

UNIFIED CONTRACT (CRIME) JULY 2008
QUESTIONS AND ANSWERS
25 April 2008 v5

1. I was awarded a new General Criminal Contract in January this year. Why do I have to apply for another one now?

The General Criminal Contract (January 2008) only lasts for 6 months and is due to expire at midnight on 13 July 2008. From 14 July 2008 legally aided criminal defence services (with the exception of VHCC cases and CDS Direct services) will be provided under the Unified Contract (Crime) July 2008.

2. How is the new contract different to my current one?

The Standard Terms are closely based on those in the Unified Contract for civil providers amended and updated for crime providers.

The Specification is largely unchanged from the Specification in your current General Criminal Contract but we have reordered it to make it easier to understand and work with.

Key changes in the new contract include:

- We have agreed a new SMP Reconciliation Protocol for managing Standard Monthly Payments that will give you more certainty and stability in your monthly payments;
- We have removed the requirement for you to record travel costs/time in relation to matters / cases that are paid by fixed fees;
- Claims that are submitted more than three months late will no longer attract automatic financial penalties (although it is still a contractual requirement to submit claims on time);
- The LSC's powers to amend the contract are now limited to:
 - Changes arising out of external developments in the law or justice system;
 - Minor changes;
 - Correcting ambiguities, errors and omissions with the agreement of The Law Society.

The contract documents are described more fully in the Information for Applicants. A full copy of the Unified Contract (Crime) July 2008 and the Information for Applicants document can be found on our website at, www.legalservices.gov.uk at CDS>Tenders.

3. Do I complete one form per office or one form per firm?

Unlike the General Criminal Contract, the Unified Contract (Crime) July 2008 is issued on a **firm-by-firm basis**. This means that you should only complete one application form for your organisation, within which you will be asked to list each of the individual offices that comprise your firm. **Provided your application is**

successful, you will be issued with one contract for your firm containing individual schedules for each office. For more information, please see the Contract Documents as published on our website at www.legalservices.gov.uk and follow the link to CDS > tenders > Unified Contract (Crime) July 2008 or contact your local LSC Regional Office.

4. We signed a Unified Contract last year as our firm also does civil legal aid work. Do we still have to go through this process?

Yes. The Unified Contract introduced in April 2007 relates to civil work only and is distinct from the crime contracting system.

5. How do I get a Unified Contract (Crime) July 2008?

We will award contracts to applicants who have complied with the process set out in the Information for Applicants and have satisfied us that they:

- Can / do comply with the Specialist Quality Mark (SQM), a copy of which can be found on our website;
- Have / will have in place a suitable Crime Supervisor (see SQM D2.1) in place by 14 July 2008;
- Have not had an LSC Contract terminated (except under clause 20.2 of the previous General Criminal Contract, termination by us in order to facilitate the tender of the General Criminal Contract (January 08)) within the previous two years; and
- Have not had their claims assessed as Category 3 for the second consecutive time since 1 April 2006

6. Who is the application process open to?

The application process is open to both existing providers and new entrants. Under EU procurement law we cannot simply give existing providers new contracts, we have to run a full application process open to all; both current contract holders and new entrants/entities alike.

We have placed advertisements about the application process in *The Law Society Gazette* (4 April 2008) and *The Times* (8 April 2008).

7. Is the application process confidential?

Yes. We will not divulge any information concerning particular applications or applicants, or the slots applied for, to any applicant / potential applicant or any other external party during the application process.

8. Why is the closing date for the application process 2 May when the new contract does not begin until 14 July 2008?

As well as awarding contracts we are also allocating slots on the Duty Solicitor schemes for the first six months of the contract.

The timetable has been drawn up to allow us time to conduct an internal appeals process against any refusal of a contract as well as to produce duty solicitor scheme lists, before issuing the rotas in June to allow for an appropriate notice period before the rotas begin on 14 July.

