

Matter start allocation process and criteria

1 Process

1.1 This document applies all to bids for and allocations of matter starts under Regional Delivery plans.

1.2 Regional Delivery Plans invite suppliers to bid for Matter Starts that meet the specific priorities in the Plan. All applicants must bid in response to a specific proposal in the Regional Plan. General applications for funding or matter starts will not be accepted as bids under this process –but will be dealt with as requests under normal contractual rules.

1.3 The LSC regional office will consider the bids received. Where any bid does not meet the deadline, does not meet the priority identified or does not provide sufficient detail to allow the regional office to assess whether it does so then they may reject it.

1.4 Where there is competition between any accepted bids and the regional office is intending to proceed to an allocation then they will make an assessment in accordance with the criteria set out in section 2 below.

1.5 The allocation of CLS Development fund money to any bid or priority area will be at the regions complete discretion.

1.6 When making allocations, the regional office will specify which of the incentives will apply – but the matter start guarantee will apply to all awards. In the case of NFP's any award will be linked to a matter start target.

1.7 The regional office may, if it considers it appropriate write to all those who have bid in relation to any priority to seek further clarification before making decisions or to redefine a priority and ask for revised bids.

1.8 Any unsuccessful supplier will be eligible to bid for future allocations when the plans are reviewed.

1.9 Regional offices reserve the right to make no allocations or to amend the provisional allocations prior to offers being made, or to proceed with only some of the priorities having reviewed the bids received.

1.10 This initiative does not affect contract reconciliations, which we will continue to carry out.

2 Criteria

2.1 Where a competition is necessary in relation to bids for a particular priority, the criteria set out below will be taken into account. In making competition decisions, Regions will balance the relevant criteria and produce written justifications for their decisions, showing what they took into account and why they came to the decision that they did. If a bid does not meet a need

identified in a plan, it will be refused on that ground and will not go into a competition.

- **General** – Regions will normally give priority to existing suppliers that already have category specific contracts in the relevant categories of law, as these suppliers have demonstrated that they are able to provide these services. New suppliers and suppliers wanting to move into a new category of law present more of a risk.

Where recruitment is necessary, offers of contracts will be made conditional on achieving the recruitment within all the categories of law awarded. Such recruitment must be achieved within 2 months (8 weeks) of the offer letter. If recruitment is not achieved, funding will not be awarded.

NFPs seeking expansion under this package will be given a target to deliver specified numbers of Matter Starts. Performance under the contract will be a factor in deciding the subsequent award of similar funding.

This general approach is not designed to completely exclude new suppliers who may still apply and it will always be a case of looking at the whole picture.

- **Financial** – If the supplier owes money to the Commission, has been asked for proposals for repayment and has failed either to make proposals or to stick to a repayment agreement, Regions will not allocate under this delivery package, unless there are exceptional circumstances.
- **Quality** – Regions will not allocate under this delivery package to any supplier to which they have sent a contract termination notice, unless there are exceptional circumstances. This will apply even if they are in the appeal process.
- **Quality** - Regions will not allocate under this delivery package to suppliers with a current peer review rating below 3, unless the supplier was told that the rating would not be “counted” e.g. because it was carried out for the purpose of developing peer review, unless there are exceptional circumstances.
- **Quality** - Regions will not allocate under this delivery package to suppliers with three or more Critical Quality Concerns, in the relevant category or categories of law, noted at audit during the previous 18 months, unless there are exceptional circumstances.
- **Quality** – A supplier with a better record of contract compliance/performance (excluding contract compliance audits) will be preferred to one with a worse record.

- **Value for Money** – Not for Profit suppliers must show acceptable levels of contract performance, this may be specified in the regional plan but must be at least 95%.
- **Value for Money** – the amount by which solicitor suppliers' claims are below their Tailored Fixed Fee will be taken into account where this is significant (more than 20%).
- **Value for Money** – Suppliers that have demonstrated an ability to work co-operatively with the Commission should be preferred to those that have not.
- **Value for Money** – Suppliers that can meet a need without recourse to (or with a smaller recourse to) the CLS Development Fund will be preferred to those with a recourse (or a larger recourse) to that Fund.
- **Holistic Social Welfare Law** - Where Social Welfare Law (SWL) Matter Starts are to be allocated, suppliers who have an allocation of Matter Starts in more than one SWL category of law should normally be preferred to those with Matter Starts in only one.

2.2 It should be noted that for some specific proposals, such as Housing Possession Court Duty Schemes there will be additional requirements that will be notified to applicants.

3 Appeals – Internal Review

3.1 If a supplier with a current contract is not happy with an allocation decision, they have a contractual right to apply in writing within 21 days for an internal review by Supplier Development Group.

3.2 The purpose of internal review will not be to re-run any competition that may have taken place but simply to allow the supplier a fresh opportunity to state why they should be granted what they applied for.