

Civil Bid Rounds for 2010 Contracts

Ends on: 23 Jan 2009

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FINAL RESPONSE (CONFIDENTIAL)

Submitted by [Richard Lumley - Refugee Council](#) on **22 Jan 2009 11:31**

I am responding to this consultation as:

Please select one option from the list.

- | | |
|---|---|
| Individual Legal Aid Practitioner - solicitor, advisor or mediator (not on behalf of my organisation) | <input type="checkbox"/> |
| Solicitor, on behalf of my firm | <input type="checkbox"/> |
| Not-For-Profit Provider, on behalf of my organisation | <input type="checkbox"/> |
| Family Mediation Service (for profit or not-for-profit) | <input type="checkbox"/> |
| Non-Legal Aid Contracted Provider | <input type="checkbox"/> |
| Individual Barrister | <input type="checkbox"/> |
| Barrister on behalf of Chambers | <input type="checkbox"/> |
| National Provider Representative Body | <input type="checkbox"/> |
| Regional or Local Provider Representative Body | <input type="checkbox"/> |
| Client Representative Body | <input type="checkbox"/> |
| Member of the Public | <input type="checkbox"/> |
| Central Government | <input type="checkbox"/> |
| Local Government | <input type="checkbox"/> |
| Other Government | <input type="checkbox"/> |
| Member of Parliament | <input type="checkbox"/> |
| Judge | <input type="checkbox"/> |
| Other (please specify) | <input checked="" type="checkbox"/> Selected]
[As a human rights charity, independent of government, the Refugee Council works to ensure that refugees are given the protection they need.] |

What is your LSC Account Number

This will be in the format 'Number Letter Number Number Number Letter' - eg: 1Z457B

What is your LSC Bar Number

This will be five characters, starting with a digit

[]

1 - Family

Are there any areas of family work other than child abduction that should be procured separately?

Please select one option from the list.

Yes	[]
No	[]
Don't Know	[]

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

2 - Low Volume Categories

Are there any other areas within low volume categories that are so significantly distinct that it would be more appropriate to tender for this work separately from the rest of the category?

Please select one option from the list.

Yes	[]
No	[]
Don't Know	[]

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

3 - All

Do you agree with the types of services we intend to procure in each category of law?

Please select zero or more of the options in the list.

Family	<input type="checkbox"/>
Family mediation	<input type="checkbox"/>
Social welfare law	<input type="checkbox"/>
Mental health	<input type="checkbox"/>
Immigration and asylum	<input checked="" type="checkbox"/>
Low volume categories	<input type="checkbox"/>

If not, how should services be structured to ensure more integrated advice?

[We agree that it is desirable as far as possible to provide integrated advice but not at the expense of being over prescriptive in terms of numbers of new matter starts or the mix between immigration and asylum. Firms should be allowed to bid for what they can reasonably handle. We are concerned that the required expansion will have the effect of driving out small, but high quality suppliers and encourage larger firms who will concentrate on turnover at the expense of quality.]

4 - All

Do you agree with the types of civil legal aid service we will no longer procure?

Please select zero or more of the options in the list.

- | | |
|---|---|
| Debt only | <input type="checkbox"/> |
| Welfare benefits only | <input type="checkbox"/> |
| Housing only | <input type="checkbox"/> |
| Family private: domestic abuse only | <input type="checkbox"/> |
| Family private: finance only | <input type="checkbox"/> |
| Domestic abuse and finance only | <input type="checkbox"/> |
| Family private: children and finance only | <input type="checkbox"/> |
| Mental health: detained clients only | <input type="checkbox"/> |
| Mental health: non-detained clients only | <input type="checkbox"/> |
| MHRT work only | <input type="checkbox"/> |
| Non-MHRT work only | <input type="checkbox"/> |
| Immigration Removal Centres only | <input checked="" type="checkbox"/> Strongly agree |
| Consumer (other than the stated exceptions) | <input type="checkbox"/> |

If not, why?

5 - All

Is it reasonable that, in order to maintain integrated services, where contracts have been awarded on the basis of multiple categories (eg debt, housing and welfare benefits), work in all categories usually lapses where the minimum new matter start size per contract year has not been met?