9. I am a Prison Law/ Appeals reviews/ / Crown Court only specialist – Do I have to apply for a Contract?

Yes, only firms who hold a Unified Contract (Crime) July 2008 will be permitted to undertake publicly funded Prison Law/Appeals and reviews and/or Crown Court cases starting after 14 July 2008.

10. Why do we have to send in CDS12s again as we only sent them in less than 6 months ago?

This is a completely new contract and membership of all Duty Solicitor Schemes is being re-tendered through this process. Our Regional Offices have consulted on amendments to qualifying criteria for eligibility on a number of Schemes and we are also aware that there has been significant movement of Duty Solicitors during the previous contract period. Therefore, to ensure that we have up-to date and relevant information to allow us to appropriately produce the Scheme rotas, we require all Duty Solicitors to re-confirm their eligibility for the Schemes on which they wish to work.

The form has been amended to remove the need for you to re-confirm your contact details for DSCC – if you have changes to these you should continue to inform DSCC in the normal way. We have therefore renamed the form CDS12A.

11. When do we submit our CDS12s?

Unlike the January 08 contract application process, for July we require CDS12A forms to be submitted at the same time as the contract application itself. This will allow us to ensure that the new rotas are issued in a more timely manner than occurred in some instances for the January rotas, giving you a more appropriate amount of notice of your Duty Slots.

In addition to this, we will also confirm the eligibility of each Duty Solicitor for the Schemes applied for at the same time as we notify the firm of the contract award. This will allow any appeals against membership refusal to be heard at the same time as contract refusal appeals, again allowing us to issue accurate rotas in a more timely manner.

12. Can we use external supervisors?

Yes, where there is no suitably qualified member of your team, the Specialist Quality Mark (SQM) permits you to engage the services of an external supervisor. However, this is intended to be a temporary arrangement whilst a suitable member of your team becomes qualified. We reserve the right to monitor your use of external supervisors and the plans you have in place to train your staff. The SQM sets out requirements for external supervisors that must be met.

13. How long is this contract for?

The Contract will run for 18 months to 13 January 2010, subject to our right to extend by 6 months and any lawful termination before January 2010.

14. How will Duty Solicitor slots be allocated for the Unified Contract (Crime) July 2008?

Slots will be allocated on the basis of the number of Duty Solicitors employed when each rota is issued

15. How long are the rotas being issued for?

We will publish six-month rota, the first will run from 14 July 2008 to 13 January 2009. These rotas will only include those Duty Solicitors who apply by submitting a qualifying CDS12A as part of the application process.

We reserve the right to amend the last three months of the first rota to take into account:

- Any successful appeals against refusal of membership based on properly submitted CDS12As;
- Any errors or omissions arising in the first three months of the rotas.

After 13 January 2009 rotas will be issued for 6-month periods, again subject to our right to amend the last three months.

16. Do we have to reapply for slots at the end of the rota period?

No. Once your CDS12A has been accepted as part of this application process there is no need to reapply for slots once the rota comes to an end.

Slots on the rotas beginning on 14 January 2009 will be allocated to Duty Solicitors who successfully submitted CDS12A forms during this application process.

Duty Solicitors who become members of the schemes by submitting a qualifying CDS12 Duty Solicitor Application Form after 2 May 2008 and before the production of the 14 January 2009 rotas (usually one month before the start date) will also be allocated slots on the January 2009 rotas.

17. Can Duty Solicitors join a scheme if they submit a CDS12 after the closing date?

Yes. Any Duty Solicitor may submit a CDS12 and apply for membership of Schemes at any time. However, where membership is applied for (and the Duty Solicitor qualifies) during the life of a rota, no slots will be awarded until the next rota is produced. The Duty Solicitor will, however, be added to the Scheme list and will be eligible to undertake back-up and/or panel calls for that Scheme.

18. What happens if a Duty Solicitor moves firm after 14 July?

If a Duty Solicitor leaves a firm during the life of the contract, slots allocated to the firm on the basis of CDS12A forms submitted as part of this application process will remain with the firm for the duration of the six-month rota period.

