

UNIFIED CONTRACT (CRIME) JULY 2008

April 2008

Information for Applicants

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Introduction

Invitation to apply for a Unified Contract (Crime) July 2008

The Legal Services Commission (LSC) is inviting interested parties to apply for a contract to carry out publicly funded criminal defence services in England and Wales from 14 July 2008 "Unified Contract (Crime) July 2008". This Contract will run for 18 months to 13 January 2010, subject to our right to extend by up to 6 months.

The LSC has been contracting with providers to provide this work since 2001. The current General Criminal Contract (January 2008) will terminate on 13 July 2008.

We are inviting applications for the Unified Contract (Crime) July 2008. Any legal services provider interested in undertaking publicly funded criminal work may apply, provided they meet the requirements set out in Section 3.4 of this document and in the Application Forms. Applicants do not need to have a General Criminal Contract (January 2008) in order to apply, and new entrants to the market are welcome.

This application process is not a competitive tender. We will issue a Unified Contract (Crime) July 2008 to all applicants who meet the requirements of this application process. We will also allocate Duty Solicitor Scheme slots to applicants who request them, provided they are awarded a Unified Contract (Crime) July 2008 and their duty solicitors meet the eligibility requirements for the Duty Solicitor Scheme as set out in the Duty Solicitor Arrangements 2008.

Please note the deadline for submitting applications for a Unified Contract (Crime) July 2008 is 16.00 on Friday 2 May 2008.

In the application process you may apply for:

- a Unified Contract (Crime) July 2008 to commence on 14 July 2008; and
- inclusion on the Duty Solicitor Schemes (police station and magistrates court).

You may apply for a Unified Contract (Crime) July 2008 but choose not to be included on any Duty Solicitor Schemes. **However, only firms that hold a Unified Contract (Crime) July 2008 with the LSC will be permitted to undertake publicly funded criminal work from 14 July 2008 or work on Duty Solicitor Schemes** (apart from providers who are entitled to undertake VHCC work or a contract to provide CDS Direct telephone advice). This includes all work on the Duty Solicitor Schemes and Own Client work in the Investigations, Proceedings, Crown Court, Prison Law, Appeals and Reviews and Associated CLS work.

Whilst the majority of firms who contract with us hold a contract to carry out all Classes of Criminal Work (excluding Very High Cost Cases "VHCCs") (see section 3 below), applicants may apply for specific Classes of crime contract work only if preferred. The options are:

- All Classes
- Prison Law and Associated CLS Work only
- Appeals and Reviews and Associated CLS Work only
- Prison Law, Appeals and Reviews and Associated CLS Work only

Please note that to be awarded a Prison Law Only Contract, or Appeals and Reviews Only Contract, your Supervisor must meet the relevant Prison Law Only Supervisor or CCRC Only Supervisor Standard, as set out in Annex A of the Specialist Quality Mark (SQM)

Applicants who wish to conduct **Crown Court work only** may do so, but must apply for a Unified Contract (Crime) July 2008 in order to undertake this work.

Application Process Timetable

Stage	Activity	Dates
Stage 1	Documents published on LSC website, (www.legalservices.gov.uk): <ul style="list-style-type: none"> • Information for Applicants • Application Forms • Schedule Of Duty Solicitor Scheme Rules • Frequently Asked Questions • Unified Contract (Crime) July 2008 and • Duty Solicitor Arrangements 2008 	4 April 2008
Stage 2	Application window opens	7 April 2008
Stage 3	Applications submitted on or before this date will be validated to confirm that all required documents are included	21 April 2008
	Receipt of applications submitted on or before this date will be acknowledged	28 April 2008
	Deadline for submission of applications and CDS12A Duty Solicitor Supporting Application Forms.	16.00 on 2 May 2008
Stage 4	Successful applicants informed of Contract award and eligibility of Duty Solicitors (not award of slots).	12 May 2008
Stage 5	Deadline for submission of appeals	3 June 2008
Stage 6	Rotas commencing 14 July 2008 issued.	By 16 June 2008
Stage 7	Contract start date.	14 July 2008

The Reform Programme

The LSC and their sponsoring department (Ministry of Justice) are currently undergoing a reform programme following Lord Carter's Review of Legal Aid Procurement (Legal Aid: A market-based approach to reform). Proposals as at November 2006 were set out in the paper "Legal Aid Reform: the Way Ahead" (CM 6993) with further information and subsequent consultations and policy decisions set out in more detail on our website (see below).

This Information for Applicants document

This document contains information you will require to apply for the new Unified Contract (Crime) July 2008 and apply for Duty Solicitor Schemes. Other information referred to in this document can be found on our website (see below).

Section 1 of this document is predominantly background information, which will be familiar to most current providers, although you should note section 1.4 onwards in particular.

Our website is www.legalservices.gov.uk

Further information about the Reform Programme and this application process including relevant documentation can be found on our website under Criminal Defence Service (CDS)>Tenders. We will update this website regularly throughout the application process, in particular the list of Frequently Asked Questions.

Questions about the application process

Applicants are welcome to ask questions before the application process closing date. Our Regional Offices will be happy to respond to general questions on the Unified Contract (Crime) July 2008, the current Duty Solicitor Schemes in your area and about the changes we are introducing.

A list of Regional Office contact details are set out at Annex A.

Questions on the application process or allocation of slots on the Duty Solicitor Schemes or which we consider to be of wider interest will be collated and answered centrally in writing, to ensure that all applicants and interested parties have equal access to the information in the answers. These questions and answers will be published regularly on our website. All personal or identifying information will be removed prior to publication.

Questions can also be directed to Regional Offices or sent direct to the following dedicated email address:

CDS.Contracts@legalservices.gov.uk

How are holders of the Unified Contract (Civil) affected?

Providers who currently hold a Unified Contract for Civil work are not affected by the termination of the General Criminal Contract (January 2008) or the issue of the new Unified Contract (Crime) July 2008. Their Unified Contracts (Civil) will continue on the same terms and conditions issued to them.

Conditions of the application process

The terms and conditions applying to making an application for the Unified Contract (Crime) July 2008 are set out at Section 3.9 below.

Section 1 – Background Information

1.1. The Legal Services Commission

What is the Legal Services Commission?

The LSC is responsible for the provision of civil and criminal 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 Ministry of Justice. The Secretary of State for Justice is accountable to Parliament for our activities and performance. With a head office in London, the LSC currently employs some 1,650 staff in 15 offices across England and Wales. 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 providers 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 (which administers civil categories of publicly funded legal advice).

The Criminal Defence Service (CDS)

The CDS exists to ensure that, where eligible, individuals under investigation or facing criminal charges are provided with competent, quality-assured advice and representation. The solicitors that work under contract with the CDS are fundamental to delivering both access to justice for their clients and the efficient operation of the Criminal Justice System. The CDS 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.

