

Sub contractors

Where a case is designated a VHCC, the presumption will be that the defence team will be comprised of fee earners detailed in the Panel Member's bid and employed by the Panel Member firm, and will not include sub contractors. In limited circumstances, the LSC may give consideration to the use of defence team sub-contractors who are not VHCC Panel Members (or their employees) in accordance with s 32.2 of the Panel Member's contract.

Where the CCU consents to the use of defence team sub contractors who are not VHCC Panel Members (or their employees), it is anticipated that those sub contractors will be involved only in a specific aspect or aspects of case preparation, and that the Panel Member will retain control of the case as a whole.

As a prerequisite, the Panel Member must be able to demonstrate to the LSC's reasonable satisfaction, that the experience and competence of the proposed sub contractor is sufficient to undertake that work which is envisaged for the sub contractor.

Additionally, one or more of the following must apply:-

- (i) ***The case requires specific expertise***
Where the Panel Member can satisfy the LSC that the sub-contractor proposed possesses particular skills and expertise not available in existing Panel Members **and** that the preparation of the defendant's case, for which public funding is now sought, requires specific use of such expertise.
- (ii) ***Significant previous involvement with the defendant and/or relevant proceedings***
Where the Panel Member is able to demonstrate that the sub contractor has an established significant history over a period of time in representing the defendant in the proceedings for which public funding is now sought, or in other directly related proceedings where there is a significant overlap of information.
- (iii) ***Any other circumstances in which the CCU considers it appropriate to consent to sub contracting***

To support an application for sub contracting it is recommended that the Panel Member making the request provide the following as a minimum

- (a) Specialist knowledge/expertise that sub contractor is providing;
- (b) Details of any past history between the proposed sub contractor and the client;
- (c) If there is a particular history between the sub contractor and the client, details of how use of the sub contractor by the Panel Member will result in cost or time savings
- (d) If special reasons, such as client vulnerability or specific mental health or health conditions, are given to support the use of a sub contractor - confirmation from an appropriately qualified professional supporting the need for the client to either
 - have a working relationship with the proposed sub contractor; or

- continue his or her working relationship with the proposed sub contractor.
- (e) Details setting out how much of the case the sub contractor will be undertaking and how the Panel Member will retain overall control and supervision of the case.