed as being “unacceptable, poor, acceptable, good or excellent” in respect of each criterion. Providers will be selected on how closely they meet the service requirements and on value for money (which includes quality and price). The weightings we will apply are quality 60% and price 40%. Contracts will not, therefore, automatically be awarded to applicants offering the lowest price.

Unsuccessful applicants will be given written reasons as to why they were unsuccessful. There will be no right of appeal following receipt of this information. Applicants that hold a General Civil Contract agree that, by tendering for this contract, they have waived their right to an appeal under the Bid Rules for General Civil Contracts for Controlled Work from 1 January 2003.

## **The Application Process**

You will need the following documents:

- Information for Applicants;
- Exclusion Criteria Form;
- Application Form;
- Price Bid Form; and

- Draft Contract (with annexes).

You should return to us:

- 1 hard copy of the completed Exclusion Criteria Form (you must pass the test to proceed further);
- 4 hard copies of the completed Application Form (with any attached pages numbered sequentially - e.g. 1 of 6);
- 4 hard copies of any additional information requested in the Application Form, such as an organogram, accounts, references, etc (it is your responsibility to check you have included everything we have requested);
- 1 hard copy of the completed Price Bid Form (hard copies should be returned in a sealed envelope with your details clearly marked on the front); and
- 1 CD with electronic version of Application Form and Price Bid Form.

Responses must be submitted in English and be word-processed for ease of reading. They should have sufficient spacing to allow those evaluating responses to annotate copies, be printed single-sided and presented bound.

We require four hard copies of all the information returned, plus one copy on CD. The CD must contain all the documents that are available electronically, completed by you – as a minimum the Application Form and Price Bid Form.

There will be an opportunity for applicants to ask questions before the tender closing date. Questions must be sent in writing to [telephone@legalservices.gov.uk](mailto:telephone@legalservices.gov.uk) before **12 noon on 29 September 2006**. We will consider the questions and post our answers on our website at [http://www.legalservices.gov.uk/civil/tendering/specialist\\_tel\\_advice.asp](http://www.legalservices.gov.uk/civil/tendering/specialist_tel_advice.asp) on **6 October 2006**. Applicants should visit our website for the answers from that date; we will not respond to applicants individually. All questions must be submitted on the basis that the questioner agrees to them being published (anonymously). The answers will be available to all applicants as part of the tender process and we would advise all applicants to review the questions and answers section on the website, prior to finalising your tender.

**The tender closing date is 12 noon on Friday 20 October 2006.** We must receive completed applications before 12 noon on the day. Unless there are exceptional circumstances (e.g. fire or accident), late applications will not be accepted.

Applications should be sent by recorded delivery/ guaranteed post, normal post, DX or email, but not by fax. If you send your application by normal post, DX or email, please note that this is at your risk, as there is no guarantee we will receive it.

Alternatively, you may choose to submit your application electronically. You can download the tender documents from our website at [http://www.legalservices.gov.uk/civil/tendering/specialist\\_tel\\_advice.asp](http://www.legalservices.gov.uk/civil/tendering/specialist_tel_advice.asp).

All applications, however sent, must be marked “CLS Direct Specialist Advice Tender - Private & Confidential - for the attention of Judith Cripps”.

Please return postal applications to:

Judith Cripps  
Community Legal Service Direct  
Legal Services Commission  
85 Gray's Inn Road                      or DX 328 London  
London

WC1X 8TX

Please return email applications to:

judith.cripps@legalservices.gov.uk

It is your responsibility to telephone us on 020 7759 0314 to check we have received your application, however it was sent. We are not responsible for any failure of post, DX or email. Please note that we will not acknowledge receipt of any applications in writing. Please do not assume we have received your application until you have telephoned us and we have confirmed receipt.

### **Bidding for more than one contract**

An applicant may only bid for one contract in this tendering exercise. We appreciate that some organisations may wish to submit a tender in their own name and, perhaps, as a sub-contractor for another organisation. For example, firm A submits a tender as main contractor/ provider using firms B and C as sub-contractors. Firm B submits a tender as a provider in its own right, alone. Firm C submits a tender as a main contractor/provider using Firm D as a sub-contractor. In these examples, firms B and C are involved in two tenders, one as main contractor/ provider and one as sub-contractor. If this were to happen, we would see which, if any, of the tenders were short-listed to the next stage of the process. At that point, we would contact firms B and C and ask them to quickly decide which tender they would like to go forward with, because we will allow each firm to be involved in only one. The basic rule is that each organisation may submit and be involved in only one tender.

