



## INFORMATION FOR APPLICANTS



### New Asylum Model Early Legal Advice Pilot in Solihull

The Legal Services Commission (the Commission) is inviting tenders from organisations who are able to take part in a pilot scheme for providing legal advice to New Asylum Model (NAM) clients in the West Midlands region. The pilot will apply to cases determined through the Home Office NAM casework team in Solihull.

The pilot is planned to commence on 23 October 2006 and run for a term of six months. It will test the impact of the proposals set out in the joint Home Office and Commission proposition paper entitled 'Improving Asylum Decisions through Early and Interactive Advice and Representation' (see **Annex 1**).

We are inviting bids from applicants who can supply the full range of proposed services to clients including attendance at a new form of Interactive Home Office Interview.

#### Introduction to the Legal Services Commission

The Commission looks after legal aid in England and Wales. We also make sure that people get the information, advice and legal help they need to deal with a wide range of problems.

We work in partnership with solicitors and not-for-profit organisations to provide services to help people in need. Our work is fundamental to social and legal justice. Legal aid clients are often vulnerable and socially excluded people, who may have a variety of problems such as:

- Debt;
- Housing;
- welfare benefits; and
- issues related to crime.

Our job is to make sure our clients can access the help they need to address their problems. We deliver legal services through the Community Legal Service and the Criminal Defence Service.

About 1,650 staff members work across 15 offices in England and Wales. Our Head Office is based in London.

We are a non-departmental public body sponsored by the Department for Constitutional Affairs (the DCA). We play a large part in helping the DCA achieve its overall aim to:

- ensure effective and accessible justice;
- protect the rights of individuals; and
- modernise the law and constitution.

The Secretary of State for Constitutional Affairs is accountable to Parliament for our activities and performance. The DCA agrees its overarching Public Service Agreement targets with the Treasury. We in turn set our objectives in discussion with the DCA.

Further information can be found on our website, [www.legalservices.gov.uk](http://www.legalservices.gov.uk).

## What is the NAM Early Legal Advice Pilot in Solihull?

The purpose of the pilot is to ensure that clients who are segmented (to have their case decided) into the NAM process in the West Midlands Region receive early independent legal advice from accredited advisors to:

- agree issues that are not in dispute with the NAM Case-Owner (this is the individual who will be responsible for making the decision on the client's claim);
- identify issues in dispute which may require proof and acquire that proof (if possible) at the earliest possible stage; and
- accompany the client to the Interactive Home Office Interview.

This can best be described as 'front loading legal advice and assistance'.

For some time the Commission and practitioners have been concerned that the refugee determination process is inherently weighted against the early resolution of status. With this in mind, the Commission and the NAM Quality Team have worked together to produce this proposal in consultation with stakeholders.

The NAM Quality Team was set up within the Immigration and Nationality Directorate specifically to look at a wide range of issues as pertaining to the way the refugee determination process operates. They are also responsible for the training of NAM case-owners.

Some of the criticisms of the current process include the 'down time' on asylum applications between the initial application and the asylum interview, the subsequent late identification of issues in dispute requiring proof, and the determination of the claim by the Home Office before all relevant evidence is gathered by the client.

This pilot intends to test some of the proposals set out in the document, 'Improving Asylum Decisions through Early and Interactive Advice and Representation' (see **Annex 1**). The specific proposals we wish to test are:

- The provision of legal advice post screening and prior to the Interactive Home Office Interview. After the client has arrived in the West Midlands region, full instructions should be taken and a Statement of Claim produced.
- Funded Evidence Gathering. After the Statement of Claim has been submitted the accredited advisor and the NAM Case-Owner will seek to agree issues which do not appear to be in dispute so that all parties can concentrate on genuinely contentious matters that require further proof.
- Attendance at the Interactive Home Office Interview. This interview will be a forum for clarifying issues, which have already been put before the NAM Case-Owner, and the testing of issues that are considered to be in dispute. The proposal envisages the accredited advisor attending the Interactive Home Office Interview and playing an active role.