It is the responsibility of the firm who employs the Duty Solicitor to notify the LSC as soon as they become aware of any of the following circumstances:

- (a) The Duty Solicitor gives formal notice of leaving or leaves the CDS Supplier in which he or she is employed as a Duty Solicitor;
- (b) The Duty Solicitor's practising address changes;
- (c) The Duty Solicitor is no longer able to comply with any of the qualifying or continuing membership criteria; or
- (d) The Duty Solicitor wishes voluntarily to withdraw from a Scheme or Schemes in accordance with the Duty Solicitor Arrangements.

When the rotas commencing on 14 January 2009 are produced they will be made up of Duty Solicitors who are eligible for membership of the schemes from that date.

19. We have solicitors who are going through CLAS accreditation and are hoping to be qualified Duty Solicitors before 14 July 2008. Can we include them in our application for Duty Slots?

You can only include those solicitors who are fully accredited Duty Solicitors as of the time you submit your application. Any solicitors who qualify as Duty Solicitors after this date will be able to apply for inclusion on panels and to take back-up cases (subject to submitting a qualifying CDS12 application form to your regional office) during the first six-month rota and will be allocated slots on the rota that begins on 14 January 2009.

20. Can I include Accredited Representatives as well as Duty Solicitors in the application for Duty Solicitor slots?

No. The Duty Solicitor Arrangements 2008 state that slots will be awarded to firms on a basis proportionate to the number of Duty Solicitors employed by them.

21. Are the Police Station fixed fees inclusive or exclusive of VAT?

The police station fixed fees are the same as the fees in the GCC (January) 2008 contract, although in response to queries from the Law Society and other providers, we have changed Annex A to express them exclusive of VAT. If your claims properly include claims for VAT, we will include in our payments to you such VAT as is properly payable and will amend the claim form (CDS 6) for the Unified Contract (Crime) July 08 for providers to indicate (through a check box or equivalent) those cases where VAT is properly payable. We are working with software providers to effect this change.

22. Why can't I submit my application by email?

Allowing email applications for the January 2008 General Criminal Contract application process presented a number of technical issues with respect to firewalls and delayed electronic transfer.

In order to avoid such issues for this application process we will NOT BE ACCEPTING APPLICATIONS BY FAX OR EMAIL.

23. Where should I send my application?

Unless your account is normally handled by our Leeds Office (see below), you should send your application to your LSC regional office. If you currently hold a General Criminal Contract (January 2008), your regional office is the one that deals with your account. If you are a new applicant please send your application to the regional office nearest you.

NOTE: IF YOUR ACCOUNT IS NORMALLY HANDLED BY OUR LEEDS OFFICE YOU SHOULD SEND YOUR APPLICATION TO OUR NEWCASTLE REGIONAL OFFICE.

We strongly recommend that you deliver your application by hand, recorded delivery or tracked DX. Applications that arrive after the deadline of 16.00hrs on 2 May 2008 will not be accepted and late delivery in such cases will NOT constitute exceptional circumstances for the purposes of any appeal.

All applications, however sent or delivered, should be labelled "Unified Contract (Crime) July 2008 application".

24. How can you be introducing a Unified Contract (Crime) when the issues regarding the Unified Contract (Civil) are not yet resolved?

On 2 April 2008 the LSC and Ministry of Justice (MoJ) reached agreement with The Law Society on a way forward for the legal aid reform programme, following the Court of Appeal's judgement on the Unified Contract (Civil).

Details of the agreement, as well as a press release and a joint statement by the LSC, MoJ and The Law Society can be found on our website at www.legalservices.gov.uk at Civil>CLS_news.

25. How does the agreement on the Unified Contract (Civil) affect the Unified Contract (Crime)?

The dispute with the Law Society was in relation to the civil fee scheme not crime, although firms with both civil and criminal contracts will benefit from all the terms of the agreement and crime only firms will benefit from the new provisions in respect of Remainder Work and SMPs.