Please select one option from the list.

- | | |
|------------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[See answer to Q6 - we believe there needs to be an element of flexibility within this specifically with regard to immigration and asylum. Firms may vary in their experience and catchment area. There should be scope to negotiate the balance of case starts and firms should not be required to meet hard and fast levels that could then jeopardise their contract. Failure to meet such targets should lead to a review not automatic termination of the contract.]

6 - All

Are the minimum new matter start sizes required set at the right level in each category?

Please select zero or more of the options in the list.

Family	<input type="checkbox"/>
Social welfare law	<input type="checkbox"/>
Mental health	<input type="checkbox"/>
Immigration and asylum	<input type="checkbox"/>
Low volume categories	<input type="checkbox"/>

If not, why - for example, is there a case for setting lower new matter start sizes in rural areas?

[Not able to give a tick box answer. We are concerned that the levels proposed appear arbitrary and inflexible. We understand that many well known and highly competent firms operate currently at well below the level of new starts proposed, and will therefore be faced with sudden expansion in a climate of great uncertainty or ceasing practising immigration law altogether. Our interaction with small immigration law firms leads us to suspect that the latter will be the common response with a corresponding impact on the quality of overall immigration advice.]

7 - All

Is the minimum supervisor to caseworker ratio set at the correct level?

Please select one option from the list.

- | | |
|------------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

7a

Are there, for example, some categories where processes are simpler, and as such require less supervision?

Please select zero or more of the options in the list.

- | | |
|------------------------|--------------------------|
| Family | <input type="checkbox"/> |
| Social welfare law | <input type="checkbox"/> |
| Mental health | <input type="checkbox"/> |
| Immigration and asylum | <input type="checkbox"/> |
| Low volume categories | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

8 - Debt

Are there any practical impacts on debt providers that will make the requirement to have an Approved Intermediary for Debt Relief Orders unachievable?

Please select one option from the list.

- | | |
|------------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

9 - Mental Health

Is Panel membership for advocates before the MHRT a reasonable requirement for Integrated Services A in high security hospitals?

Please select one option from the list.

Yes	[]
No	[]
Don't Know	[]

If not, what additional measures should we use to ensure appropriate expertise of MHRT work?

[**No RC answer**]

10 - Immigration & Asylum

Do you agree that requiring immigration providers to have at least one Level 2 to every two Level 1 caseworkers employed will help ensure that providers are structured to represent clients through the appeal stages of their case?

Please select one option from the list.

Strongly agree	[]
Agree	[]
Agree with reservations	[]
Neutral	[]
Disagree	[]
Strongly disagree	[]

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

11 - SWL / Mental Health / Immigration & Asylum

Is the Integrated Services A requirement to undertake Legal Representation in community care, housing, mental health and immigration and asylum the most suitable way to ensure that clients can access all levels of advice?

Please select one option from the list.

- | | |
|------------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

If not, what would be a better approach?

[**No RC answer**]

12 - Family

Do you agree that specifying referral to family support services for family contracts is the best way of addressing the support needs of family clients?

Please select one option from the list.

- | | |
|-------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

13 - Mental Health

Other than independent advocacy services, are there any other types of support service that the LSC can more closely specify that mental health providers should have links with?

Please select one option from the list.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>

If so, what are these?

[**No RC answer**]

14 - Mental Health

Given the limitations on competition for mental health services, is the LSC right to treat high security hospitals as separate procurement areas?

Please select one option from the list.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

15 - Immigration & Asylum

Do you agree with the approach in immigration and asylum to identifying areas of high demand (access points) and letting matter starts on this basis?

Please select one option from the list.

- | | |
|-------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[Cannot give a tick box answer. Clearly supply needs to reflect demand, but we are concerned that the planned access points appear to be exclusively based upon proposed UKBA activity in relation to dispersal. There remain considerable other demands (e.g. legacy cases, new claims) and likely future ones (e.g. status review at five years) for which there needs to be adequate provision. Much of the future demand will be in London.