A more detailed version of the proposal contained at **Annex 1** will be produced in time for the start of the pilot to provide further refined and practical clarification including the impacts upon both the accredited adviser and the NAM Case-Owner.

We propose to pilot the provision of advice through this scheme by working with a number of providers that will undertake all NAM asylum cases that are segmented into the West Midlands region for a period of 6 months. For the purposes of the pilot, attendance at interviews is being brought back into scope and the arrangement for legal advice to NAM clients segmented through the Solihull process is to be made exclusive (i.e. exclusive to the provider organisations under the pilot). Only those providers who are taking part in the pilot will be able to undertake this work within the West Midlands region for the duration of the pilot subject to the exceptions that exist at 12.2.13 of the Immigration Specification (Solicitors) and 13.2.11 of the Immigration Specification (NFP).

It is currently envisaged that there will be around 30 clients per week in the pilot from October and we are assuming that it is reasonable for an accredited advisor to undertake 1.5 cases per week. We therefore envisage that we will require a minimum of 20 accredited advisers for the duration of the pilot.

### **How the pilot scheme will operate – the rota**

All clients who are segmented into the NAM process in Solihull from 23 October 2006 will be referred to you by way of a rota. This rota will operate through the Commission's administrative resource based in Liverpool. When allocating rota slots consideration will be given to the information provided in the Application Form. We may take into account your capacity to take on cases; your devolved power status; and/ or your proximity to the Home Office interview venue. Successful applicants who have a large number of Level 2 accredited caseworkers, hold full devolved powers and are located close to the interview venue are likely to receive more slots than those who have only one Level 2 caseworker; do not hold full devolved powers and are located at a greater distance from the interview venue.

There is no guarantee that any provider will receive a minimum amount of work from the scheme in any particular week, as this will be dependent on the number of providers in the pilot and the volume of clients that are segmented into the region. However, we have been assured that the number of asylum cases quoted above is broadly accurate and we will expect all the providers to work together to ensure that clients receive timely legal advice.

We will ensure that the rota operates so that there are sufficient numbers of accredited advisers available each week to service 30 asylum cases per week. Repeated refusal to accept a referral from the rota could ultimately lead to removal from the scheme.

### **Services being tendered for**

#### **Minimum bids**

We are seeking to involve a number and range of providers that meet the minimum quality thresholds and have sufficient capacity to provide the advice required under the pilot for a minimum of 6 months from 23 October 2006. As the pilot will also help inform our future contracting strategy we are not looking to award a contract for the whole pilot to one provider only.

#### **Hours and location of pilot services**

We expect that advice to clients will be provided during normal office hours and accredited advisers will be contactable during office hours to accept appointments from clients who require legal advice.

The advice to clients is to be undertaken in a provider's Schedule Office. Having been segmented into the process through the screening process (in Croydon or Liverpool), the clients will be initially housed in NASS temporary accommodation in the Birmingham region.

The clients will attend your office from this location for their first and all appointments up to the Home Office decision. It is likely that permanent NASS dispersal into the West Midlands region will occur after the client has been given a decision on their asylum claim for asylum. The accredited adviser will be required to attend the Interactive Home Office Interview with the client; this interview will be held at:

Sandford House  
Homer Road  
Solihull  
B91 3QJ.

### **Number of accredited advisers**

Providers must have a sufficient number of accredited advisers to be able to meet the requirements of the pilot scheme, without affecting their responsibility to their other clients. It is for you to determine how much resource you are willing to commit to the scheme. However the Commission will look favourably on applications that can demonstrate an ability to expand the service if, during the pilot, demand for services is higher than expected.

The cases will be allocated between all successful applicants on a rota basis. The format of any rota will be determined at a later date and will depend on how many applicants have been successful. Allocation of the rota slots will be made on the basis of the number of Level 2 Accredited Advisers your organisation is able to commit to the scheme and your answers as given on the Application Form to the desirable criteria.

### **Accreditation status of advisers**

The pilot will require accredited advisers to have an in-depth knowledge of immigration and asylum law and we require all advisers who will attend the Interactive Home Office Interview to be accredited to **Level 2 - Senior Caseworker** - of the Immigration and Asylum Accreditation Scheme.

