



Procurement process for Criminal Legal Aid Services from October 2022 Frequently Asked Questions (FAQ)

Many questions will be answered by the information given in the Information for Applicants document (IFA), which is available on the Tenders page of our website:

<https://www.gov.uk/government/publications/crime-contract-2022-tender>

Where not defined in this FAQ document, capitalised terms are either defined in the IFA or in the Crime Contract (<https://www.gov.uk/government/publications/standardcrime-contract-2022>).

As set out at paragraph 6.2 of the IFA, the deadline for questions about the IFA or the tender was **23:59 on 7 November 2021** (note this is referred to as the “End date for supplier clarification messages” on the eTendering system). We are therefore unable to answer questions received after that deadline.

Questions that we consider to be of wider interest have been collated and answered centrally in writing to ensure that all potential Applicants have equal access to information. These questions and answers have been published in this FAQ document.

Technical Questions on how to use the eTendering system

There is a helpdesk to provide technical support to Applicants using the eTendering system. However, the helpdesk is unable to assist you with problems with Applicants own computer hardware or systems. For these types of issues Applicants should contact their usual IT support.

Questions for the helpdesk should be emailed to: help@bravosolution.co.uk. Alternatively, the telephone number for the helpdesk is 0800 069 8630 and lines are open from 8am to 6pm Monday to Friday.

The helpdesk will be accessible until the tender closes. However, we recommend that Applicants start to complete their Tender early so that they identify any areas in which they need technical support as soon as possible, as the helpdesk is likely to be very busy in the days leading up to the tender Deadline and the LAA cannot guarantee that queries received close to the tender Deadline will be dealt with in time.

The Deadline for receipt of Tenders is 5pm on Tuesday 30 November 2021.

Additional Question added 23 November 2021

Q.i. Our organisation has changed its name and we wish to reflect this in how our organisation appears within the eTendering system. We have contacted the eTendering system helpdesk but have not been given clear guidance on how to do this. Can you assist?

The LAA is unable to change the details organisations have used to register with the eTendering system and the helpdesk should be able to provide technical support to Applicants about how to operate the eTendering system. However, we have become aware that some Applicants, despite receiving technical support, remain unable to change their details on the system.

Applicants with a current eTendering system registration that is not up to date and that remain unable to change their details on the eTendering system can register for a new account with their correct details and submit their Tender through this new account if they wish.

Alternatively, Applicants can continue to use their existing eTendering account but must ensure that when completing and submitting the Selection Questionnaire that information relating to their organisation is accurate and that Applicants bid as the contracting entity that will be delivering the Contract Work, particularly when responding to question A.1.

General

Q.1. I currently have a Crime contract. Do I need to submit a tender to be able to deliver work under the 2022 Standard Crime Contract?

Yes, in order to deliver Crime Contract Work from 1 October 2022 organisations must submit a Tender through the eTendering system and be awarded a contract through this procurement process. This includes organisations who currently hold a 2017 Standard Crime Contract.

As set out at paragraph 1.7 of the Information For Applicants (IFA), this procurement process is open to any interested party able to meet the LAA's requirements.

More information on how Applicants submit a tender can be found in the IFA, which is available at <https://www.gov.uk/government/publications/crime-contract-2022-tender>

Q.2. What comprises a complete tender?

Information on how Applicants submit a tender can be found in the IFA, which is available at <https://www.gov.uk/government/publications/crime-contract-2022-tender>

As set out at paragraph 5.1 of the Information For Applicants (IFA) a Tender will consist of a Response made through the eTendering system to both the Selection Questionnaire (SQ) **and** the 2022 Standard Civil Contract Invitation to Tender (ITT).

As set out at paragraph 5.4 the SQ can be found in Project 133 at ITT 701 'Selection Questionnaire for 2022 Standard Crime Contracts' in the eTendering system.

As set out at paragraph 5.15 of the IFA, the ITT can be found at ITT 702 - '2022 Standard Crime Contract Invitation to Tender' in the eTendering system.

Paragraph 5.16 outlines that the information which Applicants will be required to submit will depend on the Class(es) of work bid for and whether Applicants intend to apply to join Duty Schemes.

Q.3. I wish to bid to deliver Duty Work from two Offices. Do I need to bid for two contracts?