We understand the rationale behind establishing wider procurement areas so that contracting will not be purely on a national basis and the desire for a mechanism to provide the means of ensuring distribution that reflects likely demand. It does not follow from this, however, that this approach needs to be unnecessarily rigid either with regard to the size or location of firms and their bids. Thus in accord with our response to question 3, we would not want to see smaller but highly competent firms forced to cease this work because they perceive the levels of risk involved in any required expansion as too great. Equally, we would not wish to see people being denied access to the services of a firm that had a known area of expertise in relation to their country of origin or the nature of their asylum claim, for example on the grounds of sexuality or gender specific persecution, simply because they did not have an office in the right area.

It does not appear to us that the overall broad brush objective of ensuring a wide spread of provision nationally needs to be micro managed by imposing such rigid and prescriptive rules on numbers of new cases or location of offices to the detriment of existing highly capable small suppliers.]

16 - Immigration & Asylum

Do you agree that a different approach to setting access points for London in immigration and asylum is necessary?

Please select one option from the list.

- | | |
|-------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[Given the geography and travel patterns of London this seems to be an unwieldy and impractical distinction likely to lead to anomalies. London should be treated as a whole.]

17 - All

Do you foresee any issues with the proposed definition of permanent and part time presence?

Please select one option from the list.

- | | |
|------------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[Cannot give tick box answer. Our primary concern is that suppliers are able to respond when people are placed in areas where supply is currently insufficient by for example working in our premises. This need might only emerge over time and may, for example, be the subject of a pilot project to assess demand and feasibility. RLC and IAS have responded to such needs in the past and we would want this possibility to continue.]

18 - Family / SWL

Does the type of presence proposed in a procurement area for family and social welfare law advice achieve the right balance of ensuring client access to service whilst being practical for providers?

Please select zero or more of the options in the list.

Family	<input type="checkbox"/>
Social welfare law	<input type="checkbox"/>

Please use this space if you wish to give any further information or explanation.

[No RC answer]

19 - Mental Health

Where a mental health provider has no permanent presence in a procurement area does an insistence on fee earners being based in that area ensure good access for both detained clients and those in the community?

Please select zero or more of the options in the list.

Detained clients	<input type="checkbox"/>
Clients in the community	<input type="checkbox"/>

If not, what should we specify in addition?

[**No RC answer**]

20 - Immigration & Asylum

Is requiring a permanent presence in at least one immigration and asylum access point, and a permanent or part time presence in each access point bid for, the best way to ensure access across procurement areas (Home Office regions) whilst maintaining a level of flexibility for providers?

Please select one option from the list.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>

Please use this space if you wish to give any further information or explanation.

[**See answers to Q15 and Q17. We would suggest that suppliers should have one permanent presence and show the ability to run a surgery or similar type arrangements in any other area that they bid for. We would see it as unnecessarily restrictive to require an actual office presence in each access point as this represents a significant financial risk in what is necessarily a fluid situation. Suppliers may be able to respond by running surgeries rather than committing to a permanent presence.**]

21 - Immigration & Asylum

In the award of UASC work, do you agree that we should favour providers with the shortest travel time to the Home Office Interview in the specialist local authority for which they are bidding?

Please select one option from the list.

- | | |
|-------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

If not, why not?

[Work with children is highly specialised and sensitive. Travel distance is not a criterion that should be used to decide which supplier is best equipped to provide an appropriate service. Furthermore the specialist local authorities that will be contracted to work with children remain unknown, lengths of contracts may differ from legal aid contracts and in any event many children will remain outside these authorities and continue to need legal services.]

22 - Low Volume Categories

Where a low volume category provider, other than in clinical negligence and personal injury, has no office in an area, what requirements should be placed on the provider in terms of facilities offered to clients and the marketing of their service?

[No RC answer]

22a

Is it appropriate to use video conferencing to provide face-to-face advice to clients where there is no local "access point"?

Please select one option from the list.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

23 - Immigration & Asylum

In immigration and asylum should the restrictions around undertaking the majority of work for clients in the procurement area extend to restricting providers in Wales from accessing clients in the South West and vice versa considering that the Home Office operates only one region covering both areas?

Please select one option from the list.

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/> [Selected]
Don't Know	<input type="checkbox"/>

Please use this space if you wish to give any further information or explanation.