This pilot is quality led and one of the aims is to determine what impact 'front loading' of legal advice and assistance has on the refugee determination process. We are therefore looking for providers who are committed to ensuring the client receives quality advice throughout the process, during the application stage, during the appeal stage and in being able to refer to Higher Court remedies and also applicable bail remedies.

The advice process in the scheme before the Interactive Home Office Interview is very much 'seamlessly' linked to the interview process itself. Therefore, although we are not restricting all of the work under the pilot to Level 2 Senior Caseworkers, the evaluation process will look at the benefits of having a Level 2 Senior Caseworker advising throughout the process. For the purposes of the pilot, it is for you to determine how your accredited adviser resource is committed, however, we will look favourably on those applicants who can demonstrate that they will be able to provide Level 2 accredited advisers throughout the entire case.

### **Interpreters**

Providers must have ready access to interpreters so that they can take instructions and advise clients.

## **Technical requirements**

Providers must have one constant central telephone, fax and email contact, which will be held by the Commission's rota administrator.

## **Payment**

Payment arrangements under the pilot scheme are set out in the draft Schedule (and Payment Rates Annex to the Specification).

Payment will form part of your Schedule Payment Limit. Completed matters should be reported in the normal way under the terms of the General Civil Contract.

## **Reporting, monitoring and evaluation**

The monitoring and evaluation of the pilot is of paramount importance. In designing the proposal it has been difficult to assess the likely qualitative benefits of the pilot. Providers taking part in the pilot will be required to provide such information regarding the pilot as requested by us, or any evaluation panel, or the Commission's Liaison Officer.

It is likely that an evaluation panel will be set up consisting of Commission, Home Office and stakeholder representatives. Providers are likely to be requested to attend meetings with the Commission and other pilot providers so that we can assess how the scheme is working.

The CMRF reporting arrangements will not be amended. Normal reporting requirements and End Points will continue to apply. However, as part of the monitoring and evaluation process, you must be able to keep easily accessible records of all the clients you have advised during the pilot. These records should be in the form of a CMRF (for quantitative information). Files must also be made available upon request, should the evaluation panel or the Commission's Liaison Officer require these for qualitative information (to assess the quality of advice given to the client).

For qualitative evaluation purposes, the Commission may subject all or a sample of the files to the Peer Review process. Further information about the Peer Review process is available from our website:

[http://www.legalservices.gov.uk/criminal/contracting/mq\\_peerreview.asp](http://www.legalservices.gov.uk/criminal/contracting/mq_peerreview.asp)

## **Organisations that may tender**

Applications are invited from commercial, solicitor or not for profit organisations that:

- currently hold a General Civil Contract with the Commission; and
- currently hold the SQM in the immigration category of work; and
- meet the essential selection criteria set out below.

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

The nature of the work means that we will be seeking to award contracts to those providers who are able to offer the best service to clients through sufficient numbers of skilled and experienced staff, effective supervision arrangements, applicable experience and who have a good track record of audit with the Commission.

We have split the selection criteria into four sections:

Section 1 – essential criteria;  
Section 2 – desirable criteria;  
Section 3 – key considerations; and  
Section 4 – additional information.

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, and applications 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 their views on the key considerations in providing advice under this proposal. Section 4 allows applicants to give us other relevant additional information.

The various criteria will be tested through the questions set out in the Application Form. We may corroborate the information given on your Application Form with your regional office. We will rely on the information that you provide on the Application Form (together with our other management information, such as your record before the Asylum and Immigration Tribunal) in evaluating the criteria. The selection criteria are set out at the end of this document.