No, in accordance with paragraph 1.9 of the Information For Applicants (IFA), Applicants may only Tender for and, if successful under this procurement process, be party to a single Crime Contract.

As set out at paragraph 5.28 of the IFA, an Applicant's Duty Information Form(s) must include the details of each Office from which they are applying to join Duty Schemes.

Q.4. We are an organisation with 3 offices but are looking to split the organisation and each bid for separate contracts in this tender.

i. Is there any barrier to each of the new firms identifying under different but similar names?

ii. Can each office retain their current LAA account numbers if successful, as independent organisations, under the new tender?

Clause 6.7 of the 2022 Standard Crime Contract Standard Terms sets out details of the restrictions on how contracting entities may name or describe their organisations. Applicants may wish to check with their intended Relevant Professional Body to ensure that there are no other restrictions which may apply.

If an organisation is intending to bid as a new legal entity, it must bid on this basis.

LAA Account Numbers are assigned to specific organisations and cannot be transferred unless the entire current contract has been novated by the LAA to a new single organisation.

Applicants will need to apply for a new LAA Account Number by completing and returning an AC1 form and supporting documents, in accordance with paragraph 8.15 of the Information For Applicants.

Q.5. I am considering moving my office. How do I find out whether the new location has the same Duty Scheme eligibility as my current office?

As set out at paragraph 5.20 of the Information For Applicants (IFA), Applicants must follow the process set out in the diagram at paragraph 5.22 of the IFA to correctly identify which Duty Schemes they are eligible to join based on their Office location.

Q.6. Who is able to make a declaration when submitting a Tender on behalf of an Applicant?

As set out at paragraph 10.7 of the Information For Applicants a Tender comprising of a Response to the Selection Questionnaire (SQ) and the Invitation to Tender (ITT) must be authorised by one of the following:

(a) the Compliance Officer for Legal Practice (COLP) or the individual intending to be the COLP where the Applicant is or intends to be authorised by the Solicitors Regulation Authority (SRA); or

(b) the Head of Legal Practice (HOLP) or the individual intending to be the HOLP where the Applicant is or intends to be authorised by the Bar Standards Board (BSB); or

(c) the Compliance Manager (CM) or the individual intending to be the CM where the Applicant is or intends to be authorised by CILEx Regulation (CILEx); or

(d) where the Applicant is not (and will not be) authorised by the SRA, the BSB or CILEx, a member of Key Personnel who either

(i) has decision and / or veto rights over decisions relating to the running of the Applicant; or

(ii) has the right to exercise, or actually exercises, significant influence or control over the Applicant.

If an Applicant is authorised by the SRA, for example, the COLP must therefore make the declarations on both the SQ Response and the ITT Response.

Q.7. I am considering tendering to deliver work at X offices. If I do so and later decide not to proceed with one of those offices, will this have any impact on my other bids?

No, if an Applicant chooses not to proceed with one or more of its Individual Bids during the procurement process, this will not impact on the Applicant's ability to continue with its other Individual Bids.

Applicants should inform the LAA where it wishes to withdraw either from the procurement process as a whole or from any of its Individual Bids through one of the eTendering message boards relating to this procurement process.

Q.8. Please confirm if there are any objections to a Solicitor being a Director in two separate legal entities that are both applying for new 2022 crime contracts as part of the crime tender process.

As set out at paragraph 1.8 of the Information For Applicants (IFA), the LAA will only contract with single legal entities (including individuals who are sole traders). In addition, paragraph 10.16 of the IFA confirms that in submitting its Tender, the Applicant acknowledges the fact that Applicants may be party to no more than one 2022 Standard Crime Contract.

The 'Applicant' refers to the legal entity which will hold the contract and not individuals relating to that Applicant organisation (unless a sole trader) and so these provisions do not preclude individuals being owners of, or related to, more than one legal entity.

Selection Questionnaire (SQ)

Q.9. One of our members/partners intends to retire after the tender deadline but before the contract start date. Should we include the retiring partners when completing the Selection Questionnaire (SQ) and when should we tell the LAA about a change in our corporate structure or constitution?

As set out in paragraph 1.11 of the Information For Applicants (IFA), Applicants must bid as the contracting entity that will be delivering Contract Work. Applicants must therefore respond to the questions in the SQ which describe the entity which will be delivering Contract Work.