[**We understand there are problems of supply in this region and that therefore there is the need to be flexible where procurement areas meet. Provision should reflect the realities of geography and travel - as opposed to rigid lines drawn on a map.**]

24 - Mental Health / Immigration & Asylum

Do you believe that mental health and immigration and asylum providers should be restricted to undertaking most of their work for clients from within the procurement area(s) bid for?

Please select zero or more of the options in the list.

Mental health	<input type="checkbox"/>
Immigration and asylum	<input checked="" type="checkbox"/> No

Please use this space if you wish to give any further information or explanation.

[Many immigration suppliers develop particular areas of expertise such as gender specific persecution, sexuality and trafficking. We do not believe that others should be deprived of access to this expertise.]

25 - Family

Do you agree with our proposed approach to setting certificated matter starts in family?

Please select one option from the list.

Strongly agree	<input type="checkbox"/>
Agree	<input type="checkbox"/>
Agree with reservations	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Disagree	<input type="checkbox"/>
Strongly disagree	<input type="checkbox"/>

Please use this space if you wish to give any further information or explanation.

[No RC answer]

26 - Housing

Bearing in mind the limits on the legal aid budget, is the initial 30% ceiling the most suitable way to calculate the HPDCS budget for 2010 onwards?

Please select one option from the list.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

27 - Mental Health / Immigration & Asylum / Low Volume Categories

Do you agree that in mental health, immigration and asylum and low volume categories we should move towards distributing new matter starts more closely to where clients are located?

Please select zero or more of the options in the list.

Mental health	<input type="checkbox"/>
Immigration and asylum	<input type="checkbox"/>
Low volume categories	<input type="checkbox"/>

Please use this space if you wish to give any further information or explanation.

[**Not able to give tick box answer. Clearly supply needs to reflect demand, but we are concerned that the planned access points seem to be exclusively based upon proposed UKBA activity in relation to dispersal. There remain considerable other demands (e.g. legacy cases, new claims) and likely future ones (e.g. status review at five years) for which there needs to be provision. Much of the future demand is likely to be in London.**]

28 - Immigration & Asylum

Do you agree with the proposed approach of holding back 10% of asylum new matter starts within London and the South East to facilitate the changing dispersal patterns?

Please select one option from the list.

- | | |
|-------------------------|---------------------|
| Strongly agree | [Selected] |
| Agree | [] |
| Agree with reservations | [] |
| Neutral | [] |
| Disagree | [] |
| Strongly disagree | [] |

Please use this space if you wish to give any further information or explanation.

[**See Q27. It is clearly desirable to hold a pool of new matter starts to allow flexibility but these should be a general pool not related to any particular region. As indicated in Q15 much future demand is likely to remain in London.]**

29 - Immigration & Asylum

Do you agree that asylum rotas should be open only to providers who have been awarded work in the access point where the rota operates?

Please select one option from the list.

- | | |
|-------------------------|---------------------|
| Strongly agree | [] |
| Agree | [] |
| Agree with reservations | [] |
| Neutral | [] |
| Disagree | [] |
| Strongly disagree | [Selected] |

If not, how can we ensure that asylum clients do not have to travel long distances based on the rota?

[It would seem unnecessarily restrictive to confine rota participants to bidders from within an access point. Within the procurement area would seem to be more appropriate (with some flexibility where procurement areas meet). We would also wish to see client choice maintained, as indicated in our response to question 15. People must be allowed to opt out of rotas if they wish and obtain the services of a supplier most able to advise them appropriately.]

One aim should of course be to minimise travel but this need not be a problem for the clients provided travel costs are met. Experience shows that people would far rather travel to obtain quality advice than simply opt for a nearby alternative. "Reasonable travel" might be travel within the procurement area with flexibility if expertise is further away.

The operation of rotas has been the source of considerable concern to the Refugee Council as the existing ones are ineffective in arranging legal advice in time for a substantive interview. What must not be allowed to happen is for the supply to be so restricted that there are delays in getting appointments to see a representative.