### **The selection process**

The selection process we propose to follow is set out in the table 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	Timetable
Stage 1	Applications received.	Up to noon 8 September 2006
Stage 2	<p>Applications assessed against Section 1 essential criteria.</p> <p>Where Section 1 essential criteria is 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 11 September 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 Sections 3 and 4 in accordance with the above ratings.</p> <p>We will compare the applications against each other and select the applications that best meet the desirable criteria, on the basis of the information submitted in the application.</p> <p>Short-listing of applications that best meet the desirable criteria.</p> <p>We may choose to ask applicants supplementary questions if, for example, certain aspects of their application requires clarification.</p>	W/C 11 September 2006
Stage 4	<p>If we consider it necessary or useful, we may invite applicants and/or their accredited advisers to attend an interview/ give a short presentation to a panel from the Commission.</p> <p>Where we do this, applicants will be notified by telephone no later than Friday 15 September 2006 if they are required to attend an interview 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 18 September 2006
Stage 5	<p>Selection of providers</p> <p>After completion of all the interviews (if held), we will reconsider the short listed applications; taking into account any additional information obtained at interview and interview performance, and select successful applicants.</p> <p>Offers sent out to successful applicants “subject to contract”.</p> <p>Contracts drawn up for signature.</p> <p>Unsuccessful applicants notified.</p>	W/C 25 September 2006

Stage 6	Pilot rotas drawn up and circulated	W/C 2 October 2006
Stage 7	Pilot start date	23 October 2006

A panel of assessors within the Commission will assess the bids. 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.

We do not wish to give pilot scheme contracts for less than 6 months' work and we wish to work with more than one provider, in order to get a balance of views and experiences on the pilot scheme. The number of contracts awarded will depend on the number and quality of applications we receive.

Pilot contracts and corresponding Schedules will be awarded to organisations that in our judgement best meet our criteria for this work.

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**

To apply, applicants must complete the Application Form.

You will need the following documents:

- Information for Applicants;
- Application Form;
- Annex 1 - 'Improving Asylum Decisions through Early and Interactive Advice and Representation';
- Annex 2 - draft Schedule;
- Annex 3 - draft Specification;
- Annex 4 - payment rates (Solicitors); and
- Annex 5 - payment rates (NFP).

You should return to us one copy of:

- Your completed Application Form(s) (with any attached pages numbered sequentially - e.g. 1 of 6); and
- List of accredited advisers including an organogram.

There will be space in the Application Form to provide additional information that you believe is relevant to your bid (Section 4).

The selection criteria will be tested through the questions set out in the Application Form.

If you cannot meet the requirements of Section 1 of the selection criteria on the Application Form please do not complete Sections 2, 3 or 4, as your application will not be assessed.

Please read the selection criteria carefully and ensure that you address all the points listed in your answers on the Application Form. You are reminded that your application will be assessed against other bids and you should therefore ensure that you answer each question as fully as possible.

Please ensure that any information you provide in your Application Form is 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.

There will be an opportunity for applicants to ask questions before the tender closing date. Questions must be sent to us by email to [immigration.services@legalservices.gov.uk](mailto:immigration.services@legalservices.gov.uk) before 12 noon on Friday 25 August 2006. If you are unable to email and require alternative arrangements please telephone 0207 759 1471.

We will consider the questions and post our answers on our website at [www.legalservices.gov.uk/civil/immigration/immigration.asp](http://www.legalservices.gov.uk/civil/immigration/immigration.asp) on Tuesday 29 August 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 8 September 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 tender electronically. You can download the tender documents from our website at:

<http://www.legalservices.gov.uk/civil/immigration/immigration.asp>

All applications, however sent, must be marked **“NAM Early Legal Advice Pilot in Solihull - Private & Confidential - for the attention of Mr Davinder Sidhu”**.

Please return postal applications to:

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

Please return email applications to:

[immigration.services@legalservices.gov.uk](mailto:immigration.services@legalservices.gov.uk)

It is your responsibility to telephone us on 0207 759 1471 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.

### **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 price information. 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 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.

### **Conditions of tender**

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.

We reserve the right to take into account any knowledge of an applicant 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.

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

We reserve the right to amend the tendering rules, the tendering process/procedure and/or the selection criteria, at any time in writing by giving general notice on our website at:

<http://www.legalservices.gov.uk/civil/immigration/immigration.asp>

before the tender closing date, or by giving general notice in writing (by email) to all applicants who have submitted tenders, and who are still being considered in the tender process, where the tender closing date has passed. An amendment could include, for example, inserting additional stages in the process (such as asking supplementary questions), changing our requirements or adding new requirements.