In accordance with paragraph 1.12, where Applicants intend to change the legal status and/or the constitution of their organisation which amounts to a material constitutional change (such as those set out at paragraph 1.13 of the IFA) following the submission of their Tender, they must notify the LAA via one of the eTendering message boards for this procurement process as soon as reasonably practicable.

Examples of events which are considered material constitutional changes are set out at paragraph 1.13 of the IFA and include any change in, or any changes which in aggregate result in the identity of more than one third in number of the individual partners or Members of a limited liability partnership.

At a minimum, Applicants must notify us on, or within 14 days of any material constitutional change that affects or might affect them, to request the LAA's consideration of the same.

Q.10. My organisation is both a Limited Liability Partnership (LLP) and an Alternative Business Structure (ABS). How should I respond to questions in the Selection Questionnaire around intended trading status?

An Applicant's trading status refers to the legal entity through which the Applicant intends to undertake Contract Work. If an Applicant is also an ABS, this relates to their regulatory status.

Where an Applicant is both an LLP and an ABS, Applicants should select 'Limited liability partnership' in response to question A.4.i and 'Yes' in response to question A.4.iii.

Q.11. We are in the process of looking into the possibility of applying to become a licensed body instead of an authorised body which we currently are.

As we have not yet applied and sent off the SA1 form do we need to select 'No' in the answer to question A.4.iii or 'Yes' as we might be a Licensed body by October 2022?

A. As set out in paragraph 1.11 of the Information For Applicants (IFA), Applicants must bid as the contracting entity that will be delivering Contract Work. Applicants must therefore respond to the questions in the Selection Questionnaire (SQ) which describe the entity which will be delivering Contract Work. This includes where an Applicant intends to become a licensed body for the purposes of delivering Contract Work.

In accordance with paragraph 10.34 of the IFA, where a material change occurs to the Tender information submitted by an Applicant, including issues relating to any current contract the Applicant holds, the Applicant must inform the LAA using the eTendering message boards for this procurement process. This could include instances where Applicants bid on the basis of becoming an ABS but subsequently decide not to do so.

Applicants should note that in accordance with paragraph 2.4 of the IFA, to be awarded a Crime Contract Applicants must have been granted appropriate authorisation by a Relevant Professional Body regardless of whether they are also a licensed body.

Q.12.i. Our organisation has salaried directors who are listed on Companies House as People of Significant Control but who have no ownership in the business. Do I need to list them in response to question A.5 of the SQ?

Q.12.ii. Our corporate structure as a Limited Liability Partnership (LLP) includes 7 individuals and a Limited Company which is made up of those 7 individuals. How do we respond to question A.5 of the SQ?

Q.12.iii. We are a partnership consisting of two partners with a 50/50 partnership share. We are not an LLP. How do we respond to A.5?

Question A.5 of the Selection Questionnaire (SQ) requires Applicants to name any individual and/or organisation who meets the conditions for being a Person of Significant Control (PSC) as set out in the question.

Applicants who are UK companies and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Limited companies and LLPs will need to keep a PSC register and must file the PSC information with the central public register at Companies House in accordance with the requirements.

If the Applicant is not a limited company or LLP, they should answer N/A to question A.5.

Q.13. What is the significance of the 6 April 2016 in question A.5?

On 6 April 2016, the People of Significant Control regime came into force which requires all companies to keep a register of the people who can influence or control a limited company.

Q.14. Our People of Significant Control (PSC) were registered with Companies House after 6 April 2016. What date should I provide in response to A.5?

Where an individual became a PSC prior to 6 April 2016, they should provide this date (6 April 2016).

Where an individual became a PSC after 6 April 2016, they should provide the date they became a PSC.

Q.15. When providing information in response to A.5 of the Selection Questionnaire (SQ):

i. is it sufficient for to provide the month and year (without actual day) for a Person of Significant Control's (PSC) date of birth as publicly listed on Companies House records?

ii. is it sufficient to list London as the part of the UK where the PSC lives, without providing a London Borough, for example?

Applicants may provide the month and year in respect of details of the PSC's date of birth and details of the town or city in which they usually reside in respect of details regarding the country or part of the UK where the PSC usually lives.

Q.16. In response to question A.5, can we use our office as the service address, or does this require a home address?

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Applicants may choose to use their office address as their service address in response to question A.5.