We would also refer you to the section on 'Joint or consortia applications and sub-contracting' in this document.

### **Freedom of Information Act 2000**

Applicants should note that under the Freedom of Information Act 2000 ("the Act"), we may be required to disclose details of your application to third parties, including prices and other information included within your application. If you have concerns in this area, you should identify which parts of your application would fall within the Section 43 exemption (which is a qualified exemption) and make a claim for confidentiality with reasons that reflect the terms of the Act. You must identify any commercially sensitive information and tell us the period of that sensitivity. You should be aware, however, that the Act is likely to be interpreted to allow contract details generally to be placed in the public domain once the selection process is concluded. We would consult the OGC's 'Policy and guidance on the application of the FOI Act to civil procurement information' when deciding what action to take.

### **Conditions of tender**

Tenders will be received until 12.00 noon on the tender closing date. No tender will be opened until after that time. We will not consider any tender submitted in a different manner.

We reserve the right to amend the tendering rules, the tendering process/procedure and/or the selection criteria, at any time in writing (a) before the tender closing date, by giving general notice on our website at [http://www.legalservices.gov.uk/civil/tendering/specialist\\_tel\\_advice.asp](http://www.legalservices.gov.uk/civil/tendering/specialist_tel_advice.asp), or (b) after the tender closing date, by giving general notice in writing by email (to the email address provided on the Application Form) to all applicants who have submitted tenders, and who are still being considered in the tender process. An amendment could include, for example,

inserting additional stages in the process (such as asking supplementary questions), changing our requirements or adding new requirements.

If you have previously bid for a CLS Direct telephone advice contract, this application will be treated as a fresh application.

The information supplied by you will be used for the purpose of evaluating your response to this tender and for no other purpose.

Applicants must treat the tender documents (the Information for Applicants and all documents referred to in the Information for Applicants) as confidential. These documents are issued solely for the purpose of enabling a tender to be completed and may not be used for any other purpose. They remain our property.

This tendering exercise does not constitute a binding contract. However, this Information for Applicants, the Application Form and documents submitted as part of the application, will form part of the contract for the successful applicants.

We reserve the right not to award any contract relating to this tendering exercise; we are under no obligation to accept any tender.

We reserve the right to cancel this tendering exercise at any time at our absolute discretion.

We may, unless you expressly stipulate to the contrary in the tender, accept what ever part or parts of your tender as we decide.

Tenders are submitted on the conditions stated in this Information for Applicants. Tenders submitted subject to additional or alternative conditions may be rejected on the grounds of such conditions alone.

Tenders must be exclusive of any VAT chargeable.

Figures must not be altered or erased. Any alternation of prices, etc. must be made by striking through the incorrect figures and inserting the correct figures above the original figures. The applicant must initial all such alternations.

We may request applicants to give additional information/clarification at any time during the tender process.

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

We reserve the right to take into account any knowledge of an applicant or an applicant's proposed subcontractor(s) that we may have, but applicants should not assume that any such information will be taken into account and should restate it on their Application Form if they consider it relevant.

There will be no right of internal appeal for unsuccessful candidates.

You will not be entitled to claim from us any costs or expenses incurred in preparing your response to this tender nor any subsequent tender negotiations and associated work.

Applicants are requested not to contact us during the tender assessment period. When you receive notification of the evaluation of the tenders, you may contact our representative dealing with the tender for a debriefing.

#### Applicant changing status

If an applicant changes its status between submitting its tender and being awarded a contract, we reserve the right (depending on the nature and effect of the change in status) to revoke the contract award and request the new applicant (post-change) to submit a fresh tender. If the new applicant should choose to take up this option, they would have to re-tender in a short space of time, specified by us, so as not to disrupt the evaluation and award process. If the new applicant was unable or unwilling to submit a fresh tender, we may re-visit other applicant's tenders and award the contract to the applicant who best meets the tender criteria.