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

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

### **Award of contracts**

Successful providers will be given an additional Schedule to their General Civil Contract (as defined) to be signed by both parties. This will set out any additional terms that apply to the work providers will be carrying out under the pilot and will include a Specification and payment terms.

We anticipate the Schedule will initially run from 23 October 2006 to 31 March 2007, when we will review the pilot in order to see how, and whether, we will contract for these services in the future.

A copy of the draft Schedule is attached as **Annex 2** to this document. The draft Specification is at **Annex 3** and the payment rates are at **Annexes 4 and 5**. The Commission reserves the right to alter the terms and conditions of the Schedule (including the Specification) prior to the award of the contracts, but we enclose a draft copy of the Schedule now for your information. Please read the Schedule for further details of the services we are looking for organisations to provide. In particular, we would draw your attention to the following:

- work carried out under the Schedule will be Controlled Work; and
- we will not initially be increasing providers' Schedule Payment Limits or Matter Starts allocation. Should providers require an increase in their Schedule Payment Limit or Matter Starts, they should apply to their Regional Office in the normal way.

## Selection Criteria

<b>Tenders for New Asylum Model Early Legal Advice Pilot in Solihull</b>	
<b>Section 1 – Essential Criteria (listed in order of importance)</b>	
1	You hold a current General Civil Contract in the category of Immigration.
2	You hold the Specialist Quality Mark in the category of Immigration.
3	You have a Level 2 accredited adviser (senior caseworker) in place in your organisation who is able to attend the Interactive Home Office Interview.
4	You have not received a confirmed Category 3 rating following your last contract compliance audit (i.e. you have not been given a Category 3 rating which is either not subject to an appeal or has been confirmed at Category 3 on appeal).  Only confirmed Category 3 ratings from April 2005 to date are relevant.
5	Your Schedule Office must be located within a 30-mile radius of the interview venue. The interview venue is: Sandford House, Homer Road, Solihull B91 3QJ.
6	You are clearly able to make this service operational by 23 October 2006.

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

1	You have additional Level 2 accredited advisers (senior caseworkers) in place in your organisation available for the scheme, giving you the capacity to allocate additional accredited advisers to the scheme during your rota slots, if the demand increases during the term of the pilot.
2	You have Level 2 accredited advisers in place in your organisation who are able to provide 'seamless case ownership' of the whole process.
3	At 1 August 2006 you held the full range of devolved powers in the Immigration Category under Rule 12.5 of the Specification to the General Civil Contract (Rule 13.5 of the Not for Profit Specification) and rule 1.5 of the General Civil Contract.
4	If you have been subject to a peer review in the immigration category of work in the last 12 months, you have received a rating of 1, 2 or 3. (Ratings of 4 or 5 will only count against an applicant if they have been confirmed on appeal).
5	<p>The team of advisers you put forward to provide this service constitute a stable, well-supervised, well-qualified and experienced team of advisers.</p> <p>(Please enclose one-page CVs for all Level 2 advisers who will work on the scheme and state, in relation to each adviser, the status of their working relationship with you (employee, consultant, agency worker, etc) and how long they have held this position with you. Please also provide an organogram).</p>

### **Section 3 – Key Considerations**

This scheme could potentially alter the way funded legal services are provided to all asylum seekers in England and Wales in the future and you may be asked to work closely with the evaluation panel and other successful suppliers during the term of the pilot.

Give examples of how your organisation has positively impacted upon the national or regional debate about this group of clients.

Please explain in no more than 600 words how your participation in the pilot could assist the qualitative aspect of the evaluation.

How do you see the constituent parts of the proposal? How will you approach:

- The provision of legal advice post screening and prior to the Interactive Home Office Interview;
- Funded Evidence Gathering; and
- Attendance at the Interactive Home Office Interview.

What specific considerations will you need to give?

You are asked to limit your answer to 600 words.

### **Section 4 – additional information**

You should mention any additional information you believe is relevant in this section of the application form.