Experience at our Leeds Induction Service shows that clients are routinely interviewed by UKBA before having the opportunity to see their legal representative. In December 2008, of 22 cases for which we have the details 50% had not seen their legal representative at the time of their interview. The UKBA procedures are run to tight deadlines and it is imperative that any rota arrangements are able to react accordingly. If this requires the enabling and funding of travel this is far preferable to an individual not getting advice prior to an asylum interview.

We believe that the Legal Services Commission shares our view that it is in the interests of justice, and quality decision making, to ensure that asylum applicants have the benefit of quality legal advice at the earliest possible time and certainly prior to interview. Thus it should be a requirement on participants in any rota that they will see people in time for their interview. If this means in turn spreading the net wider and paying for travel then that is what is what we believe should happen.]

30 - Immigration & Asylum

Do you believe that a single adviser should be required to attend on the client throughout the life of the case, and that the best way to achieve this is requiring a single adviser to own UASC cases from start to finish?

Please select one option from the list.

- | | |
|-------------------------|-------------------------------------|
| Strongly agree | <input checked="" type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[It is especially important in children's cases to build up trust and this is best achieved by having a single adviser throughout the case. This should of course allow for flexibility in the event of absence and there should also be the possibility for a child to raise concerns independently of that adviser if for any reason they are not comfortable with them.]

31 - Immigration & Asylum

Do you agree that performing UASC work should be limited to advisers accredited to at least Level 2 of the Immigration and Asylum Accreditation Scheme?

Please select one option from the list.

- | | |
|-------------------------|-------------------------------------|
| Strongly agree | <input checked="" type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[]

32 - Immigration & Asylum

Do you agree with the mandatory requirement that all advisers who provide advice to UASC have obtained disclosure checks from the Criminal Records Bureau as a pre-requisite?

Please select one option from the list.

- | | |
|-------------------------|---------------------|
| Strongly agree | [Selected] |
| Agree | [] |
| Agree with reservations | [] |
| Neutral | [] |
| Disagree | [] |
| Strongly disagree | [] |

32a

If so, should this be at the enhanced level?

Please select one option from the list.

- | | |
|------------|---------------------|
| Yes | [Selected] |
| No | [] |
| Don't Know | [] |

Please use this space if you wish to give any further information or explanation.

[]

33 - Immigration & Asylum

Should there be an ongoing requirement by providers to ensure others who engage directly with UASC clients continue to pass Criminal Records Bureau checks?

Please select one option from the list.

Yes	<input checked="" type="checkbox"/> [Selected]
No	<input type="checkbox"/> []
Don't Know	<input type="checkbox"/> []

Please use this space if you wish to give any further information or explanation.

[It should be noted that this requirement is likely to result in increased costs for interpreters as they will seek to recover the costs incurred by obtaining Criminal Records Bureau checks. In order to ensure that children's needs are met consideration could be given as to whether these costs can reasonably be met by the LSC.]

Given that the supply of suitably checked interpreters may decrease as a result, a discussion needs to take place between the LSC and UKBA regarding necessary flexibility on the timescales for processing claims from children.

Criminal Records Bureau checks are but one part of the measures that can be taken by government to keep children safe from harm. The opportunities for providers and the interpreters used in children's cases to attend funded training to improve their understanding of the specialist and sensitive nature of the work plays an important part and is essential, particularly if interpreters will be required to pass the Criminal Records Bureau check.]

34 - Immigration & Asylum

Do you agree that a minimum of three years of experience of acting as a supervisor in the immigration category is the right measure of a higher level of supervision for UASC clients?

Please select one option from the list.

- | | |
|-------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

34a

Should supervision experience specifically relating to this client group be taken into account?

Please select one option from the list.

- | | |
|------------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[The more important consideration is that a supervisor has experience in children's immigration and asylum work as well as general supervisory experience.]

35 - Immigration & Asylum

Do you agree that in immigration and asylum, asylum should remain our priority and the marking of bids reflects this?

Please select one option from the list.

- | | |
|-------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

35a

Is this the correct approach for the South East also, which is not a Home Office asylum dispersal area?

Please select one option from the list.

- | | |
|------------|-------------------------------------|
| Yes | <input checked="" type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[Asylum is a matter of life and death and there must be adequate provision to ensure that those fleeing provision have quality advice regarding their protection.]