Clients may choose to be advised by any firm of solicitors that holds a contract for CDS work in force at that time and the CDS also funds a network of duty solicitors to advise or represent eligible clients at police stations and magistrates' courts. Public defenders also act directly for clients in more than 4,000 criminal cases each year through our Public Defender Service.

All individuals who are held at a police station are entitled to free legal advice and assistance. However, pre-charge advice to those not held at the police station, and advice and representation for those whose case has progressed to the magistrates' court or crown court is subject to financial eligibility criteria and an interests of justice test, the details of which can be found both in the Unified Contract (Crime) July 2008 and on our website, www.legalservices.gov.uk at CDS>Getting Criminal Legal Aid. Cases in the Crown Court are not subject to means testing however if found guilty the Court may award a recovery of defence costs order against the defendant.

1.2. Background to the Contracting Scheme

The following outline of the criminal contracting scheme is intended as a general introduction for new applicants and describes the current scheme. Although we are introducing the new Unified Contract (Crime) July 2008 (please see section 2.2 below) the scheme remains largely unchanged.

Applicants are advised to read Section 2.2 for a description of the key changes in the Unified Contract (Crime) July 2008 and to read the contract itself which can be found on our website.

The Unified Contract (Crime) July 2008 defines the legal aid work that CDS providers may undertake for clients (which is unchanged from the General Criminal Contract (January 2008)). The main classes of work undertaken under this contract are outlined below (for a full description see the Unified Contract (Crime) July 2008 Specification Part B on our website).

Criminal Investigations

This class of work includes all work properly undertaken for a client, subject to qualifying criteria, during the criminal investigation of a matter, i.e. up to the point at which the Client is charged or summonsed for the matter under investigation, or the investigation is otherwise terminated.

The Class includes:

- Advice and Assistance (not given at the Police Station)
- Police Station Telephone Advice (except Police Station Telephone Only advice which (subject to amendments to Code C of PACE Codes of Practice) will be provided by CDS Direct)
- Police Station Attendance
- Advocacy Assistance
- Post Charge Police Station Advice and Assistance.

Criminal Proceedings

This class of work includes all advocacy assistance and representation given to a client, subject to qualifying criteria, from the date of charge or summons.

The Class includes:

- Advice and Assistance by the Court Duty Solicitor, acting as such
- Advocacy Assistance by the Court Duty Solicitor, acting as such
- Representation in the Magistrates' Court
- Advocacy Assistance in the Crown Court
- Representation in the High Court, or County Court in certain circumstances.

Representation in the Crown Court

The current General Criminal Contract does not set out the rules and guidance for performing work in the Crown Court. Crown Court work and remuneration is regulated by The Criminal Defence Service (Funding) Order 2007 (as amended), copies of which can be found at www.opsi.gov.uk. However, only providers who hold a current General Criminal Contract are eligible to claim remuneration from the LSC for work done for clients in relation to Crown Court cases.

Other Classes of Work

The current General Criminal Contract also provides for Advice and Assistance and Representation to be given to clients in relation to Appeals and Reviews, including appeals by way of case stated and reviews of criminal convictions or sentences, as well as Advice and Assistance and Advocacy Assistance to prisoners on remand or post conviction, or to prisoners released on licence or parole. It further provides for Legal Help, Investigative Help and Legal Representation to be provided, under the Community Legal Service, to qualifying clients for matters of Public Law arising from criminal matters, or for civil proceedings under the Proceeds of Crime Act 2002.

Very High Cost Cases (VHCC)

Very High Cost Cases are not included in the scope of the Unified Contract (Crime) July 2008, but are subject to separate contracting arrangements.

Payment under the Contracting System

The remuneration systems and payment rates for work under the Unified Contract (Crime) July 2008 are set out in the Standard Terms at clause 17.B and the Contract Specification at Part B.

Currently providers submit claims for payment to the LSC either monthly for the majority of claims, or on an ad hoc basis for larger value claims. The LSC makes a monthly payment, called a Standard Monthly Payment (SMP) to each provider based on the average value of claims, excluding those relating to work undertaken in the Crown Court. This system will continue under the Unified Contract (Crime) July 2008.

1.3. The Duty Solicitor Schemes

The LSC operates two Duty Solicitor schemes as part of the CDS

- The Police Station Duty Solicitor Scheme
- The Magistrates' Court Duty Solicitor Scheme

The primary objective of these schemes is to ensure that individuals requiring Advice and Assistance (including Advocacy Assistance) at a police station or magistrates' court, and who choose not, or are not able, to obtain such help from a solicitor of their own choice, may have access to the services of a Duty Solicitor.

The Duty Solicitor Schemes are governed by the Duty Solicitor Arrangements 2008 which have now been updated and can be found on our website.

The Duty Solicitor Arrangements 2008 cover:

- How individual solicitors may become accredited Duty Solicitors and members of the local Schemes (which does not entitle them to Rota Scheme slots or Panel Work (see below) as this work is allocated to the providers which employ them);
- How Rota Scheme Slots and Panel Work is allocated to those providers who employ Duty Solicitors;
- How the Duty Solicitor Schemes are operated by us.

Providers must hold a current criminal contract to work on the Duty Solicitor Schemes, and comply with the rules about working on the Schemes in the Duty Solicitor Manual (found on our website) and the Unified Contract (Crime) July 2008.

The Duty Solicitor Scheme is delivered through “Schemes” with fixed geographical boundaries. They may operate on the basis of rotas and panels, or a combination of both:

- a. **Rota Scheme** - An identifiable Duty Solicitor is on duty who must accept a case unless that solicitor is already engaged at the police station on another case or at a warrant of further detention hearing. A rota slot typically lasts for 8, 12 or 24 hours, depending on local arrangements. The number of Duty Solicitors on any Rota is not restricted, and all Duty Solicitors who apply and qualify for that Scheme are included.

The frequency of duty slots available to each Duty Solicitor within each Scheme is related to the number of Duty Solicitors on each Rota, as well as how long the slots last. Please see Section 3.3 below for more information on rota slot allocation under the Duty Solicitor Arrangements 2008.

- b. **Panel Scheme** – an arrangement where there is no specific Duty Solicitor on call for the period, rather our call centre (which handles allocation of requests for work) holds a list of all the Duty Solicitors comprising a panel for that Scheme, and telephones the duty solicitor from that list who was approached the longest time ago, then the next one and so on until finding one willing to advise the client requesting the duty solicitor. Unlike a rota solicitor, a panel solicitor is not obliged to accept the call (subject to accepting a reasonable number of calls over a six month period (see Duty Solicitor Arrangements 5.4(a) iii) and Duty Solicitor Manual at paragraph 6.15).

The frequency of calls received by each Duty Solicitor depends on both the number of other Duty Solicitors on the panel and the volume of clients requiring assistance from Duty Solicitors in that Scheme.