26. What happens if insufficient providers apply for a contract?

As part of this application process we will be asking providers whether they have an interest in expanding their legal aid work on duty solicitor schemes. Where there is a shortfall of providers in any area, we will approach those providers who have already applied, and have expressed an interest in expanding, in order to meet any shortfall.

27. I am interested in expanding my work. How will I know what the eligibility rules are for Schemes where I do not currently operate?

We have published a full list of all the Schemes in England and Wales and the corresponding Local Scheme Rules in the **Schedule of Duty Solicitor Scheme Rules**, which can be found at www.legalservices.gov.uk, CDS>Tenders.

28. Has the LSC consulted with The Law Society on the changes in the Unified Contract (Crime) July 2008?

Yes. All changes to the Contract Specification were subject to full and constructive consultation with The Law Society.

29. What about the other changes you consulted on?

After discussions with the Law Society, we have agreed not to include a number of changes in this contract that we consulted upon. These include:

- There will be **no change** to the way in which Duty Solicitor Slots are allocated
- We will **not introduce** a new performance requirement for Panel and Back-up Duty Call Acceptance
- We will **not introduce** Audit KPIs
- We will **not introduce** re-accreditation of Duty Solicitors

30. Who can I direct further questions about the application process to?

Our Regional Offices will be happy to respond to general questions on the current General Criminal Contract, the Duty Solicitor Schemes in your area, the new changes we are introducing and about the Unified Contract (Crime) July 2008. Alternatively, questions can also be sent directly to cds.contracts@legalservices.gov.uk

Questions on the application process, allocation of Duty Solicitor slots or those of wider interest will be collated and answered in writing through updates to this Q&A. To ensure that all applicants and interested parties have equal access to the information these answers will be published regularly on our website. All personal or identifying information will be removed prior to publication.

31. Why are there rules for joining the Rugby scheme on the website different to those in the pack you mailed to me?

The Rugby scheme rules were recently altered following a consultation with local firms. The rules on the website are the current and accurate rules and you should refer to those when completing your application. The rules for the Rugby scheme that were included in the pack you received are the old rules. We apologise for any inconvenience caused.

32. You have said that you will check applications received before 21 April for completeness. What does this mean?

All applications that are received into our offices on or before 21 April will be checked to ensure that the application form has been signed and dated, and that any and all appropriate supporting documents have been enclosed. This includes, for those who apply for duty slots, confirming the number of CDS12A forms received. We will acknowledge receipt of the application and confirm the outcome of this basic check by letter. Any missing documentation must then be submitted to us by **16.00 on 2 May** for the application to be considered complete.

The check for completeness is not an assessment of the application to determine the award of the contract, which will be undertaken later in the process.

Applications received after 21 April will not be checked and will pass straight through to the assessment stage, although we will acknowledge receipt only up to and including 28 April.

33. My Duty Solicitors have only just qualified but are not yet registered with the Law Society, can I include them in my application?

Yes, as long as a solicitor has passed the accreditation process and has qualified as a Duty Solicitor by 2 May 2008 they can be included on the application. As soon as the registration is processed by the Law Society (and before 14 July 2008), the relevant details must be submitted to the Regional Office.

34. I was passported as a Duty Solicitor so I don't have a CLAS certificate, what do I enter on the form?

Solicitors who were passported as a Duty Solicitor and therefore do not have a CLAS certificate should mark their CDS12A accordingly on the form.

35. We are considering splitting from our current firm and setting up a new firm. Can we submit two applications, one for the new firm and one for the old firm?

No, each firm should only submit one application, which must cover all offices from which contract work will be undertaken from 14 July 2008 onwards. This is not a competitive process, and we will award contracts to all applicants who meet the published criteria.

We have published guidance on how we will deal with mergers and novations on the tender pages on our website.