Q.17. Question A.5 the Selection Questionnaire (SQ) asks for details of People of Significant Control (PSC). Whilst we are a limited liability partnership (LLP), we do not meet the criteria to have PSCs. However, we will need to provide the LAA with a personal guarantee and indemnity agreement. Should we provide the names of our LLP members at question A.5?

Yes, where Applicants are companies or LLPs but do not meet the criteria to have a People of Significant Control register because none of the owners have more than 25% of shares and/or voting rights, they will still be required to provide details of individuals who will sign the personal guarantee and indemnity agreement. They should use their response to question A.5 to provide those details

Q.18. As a limited liability partnership (LLP), we have previously been required to list our member partners as part of the Selection Questionnaire (SQ). Could you please confirm that this is not required for this SQ, and that you will be asking for this information as part of the verification, when we will be required to submit completed personal guarantees and indemnities?

As set out at question A.5, of the SQ, Applicants are required to confirm the People of Significant Control (PSC) within the organisation. Where the Applicant is required to provide a Personal Guarantee and Indemnity (e.g. where it is a LLP or limited company), individuals named in response to this question will be required to sign the indemnity on behalf of the Applicant.

Q.19. We have attempted to provide details regarding our limited liability partnership (LLP) members but the text limit on Question A5 prevents us from providing details of all our LLP members. Will this affect our tender and if so, how can we provide details of the remaining members?

Where the details of all of the individuals to be included in response to A.5 cannot be completed in the text box provided, Applicants should clearly confirm that further details are required to be provided in response to this question.

The LAA will contact the Applicant at a later date to request further information in relation to this question.

Q.20. Question A.6.i of the Selection Questionnaire (SQ) asks about predecessor bodies. We have become an Alternative Business Structure (ABS) in the last 5 years but we do not think this is a change in the firm's legal status, as we remain a limited liability partnership (LLP). Should we answer 'Yes' or 'No?' to this question? We have previously told the LAA about this in any case.

Question A.6 is intended to capture any changes to an Applicant's status in the five years preceding the date of its SQ Response submission.

Although it is not included in the non-exhaustive list provided in the question, this could include becoming an ABS where doing so coincided with a change of legal status.

Applicants should also note that in accordance with paragraph 10.16 of the Information For Applicants, in submitting a Tender Applicants acknowledge that this procurement process is entirely independent of any other procurement processes that have been run by the LAA or any predecessor organisation. Accordingly, no previous conduct or decisions of the LAA can be relied upon by the Applicant as setting any precedent for the LAA's conduct in respect of this procurement process.

Q.21. We have added or changed the directors/members of our organisation. Do we need to provide details of this in response to question A.6 (predecessor bodies)?

Applicants should provide details of predecessor bodies where the Applicant has been subject to any change of its status in the five years preceding the date of its Selection Questionnaire Response submission only if the change of directors/members coincided with a change in its legal status.

Q.22. We acquired another business in the last 5 years and as such we are the successor practice. Do we need to disclose this in our response to question A.6?

Although it is not included in the non-exhaustive list provided in question A.6, the acquisition of another organisation could have resulted in a change to the Applicant's legal status. This information should be set out in the Applicant's response to question A.6 only if the acquisition resulted in a change in its legal status.

Q.23. We have changed our company name in the last 5 years. Do we need to disclose this in our response to question A.6?

A change of name which was not associated with a change to the legal status of the Applicant organisation does not need to be disclosed, however, if the change was associated with a change in legal status that change should be set out in response to question A.6.

Q.24. To what period do the questions set out at Section C of the Selection Questionnaire (SQ) cover? For example, do I need to tell you about events from 11 years ago?

As set out in the notes supporting the completion of Section C of the SQ, unless a different time period is specified in any question, Applicants should indicate whether any of the situations have applied to the Applicant or any of its Key Personnel within the last 3 years.

Q.25. In response to question B.2, should I answer 'Yes' where I have a Time To Pay arrangement with HMRC?

Question B.2 of the Selection Questionnaire relates to breaches of obligations relating to the payment of taxes or social security contributions that has been established by a judicial or administrative decision. This does not include where you have reached a Time To Pay agreement with HMRC.

Q.26. In respect of question C.2, please can the LAA provide clarification regarding 'contingent liability legal aid contracts'? Is this different from the current live contracts that are ongoing and have ongoing Unrecouped Payments on Account?