Duty Solicitors may apply to join any Scheme for which they meet the qualifying criteria (provided their firm holds a Unified Contract (Crime) July 2008), as well as a number of other Schemes subject to further qualifying criteria (see below).

In order to meet our duty to ensure an appropriate level of Duty Solicitor cover in each Scheme, some Schemes have consulted upon and agreed different rules about where solicitors must be based in order to be eligible to participate.

The details of criteria for membership of Schemes are set out in the Duty Solicitor Arrangements 2008. A list of the current Schemes and any different rules agreed locally in relation to some Schemes are set out in the Schedule Of Duty Solicitor Scheme Rules (which can be found on our website).

1.4. Future plans for the criminal contracting scheme

Best Value Tendering

The LSC has recently conducted a consultation on the principles of a potential Best Value Tendering system for crime work. We intend to publish a response to that consultation later this year. If it is decided to go forward with the system, we will then issue a second consultation providing more detailed information regarding how the system may be implemented. Any system would only be implemented on the termination of this contract.

Virtual Courts

During the life of this contract it is likely that Virtual Courts will be piloted in one or more areas. This is likely to follow the prototype model that ran over the summer of 2007 in London whereby a defendant charged at the police station can appear before the Magistrates over a video link without leaving the Police Station. These new arrangements are likely to have implications for the criminal defence services required. At the time of the

publication of this document the final scope or sites for the pilot have not been agreed. Should the pilot proceed the LSC will need to consider what changes, if any, may need to be made to the contract to support the pilot. The LSC will update representative bodies through the Criminal Contract Consultative Group meetings as the position progresses.

Prison Law

In response to feedback from the profession, we are assessing the possibility of introducing a new Prison Law Contract to operate independently of the Unified Contract (Crime). We intend to hold a full public consultation on this proposal later this year.

If this proposal progresses following the consultation process the new contract is unlikely to be introduced until the expiry of the Unified Contract (Crime) July 2008.

1.5. Arrangements for current providers who leave the scheme

Holders of the current General Criminal Contract who are not awarded a Unified Contract (Crime) July 2008 will not be permitted to take on any new criminal legal aid work (unless they are entitled to undertake VHCC contract or CDS Direct telephone services) or undertake any Duty Solicitor slots after 13 July 2008. Their right to perform Contract Work and our obligation to make payments to them will cease on expiry of their General Criminal Contract (January 2008) (subject to limited exceptions set out in clause 21 of the Contract Standard Terms in the current General Criminal Contract (January 2008)).

As soon as possible after 2 May 2008, the relevant Account/Relationship Manager will discuss arrangements for the transfer of Case and Matters to one or more contracted providers, as appropriate, and the reconciliation of the provider's account. Depending upon the state of the provider's account, this may affect payments made to them under their current General Criminal Contract, including their SMP.

They will not have another opportunity to apply for a contract to conduct publicly funded criminal work until the expiry of the Unified Contract (Crime) July 2008, which will not be before 13 January 2010 (subject to our rights of early termination).

Section 2 – Unified Contract (Crime) July 2008

2.1. What Are Applicants Applying For?

This application process is for a Unified Contract (Crime) July 2008 to provide publicly funded criminal legal advice in England and Wales, and for inclusion on applicable Duty Solicitor Schemes in England and Wales.

Important note on access to contract work

As with the General Criminal Contract (January 2008) the award of a Unified Contract (Crime) July 2008 and any associated Duty Solicitor Scheme slots does not guarantee a minimum amount of contract work. Whilst providers contract with the LSC for payment for criminal work, the LSC does not control the allocation of cases or work. Providers that are awarded a Unified Contract (Crime) July 2008 will be eligible for Duty Solicitor Scheme work, both at the Police Station and as Court Duty Solicitor in the Magistrates Court, under the Duty Solicitor Arrangements 2008. Beyond this, work is obtained under open market conditions, where clients are free to choose a solicitor of their choice to advise or represent them.

This is further explained at Section 1.3 above and Section 3.3 below.

Please note that Contract values vary greatly depending upon the size and activity level of each provider.

As a guide, for the year 2006/7 the average contract value for work in the Investigations Class and work in the Proceedings Class was £197,488 with the smallest being worth just £46 and the largest £3,485,919.

During the contract year 2006/7 providers reported 633,170 police station attendances at a total cost of £170,719,550, and 532,597 representation cases at the Magistrates' Court for which they claimed a total of £287,540,800¹

How much work will you get under the Duty Solicitor Schemes?

If you are successful in applying for a Unified Contract (Crime) July 2008 and you have also applied for Duty Solicitor work, you will receive rota slots or will be included on panel lists for those Duty Schemes for which your Duty Solicitors apply and qualify. As explained at Section 1.3 above, the number of rota slots each provider is allocated, and the amount of panel work, will depend on how many other Duty Solicitors are also on the Scheme.

Information on how we will allocate rota slots from July 2008 is set out at Section 3.3 below.

Applicants who are in an area where there is a Public Defender Service Office may wish to note that slots will also be awarded to the PDS on the same basis as for any other applicant.

¹ These figures differ slightly from those published in the Information for Applicants for the January 08 Contract. This is due to the nature of the system for claiming, and a number of adjustments/supplemental claims being made to previous claims within this financial year.

2.2. Unified Contract (Crime) July 2008 Documentation

Providers are invited to apply for the Unified Contract (Crime) July 2008, which is the replacement contract for the General Criminal Contract (January 2008). Please note that unlike the General Criminal Contract (January 2008), the Unified Contract (Crime) July 2008 will be issued to the whole organisation rather than to each office. The Unified Contract (Crime) July 2008 is intended to last for 18 months and to expire on 13 January 2010 (subject to our right to extend it by a further 6 months or to terminate early on 6 months' notice).

In Legal Aid Reform: the Way Ahead (November 2006) we announced our intention to bring all providers onto unified terms and conditions. In April 2007 we issued the Unified Contract for civil providers. The Unified Contract (Crime) July 2008 is based on the Unified Contract for civil providers. It comprises a Contract for Signature (which is part of the Application Form), Office Schedules, Contract Standard Terms, Specification and associated Annexes). All these documents are available on our website.

The Standard Terms

The Standard Terms are closely based on the Standard Terms for civil providers amended and updated for crime providers. Working towards a single set of Standard Terms will be more convenient for providers who undertake both crime and civil work. Although the terms of the Unified Contract (Civil) and the Unified Contract (Crime) July 2008 are not identical, the issue of a Unified Contract for crime is a significant step towards achieving common terms and conditions.

The Specification

The Specification is largely unchanged in substance from the Specification in the General Criminal Contract (January 2008) but we have reordered it to make it easy to understand and work with. In order to simplify the contract, and to ensure that all the provisions that apply to each different type of work are contained in a single place we have divided the Specification into three parts:

Part A contains a detailed introduction to the working of the Specification and general rules which apply to all Units of Work.