If, during this tendering exercise, your organisation changes its status in any way from that named in the Application Form, (e.g. from a partnership to a limited liability partnership or a limited company), we reserve the right to decide whether to award a contract to the new organisation. Any decision would be solely within our discretion. You must inform us immediately of any such change in writing. For these purposes, a change in more than one-third of the membership of a partnership is a change of status; so is an organisation merging with another or being sold to another. These are all factors we would wish to consider when evaluating the tenders.

## Selection criteria

Section 1 – Essential Criteria (listed in order of importance)	
1	Experience of managing and delivering a telephone advice service over the last two years.
2	<p>The availability of:</p> <p>(a) suitably skilled caseworkers to deliver the telephone advice; and</p> <p>(b) suitably skilled and experienced supervisors to supervise the caseworkers' work in the categories of law you are applying for and by the dates each category goes live with the Operator Service.</p> <p>For further details see the sections on 'The Caseworkers' role', 'The Supervisors' role' and 'Topics included in the categories of law' in the draft contract.</p>
3	<p>Quality – <u>all</u> applicants must be able to provide telephone advice in accordance with the Quality Standards at annex 11 of the draft contract <u>and</u>:</p> <p>existing LSC contract holders must hold the SQM in all the categories of law you are applying for; and</p> <p>applicants that do not hold a current LSC contract must be able to (a) produce evidence of an externally validated quality management system, e.g. ISO 9001:2000, Lexcel, Investors in People, Charter Mark; (b) show how you measure and monitor the performance of similar services you currently provide; and (c) describe your current procedures for ensuring quality services are provided and how you ensure that standards are maintained in those procedures.</p>
4	The ability to demonstrate value for money through both competitive hourly rates and competitive exit costs in the event that the LSC terminates the contract early under the provision for no-fault termination.
5	The ability to meet the IT requirements set out in annex 16 of the draft contract.
6	<p>Applicants that do not hold a current LSC contract only (e.g. commercial organisations/ potential new providers):</p> <p>the ability to comply with any relevant regulatory or legal rules - for example, if you are employing solicitors to provide any element of the services, you will need permission/ freedom to deliver advice as regulated by Rules 4 and 7 of the Solicitors' Practice Rules 1990 and the Employed Solicitors Code 1990. In this example, we would require sight of your waiver from The Law Society.</p> <p>Not for Profit organisations/ registered charities only:</p> <p>the ability to comply with any relevant regulatory or legal rules and with the wording of any constitutional memorandum/ similar document – for example, in order to perform services under a CLS Direct contract, you will need to provide telephone advice to</p>

	clients based anywhere in England and/or Wales (depending on your contract) with no geographical restriction on their location.
7	<p>The ability to:</p> <p>(a) expand the contract to deliver telephone advice in existing and new categories of law at a future date (up to a maximum of 50% of your contracted hours); and</p> <p>(b) effectively manage resources in a controlled and reasonable manner so as to allow the service to respond to peaks and troughs in call volumes; and</p> <p>(c) rapidly increase the number of caseworkers available to give telephone advice during occasional or sustained peak times; and</p> <p>(d) reduce the size of the contract if demand does not materialise.</p> <p>For further details see the sections on 'Your Telephone Advice hours' and 'Staffing the lines' in the draft contract. See also the guidance in Annex 6 of the draft contract on balancing calls and casework.</p>
8	Willingness to deliver the services under the brand of CLS Direct.
9	For those bidding for contracts for telephone advice in Wales only: the ability to provide a full telephone advice service in each category of law you are applying for in Welsh and with knowledge of Welsh law and procedures.

## **Section 2 – Desirable Criteria (listed in order of importance)**

1	<p>The ability to work in partnership with both the LSC and the Operator Service - e.g. by testing new ways of working, striving to continuously improve CLS Direct, participating in new initiatives, finding new ways of adding value, passing on economies of scale and savings you make to us – so as to increase value for money and client satisfaction.</p> <p>For further details see the sections on 'Relationships' and 'Working with the Operator Service' in the draft contract.</p>
2	<p>The ability of caseworkers to move between categories of law as demand dictates and, therefore, to deal effectively and efficiently with clients who present problems in 'clusters':</p> <ul style="list-style-type: none"> <li>• the percentage of caseworkers able to advise across different categories of law; and</li> <li>• the number of categories of law those caseworkers can move between (three categories being, perhaps, the maximum one caseworker can do).</li> </ul> <p>For further details see the section on 'Staffing the lines' in the draft contract.</p>
3	Experience of managing and delivering a telephone advice service offering legal advice to (a) a vulnerable client group(s); and/or (b) clients eligible for legal aid; and/or (c) where a client's only form of access to such advice is via the telephone.

