

## **Mental Health Specification**

We are consulting on the draft specification of mental health legal services to give effect to the fee scheme, and which will in due course form part of the new Civil Specification under the Unified Contract. The draft Specification is also available on our website. Whilst we are not re-consulting on the fee scheme itself, we would welcome your views on the detailed provisions of the draft Specification on which we are consulting until ***Friday 3 August***.

Although the fee scheme does not cover representation at the Court of Protection under the provisions of the Mental Capacity Act 2005, we have now finalised the Authorisation and Funding Code Guidance on funding cases at the Court of Protection. This is available on our website.

We would in particular welcome views on the following topics:

### **Matter Start Rules**

The rules on when a new matter may be started are particularly important to a standard fee regime. These are covered at the end of the draft Mental Health Specification but should also be seen in the context of the general provisions on Matter Starts in section 5 of the General Civil Specification, which is still available on the consultation section of our website. We would welcome the views of experienced practitioners on the Rules or suggested examples of situations that should be covered by this part of the contract or guidance.

### **Remote Travel Payments**

Under the scheme travel and waiting is generally included within the Standard Fees but we do make provision for additional Remote Travel Payments in certain circumstances. We would welcome further views on detailed rules on entitlement to such payments both as to what cases or locations the payments should be applied to and which providers should be entitled to claim the additional payment.

The proposal is that remote travel payments will only be available in relation to clients detained at locations specified in a list we will keep on our website. This list will contain those locations at which we consider clients' access to services could be otherwise at risk.

The measurement of risk to access will take into account a number of factors, including the number of tribunals listed at that location, the number of providers in the area and the capacity of those providers. When calculating the amount set aside for the additional travel payments we considered a list of hospitals that have no more than two contracted providers within 50 miles as the crow flies. We would welcome views on whether this is an appropriate test, and suggestions for measurements of hospitals where client access could be at risk following introduction of the fixed fee scheme. We will retain the power to add locations to the list to promote better access

in future. We may also remove locations (on notice) where, for example, we have secured sufficient supply. In the longer term, we consider bid rounds and best value tendering as the best way to secure services at remote locations.

We currently also propose that the Remote Travel Payment will be payable to any provider providing services at such a location. This will encourage local provision although in some cases it may create an additional payment for local providers (bearing in mind that standard travelling and waiting is already included in the fixed fees). The alternative would be to restrict payments to providers who were more than a certain distance from the hospital in question. That more restrictive approach might allow us to specify a greater range of locations on the designated list.

We welcome views on these or any other issues raised by the detailed provisions of the *draft* Specification. Responses to this consultation should be sent (preferably) by email to Mark Gaskell at [mark.gaskell@legalservices.gov.uk](mailto:mark.gaskell@legalservices.gov.uk) no later than **Friday 3 August**.

**Corporate Legal Team**  
**Friday 23 June 2007**