Part B is divided into Units of Work. Each individual Unit of Work has a designated section, which contains all the rules applying to that particular Unit of Work. The rules for Crown Court Representation are still in Regulations, rather than in the Contract.

Part C contains assessment and review procedures which are applicable to all Units of Work.

Although the Specification is still quite lengthy (due to the fact that some provisions are repeated for a number of Units of Work in **Part B**) we hope that it is now in a more logical, user-friendly format.

Key changes following consultation with The Law Society

We have had a full consultation with The Law Society on all the contract documents and as a result of this have also incorporated a number of further suggestions made by them.

Key changes in the new contract include:

- We have agreed a new SMP Reconciliation Protocol for managing Standard Monthly Payments which will give providers more certainty and stability in their monthly payments
- Moving providers onto one contract per firm (covering a number of offices if required), rather than one contract per office;
- We have removed the requirement for providers to record travel costs/time in relation to matters and cases which are paid by fixed fees
- We will no longer automatically apply financial penalties to claims which are submitted more than three months late (although it is still a contractual requirement to submit claims on time)
- Our power to amend the contract are now limited to
 - changes arising out of external changes in the law or the justice system;
 - minor changes;
 - correcting ambiguities, errors and omissions, but only with the agreement of The Law Society.
- Introducing new provisions on remainder work, including a presumption that providers may continue remainder work for up to 2 years following termination of the contract.
- Removing the requirement for mandatory attendance at Video ID parades.

We appreciate that for existing providers, the issue of a new contract presents an additional challenge at a time of change. However, we believe that the new Unified Contract (Crime) is a contract with many benefits for providers as well as being an appropriate contract for this stage of the Reform Programme.

We have published a full guide to the new Unified Contract (Crime) July 2008 on our website which explains in detail how it works. We have also published guides:

- highlighting the differences between the Standard Terms for the Unified Contract (Crime) July 2008 and the Standard Terms for the Unified Contract (Civil);
- explaining where the provisions in the General Criminal Contract (January 2008) Specification can be found in the Specification of the new Unified Contract (Crime) July 2008.

Applicants are advised to read the full Unified Contract (Crime) July 2008 documentation as it contains (in the Standard Terms) the terms and conditions governing the contractual relationship, and (in the Specification) the detailed rules on scope of work, carrying out work, claiming rules and payment levels for each area of Crime Work, except for Crown Court work.

Section 3 – The Application Process

We will award contracts to applicants who have complied with this process and satisfied us that they:

- can comply with the Specialist Quality Mark (SQM), a copy of which can be found on our website;
- will have in place a suitable Crime Supervisor (see SQM D2.1) (please note that this person(s) does not need to be in place at the time of your application, but must be 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 2 years; and
- have not had their Claims assessed as Category 3 for the second consecutive time since 1 April 2006. (N.b. This relates to holders of the General Criminal Contract (January 2008) only).

The Unified Contract (Crime) July 2008, unlike the current General Criminal Contract, will be awarded to the whole firm rather than on an individual office-by-office basis. That means that if you are a provider with more than one office **YOU SHOULD SUBMIT ONE APPLICATION FORM FOR THE WHOLE FIRM**, indicating the individual offices from which you wish to perform Contract Work

All forms are available on our website.

3.1. The application process for current Contract holders

Applicants who hold the General Criminal Contract (January 2008) and for whom nothing has changed in the supervision of the service provided, SQM standard, or the legal entity / composition of the firm or location of the office(s) will be awarded a contract if they correctly complete Application Form A confirming these facts and comply with the rules of the application process. Normally, no other supporting documentation will be required (although we reserve the right to request further information if we consider it necessary).

What if we hold a current General Criminal Contract but there have been changes to our organisation or office location?

If you are a provider holding a General Criminal Contract (January 2008) and since signing your contract there has been a significant change in your legal composition (see below), or you have moved the location of your office since signing your contract, or you wish to include in this application an office not previously contracted with us, you should discuss this with your Regional Office listed at Annex A as soon as possible.

Your Regional Office will notify you whether we accept this change for the purposes of this application process and you may use **Application Form A**, or whether you are required to apply as a new applicant and therefore use **Application Form B**.

If we accept the change for the purposes of this application process, this is without prejudice to our right to request appropriate personal indemnities if you have changed to a limited liability entity (LLP or company) in accordance with the Contract for Signature (which forms Section 3 of the Application Form).

What is regarded as a significant change?

For the purposes of this application process we regard the following as being significant changes potentially requiring you to apply as a new applicant using Application Form B:

1. A change between partnership, LLP or company status if, at the same time as this change, more than two thirds of the partners/members/directors have also changed;
2. A change in more than two thirds of the identity of (a) your partners (b) the members of your LLP or (c) the individual directors of your company since you signed the current General Criminal Contract;
3. Any change in the location of your office since you signed your General Criminal Contract (January 2008);
4. The inclusion in this application of an office not previously contracted with us:

but in the case of 1-3 above, only if you have not already notified these to us in writing.

Any significant change should have been notified to us under Standard Term clause 18 but we anticipate that some providers may not have done so to date.

If there has been a significant change in the legal composition of your organisation or you have moved your office and you have notified us in writing already you do NOT need to contact your Regional Office, and may fill in **Application Form A**.

If there has been a change in the legal composition of your organisation which is not significant (as defined above) then you do NOT need to contact your Regional Office, and may fill in **Application Form A**.

We do **not** require you to contact your Regional Office or fill in Application Form B if any of the following have occurred:

- changes between partnership, LLP and company status if you have kept predominantly the same individuals as partners/members/directors before and after the change;
- changes of less than 2/3rds of your partners, LLP members or directors since you signed your contract.

This is without prejudice to our right to ask for appropriate personal indemnities if you have moved to a limited liability form (LLP or company) if we award you a Unified Contract (Crime) July 2008.

What about other changes to my organisation?

Where any changes relate to other aspects of the application, the applicant should fill in **Application Form A** indicating the change(s) at Section 1A or 1C of the Application Form, and submit the relevant supporting documents which relate to the changes, e.g. revised Supervisor Self Declaration Form where a supervisor has changed, or relevant sections of the SQM Self Assessment Checklist (note – at our discretion this may be subject to audit following the award of a contract). We will assess these to ensure that you still meet these requirements, and may decline you a contract if you do not.

What if we want to apply for a contract as a new legal entity?

If you currently have a General Criminal Contract (January 2008) but wish to apply for a new contract as a different legal entity (e.g. becoming a LLP), even if this is not a significant change requiring you to use Application Form B, you will need to confirm on your Application Form A at Section 1.C (f) that you want your rights and liabilities from the contracts held by your predecessor organisation to transfer to your new organisation. If you do not confirm this, we will reconcile all your General Criminal Contracts (January 2008) when they terminate.