Contingent liability legal aid contracts are those contracts or schedules which an organisation has previously held but are no longer active and that may still have outstanding matters.

Q.27. I have had an LAA contract termination overturned at a Contract Review Body. Do I need to answer 'Yes' to question C.6?

No, question C.6 of the Selection Questionnaire relates to circumstances where Applicants or members of Key Personnel have shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract (**other than with the LAA**) [emphasis added]. Circumstances relating to terminations of LAA contracts, where applicable, should be set out in response to question C.7.

Q.28. I have had an LAA contract termination overturned at a Contract Review Body. Do I need to answer 'Yes' to question C.7?

No, Applicants should only answer 'Yes' to question C.7 where the Applicant or any of its Key Personnel had any contract with the LAA terminated in whole or in part within the last five years (not restricted to crime contracts), or is it currently in receipt of a notice to terminate.

Q.29. I withdrew from delivering Crime Contract Work from one Office under the 2017 Standard Crime Contract. Do I need to answer 'Yes' to question C.7 regarding the termination of LAA Contracts?

Question C.7 of the Selection Questionnaire relates to situations where Applicants have had a contract with the LAA terminated for fault or are in receipt of a notice to terminate.

Where Applicants have chosen to withdraw from delivering Contract Work at a particular Office, or Categories or Classes of Work, and have not received a notice to terminate from the LAA, they are not required to answer 'Yes' to this question.

Invitation To Tender

Q.30.i. I wish to tender to deliver Duty Work from some Offices and Own Client Contract Work from others. Do I need to include all of those Offices in my tender?

Q.30.ii. If we are applying for an Office with a Duty Scheme attached and then a separate office with only Own Client work and no duty slots, how should we response to question A.2.i of the Invitation to Tender (ITT)?

As set out at 5.16 of the Information For Applicants (IFA), all Applicants will be required to confirm which Class(es) of Work they wish to bid for from **each** [emphasis added] Office from which they wish to deliver Contract Work in order to submit an ITT Response.

In respect of the Criminal Investigations and Criminal Proceedings Class of Work, in accordance with paragraph 5.17 Applicants may bid to deliver:

- i. Criminal Investigations and Criminal Proceedings Contract Work via Duty Schemes for Offices eligible to join Duty Schemes in London boroughs. This will also allow Applicants to undertake Own Client Contract Work from those Offices; and/or

ii. Criminal Investigations and Criminal Proceedings Contract Work via Duty Schemes for Offices eligible to join Duty Schemes outside of London boroughs. This will also allow Applicants to undertake Own Client Contract Work from those Offices; and/or

iii. Criminal Investigations and Criminal Proceedings Contract Work which is exclusively Own Client Contract Work for Offices where Applicants are not also applying to join Duty Schemes.

When responding to question A.2.i of the ITT, Applicants should choose all of the options which apply.

Q.31. When do I need to complete an Additional Office Information Form?

Additional Office Information Forms are only required to be completed and submitted as part of an ITT Response where an Applicant is bidding to deliver Contract Work from more Offices than are catered for in the Invitation to Tender.

Under the Criminal Investigations and Proceedings Class of Work, Applicants can bid to deliver Contract Work via Duty Schemes and/or Own Client Contract Work. As set out in paragraph 5.28 of the Information For Applicants (IFA), where Applicants are applying to join Duty Schemes, an Applicant's Duty Information Form(s) must include the details of each Office from which they are applying to join Duty Schemes.

As set out at paragraph 5.36 of the IFA, where Applicants are bidding to deliver Own Client Contract Work either in addition to those Offices from which they are applying to join Duty Schemes or who are bidding to deliver Own Client Contract Work only, an Additional Office Information Form will be required to be submitted where they wish to deliver Contract Work from more than the 10 Offices that are catered for in the eTendering system.

As set out at paragraph 5.39 of the IFA, where Applicants are bidding to deliver the Prison Law Class of Work, an Additional Office Information Form will be required to be submitted where they wish to deliver Contract Work from more than the 5 Offices that are catered for in the eTendering system.

As set out at paragraph 5.43 of the IFA, where Applicants are bidding to deliver the Appeals and Reviews Class of Work, an Additional Office Information Form will be required to be submitted where they wish to deliver Contract Work from more than the 5 Offices that are catered for in the eTendering system.