36 - All

Do you agree that the LSC needs to guard against bids to deliver services that will not have the capacity to do the work bid for?

Please select one option from the list.

- | | |
|-------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

36a

Do you think applying a maximum number of matter starts bid per FTE will assist in that?

Please select one option from the list.

- | | |
|------------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

37 - Mental Health

Do you agree with our proposed approach to allocating new matter starts for mental health services?

Please select one option from the list.

- | | |
|-------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

If not, what alternative approaches would be preferable?

[**No RC answer**]

38 - All

Do you think the proposed selection criteria for each category are the best way to differentiate between bids?

Please select zero or more of the options in the list.

- | | |
|------------------------|--------------------------|
| Family | <input type="checkbox"/> |
| Social welfare law | <input type="checkbox"/> |
| Mental health | <input type="checkbox"/> |
| Immigration and asylum | <input type="checkbox"/> |
| Low volume categories | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

39 - Family

Do you agree with the proposed selection criteria for distinguishing between mediation bids?

Please select one option from the list.

- | | |
|-------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

39a

If not, would another measure such as the number of outreach locations or the ratio of mediators to cases work better?

Please select one option from the list.

- | | |
|------------|--------------------------|
| Yes | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

40 - All

Do you agree with the proposal to remove experts' cancellation and administration fees from the scope of legal aid funding in all civil cases and to cap rates for experts' travel and waiting time?

Please select zero or more of the options in the list.

- | | |
|-------------------------|--------------------------|
| Cancellation fees | <input type="checkbox"/> |
| Administration fees | <input type="checkbox"/> |
| Travel and waiting fees | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

41 - All

Do you agree that change of name work should be made available only by telephone?

Please select one option from the list.

- | | |
|-------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

42 - All

Section 8 sets out our key proposals for changes to the Standard Terms for the Civil Contract 2010 [and the Crime Contract 2010]. Do you think we should make any other changes to the current Unified Contract (Civil and Crime) Standard Terms?

Please select one option from the list.

- | | |
|-----------------------|--------------------------|
| Yes - major revisions | <input type="checkbox"/> |
| Yes - minor revisions | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't know | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

43 - All

Do you agree with the consortia arrangements we propose?

Please select one option from the list.

- | | |
|-------------------------|-----|
| Strongly agree | [] |
| Agree | [] |
| Agree with reservations | [] |
| Neutral | [] |
| Disagree | [] |
| Strongly disagree | [] |

Are there any other categories of law eg family or immigration where we should allow consortia?

[**We do believe that smaller firms ought to be able to develop consortia arrangements should they wish to rather than be forced to expand inappropriately or close. However as outlined in our response to Q15 we do not believe it is in the interests of high quality immigration advice and representation to compel them to do so.]**

44 - All

Do you agree that these proposals allowing providers to apply for extra new matter starts without going through a bid round gives a reasonable amount of flexibility for providers while maintaining the principle of open competition for new work?

Please select one option from the list.

- | | |
|-------------------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Agree with reservations | <input type="checkbox"/> |
| Neutral | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly disagree | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

45 - All

Do you agree that contractual KPIs focusing on delivery of quality of work, value for money and access to clients are appropriate?

Please select zero or more of the options in the list.

- | | |
|-------------------|--------------------------|
| Quality of work | <input type="checkbox"/> |
| Value for money | <input type="checkbox"/> |
| Access to clients | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[We are concerned that the requirement to be successful in 40% of all appeals cases is to remain a contractual obligation, whereby failure to meet this can lead to cancellation of the contract. This is particularly of concern in relation to the Detained Fast Track and children's cases but also more generally will inevitably lead to suppliers playing safe and applying the merits test more rigorously than they should. Suppliers are likely to "cherry pick" cases and only take on those where the outcome is likely to be clear rather than seriously challenging difficult cases.

We are also concerned that small firms that do take the risk of expansion in such an uncertain environment (as indicated in question 15) should not pay the ultimate penalty of loss of contract for failure to meet their target but rather be subject to review and adjustment.]

46 - All

Would fixed payments based at fixed stages of a certificated case give providers better certainty of cashflow?