	Current or recent experience (within the last 12 months) will be preferred over previous experience.
4	Financial stability and sound financial management of the applicant organisation.
5	<p>The number of caseworkers (and supervisors) you propose to deliver (and supervise) the telephone advice hours you are bidding for is reasonable and will enable you to adhere to all the contract requirements, such as quality and key performance indicators.</p> <p>For further details see the section on 'Staffing the lines' in the draft contract.</p>
6	<p>(a) You have a realistic and effective transition plan in place covering the period from December 2006 to 1 April 2007, which will enable you to comply with our 'Transition period' arrangements. This plan demonstrates your ability to make the service fully operational in line with the dates set out (e.g. availability of suitable caseworkers and experienced supervisors, accommodation arrangements in place, a good track record of recruiting suitable staff within required deadlines);</p> <p>(b) You have a realistic outline growth and delivery plan in place to cover the period up to March 2010.</p> <p>For further details see the section which includes the 'Timetable for switching categories of law into the Operator Service' in this Information for Applicants and see annex 5 of the draft contract on the 'Transition period'.</p>
7	<p>Clear plans and policies in place relating to staff training, motivation and retention, given the repetitive nature of the work.</p> <p>For further details see the section on 'Training' and annex 11 on Quality Standards in the draft contract.</p>
8	<p>For those applicants who propose to use sub-contractors to carry out some of the telephone advice – the willingness to:</p> <p>(a) enter into the contract in your own name as the sole provider;</p> <p>(b) accept that under the contract you will be solely responsible for ensuring that the services are carried out in accordance with the contract;</p> <p>(c) ensure that your sub-contractor(s) comply with all the contract requirements throughout the contract term;</p> <p>(d) report back to the LSC as required by the contract as if you were providing all the telephone advice yourself – i.e. we will not accept reports, etc from anyone other than the provider named in the contract; and</p> <p>(e) in every other way, deal with the LSC on a one-to-one basis, with you alone having contact with/ making payments to/ checking the claims of, etc, any sub-contractors you use.</p> <p>For further details see the section on 'Sub-contractors' in the draft contract.</p>
9	If you are proposing to provide the telephone advice from more than one location (e.g. split sites), the ability for all your caseworkers and supervisors to work as if they were on one site (e.g. access to files, telephony systems in place), and the ability to meet

	<p>the key performance indicators from a service operating from split sites.</p> <p>For further details see the section on 'Location' in the draft contract.</p>
10	<p>The ability to report all the data required by the LSC.</p> <p>For further details see annex 14 on 'Reporting' in the draft contract.</p>
11	<p>For existing CLS Direct contract holders only: that you have a history of performing well - i.e. meeting 90% of the telephone advice hours set out in any month under your current contract (assessed on the period April to August 2006 inclusive).</p>
12	<p>For existing and previous LSC contract holders only: you have not received a termination notice from us within the last two years (such a notice is relevant even if you are in the appeal process).</p>
13	<p>For existing LSC contract holders only: you have not received any adverse findings from any Peer Review carried out on any of your work in the last 12 months (an adverse finding means a rating of 4 or 5). If a Peer Review has rated you as a 4 or 5, you must be able to provide evidence to show that corrective action has been taken and problems rectified to our satisfaction.</p>
14	<p>Commitment to providing access to (a) disabled clients and (b) clients with poor or no English.</p> <p>For further details see the section on 'Providing telephone advice to particular client groups' in the draft contract.</p>
15	<p>Applicants that do not hold a current LSC contract:</p> <ul style="list-style-type: none"> <li>• have a corporate social responsibility statement in place and an effective record of meeting it; and</li> <li>• comply with all necessary race/ sex/ disability discrimination/ employment legislation.</li> </ul>