Duty Information Form(s) (DIF)

Q.32. What is a Duty Information Form (DIF) and where can I find them?

The DIF will collect Office details and eligibility for Duty Schemes and forms part of an Applicant's complete Invitation to Tender (ITT) Response where an Applicant wishes to deliver Duty Work.

In accordance with paragraphs 5.19 and 5.20 of the Information For Applicants (IFA), to apply to join Duty Schemes an Applicant will need to submit either one or two DIFs depending on the Office location (the London and/or Non-London DIF). Applicants must

follow the process set out in the diagram at paragraph 5.22 of the IFA to correctly identify which Duty Schemes they are eligible to join based on their Office location.

As set out in paragraph 5.24 of the IFA, the DIFs can be accessed from the 'Buyer Attachments' section of the ITT in the eTendering system.

Q.33.i. I am a new organisation and intend to bid for a Crime Contract, but I don't have an office yet. Can I complete a Duty Information Form (DIF) when I don't know my office address yet? For example, is it sufficient to complete the DIF as follows:

- No & Street Name: TBC
- Town/City: N/A - TBC
- Postcode: EN5 4
- London Borough: Barnet
- New Office (Box ticked)
- LAA Account Number (Blank)?

Q.33.ii. We do not yet have an office address or postcode but we know the postcode sector in which we would like our office to be located to ensure we get the relevant duty schemes. I note that the Duty Information Form (DIF) is able to generate the correct duty schemes set out in the Duty Postcode Tool if you input a postcode sector (i.e. an incomplete postcode) and in London the relevant London borough into it. Therefore, is it acceptable for us to enter our Postcode sector in the DIF instead of a complete postcode (we don't have one yet). That way we can provide the full address during verification.

As set out at paragraph 1.27 of the Information For Applicants (IFA), Applicants may tender to join Duty Schemes from their Office(s), with Duty Scheme eligibility determined by the location of the Office.

To determine the Duty Schemes for which an Office is eligible to apply to join, Applicants must follow the process at set at paragraph 5.22 of the IFA.

As set out at paragraph 5.33, Eligibility for a Duty Scheme(s) is determined by the 'postcode sector' in which the Office is located. The postcode sector is the first half of the postcode and the first number of the second half of the postcode, for example, for the postcode NG1 2AS the postcode sector is NG1 2. If insufficient postcode details are given, the DIF(s) will not be able to identify which Duty Schemes that postcode is eligible for. As set out at 5.31 of the IFA, Applicants are solely responsible for ensuring the relevant DIF(s) is fully and accurately completed and submitted accordingly.

In completing the relevant DIF(s) Applicants are required to provide information in the address and town sections of the DIF. Where an Applicant does not yet have an Office but knows which postcode sector it intends to have that Office, it may complete the address and town sections with, for example, "TBC". Where Applicants takes this approach, they will be required to provide a full Office address and postcode by the Verification Date. This also applies where current providers wish to bid to deliver Contract Work from new Offices.

Applicants must also have regard to the information set out at paragraphs 3.11 – 3.13 of the IFA in respect of Office moves and the potential impact on Duty Scheme eligibility.

Q.34. On London Duty Schemes, Duty Solicitors Engaged by Applicants may only select two adult magistrates' court Duty Schemes on which they may appear, as well as an associated youth court but there doesn't appear to be a place for me to indicate this on the London Duty Information Form (DIF). How do I do this?

As set out at paragraph 3.5 of the Information For Applicants, Applicants wishing to apply to join London Duty Schemes should note that the selection of individual magistrates' courts will be requested following Contract Award on the CRM12, and not on the DIF, submitted as part of their Invitation to Tender Response. This is confirmed again in the process set out at paragraph 5.22 and on the instructions page of the relevant DIF.

Q.35. We have completed and uploaded our Duty Information Form (DIF) into the eTendering system. When we have checked our DIF has properly uploaded, it looks blank. What can we do?

Applicants will be using different IT systems and internet browsers to access and complete their Tenders and the LAA is unable to provide assistance in identifying if Applicants are encountering any issues such as saving the DIF(s).

When downloading the DIF(s) from the eTendering system, we would recommend that Applicants save the DIF(s) with a unique file name onto their own system in order to ensure that they are completing and uploading the correct and completed DIF(s) as part of their Invitation to Tender Response and not through the eTendering system message boards or any other medium.

