



Legal Aid
Agency

Procurement process for 2024 Standard Civil Contract from September 2024- Frequently Asked Questions (FAQ)

Many questions will be answered by the information given in the Invitation To Tender documents which are available on the Tenders' page of our website:

Where not defined in this FAQ document, capitalised terms are either defined in the relevant ITTs or in the 2024 Contract (<https://www.gov.uk/government/publications/standard-civil-contract-2024>).

As set out at paragraph 2.2 of the SQ ITT, the deadline for questions about the ITTs or the Tender was **23:59 on 26 September 2023** (note this is referred to as the "End date for supplier clarification messages" on the eTendering system). We will therefore not 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 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 Tender Deadline is 17:00 on 17 October 2023.

General

Q.1. Please can you clarify if a provider already holds a contract in a particular Category of Law, do we need to reapply under the current tender round?

Q.1. I already hold a 2018 Standard Civil Contract. Do I need to tender again under this process?

A.1. Yes. All 2018 Standard Civil Contracts will end on 31 August 2024. All organisations who wish to deliver civil legal aid services from 1 September 2024 must submit a Complete Tender through this procurement process by the Tender Deadline. Only organisations that meet the Tender Requirements to hold a 2024 Contract and successfully Tender will be awarded a 2024 Contract.

Q.2. In previous contract bids there has been Information For Applicants documents. Have these documents been produced for this contract bid? If so where are they stored?

A.2. For the purpose of this procurement process, Information For Applicants (IFA) documents are now referred to as Invitations To Tender (ITTs). Applicants must read the documents in the order outlined in paragraph 1.2 of the SQ ITT and Award ITT:

- SQ ITT;
- Award ITT;
- Category-Specific Information;
- HLPAS ITT (if you wish to tender for HLPAS Contract Work);
- HLPAS-Specific Information Document (if you wish to tender for HLPAS Contract Work);
- 2024 Contract; and
- Frequently Asked Questions.

Q.3. Do we submit the SQ ITT with the Award ITT at the same time.

Q.3. I have received an email that confirms I have submitted the SQ ITT Response. Please confirm if I need to complete any further forms before the tendering deadline of 17 October 2023.

Q.3. In terms of ITT there is showing ITT 888 – Family ITT AND ITT 887 – Selection Questionnaire. We were told to complete ITT887 as follows in the booklet so why is there a ITT 888 and do we have to complete this?

Q.3. We are proposing to submit ITTs for 899, 898, 895, 894 and 893. Can you confirm the ITTs for each, as well as the SQ 887 open on the portal is all that we need to complete at this stage?

Q.3. Our understanding is that we must submit the SQ ITT first and then submit the Award ITTs separately and sequentially because the system does not allow them to be submitted together. Please confirm.

A.3. A Complete Tender is defined at paragraph 4.1 of the SQ ITT and consists of:

- a SQ ITT Response; and

- at least one Award ITT Response and (where applicable)
- at least one HLPAS ITT Response (where you are tendering for HLPAS Contract Work).

Q.4. I have not decided on name of organisation - is it possible to bid in just my personal name and then amend name once organisation established? Or must I decide name now & put this name in the application?

Q.4. I am a mediator and looking to submit a tender for a Family Mediation contract. I am not sure whether to apply in my name or under my company name. Does the Legal Aid Agency have a preference? If in my name, am I able to later attribute it to a company of which I am sole shareholder and director?

Q.4. We are on the verge of launching a rebrand and change of company name which should go live in November 2023. The company number will remain the same. We will of course change our details with the SRA – but the SRA number will also remain the same. When completing the tender forms – do we use the current name or our name as it will be in summer 2024 when the contracts go live?

A.4. Applicants may submit ITT Responses in a name that is not the intended name of the contracting entity however the name of the legal entity must be provided before the Contract Start Date to enable the LAA to issue a 2024 Contract to the Applicant. For administrative reasons the LAA asks Applicants to select a name that is easily identifiable for that Applicant.

As set out in paragraph 1.9 of the SQ ITT, 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.

Q.5. Paragraph 6.7 of the SQ ITT states that Applicants must upload all required documentation. Please clarify what documentation is required to accompany the SQ ITT or Award ITT.

A.5. Applicants are not required and there is no opportunity to upload documentation with their SQ or Award ITT Responses. Some questions in the HLPAS ITT include a request for supporting documentation. Verification information will be requested from successful Applicants in the notification of outcome.

Q.6. Can you please confirm that we are able to withdraw from Individual Bids that we have tendered for, and it will have no impact on the rest of our tender?

A.6. Yes, an Applicant may withdraw from an Individual Bid during the procurement process without this impacting on other Individual Bids.

Q.7. If we decide not to submit a bid for an area of law for this current tender, might we be able to apply in the near future, for instance next year, or will we have to wait until the next tender?

Q.7. Please confirm that our understanding is correct that there will be a further tender in the summer/autumn of 2024 which could allow us to add an additional contracted Office from 2025.

Q.7. The ITT states that the LAA intends to offer opportunities at regular intervals for new entrants to tender to deliver Contract Work under the 2024 Contract and for existing Providers to tender for additional work in Categories of Law or from additional Offices. More details will be provided on those opportunities after the 2024 Contract has commenced.

Please can you advise if this is likely to be an annual process? Will Providers be allowed to tender to change the number of Lots they have been allocated in a Category of Law from an Office? Or will we only be able to tender for additional Categories or additional Offices which are not already on our Schedule?