36. One of my offices did not apply for a contract for January 2008, can I include them in this application?

Yes, however, you will need to apply for the whole firm using Application Form B and include the relevant SQM and other supporting documents. Please see the Information For Applicants Section 3.4 (page 20).

37. How many slots can I apply for? Is there a maximum?

There is no maximum limit to the number of slots you can apply for, as long as you can cover that number of slots with the Duty Solicitors employed by your firm should they be allocated to you.

Please note that we will only use the figures indicated in the maximum slots columns where we determine a Scheme to be inadequately staffed and we need to progress to Step 2 of the Four-Step Duty Slot Allocation Procedure as detailed in the Information for Applicants document at Section 3.4

38. I don't have a copy of my CLAS certificate to submit with my application, what should I do?

It is not a requirement of this process that you send in a copy of your CLAS certificate with your application, although you do need to provide the date it was issued.

39. I don't know what date my CLAS certificate was issued? How can I find out?

You can find out the date your CLAS certificate was issued by telephoning the Solicitors' Regulation Authority on 0870 606 25 55 (choose option 2 from the automated answer machine) and providing your Law Society Roll Number. Alternatively you can email info.services@SRA.org.uk

40. We (Firm A) are considering joining / merging with (Firm B) but do not expect this to be finalised before the 2 May deadline. Should we make an application for Firm B's Duty Solicitors as well as our own AND Firm B also make an application for their Duty Solicitors in case the deal does not go through in time, or indeed at all?

Where the merger has not been finalised in time for the 2 May 2008 deadline each individual firm should apply separately for a Contract in its own name for its own Duty Solicitors ONLY. This will avoid duplicating CDS12As. The LSC is currently updating its 'mergers, splits and novation' policy which it is hoped will be finalised by 14 July 2008. If Firm A & Firm B merge after 2 May 2008 but prior to 14 July 2008 the LSC should be contacted to discuss any action necessary. After 14 July 2008, the policy will cover this situation.

41. Where a firm is setting up a new office (or indeed a new firm) will they need to fill in Form B and put in exact details of the new office details? What if the address is not finalised by the date the application needs to be in by? Are they able to put in the expected location/rough location?

We do not require an office to be in place until the contract start date (14 July 2008). However, the Duty Solicitor Arrangements require the solicitor to specify their office. Ideally the CDS12A should specify the address of the office, but specifying the Lead Office as, for example, "Chesterfield Town Centre" would suffice.

It is possible for the LSC to assess whether a duty solicitor is eligible on a particular scheme from information such as "Coalville Town Centre", or even "Camberwell" for example.

Provided the Application does not say something so vague as "maybe Sheffield, maybe Chesterfield", a reasonably specific location will suffice.

42. I am a sole proprietor and am considering taking on a partner. Should I novate my current contract now or apply for the new contract in the partnership name?

If you take on a new partner before the expiry of the current Contract (13 July 2008) this would constitute a change to the legal entity, which operates your current Contract. You will, therefore, need to seek a novation from us. This requirement applies to all changes to legal entities.

You should use Form B to apply for a Unified Contract (Crime) July 2008.

43. What happens if after making the application but before July 08, our partnership decides to disband and the individual partners want to set up their own individual contracts?

You and your partners need to make a decision on the firm's future before 2 May 2008 and apply for a Contract either as a partnership or individually.

If the partnership disbands after 2 May 2008 but before the Contract comes into force then the organisation which applied for the Contract will no longer exist and the Contract will lapse.

The individual partners will not be given an opportunity to apply separately for Contracts after 2 May 2008.

44. The firm I work for (Firm A) has a civil contract and a General Crime Contract (Jan 08) but the partners do not wish to apply for the Unified Crime Contract (July 2008). However, the crime fee earners in the firm do wish to apply for the Unified Crime Contract (July 2008). Can we do this as part of Firm A, or are we required to apply as a new law firm?