As set out at 5.31 of the Information For Applicants, Applicants are solely responsible for ensuring the relevant DIF(s) is fully and accurately completed and submitted accordingly.

Supervisor Requirements

Q.36. We do not currently employ someone who meets the Supervisor requirements. Will we be awarded a Contract if we cannot meet this requirement? How can we ensure we meet it?

All Applicants must Employ at least one Full Time Equivalent Supervisor in the Class(es) of Work for which they tender, under either Route A or Route B, by the Verification Date of 23:59 on 27 March 2022, as set out in section 8 of the IFA. The number of hours of direct casework, which may include direct (documented) supervision, that a Supervisor must undertake in the Class of Work that they will be supervising may include privately funded work.

Q.37. Do I need a separate supervisor for each branch Office or could a Crime supervisor supervise multiple Offices of the same firm?

As set out at paragraph 2.8 of the 2022 Standard Crime Contract Specification, a Supervisor may act as a Supervisor at a maximum of two Offices for the same organisation. Applicants may also wish to review the requirements set out in the Contract which can be found at: [Standard Crime Contract 2022 - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Q.38. The documentation states that one supervisor can supervise both prison law and appeals and reviews at a ratio of 1:4, if the individuals they are supervising do both prison law and appeals, do they count as 2 people or 1 person?

Where a Full Time Equivalent (FTE) Supervisor supervises in both the Prison Law and the Appeals and Reviews Classes of Work and supervises at least one Designated Fee Earner or Caseworker who undertakes work in the Appeals and Reviews Class of Work (either wholly or in combination with Prison Law work), they may supervise up to a maximum four individuals (who each may undertake Prison Law and Appeals and Reviews matters). Paragraph 2.30(b) of the 2022 Crime Contract Specification confirms a FTE Supervisor who undertakes supervision in Prison Law and any other Class of Work (such as Appeals and Reviews) may supervise a maximum of four Designated Fee Earners or Caseworkers.

Q.39. The Information for Applicants (IFA) confirms that a Full Time Supervisor may supervise two different offices, as long as they only supervise a maximum of 4 fee earners in total from both offices. However, at point 3.5 of the IFA, it states that a duty solicitor may only apply for two Magistrates Court schemes. Can we ask how it would work for our supervisor who supervises two offices? Can they apply for two Magistrates Court per office or only MC schemes from one office?

In addition to the above questions, at point 3.9 – it states that a duty solicitor may only apply for duty schemes from a single office. However, in our case the full-time supervisor is a duty solicitor. Can he apply for duty schemes covering both offices, or must he choose duty schemes from only one of them?

Supervisor requirements and Duty Scheme eligibility are separate issues.

Where an individual meets the requirements to be both a Supervisor and a Duty Solicitor, they, as Supervisor, may supervise at a maximum of two Offices (as set out in paragraph 2.8 of the 2022 Standard Crime Contract Specification).

As a Duty Solicitor, they may only apply for membership of a Duty Scheme(s) from a single Office (as set out in paragraph 3.9 of the IFA and paragraph 6.6 of the 2022 Standard Crime Contract Specification). The individual must meet the Duty Solicitor requirements at the Office from which they apply for membership of a Duty Scheme(s) and may only join the Duty Scheme(s) eligible for that Office.

Paragraph 3.4 of the IFA sets out that Crime Contract holders on Duty Schemes will be allocated Duty Slots on both the police station Duty Scheme Rota and magistrates' court Duty Scheme Rota in that area. However, as set out in paragraph 3.5 of the IFA, special rules apply to London Duty Schemes in which Duty Solicitors may only join up to two magistrates' court Duty Schemes. For London Duty Schemes, a Duty Solicitor must select as part of the CRM12 process the two magistrates' court schemes from the list of eligible magistrates' court schemes for the Office from which they apply for Duty Scheme membership. Applicants bidding to deliver Contract Work via Duty Schemes should follow the process set out at paragraph 5.22 of the IFA to identify their Duty Scheme eligibility.

Q.40. I dealt with an own client in the morning and it was adjourned to the afternoon for sentencing for a Pre-sentence report with mitigation on both occasions. It is my understanding this is a different "session" so I can use this as two Court hearings when completing my Supervisor Standard and Declaration Form?