3.2. The application process for new applicants

Applicants who do not currently hold a General Criminal Contract or holders of the current General Criminal Contract who have been told to apply as a new applicant by their Regional Office as above, should submit **Application Form B** and enclose with their application the required supporting documentation (see section 3.4 below), including an Office Manual².

We will then conduct an internal, paper-based audit of the documents and the Office Manual to determine whether to award a contract. We reserve the right to conduct further enquiries as to suitability, or to audit new contractors within the duration of the Contract, where appropriate. If awarded a Unified Contract (Crime) July 2008 you may also be required to fill in additional LSC forms (applying for an account number etc).

Holders of the General Criminal Contract (January 2008) who are required to complete Application Form B because they are changing their legal entity (i.e. unless they are changing the location of their office or adding a new office not previously covered by a contract) will have their contracts reconciled when they terminate.

What if we currently hold a General Criminal Contract (January 2008) but want to apply for a contract as a different legal entity?

If you are a current holder of a General Criminal Contract (January 2008) but have been told to use Application Form B (because you have changed your office location or wish to add a new office) and wish to apply for a new contract as a different legal entity from that which currently holds your General Criminal Contract (eg becoming a LLP), you will need to confirm on your Application Form B at Section 1.C (f) that you want your rights and liabilities from the contracts held by your predecessor organisation to transfer to your new organisation. If you do not confirm this, we will reconcile all your General Criminal Contracts (January 2008) when they terminate.

3.3. Duty Solicitor Work Allocation Process

If you are successful in applying for a Unified Contract (Crime) July 2008, and you have also applied for Duty Solicitor slots (by completing Section 2 of the relevant Application Form and submitting CDS12As (Duty Solicitor Supporting Application Form) in respect of each of your Duty Solicitors), we will allocate you work on those Schemes for which your Duty Solicitors qualify.

Rota Schemes

The LSC maintains a list of slots for each Rota Scheme (“the Scheme List”). All the Duty Solicitors who have applied and qualify to be allocated work on a particular Scheme will be put on a Rota for that Scheme. A Rota is a list of the Duty Solicitors on a Scheme. The Rota is then used to allocate slots fairly to all solicitors on that Rota. There is no maximum number of Duty Solicitors who may be on any given Rota. The number of slots available to each solicitor within each Scheme is directly related to the number of solicitors on each Rota.

By joining a Scheme, Duty Solicitors will be allocated slots on both the Police Station Scheme Rota and Magistrates’ Court Scheme Rota in that area.

² An Office Manual is a written document, which contains details of the processes and procedures in place to control the administration of the service. The SQM sets out a number of specific written procedures which need to be in place, although these may be held separately and do not have to be incorporated in the Manual.

We will publish six-month rotas commencing on 14 July until 13 December 2008, which will include only those Duty Solicitors who apply by submitting a CDS12A as part of this application process. We reserve the right to amend the last three months of these Rotas to take into account any successful appeals in respect of CDS12As submitted as part of this application process and who were initially refused membership of a scheme, and in the interests of fairness, to correct any errors or omissions arising in the first three months of the Rota.

Subsequent rotas will each be issued for a period of 6 months, again subject to our right to amend the last three months of each. We will allocate slots on these rotas to all Duty Solicitors who have submitted CDS12A forms during this application process, as well as any additional Duty Solicitors who become members of the Schemes in the interim period by submitting a qualifying CDS12 Duty Solicitor Application Form after 2 May 2008 and before the production of that subsequent rota (usually one month before the start date of the rota).

Panel and back up work

Where Schemes operate a panel system each of your Duty Solicitors will be included in the relevant panel list. The frequency of calls received by each Duty Solicitor, will depend on both the number of other Duty Solicitors on the panel and the volume of clients requiring assistance from Duty Solicitors in that Scheme. Panel membership is not dependent on Duty Solicitors submitting CDS 12As by 2nd May 2008, as successful applicants who wish to join Panel schemes after 2 May 2008 will simply be added to the membership of that Panel.

Back up work on Rota Schemes is allocated in a similar way to Panel work, and membership of a Scheme entitles a Duty Solicitor to be eligible to receive work by way of back up, if the Duty Solicitor on a Rota is unable to accept a request because he or she is already engaged at the police station on another case or at a warrant of further detention hearing.

Duty Scheme work on Expansion Schemes

If you are interested in your Duty Solicitors undertaking Duty Solicitor work in Schemes other than where they qualify, you should state this on your application form at Section 2B and on the Duty Solicitor's CDS12A form, as we may allocate you additional slots or add your Duty Solicitors to panel lists in other Schemes if we consider we need additional capacity on any particular Scheme (please see Step 3 below for how this works on rota schemes).

The Duty Solicitor Arrangements 2008 (the Arrangements) are issued by the LSC and set out the processes and procedures relating to our administration of the Duty Solicitor service. A full version of the Arrangements can be found on our website.

For clarity and for ease of reference, we have set out below the Four-Step Procedure we will take to allocate slots from 14 July 2008. It is already set out in the Duty Solicitor Arrangements 2008 and reflects current practice.

The process for allocating rota slots

Step 1

For all Providers:

- (a) who have successfully applied for a Unified Contract (Crime) July 2008; and
- (b) who have applied for slots on the relevant Duty Scheme(s) (Section 2 of the Application Form); and
- (c) who have Duty Solicitors who have applied to join the Scheme(s) (by submitting a CDS12A); and
- (d) whose Duty Solicitors qualify under these Arrangements to join a Scheme(s) and meet any other local qualification rules for that Scheme(s);

the name of each Duty Solicitor will be entered on the relevant Rota. Slots will be allocated to each of those CDS Providers in proportion to the number of solicitors on that Rota. If, after this step, the LSC determines that the Rota is adequately staffed, both in terms of the number of separate Providers to avoid conflicts of interest, and sufficient individual Duty Solicitors to staff the Scheme fully, the Rota for that Scheme will be finalised for six months (subject to our right to amend the last three months to take account of the results of appeals, as set out above).

Step 2

If it appears to the LSC that there is an inadequate supply of Duty Solicitors on a particular Rota to run that Scheme, the LSC will consider the applications of those who have expressed an interest in appearing on that Rota more frequently (by considering the maximum number of slots they are prepared to undertake in a given period). The additional frequency allocated to the provider will be in proportion to their number of Duty Solicitors. This allocation will be up to either the maximum indicated by the provider, or as required by the LSC. The Rota will be extended using the Duty Solicitors already on that Rota. If, after this step, the LSC determines that the Rota is adequately staffed, both in terms of the number of separate contractors to avoid conflicts of interest, and sufficient individual Duty Solicitors to staff the Scheme fully, the Rota for that Scheme will be finalised for six months (subject to our right to amend the last three months to take account of the results of appeals, as set out above).

