

Bidding for Extra Matter Starts - North Western Regional Delivery Plan, September 2005

1 Introduction and Objectives

To help more people get access to good quality legal advice, the LSC wishes to allocate around 10% more matter starts to suppliers.

This plan sets out the North Western Region's revised proposals to contribute to that target during the period April 2005 to March 2006 by funding a 10% increase in the number of Controlled Work matter starts in non-immigration cases.

In the twelve-month period April 2004 to March 2005 the region supported 64,103 acts of assistance through its contracts. 43,159 of these were provided through contracts with private practice solicitor firms and 20,944 through not for profit organisations.

Our intention therefore is to increase the number of acts of assistance provided by our suppliers to 70,513 for the period April 2005 to March 2006. We can report that following publication of our first Regional Delivery Plan in July 2005, an additional 5,145 New Matter Starts have been allocated in the North West. This plan sets out the Region's priorities for further expansion.

We will continue to ensure that acts of assistance increase in accordance with our strategy. The Commission will be encouraging suppliers to provide integrated and seamless services across a number of areas of law, providing access to client groups that currently do not access mainstream services and working to fill gaps identified by CLSPs and in RLSC reports.

It is important that the increased case numbers represent additional clients and problems dealt with - and we will be reviewing any proposals for expansion in that light.

Of course Controlled Work still operates within a fixed budget – and we will also be looking at value for money in awarding case starts. You should note that this initiative does not affect contract reconciliations, which we will continue to carry out.

This plan therefore sets out:

- Our revised areas for expansion – linked to priorities
- The extra incentives that may be available to help suppliers expand.

Suppliers that are interested in extra matter starts or a contract to meet the priorities (see section 3 below) should submit specific proposals to Sandra Pennell by 30th September.

Your proposal should include details of:

- how many matter starts you are seeking
- how the service will be delivered
- how this will meet the priority set out
- how long it will take for the service to commence

You are advised to mark any letters “**Delivery Plan**” so that they can be easily identified and to check that they have been received.

If you are seeking CLS Development Funding, you should give details of the amount and purpose, for example, to support outreach of a domestic violence supplier at the Police Station, or to buy in external supervision while a worker achieves supervisor standards.

Suppliers should note that this Plan may be updated in the future, to add new priorities and allocate further matter starts and those suppliers interested in expansion should therefore check it regularly so that they may submit further or revised proposals within a further 14 day deadline.

2 Background

2.1 Bid rounds

All the Bid Rounds that were held in 2004/2005 to meet the gaps in provision identified in the 2004 Contracting Strategy have resulted in contracts being issued. However, see section 2.2 below.

2.2 Reduction in supply

The current contracted position is as follows :

• Actions Against the Police	11
• Clinical Negligence	26
• Community Care	9
• Debt	52
• Education	4
• Employment	26
• Family	374
• Housing	50
• Mental Health	35
• Public Law	1
• Welfare Benefits	54

However, we have identified gaps or reductions in provision as follows :

- **Actions Against the Police:**
No contracts in Cheshire or Cumbria
- **Education:**
No contract in Cheshire and the loss of one contract in Greater Manchester
- **Family:**
Overall reduction in numbers from 389 to 374
- **Housing:**
Overall reduction in numbers from 65 to 50

The end of year position as at 31st March 2005 was that there had only been an 85.3% take up of the 73,280 New Matter Starts allocated to the North West Region. This was also reflected in the end of year budget position.

The greatest decreases, as will be seen from the numbers in the above section, were in the Family and Housing categories.

2.3 Trends for action

The NMS starts at the end of March 2005 was 64,103, which comprised 43,159 solicitor starts and 20,944 NFP starts. The NFP starts were above the notional target that had been set. However, the solicitor NMS usage was only 78% of the NMS available.

An initial analysis of the NMS allocation in the Debt, Housing, Mental Health and Welfare Benefits categories, where there is unlikely to be much privately paid work, has indicated that there are a large

number of contracts with an NMS allocation below 200, which raises concerns about the long term viability of such contracts. We are examining these contracts in order to see whether they are still viable, and also whether the SQM supervisors standards are being met. Contracts will then be revised accordingly.

The national trend with Family contracts is that the numbers of firms and NMS usage has been going down. In response, the Legal Services Commission has introduced Family Law Training Contracts and suppliers interested in this scheme should contact the NWRO.

There is also concern, at a national level, regarding the falling number of solicitors seeking to qualify for the Children Panel and the impact of this on the availability of Public Law Childcare services. We will be considering if this is the case in the North West Region and encouraging firms with Family contracts to ensure there is a Children Panel member within their practice.