Should I deal with a client on one date and the same case be adjourned to another date (for instance a Trial or a sentencing hearing) and I represent him/her on both dates, can I use this as two different hearings for Supervisor Standard and Declaration Form?

Paragraph 2.21(d) of the 2022 Standard Crime Contract Specification requires Supervisors in the Criminal Investigations and Proceedings Class of Work to demonstrate that they have undertaken in the previous 12 months:

- i. a minimum of 20 magistrates' court Representations and advocacy (which may include Representation of a Client during a magistrates' court Duty session with one session counting as one Representation only); or
- ii. a minimum of 10 magistrates' court Representations and advocacy and five Crown Court Representations and advocacy.

Supervisors will be required to demonstrate they meet one of the above requirements in the relevant Supervisor Declaration Form, in which they must record separate case examples of Representations and advocacy. Multiple hearings across a single set of proceedings may not be relied upon as separate examples. Representation of Clients during a magistrates' court Duty session will count as one Representation only.

Verification Requirements

Q.41. We are intending to expand our business by opening a new Office. When must we have the Office ready; at the time of tender, by the Verification Date or by the Contract start Date?

What specific verification will be required and when? For example, will we need to provide you with a copy of our lease or proof of ownership as part of the verification process?

Would it be sufficient to pass verification if we provided you with the address and postcode for an office in a serviced office which met the requirements but where we may not have chosen the specific unit by the Verification Date?"

Applicants bidding to deliver Contract Work via Duty Schemes should note the contents of paragraph 5.33 in respect of completing and submitting their Tender.

As set out at paragraph 8.6 of the Information For Applicants (IFA), to verify that an Office meets the Office requirements in the Crime Contract, Applicants will need to provide details of their Office address(es) and postcode(s) by 23.59 on 27 March 2022.

Applicants will not be required to provide evidence of occupation of the Office. However, the LAA's Contract Management team will confirm that Offices meet the contract requirements. Once the Contract has commenced, where Providers are not able to demonstrate that they meet the requirements, their Contract may be terminated.

As set out at paragraph 8.15 of the IFA, where Applicants intend to open an Office to deliver the Contract Work tendered for, in addition to confirming the Office address and postcode,

they will be required to complete and return an AC1 form and supporting documents so the new Office can be allocated a LAA Account Number and set up on the LAA systems.

Q.42 Please confirm that for new applicants, legal entity SRA numbers are not required for the tender deadline of 5pm 30th November 2021. We understand that they must be provided as part of the verification activity by the deadline of 23:59 on 27 March 2022.

As set in the response options to question A.9 of the Selection Questionnaire, Applicants can indicate they are not currently authorised by a Relevant Professional Body when submitting their Tender.

In accordance with paragraph 8.6 of the Information For Applicants, Applicants will be asked to provide confirmation of their SRA, BSB or CILEX Number by the Verification Date of 23.59 on 27 March 2022.

Contract queries

Q.43. After the commencement of the 2022 contract, will providers be able to add new duty Solicitors to rotas and/or move existing duty solicitors from one rota to another at the beginning of each new rota cycle during the currency of the contract as they can under the 2017 contract?

Yes. In accordance with paragraphs 6.35 – 6.39 of the 2022 Standard Crime Contract Specification, Providers will be able to add or amend the details of their Duty Solicitors during the term of the Contract.

Q.44. Does the contract allow us to do Own Client work in an area where we do not have an office and are not on the Duty Scheme but a client wishes to instruct us? For example, we do not have an office in North Shields but client living there wishes to instruct us on a case listed at North Tyneside Magistrates.

There are no restrictions under the 2022 Standard Crime Contract on location in relation to Own Client Work. As long as a Provider has an Office in England or Wales, they can undertake Own Client Work anywhere.

Q.45. I am looking to bid to join the Duty Scheme for [town A]. Will I be allocated an equal share of Duty Slots if I join this Scheme?

The Duty Slots on the Police Station and magistrates' court Rotas will be split broadly equally between the Duty Solicitors on the Duty Scheme (see paragraph 6.5 of the 2022 Standard Crime Contract Specification and paragraph 1.28 of the Information For Applicants (IFA)). The LAA does not guarantee the volume of work a Duty Solicitor will receive from the individual Duty Slots allocated to them (see paragraph 1.26 of the IFA).