Step 3

If it appears to the LSC that there is still inadequate supply following the steps above, the LSC may, in accordance with paragraph 4.12 of the Duty Solicitor Arrangements 2008, relax the travel time requirements incrementally so as to include those firms who have expressed an interest in expanding into Schemes for which they would not normally qualify until it is satisfied that there are enough Duty Solicitors and CDS Providers to operate the Scheme adequately. Once the Scheme is adequately staffed, both in terms of the number of separate CDS Suppliers in case of conflicts of interest, and enough individual Duty Solicitors to staff the Scheme fully, the rota for that Scheme will be finalised for six months (subject to our right to amend the last three months to take account of the results of appeals, as set out above).

NOTE: To be included in Schemes under this step you must have indicated your interest in expanding into the relevant Scheme in Section 2B of Application Form A or Application Form B. We will not include Duty Solicitors from firms who have not, in Section 2B of Application Form A or Application Form B, indicated their interest in joining the Scheme to which we have applied Step 3, even where their offices are closer than those subsequently included on the Scheme.

Step 4

If it appears to the LSC that there is still inadequate supply following the steps above, the LSC may invite applications to join the scheme in question, looking at applications from providers who are further away than the local rules would ordinarily allow, by relaxing the travel time requirements in accordance with Para 4.12 of the Duty Solicitor Arrangements 2008. This may include inviting firms who did not express an interest in expansion for the Scheme(s) in question on their original application forms.

3.4. How to Apply for a Contract

Responses must be submitted in English. One Application should be submitted for each firm, with details of individual offices from which you wish to perform Contract Work included on the relevant Application Form. Applicants should indicate on the Application Form the main office for contract administration purposes and to which they wish correspondence etc to be addressed.

You should read the Information for Applicants, the FAQ's and other relevant documentation on the website, before completing and submitting to us the documents detailed below.

Where we receive your application on or before **21 April 2008**, we will perform a validation to check that all necessary documents have been enclosed (note – this is not an assessment of your application). If the application is not complete, we will contact you accordingly and you will have until 16.00 on **2 May 2008** to submit the missing documents. If documents are not received before this deadline, your application will be rejected and you will not be awarded a contract.

Where we receive your application on or before **28 April 2008** we will send you an acknowledgement of receipt.

For your application to be considered valid, you must submit all requested documents. Where the documents are not received before the deadline of 16.00hrs on 2 May 2008, your application will be rejected and you will not be awarded a contract.

Application Form A - Current Contract Holders

Current contract holders should submit Application Form A for the whole firm UNLESS they have undergone a significant change in the legal composition of their organisation or have changed their office location (or the location of any of the offices included in the application) since last signing their current General Criminal Contract and have been told by their Regional Office to apply as a new applicant (see Section 3.1 above), in which case they should submit Application Form B and supporting documentation. New applicants for contracts should submit Application Form B and supporting documentation as detailed below.

Applicants who hold the current General Criminal Contract should complete Section 1 and, where duty slots are desired, Section 2 of Application Form A (and include supporting CDS12A Forms from each relevant Duty Solicitor).

Where there are no changes to the firm or to the service offered, no other documentation is required (unless we exercise our right to request it). The form must then be signed at Section 3 and sent to the LSC.

Application Form B - New Entrants

New applicants will need to complete one Application Form B which simply:

- asks you to provide basic details about your organisation and list any and all offices from which you will conduct Contract Work ;
- asks you to fill in and enclose the following SQM ("Specialist Quality Mark") forms:
 - QM1 – Quality Mark Application form - requests the contact details of the organisation as a whole;
 - SQM Self Assessment Checklist - requests brief written confirmation of how the organisation meets, or intends to meet, each separate requirement in the SQM;
 - Supervisor Self Declaration form – requests information about how the supervisor for publicly funded criminal work will meet the supervisor requirements in the SQM;
 - Franchise Status Enquiry Forms (SIF1) – requires organisations to declare any claim against the Solicitors' Indemnity Fund within the last 5 years;
 - Status Enquiry Forms (OSS1,2,3) which the LSC submits to the regulator to check for disciplinary proceedings or any other adverse findings by regulatory bodies against the firm or staff as part of your application;

- invites you to apply for slots on your local Duty Solicitor schemes;
- invites you to indicate any other Duty Solicitor schemes you would like to join should the LSC consider that there is insufficient capacity in any particular local scheme;
- invites your Duty Solicitors to apply for membership of Duty Schemes by submitting CDS12A forms with your Application Form

Please note that if you are applying for a contract for more than one office you must submit one set of SQM forms for each office, even if this entails some duplication. This is because SQM considerations may be different if offices are in different locations.

New Applicants should complete Section 1 and, where duty slots are desired, Section 2 of Application Form B. The form(s) must then be signed at Section 3, and sent to the LSC together with the relevant supporting documentation as detailed in the above list, and a copy of your Office Manual including supporting CDS12A Forms for each relevant Duty Solicitor.

Whilst there is no requirement for the stated office and systems to be in place at the time of the application, they must be in place by the start of the Contract, i.e. 14 July 2008.

3.5. How to Apply for Duty Solicitor Schemes

In order to obtain rota slots on Duty Solicitor Schemes **both** of the following requirements apply:

- Your firm** should apply for slots on the required Schemes by completing Section 2 of Application Form A or B (depending on your circumstances), **and**
- Your individual Duty Solicitors** must apply and qualify for membership of Duty Schemes by submitting one form CDS12A for each solicitor **with your Application Form**. Slots can only be allocated in respect of Duty Solicitors who are members of the relevant Schemes.

The Application Form constitutes the primary application for slots and slots will **only** be allocated to your firm on the Scheme(s) you indicate on this form. Please see section 3.3 above for details of how we will allocate slots.

Employment of Duty Solicitors

There is no requirement for your Duty Solicitors to be employed by you at the time of your application, but you must be able to state who you will employ by 14 July 2008 on your application form, and you must send the appropriate CDS12A (Duty Solicitor Supporting Application Form(s)) with your application.

Submission of CDS12A Duty Solicitor Supporting Application Form(s)

For your application for slots to be valid, you must also submit CDS12A Duty Solicitor Supporting Application Form(s) **by 16.00 on 2 May 2008** for each Duty Solicitor in respect of whom you wish slots to be allocated. If you do not submit these forms your application for slots will be rejected, although you may still be awarded a Contract. These forms confirm each individual Duty Solicitor's eligibility for membership of the relevant Scheme(s).

Where your CDS12A forms are received after the deadline of 16.00 on 2 May 2008, your Duty Solicitors will be considered for membership of the relevant Schemes as provided for in the Duty Solicitor Arrangements 2008, however, subject to qualification, they will only be eligible for panel and back-up calls for the duration of the first rota, which will be six months long. Provided they continue to be eligible, such Duty Solicitors will then be included on the subsequent rota(s).

