

FOR THE ATTENTION OF THE SENIOR PARTNER / DIRECTOR

Dear Colleague

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

We would like to invite you to apply for a new Unified Contract (Crime) July 2008 with effect from 14 July 2008. Your current General Criminal Contract (January 2008) will expire automatically at midnight on 13 July 2008.

The new Unified Contract (Crime) July 2008 is based on the current Unified Contract (Civil), amended as necessary to cover the provision of Criminal Defence Services.

This award is **not** a competitive process. We intend to issue a Unified Contract (Crime) July 2008 to all applicants who meet the requirements of a straightforward application process, similar to that run in October 2007.

Please note that we are also inviting applications from new providers on equivalent terms and conditions (as we are required to do by law).

All applications received by **21 April 2008** will be checked for completeness and acknowledged. All applications received by **28 April 2008** will be acknowledged.

The deadline for applying for a new contract is **16.00 on Friday 2 May 2008**.

Any other contract you may hold with the Legal Services Commission is unaffected by the expiry of this Contract, unless it is a condition of that contract that you hold a General Criminal Contract.

The new Unified Contract (Crime) July 2008

The Unified Contract (Crime) July 2008 is based on the Unified Contract for civil providers. The Standard Terms are closely based on the Standard Terms for civil providers amended and updated for crime providers. The Specification is largely unchanged from the Specification in the General Criminal Contract (January 2008) but we have reordered it to make it easy to understand and work with.

We have had a full consultation with The Law Society on all the contract documents and as a result of this have 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;

- We have introduced new provisions on remainder work, including a presumption that providers may continue remainder work for up to 2 years following termination of the contract (unless terminated for breach);
- 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 have removed the automatic financial penalties for claims which are submitted more than 3 months late (although it is still a contractual requirement to submit Claims on time);
- Our powers to amend the contract are now limited to:
 - changes arising out of external developments in the law or the justice system;
 - minor changes;
 - with the agreement of The Law Society, correcting ambiguities, errors and omissions.

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, www.legalservices.gov.uk at CDS > Tenders.

Please note that unlike the General Criminal Contract (January 2008), the Unified Contract (Crime) July 2008 will be issued to the whole firm rather than to each office. You should apply for your new Unified Contract using one application form and listing all your offices on it.

How do I apply for a Unified Contract (Crime) July 2008?

All applicants should consider the Information for Applicants document which is enclosed with this letter. It is also available on our website at CDS>Tenders, together with relevant supporting documentation including a list of Frequently Asked Questions, which will be regularly updated (see below). We also enclose a copy of Application Form A which is the appropriate application form for all current providers apart from those which have undergone a significant change in their legal composition¹ or a change of office location of which the LSC is unaware, or who wish to apply for a contract covering a new office.

The enclosed Application Form A simply:

- asks you to confirm to us that you continue to meet the SQM and Crime Category Supervisor requirements, have not had 2 confirmed Category 3 costs assessments since 1 April 2006, and have not undergone a significant change in your legal composition or a change in your office location of which the LSC is unaware;
- 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.

¹ See Section 3.1 of the Information for Applicants for the definition of a “significant change”.

If you have undergone a significant change in your legal composition or change in the location of any of your offices of which the LSC is unaware, or wish to apply for a contract covering new offices, you may need to complete Application Form B for new applicants, which is available on the website at CDS>Tenders. You should discuss this with your Regional Office, as explained at Section 3.1 of the Information for Applicants.

Completed forms and any additional documentation necessary must be received by the LSC by 16.00 on Friday 2 May 2008. Forms should either be hand delivered, or sent by tracked DX or registered post to your Regional Office. Please note that we are unable to accept faxed or emailed forms.

If you do not apply for a Unified Contract (Crime) July 2008 by 16.00 on Friday 2 May 2008 your right to undertake new criminal work, and participate in Duty Solicitor schemes (if desired), will terminate on 13 July 2008².

What will happen if you don't apply for a Unified Contract (Crime) July 2008?

Whether to apply for a new Unified Contract (Crime) July 2008 is of course a decision to be made by each individual provider, however you should be aware of the following implications should you decide not to apply:

- when your current contract ends your right to perform Contract Work and our obligation to make payments to you under it ceases (subject to limited exceptions set out in clauses 12C and 21 of the Contract Standard Terms);
- you 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 January 2010;
- as soon as possible after 7 May 2008, your Account/Relationship Manager will contact you to discuss arrangements for the transfer of Cases and Matters to one or more other contracted providers as appropriate, including the reconciliation of your account. Depending upon the state of your account, this may affect payments made to you under your current contract, including your SMP.

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.

Questions

We will be posting a list of answers to Frequently Asked Questions (FAQs) on our website at CDS>Tenders. In the event that the FAQs do not answer any individual queries, your local Regional Office will be happy to respond to general questions

² unless you have a contract for Very High Cost Cases or to provide CDS Direct telephone advice in which case you will be able to provide the criminal defence services covered by these contracts.

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.

Questions on the application process or allocation of duty solicitor slots from 14 July 2008 or of wider interest will be collated and answered by updating the FAQs, to ensure that all applicants and interested parties have equal access to the information in the answers. All personal or identifying information will be removed from questions prior to publication.

We will also accept questions by email to CDS.Contracts@legalservices.gov.uk.

We recognise that this is a challenging time for providers and would like to reaffirm our commitment to working with you to provide quality assured services to clients in real need within our financial constraints.

Yours sincerely