Please select one option from the list.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>

46a

Would a simpler process like this reduce providers' overall administrative costs on a case?

Please select one option from the list.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>

46b

Would there be any disadvantages?

Please select one option from the list.

- | | |
|---------------------------|--------------------------|
| Yes - major disadvantages | <input type="checkbox"/> |
| Yes - minor disadvantages | <input type="checkbox"/> |
| No | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

47 - All

What categories of law would be appropriate for a revised payment on account system?

Please select zero or more of the options in the list.

- | | |
|------------------------|--------------------------|
| Family | <input type="checkbox"/> |
| Social weflare law | <input type="checkbox"/> |
| Mental health | <input type="checkbox"/> |
| Immigration and asylum | <input type="checkbox"/> |
| Low volume categories | <input type="checkbox"/> |
| None | <input type="checkbox"/> |

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

48 - All

Should we limit the standard payments on account to 75% of average costs, in order to incentivise providers to submit final bills?

Please select one option from the list.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>

48a

If we are to pay more, say 100%, what alternative ways can we incentivise bill submission?

[**No RC answer**]

49 - All

Do you have any other suggestions for how we could better align payments to work accrued on civil certificated cases?

[**No RC answer**]

50 - All

Do you consider that the impacts on experts are justifiable in ensuring sustainable access to legal services for clients?

Please select one option from the list.

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Don't Know	<input type="checkbox"/>

Please use this space if you wish to give any further information or explanation.

[**No RC answer**]

51 - All

Do you have any comments on any prospective impacts of these proposals on clients or providers?

[**See Q 56**]

52 - All

Do you have any comments on any prospective impacts on clients or providers resulting from the introduction of a tolerance bar in actions against the police etc, education and public law?

[**No RC answer**]

53 - All

Do you have any comments on any prospective impacts on providers resulting from the introduction of a limit on the amount of payments on account that organisations may have?

[**No RC answer**]

54 - All

Do you think there will be an impact on clients and providers on the basis of sexual orientation or religion or belief?

Please select zero or more of the options in the list.

Sexual orientation	<input type="checkbox"/>
Religion	<input type="checkbox"/>
Belief	<input type="checkbox"/>

Please use this space if you wish to give any further information or explanation.

[**See Q 56**]

55 - All

Do you have any comments on the prospective impacts of these proposals on clients and providers on the basis of ethnicity, gender, age or disability?

[**See Q 56**]

56 - All

Do you have any comments on any prospective impacts of these proposals on small firms?

[We understand that many competent firms operate currently at well below the level of new starts proposed, and will be faced with sudden expansion in a climate of great uncertainty or ceasing practising immigration law altogether. They will also struggle to expand beyond their current location. Many of these firms will have developed specific areas of expertise, either in relation to a particular country or ethnic origin, or for example in relation to asylum claims based on gender or sexuality. We fear therefore that a highly prescriptive system favouring larger firms with a wide geographic spread will have a severe impact on such firms and deprive their clients of this expertise, resulting ultimately in refugees having their asylum claims inappropriately refused with the consequent impact that they will face return to a country where they face persecution and their lives are at risk.]

57 - All

Do you consider there to be any adverse impacts on clients or providers in rural communities in the proposals outlined in the consultation paper?

Please select one option from the list.

- | | |
|--------------------|--------------------------|
| Yes - large impact | <input type="checkbox"/> |
| Yes - small impact | <input type="checkbox"/> |
| No impact | <input type="checkbox"/> |
| Don't Know | <input type="checkbox"/> |

Is there anything more that you suggest the LSC does to take account of this group?

[No RC answer]

General Comments

Do you have any additional comments that are not covered in the questions asked in the consultation? If so, please enter any additional comments in the space below.

[**No RC answer**]

FOI Disclaimer

If you want the information that you provide to be treated as confidential, please be aware that under the Freedom of Information Act (FOIA) there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Commission.

[]

Online response feedback

How helpful did you find the option to respond online?

Please select one option from the list.

- | | |
|---------------------------------------|---------------------|
| Very helpful | [] |
| Helpful | [Selected] |
| No different to responding in writing | [] |
| Unhelpful | [] |
| Very unhelpful | [] |