The number of CDS12A forms you submit should correspond with the number of Duty Solicitors you indicate in column 4 of the table in Section 2A of the relevant Application Form. Where you submit fewer CDS12As you will only be allocated slots up to the number of CDS12A forms submitted; where you submit more CDS12As, you will be allocated slots according to the number of Duty Solicitors indicated on your Application Form.

Where you submit more CDS12A forms than indicated on your Application Form, you will be contacted to confirm in which of your Duty Solicitors' names you wish us to allocate slots.

Any further qualifying Duty Solicitors will be included in the Scheme lists, but will be eligible for panel and back-up calls only. This also applies where supporting forms are submitted after 16.00 hrs on Friday 2 May 2008.

Slots will be allocated according to the Four-Step Process as detailed in Section 3.3 above.

We anticipate that the majority of Schemes will be adequately staffed after following Step 1. However, for circumstances where the Scheme(s) for which you have applied is not adequately staffed and we need to proceed to Step 2, you should indicate the maximum number of slots the firm is prepared to undertake at the police station and/or the magistrates' court in the relevant columns of Section 2A on the relevant Application Form.

Expansion

Applicants may also indicate, in the table at section 2B of the Application Form, any additional schemes they may be willing to cover if there were insufficient Duty Solicitors from providers who qualify under the usual rules on those Schemes and we therefore proceed to Step 3 of the Four-Step Procedure as detailed in Section 3.3 above. The provision of this information is not compulsory.

3.6. Questions and Answers

A list of Frequently Asked Questions (FAQ) will be on our website. Applicants are welcome to ask further questions before the application process closing date. Our Regional Offices will be happy to respond to general questions on the current General Criminal Contract, the current Duty Solicitor Schemes in your area, the new changes we are introducing and about the Unified Contract (Crime) July 2008.

A list of Regional Office contact details are set out at Annex A.

Questions on the application process, allocation of slots on the Duty Solicitor Schemes or of wider interest will be collated and answered centrally in writing, to ensure that all applicants and interested parties have equal access to the information in the answers. These questions and answers will be published regularly on our website. All personal or identifying information will be removed prior to publication.

Questions on the application process or allocation of slots can be directed to Regional Offices or sent direct to the following dedicated email address:

CDS.Contracts@legalservices.gov.uk

3.7. How to Submit Applications

The application closing date is 16.00 on Friday 2 May 2008.

We strongly recommend that applications should be delivered by hand or sent by recorded delivery or tracked DX. Applications sent by unregistered post or untracked DX which 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.

PLEASE NOTE THAT WE ARE UNABLE TO ACCEPT ANY EMAIL OR FAX APPLICATIONS.

All applications, however sent or delivered, must be marked “Unified Contract (Crime) July 2008 application”.

Please send your application to your LSC Regional Office (see list at Annex A). If you hold a current General Criminal Contract (January 2008), this should be the one that deals with your account. If you are a new applicant, please send you application to the Regional Office nearest to you – if this is not the one that deals with accounts in your area, we will forward it as appropriate.

Please note – If your account is normally handled by our Leeds Regional Office, you should send your applications to our Newcastle Regional Office.

Where we receive your application on or before **21 April 2008**, we will perform a validation to check that all necessary documents have been enclosed and the form has been signed (note – this is not an assessment of your application). If the application is not complete, we will contact you accordingly and you will have until 16.00 on **2 May 2008** to submit the missing documents or a duly signed form. If documents are not received before this deadline, your application will be rejected and you will not be awarded a contract.

All applications received on or before Monday **28 April 2008** will be sent an acknowledgment. It remains your responsibility to check we have received your application, however it was sent.

The final deadline for submitting applications for a Unified Contract (Crime) July 2008 is 16.00 on Friday 2 May 2008.

How will you get your new Unified Contract (Crime) (July 08)?

By signing and submitting the Contract for Signature at Section 3 of the Application Form you are making an offer to us to undertake publicly funded criminal work on the terms of the Unified Contract (Crime) July 2008 (see section 2.2 above).

If we accept your offer, we will notify this to you by signing Section 3 (Contract for Signature) and sending you a copy by post or DX. A binding contract on the terms of the Unified Contract (Crime) July 2008 will then have been completed between us, although it will not be effective until the start date on 14 July 2008.

We will advise all applicants of the outcome of their application by **13 May 2008**.

At this time we will also confirm the eligibility for membership of the Schemes applied for by Duty Solicitors employed by successful applicants.

For current providers, your Standard Monthly Payment (“SMP”) will continue at the same level as prior to July 2008 (subject to our right to alter your SMP if your levels of reported work change).

If you are a new provider, we will set your initial SMP after discussion with you regarding your expected level of claiming.

3.8. Appealing the Decision

Unsuccessful or rejected applicants will be given written reasons as to why they were unsuccessful or rejected. There will be a right of appeal against a decision by us not to award you a Unified Contract (Crime) July 2008, to reject your application if it is incomplete and/or against our determination of eligibility for membership of Duty Schemes, following receipt of this information.

Appeals should be made to your local LSC Regional Office by 3 June 2008.

For Contract Applications, the Legal Director (or her representative) will review all appeals internally and inform firms of the decision by 13 June 2008. There will be no further right of appeal.

Appeals against our determination of eligibility for membership of Schemes will be heard according to the Appeals Procedure as set out in the Duty Solicitor Arrangements 2008.

There is no separate right of appeal against decisions on awarding slots on Duty Solicitor Schemes. These decisions are covered by the terms of the Duty Solicitor Arrangements 2008.

3.9. Conditions of Application

1. Applications will be received until 16.00 on the application closing date (2 May 2008). No applications will be accepted after this time unless there are exceptional circumstances as defined in 3.9.2 below. Outside these exceptional circumstances we will not consider any late responses nor will we consider requests for extension of the time or date fixed for the submission of responses.
2. "Exceptional circumstances" means a cause which prevents the applicant from meeting the stated time and date for submission of applications and which is directly attributable to an event or accident which:
 - (a) was beyond the actual contemplation of the applicant concerned;
 - (b) would ordinarily be beyond the contemplation of a reasonable applicant; and
 - (c) the impact of the event or accident on the delay was not attributable to any act or omission of the applicant

(for example, act of God, war or national emergency, acts of terrorism, fire, flood, or storm).
3. All applications shall be signed by a duly authorised director, principal, partner or designated member of the applicant.
4. We reserve the right to amend the application rules, the application process/procedure and/or the selection criteria, at any time in writing before or after the application closing date, by giving general notice on our website.
5. It is the obligation of applicants to make sure that their Application Form is fully and accurately completed and accompanied by all 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 an application if

incomplete information is given at the time of application, or if any particulars and data asked for in the Information for Applicants or Application Form are not provided in full.