As the partners of Firm A do not apparently wish to apply for the Unified Crime Contract (July 2008) and the application process does not allow for applications from departments within firms, the group of crime fee earners in Firm A will need to consider applying as a new firm. In the application form, the Constitutional Statement, requires you to notify us which of the types of entity you are applying as, so the crime fee earners would need to be able to specify whether they are applying as a new partnership, company or LLP. Otherwise you would need to seek the agreement of the partners of Firm A and Firm A could apply for the Unified Crime Contract (July 2008).

45. Could Firm A's General Crime Contract (Jan 08) be novated to the crime fee earners, with the crime fee earners then applying for a Unified Crime Contract (July 2008) as a new firm?

Novation is subject to the consent of the LSC and in principle, could only happen if the LSC were satisfied that the crime fee earners were in a position to continue with Firm A's obligations under the General Crime Contract (Jan 08). As with the requirements of the Constitutional Statement in the Unified Crime Contract (July 2008) application form, the status of the group to which the General Crime Contract (Jan 08) is to be novated will be taken into account. Again, groupings or departments within firms will not be eligible to receive the novation of a contract unless they are seeking the novation via a recognised single entity. The crime fee earners within Firm A will therefore need to consider setting up their own law firm (whether this is a partnership, limited company or LLP) before seeking a novation of the General Crime Contract (Jan 08).

46. Should the crime fee earners simply apply as a totally new firm (New Firm), although from the same address as Firm A. The crime fee earners in New Firm would in theory still be Duty Solicitors with Firm A at the time of the application?

The crime fee earners who wish to set up New Firm, need to be aware of the requirement for Firm A Duty Solicitors to be employees of Firm A and for Duty Solicitors to be employees of New Firm from the date of commencement of delivery

of services. If New Firm crime fee earners cease to be employees of Firm A prior to the expiry date of the General Crime Contract (Jan 08), Firm A will be required to notify the LSC and may, if it ceases to have sufficient employed staff who are Duty Solicitors, cease to be entitled to Duty Solicitor slots.

The address that New Firm uses for its application will be dependent upon which premises New Firm decides to use. The crime fee earners will need to discuss with Firm A whether it is acceptable for them to continue to use Firm A's address for the operation of New Firm.

47. Would New Firm get roughly the same Duty Solicitor slots as for Firm A now on the same schemes as it would be the same people doing the work?

Work on Duty Solicitor rotas is allocated in accordance with the work allocation rules applicable to the Duty Solicitor scheme for the Unified Crime Contract (July 2008). There is no guarantee that the crime fee earners in their capacity as New Firm crime fee earners will get the same Duty Solicitor slots as those previously held by Firm A. It will be dependent on the number of Duty Solicitor slots available and the number of firms contracting to provide Duty Solicitor's within the scheme area.

48. Para 4.8 of the Duty Solicitor Arrangements 2008 provides that to join a scheme "An Applicant shall notify the LSC of the location of the address of the CDS Supplier's Office at which he or she is normally based for the majority of the working week". For the sake of clarity what do you mean by "normally based" and "majority of the working week"?

The LSC takes a pragmatic approach to interpreting "normally based" and "majority of the working week" and gives both phrases their common every day meaning. In respect to both phrases, Applicants should consider their individual circumstances and adopt the same pragmatic approach in completing the CDS12A.

49. What is meant by "employed" in the Duty Solicitor Arrangements 2008?

Para 4.15 of the Duty Solicitor Arrangements 2008 provides that an Applicant for Scheme Membership must be "a full or part time Designated Fee Earner employed by, or a partner in, a CDS Supplier".

The question whether a Solicitor or Representative is an employee is a question of fact which must be determined according to the individual circumstances of each case. There are various tests in employment law which identify whether an individual is an employee or self employed, the scope and applicability of which are outside the remit of this FAQ document.

You may designate a fee earner not employed by you, especially where that fee earner undertakes work for you on a regular basis. Please refer to clause 2.7 & clause 10 and Annex F of the Standard Terms.

