

## General Contracting

### ***How does contracting work?***

The Unified Contract determines how much licensed work and how many matters can be started per category during the duration of the contract and also determines how much money the LSC will pay suppliers for that work.

The Unified Contract Crime determines the payments to be paid to suppliers, as the number of matters that can be started under the Criminal Contract is not limited.

### ***How are contracts audited?***

The LSC carry out a performance assessment of each supplier against the terms of the contract they hold. A file audit will usually then be carried out. Depending on the results, suppliers will then receive an audit tailored to their needs. These will vary in style and frequency depending upon the supplier.

Staff from contracting including relationship managers, lead assessors and auditors perform these audits and they should be contacted with any queries.

### ***What does the LSC expect to find on files?***

Below is a list of the basic information we would expect to find on your file during an audit.

- Original Legal Help form
- Client Care letter
- Proof of benefit
- Client name, address & contact details
- Client's instructions, advice given and action to be taken
- Copies of any documentation provided by the client
- Evidence of a conflict of interest check
- Copies of all correspondence relating to the matter
- A running record of costs

### ***Where can I find out more about contracting?***

- LSC Manual
- The PACE guidance on cost assessment manual
- Criminal bills assessment manual

The latter are both available on the LSC website. Individual queries should be referred to your firm's account manager.

## Criminal Defence Service (CDS)

### ***What is the purpose of the CDS?***

From a client's point of view the CDS ensures that individuals involved in criminal investigations or criminal proceedings have access to advice and assistance and representation.

### ***What is the Duty Solicitor Scheme?***

The scheme is made up of the Court Scheme and the Police Station Scheme.

The purpose of the court scheme is to ensure that almost anyone who appears before a magistrate or youth court for the **first time** in connection with a criminal charge can receive advice and representation free of charge from a competent solicitor.

The purpose of the Police Station scheme is to provide 24-hour free legal advice to suspects being questioned by the police. Suspects have a legal right to be informed by the custody officer that they have the right to independent legal advice whether this is their own solicitor or if the defendant requests the duty solicitor. The police then ring the Duty Solicitor call centre, First Assist. This is a telephone bureau paid for by the CDS. First Assist will arrange for a solicitor to attend.

### ***How do I become a duty solicitor?***

In order to become a court or police station duty solicitor, applicants must apply to one of the assessment organisations approved by the Law Society and pass an accreditation process covering the necessary skills required. Details of the accreditation process are available from the Law Society website.

### ***Where can I find out more information?***

- LSC Leaflets: Criminal Defence Services at the police station and in court & A practical guide to Criminal Defence Services.
- Duty Solicitor Manual.

Both are available on the LSC website

## CDS Direct

CDS Direct has been providing telephone advice to clients detained at police stations in England and Wales since 2005.

CDS Direct covers less serious offences – those limited to telephone only advice under the General Criminal Contract – e.g. drink driving offences, non-imprisonable offences, breach of bail and warrants.

The benefits of the service include: speed – CDS Direct advisers are making 99% of calls to the police station within 30 minutes of receiving the call from the DSCC, reduction in the overall time clients are held in detention and increased value for taxpayers' money.

From 21st April 2008, CDS Direct provided telephone advice in both duty solicitor and "own" solicitor matters nationally. Recent statistics indicated that 98% of calls were by CDS Direct to the police station within 15 minutes."

## Very High Cost Cases (CDS work)

### ***When will VHCCs apply?***

- To criminal trials which are likely to last 25 days or longer.
- When the total Defence Case Costs in respect of the defendant represented in the case (or group of defendants represented by the same firm of solicitors) amounts to or is likely to amount to more than £150,000.

### ***What criteria would justify VHCC funding?***

- To gain funding a case must demonstrate *either* exceptional public interest or another reason to justify funding.
- The likely Costs to Disposal are more than £100k *or* potential Costs to trial are more than £250k.
- The case has significant public interest and the prospects of success are more than 50%.
- The case is of overwhelming importance to the client.
- The prospects of covering the costs are at more than 60%.

### ***How do suppliers apply for funding?***

- A solicitor is obliged to notify the Criminal High Cost Case Unit (CHCCU) in writing as soon as practicable that a case is a VHCC. This enables CHCCU to decide whether to enter into a High Cost Case Contract for that case. Where a solicitor fails to notify the LSC without a justified reason, costs may be reduced if there is a loss to public funding.
- Payment for work done under the VHCC Contract will be agreed between the LSC and the principle fee earner. The principle fee earner must be of sufficient experience and qualification (further information regarding recent amendments made to such requirements as from 1st December 2002 is available on the LSC Website).
- The solicitor must initially prepare an overall Case Plan and Individual Stage Plan then present these Plans in a pre-arranged meeting with the CHCCU. Payment will be agreed on a stage-by-stage basis for work, which has been agreed to as set out in the Stage Plan. Stage Payments will be fixed, subject to limited tolerances and revision in the light of unforeseeable occurrences. Once the payment for the previous stage has been agreed, hours for the next stage will then be negotiated. The pricing of VHCC Contracts will take place within a regulatory framework, including hourly rates. There will be no taxation process at the end of each stage.

### ***What if I do if I'm refused funding?***

- If CHCCU refuses to grant funding for a VHCC the principle fee earner has a right to appeal to the Funding Review Committee. The contracted supplier, or counsel instructed under contract, may appeal to the Committee against any decision that the contract manager makes regarding individual items on the Stage Plans. Pending appeal and without prejudice to it, the contracted supplier or counsel may enter the contract on the basis of the Stage Plan approved by the contract manager in order to enable work to continue.
- Any appeal must be made in writing within 14 days of the original decision, setting out the details in full of the items in dispute, giving reasons why the supplier/counsel disagree with the decision made. The Committee may dismiss an appeal or allow the appeal in whole or part. Reasons for any decision will be given. The decision of the Committee is final and binding on all parties and will replace the initial decision made by the CHCCU Unit.

# Quality Mark

## ***What is the Quality Mark?***

The Quality Mark (QM) is the Quality Standard for legal information, advice and specialist legal services. It comprises a set of standards designed to ensure that a service is well run and has its own quality control mechanisms that assure the quality of the information or advice the service provides.

## ***What does the QM consist of?***

The QM consists of three levels of service:

1. Information. This is further divided into:

- Self-help information
- Assisted information.

Organisations at this level of service provide legal information for people seeking legal help to access. For example, a library displaying leaflets.

2. General help. This is further divided into:

- General help
- General help with casework

Organisations at this level give advice; services are usually concluded within one interview with limited follow up work. At the casework level, negotiation and ongoing support can take place.

3. Specialist help

This level is for organisations that supply legal help on complex matters in specific areas of law. The majority of organisations apply for or hold the Specialist Quality Mark for each of the categories of law for which they receive funding from the LSC.