6. 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. For applicants that hold a General Criminal Contract (January 2008), we may corroborate the information given on your Application Form with your regional office.
7. You are required to reply to all questions on the Application Form (with the exception of Sections 2A if you do not wish to apply for Duty Solicitor Scheme work, or Section 2B if you do not want to expand in to other Duty Solicitor Schemes), even if you have previously provided this information or if you think we are already aware of it (e.g. if you hold an existing contract with us). This is to ensure that we can compare each application and applicant in a fair, like-for-like and reasonable manner.
8. We may request applicants to give additional information/clarification at any time during the application process. You should be prepared to discuss any aspect of your response with us.
9. Any questions and answers posted on our website during the application process (or before) will not form part of the contract.
10. After evaluation is complete, we will retain copies of all responses to satisfy our audit obligations and for other purposes in accordance with condition 21 below.
11. We reserve the right to cancel this invitation to apply for the Unified Contract (Crime) July 2008 in its entirety, or in certain geographical areas only, at any time at our absolute discretion.
12. If we award a Unified Contract (Crime) July 2008 as a result of your application the Application Form and documents submitted as part of the application, will form part of the contract for the successful applicants.
13. Applications are submitted on the conditions stated in this Information for Applicants (as may be amended). Applications submitted subject to additional or alternative conditions may be rejected on the grounds of such conditions alone.
14. By submitting an application, you are agreeing to be bound by the terms and conditions in the Unified Contract (Crime) July 2008 if you are awarded one.
15. The right of internal appeal for unsuccessful candidates is limited to that set out at Section 3.8. above.
16. Applicants will be responsible for and bear all of their own costs, liabilities and expenses which may be incurred in the preparation of their responses or any subsequent application arrangements, regardless of whether a contract is awarded.
17. All intellectual property rights in this Information for Applicants, associated documents, Application Forms, and Contract Documents are and shall remain our property.
18. The information contained in the Information for Applicants does not purport to contain all of the information which an applicant may require. While we have taken all reasonable steps to ensure, as at the date of this document, that the facts which are contained in this document are true and accurate in all material respects, we do

not make any representation or warranty as to the accuracy or completeness or otherwise of this document, or the reasonableness of any assumptions on which this document may be based. All information supplied by us to applicants, including that within this document, is subject to applicants' own due diligence. We accept no liability to applicants whatsoever resulting from the use of this document, or any omissions from or deficiencies in this document.

19. Applicants should note that any quantities or volumes contained in the Information for Applicants are for indicative purposes only and any future quantities or volumes may vary from those stated.
20. It is your responsibility to obtain at your own expense all additional information necessary for the preparation of your response to the application documents. No claims of insufficient knowledge will be entertained.
21. We may use the information included in your response for any reasonable purpose connected with this application exercise.
22. Any applicant who directly or indirectly canvasses any employee of the LSC concerning the award of the contract(s) will be disqualified.
23. All applicants are recommended to seek their own financial and legal advice.

24. Confidentiality

Applicants must treat the application 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 an application to be completed and may not be used for any other purpose. Applicants shall ensure that all third parties to whom disclosure is made shall keep the application documents confidential and not disclose them to any other third party except as set out above.

25. Applicant changing its status

If, between submitting your application and being awarded a contract, your organisation undergoes a significant change³ in its legal composition from that named in the Application Form, 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.

3.10. 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, either during or after the application process. We can only withhold information where it is covered by a valid exemption as set out in the Act.

If you are concerned about possible disclosure you should clearly identify the specific parts of your application and supporting documentation that you consider commercially sensitive or confidential (within the meaning of the Act), the harm that disclosure may cause and an estimated timescale of that sensitivity.

You should be aware, however, that the receipt by us of information marked confidential does not mean that we accept any duty of confidence in relation to that marking. Neither do

³ For our definition of a "significant change" see Section 3.1 above

we guarantee that information identified by you will not be disclosed, especially where the public interest favours disclosure.

It is important to note that the sensitivity of information is likely to change over time and therefore it is likely that general contract details would be disclosed once the selection process is complete. Where possible, we would consult with you before any disclosure was made.

Annex A - Regional Office Contact Details

<p>London Regional Office</p> <p>Exchange Tower 2 Harbour Exchange Square London E14 9GE</p> <p>DX 100170 Docklands 2 Switchboard: 020 7718 8466</p>	<p>South East Regional Office</p> <p>3rd and 4th Floors Invicta House Trafalgar Place Cheapside Brighton BN1 4FR</p> <p>DX 2752 BRIGHTON-1 Switchboard: 01273 878 800</p>
<p>South Western Regional Office</p> <p>33-35 Queen Square Bristol BS1 4LU</p> <p>DX 7852 BRISTOL – 1 Switchboard Tel: 0117 302 3000</p>	<p>Wales Regional Office</p> <p>Marland House, Central Square, Cardiff CF10 1PF</p> <p>DX 33006 CARDIFF-1 Switchboard Tel: 0845 608 7070</p>
<p>West Midlands Regional Office</p> <p>Centre-City Podium, 5 Hill Street, Birmingham B5 4UD</p> <p>DX 13041 BIRMINGHAM-1 Switchboard Tel: 0121 665 4700</p>	<p>North West Regional Office</p> <p>2nd Floor Lee House 90 Great Bridgewater Street Manchester M1 5JW</p> <p>DX: 14343 MANCHESTER-1 Tel: 0845 602 1400</p>

<p>North East Regional Office</p> <p>2-8 Fenkle Street, Newcastle upon Tyne NE1 5RU</p> <p>DX 61005 NEWCASTLE-Upon-TYNE-1 Tel: 0191 244 5800</p>	<p>Yorkshire & Humberside Regional Office⁴</p> <p>Harcourt House Chancellor Court 21 The Calls Leeds LS2 7EH</p> <p>DX 12068 LEEDS Contracting team 0113 3907427</p>
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<p>East Midlands Regional Office</p> <p>Fothergill House 16 King Street NOTTINGHAM NG1 2AS</p> <p>DX MDX 10035 NOTTINGHAM 0115 908 4200</p>	<p>East Regional Office</p> <p>62-68 Hills Road, Cambridge CB2 1LA</p> <p>DX 5803 CAMBRIDGE-1 Telephone 01223 417841</p>
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<p>Merseyside Regional Office</p> <p>Cavern Walks, 8 Mathew Street, Liverpool L2 6RE</p> <p>DX 14208 LIVERPOOL-1 Tel: 0151 242 5200</p>	<p>Southern Regional Office</p> <p>80 King's Road READING RG1 4LT</p> <p>DX 4050 READING 0118 955 8600</p>
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⁴ Please note that applications for contracts for this region will be processed by the North East Regional Office. Where possible, please ensure that your application is sent to the most appropriate Regional Office.