50. I am a duty solicitor who works part time for two firms. How will slots be allocated?

Para 4.8 of the Duty Solicitor Arrangements says that to join a first scheme "An Applicant shall notify the LSC of the location of the address of the CDS Supplier's Office at which he or she is normally based for the majority of the working week. An applicant may only notify one such office." A solicitor cannot therefore join two first schemes, one for Firm A and the other for Firm B, because the condition that the

solicitor "*may only notify one such office*" would be breached. This also excludes the solicitor joining one scheme for Firm A and a different (or the same) scheme for Firm B because the rules in 4.10 provide that the office notified under para 4.8 has to be the same office, or another office of the same CDS Supplier (depending on whether the scheme is busy or not busy). It cannot be another office of a different CDS Supplier.

Consequently, this solicitor can only be a duty solicitor for one of the two firms he or she works for.

51. If we apply for an additional scheme in Part 2A of the application form and it is refused as not readily accessible, can that application then be treated as an application for an expansion scheme (i.e. be added to Part 2B).

If a duty solicitor is not sure whether he is eligible to join a particular additional scheme as his office may not meet the location rules, then he should put in box 2A and 2B.

52. If a duty sol applies for membership of an alternative first scheme, and we refuse it because the alternative scheme is not "more readily accessible", are we allowed to give slots on the "traditional" first scheme? ie can an alternative first scheme be applied for in the alternative?

Where an applicant applies for an alternative first scheme, and meets the travel and eligibility criteria they are going to be allowed to join the scheme. the issue about one scheme being 'more readily accessible' than another is not a precise test, and is simply there to stop one duty solicitor picking as his first scheme one which is way outside the travel times of 45 mins to the police station.

53. How relevant is the £2.50 fare quoted in the Duty Solicitor Manual?

This figure was set in 2001 when the Duty Solicitor Manual was written. Clearly fares will have risen in some parts of the country since then, particularly in London. The cost of public transport from the court to the CDS Supplier's office is still relevant as it is borne by the client, who will not necessarily be in a position to pay expensive public transport fares. If the cost of public transport from a court to a particular area is marginally higher than £2.50, this will not necessarily mean that a Supplier in that area cannot join that Scheme as an additional scheme. However, if the public transport cost is greatly higher (£10 plus), that might be a reason for excluding a firm from membership of that scheme as an additional scheme.

54. Why does a date of birth have to be given on the duty solicitor supporting application form? Isn't age irrelevant now under the age discrimination legislation?

Whilst the information provided in this box does not influence or affect applications in any way, it does help us in understanding the demographic profile of our Duty Solicitors. If applicants so wish, they may leave this box empty.

55. Can you accept CDS12A forms signed on behalf of the Duty Solicitor if he/she is either on holiday or on sick-leave?

No, all CDS12A Duty Solicitor Supporting Application forms must be signed by the Duty Solicitor who is applying for membership of the Schemes contained within. Forms that have been signed by any other person will be rejected.

56. We are applying on Application Form B and have more than one office. Some of our staff work across two or more of those offices; do we have to submit duplicate OSS Status Enquiry Forms for each of those staff?

No, you need only submit one OSS Status Enquiry form for each of your staff, even where they undertake work in more than one location.

Corrections and Clarifications

1. The Information for Applicants wrongly states that the six month rotas to be produced will end on 13 December 2008. The rotas will end on 13 January 2009.
2. The Schedule of Duty Solicitor Scheme Rules has been amended to reflect the correct rules for a small number of Schemes within the West Midlands area, and to include the rule for joining the York/Selby scheme which was omitted in error. We have published a document entitled Corrections to Schedule of Duty Solicitor Scheme Rules which sets out the full changes.
3. The Schedule of Duty Solicitor Scheme Rules has been updated to clarify the additional scheme eligibility rules for those Duty Solicitors who are eligible for the Camberwell Green Scheme, and to correct the published rules for Clerkenwell/Hampstead. We have also updated the Corrections to Schedule of Duty Solicitor Scheme Rules document accordingly. Both documents have been published on our website.