It will be seen from section 2.2 that the numbers of contracts has reduced in the North West. The NWRO is analysing the monthly data available in order to identify whether or not the trend is for the NMS usage to go down by firm as well. If this is the case then we will work with Family suppliers in order to identify how we can stop this trend.

The newly formed Local Family Justice Councils will also provide an opportunity to form links with other stakeholders in the Family Justice system in order better to understand trends.

Work has already been undertaken on mapping Family supply in order to inform our planning process and to feed into the Children and Families Strategy.

This work involved sending questionnaires to Family contractors asking for an analysis of their work types, and also asking whether were willing to extend their services, with or without increases in capacity.

A number of firms have already responded to say that they would like to increase capacity, and we will continue to analyse existing supply in order to identify opportunities for increase in provision in order to avoid any shortfall in required capacity.

The North West Region's Mental Health Strategy has been finalised and is available from the Regional Office. This identifies the need to increase contracts across the North West, in order to serve the needs of patients detained under the Mental Health Act and needing representation at Mental Health Review Tribunals.

The focus will therefore need to be on increasing supply in the Family and Mental Health categories, together with Housing where there has been a reduction in supply.

However, we are mindful that developments of services will have to be in line with the CLS Strategy for the future.

2.4 Priority client groups

The Regional Report for the North West Region identified the following client groups as potentially being excluded from mainstream advice services :

- Black and ethnic minority communities
- Elderly people
- People with disabilities
- People with mental health needs
- Asylum seekers
- Young people
- People living in rural communities
- People living in disadvantaged neighbourhoods or communities
- Lone parent families
- Victims of domestic violence

The approach of the North Western Regional Office continues to be to ensure that there are services available across the region focusing on the key issues affecting the above types of clients :

- Family
- Housing
- Debt
- Welfare Benefits
- Employment
- Education
- Community Care

This is backed up by the LSCRC Research which identified clusters of client problems and also identified a general lack of awareness among many people as to their rights and where to go to for legal help.

The CLS Direct figures for the North West also show that the usage as a percentage of population is not as high as it should be, the North West having the lowest usage of CLS Direct compared to population.

There is clearly therefore both scope for developing capacity within existing contracts and for awareness raising with potential clients.

This Delivery Plan focuses on tackling both the supplier capacity and the client barriers to take up.

3 Key areas for expansion

3.1 Overall approach

We will concentrate our major expansion on those contract categories which are a priority for increase ie Family, Mental Health and Housing. At the same time we will continue to agree increases in any categories where contract performance justifies it.

We will allocate New Matter Starts at a level which ensures that there is always sufficient capacity within individual contracts so that clients are not turned away. The historical pattern of New Matter Start usage has always been that only 90% of available New Matter starts are actually used. Therefore we will allocate above the level of New Matter Starts required to hit the target of 10% increase.

As indicated above, we are concerned about solicitor contracts with less than 200 New Matter Starts allocated in the category and will be having discussions with those contractors as to how to tackle this.

There are three aspects to the increase that are outlined in this Plan :

- Increased capacity developed in contracts, both through existing contracts and by developing new ones
- Development of outreach opportunities so that advice and assistance is taken to the clients, including expanding Housing Duty Possession Schemes
- Increased take up by clients through the use of publicity, referrals and signposting and awareness raising

3.2 Areas for contract expansion

Family

We have allocated an additional 3,338 New Matter Starts. However, we are still looking for increases across the region since this does not take back to the level of contracted provision that existed in 2004.

This increase could involve both the expansion of existing contracts and potentially developing new contracts where gaps have been identified. Family contractors have been contacted, but any who think that their capacity is not sufficient to meet client need should contact the NWRO.

We also want to hear from Family contractors and potential Family contractors as to how we can help them develop. As already indicated in 2.3, we are able to offer Family Training Contracts, and CLS Development Fund grants. The latter could be used for example to pay for training to obtain membership of the children Panel.

We will prioritise:

- Suppliers specialising in at least one priority area of family law – domestic violence, public law children or private law children
- Family suppliers with existing social welfare law categories or a willingness to expand into these categories
- Suppliers with social welfare law contracts who want to deliver **Specialist Level** Family advice.

Mental Health

We have allocated a small number of additional New Matter Starts through normal contract management and are currently considering a number of bids, however as detailed in our Mental Health Strategy we need to significantly increase provision across the region, in anticipation of changes in legislation. Consequently, we are again inviting expressions of interest from both the existing and new suppliers. All Mental Health contractors have been contacted, but any who still think that their capacity is not sufficient to meet client need should contact the NWRO.

Holistic Social Welfare Law Services

For clarity, by Social Welfare Law we mean all categories of civil non-family work except Immigration, Clinical Negligence and Personal Injury

Following publication of the previous Regional Delivery Plan we have allocated the following New Matter Starts in Social Welfare Law ;

Debt	494
Housing	853
Welfare benefits	98
Community Care	100
Employment	50

Existing contractors have been contacted, but any who still think that their current capacity is not sufficient to meet client need should contact the NWRO.

Moving forward, we will now be undertaking an analysis of suppliers with contracts in three or more Social Welfare Categories, or Family and two Social Welfare Law categories against their Contract Compliance Audit or Not for Profit Performance Audit and Peer Review Rating, and identifying whether they are able to increase their contract size.

In addition, we welcome bids from contractors who are currently contracted in two Social Welfare Law Categories, or one plus Family, and who are interested in adding one or more Social Welfare Law categories who are able to recruit and are applying for further Specialist Quality Marks this financial year.

In addition to the gaps in supply identified in 2.2 above, we have also identified a number of geographical areas across the region where there is pressure on existing services in the Debt, Housing and Welfare Benefits categories as follows :

- Accrington – Debt, Welfare Benefits and Housing
- Blackpool – Debt, Housing and Welfare Benefits
- Barrow & South Lakeland – Debt, Welfare Benefits, Employment and Housing
- Bolton – Debt, Housing and Welfare Benefits
- Crewe – Debt and Welfare Benefits
- Ellesmere Port and Neston – Debt, Housing and Welfare Benefits
- Macclesfield – Debt and Welfare Benefits
- Manchester – Debt, Housing and Welfare Benefits
- Rochdale – Housing, Debt and Family
- Warrington – Housing, Debt and Welfare Benefits
- Wigan – Debt

3.3 Expand Housing Duty Possession Schemes

Most County Courts in the North West Region already have a Housing Duty Possession Scheme, although they operate with a varied degree of success. The focus will therefore be to expand them using the Pilot Scheme Package, along the lines of the current Scheme running in Tameside County Court.

Developing the Schemes has already been planned as part of the Partnership Agreement with HM Court Service, and the links have already been made in the North West which gives a good basis on which to develop. This link with HM Court Service is also covered in Section 5.2 below.

We have identified the following schemes for expansion or development in order to meet need:

- Chester
- Crewe
- Northwich
- Runcorn
- Warrington
- Lancaster
- Blackpool
- Salford

We are inviting expressions of interest in delivering Housing Duty Possession Schemes to cover each of the Courts listed above. Smaller courts may be combined with schemes that cover a busier court.

3.4 Identify potential outreach locations

We are already aware of some outreach services through existing contracts, PIB Projects and CLS Development Fund projects.

We are working with a number of organisations in order to identify outreach opportunities and once these have been finalised will contact our suppliers in order to match the supplier with the outreach.

If any suppliers receive approaches with requests to provide outreach they are asked to let us know so that we can approve this, or identify alternative suppliers if the supplier who is approached is not the most appropriate.

3.5 Increase take up by clients

In addition to increasing supplier capacity and identifying outreach opportunities we are also working on ways to increase client take up of services in order to ensure that the increased capacity in contracts results in increased use of services by clients.

The key elements of our approach focus on:

- Improving signposting and referrals
- Direct marketing to clients and
- Training problem noticers

We will keep our suppliers informed of these developments as they take place.

4 Incentives and the CLS Development Fund

All matter starts granted under this plan will be guaranteed until April 2007. This means that we will not remove the extra matter starts even if your running rate is low, or reduce them in the next schedule.

Where you already have Matter Starts in the category concerned, the guarantee will therefore apply to them as well.

Where relevant to the particular initiative:

- We will also allow matter starts to be switched between priority categories of law in which suppliers have the SQM without seeking our authority.
- In priority areas we will also allow suppliers to self authorise additional matter starts up to an additional limit if demand proves higher than expected.
- We have already used the CLS Development Fund to develop existing suppliers and potential new suppliers, and will continue to do so to support expansion in supply. Examples of how the fund could be used include paying for training, recruitment or supervision, providing grants or loans to cover setup costs for a new service.

These are examples only and any supplier who is interested in expanding but who is concerned about meeting additional expenditure in order to do so should contact the Regional Office in order to check whether CLS Development Fund money could pay for this.

5 Contact

Any comments or queries should be addressed to:

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