A.7. As set out in the ITTs governing this procurement process, the LAA intends to provide opportunities at regular intervals for new entrants to tender to deliver Contract Work under the 2024 Contract and for existing Providers to tender for additional work in Categories of Law or from additional Offices. More details will be provided on those opportunities after the 2024 Contract has commenced, the LAA is unable to provide information regarding the frequency of opportunity, the opportunities available, or the criteria that may apply, at this time.

The 2024 Contract

Q.8. The guidance advises that we read the 2024 Civil Contract as part of the tender process. Please can you advise as to where we can locate a copy of this on the portal?

A.8. The documents can be found at www.gov.uk/government/publications/standard-civil-contract-2024

Q.9. What is the duration of the 2024 Standard Civil Contract. This is important information to enable firms to plan but it does not appear to be in the Information For Applicants document (i.e. the 2024 Standard Civil Contract Procurement Process: Selection Questionnaire Invitation to Tender (“SQ ITT”))?

A.9. Paragraph 1.4 of the Award ITT states:

“Contract Work awarded under this 2024 Contract procurement process will start on 1 September 2024 (the Contract Start Date) and will run until 31 August 2025 (subject to rights of early termination and the LAA’s right to extend for up to a further three years).”

Q.10. Could you kindly clarify why the contracts are currently marked as DRAFT? What specific changes or revisions should we anticipate before the finalization of these contracts?

A.10. The 2024 Contract documents are marked as DRAFT as they are not live contracts until 1st September 2024. We will communicate any revisions to the 2024 Contract with you prior to the Contract Start Date.

Q.11. The 2024 Category Definitions do not include Housing, Debt and Welfare Benefits. Are we to rely on the 2018 version for this information or is it elsewhere?

A.11. An amended version of the 2024 Contract Category Definitions has been added and is available from: www.gov.uk/government/publications/standard-civil-contract-2024

Q.12. Currently we have authority to undertake Outreach work from 3 locations on one of our schedules. I cannot see anywhere to indicate we would like to maintain this arrangement and this is quite crucial to our work. What information can you give about this?

Q.12. In the past we have had permission to undertake Outreach under the Immigration/Asylum contract. Will this carry over to the new contract schedule or will we need to ask our Contract Manager if we are successful under this tendering process.

A.12. Applicants awarded a 2024 Contract will need to discuss arrangements under the 2024 Contract with their Contract Manager.

Q.13. The tender documentation does not reference any adjustment to payment rates. Can you confirm whether the expectation is that the cost of service delivery will remain at the 2004 level, or is there an anticipated rate change in the future?

Q.13. Please could you confirm whether the fees will remain the same under this new contract?

Q.13. Are we going to be told what the fees are going to be with this new contract?

Q.13. Family Mediation Category Specification (Part D, 18.118). Are there plans to review the Remuneration Regulations, produced in 2013 as part of the new contracts?

Q.13. In order to ascertain if applying for Lots is feasible for us moving forward, can you please confirm if there are any plans to change any of the regional fees set out in the current remuneration regulations for the Contract Start Date of 1 September 2024?

A.13. Paragraph 1.12 of the Award ITT states that payments under all 2024 Contracts will be at the rates set out in Legal Aid Legislation and are subject to change from time to time. By submitting a Tender, you acknowledge that payment rates may vary during the term of the 2024 Contract.

The Ministry of Justice published the Government's response to the consultation on fees in relation to the Illegal Migration Act on 28th September 2023. It can be found [here](#). It sets out that there will be an increase to fees in relation to work as part of the Illegal Migration Act. There are no current plans to amend other fees at this time.

Q.14. If we submit a tender application and are subsequently awarded contracts, will there be any repercussions if we choose not to fulfil the obligations when the contracts are finalised? We seek clarity on the implications of non-delivery.

A.14. There are no repercussions under this procurement exercise where an Applicant submits a Complete Tender, and they are awarded a 2024 Contract but they do not accept it (either in full or in part). If a Provider withdraws from the 2024 Contract after it has commenced, they must comply with Clauses 25.1 and 25.2 of the 2024 Contract Standard Terms.

Q.15. If we have a Permanent Presence Office and an Alternative Arrangement and we decide later on during the contract that we don't want to continue with the Alternative Arrangement, can we cancel/relinquish the Matter Starts for the Alternative Arrangement part of the contract whilst continuing with the Matter Starts for the Permanent Presence Office?

A.15. Applicants can request to withdraw part of their 2024 Contract in line with the provisions at Clauses 13.13 to 13.15 of the 2024 Contract Standard Terms.

Q.16. If you had a contract under Lot 2 or 3 and the LAA directed you to take cases, but you were unable to do so e.g., professionally you would be at risk, what are the consequences?

A.16. Paragraph 3.51 of the 2024 Contract Specification sets out the circumstances when Applicants may decline to take on a case for good cause including professional conduct reasons etc.

Selection Questionnaire ("SQ")

Q. 17. It is not 100% clear when the organisation must exist by - 1.10 states Contract Start Date and, where possible, by 15 March 2014 - please could you clarify?

A. 17. Paragraph 1.10 of the SQ ITT states:

"The contracting entity must have been formed by:

- **23:59 on 3 June 2024** when an Applicants for a HLPAS Contract Work and/or inclusion in IRC DDAS/DAC rotas from 1 September 2024; or
- *the Contract Start Date and, where possible, by **15 March 2024** for all other Individual Bids.*

This is to enable the LAA to establish the contracting entity is fully constituted prior to the notification of the contract Work awards. Where Applicants do not comply with this requirement, the LAA may reject your Tender.”

Where it is not possible for the contracting entity to be formed by 15 March 2024 but will be before the Contract Start Date please inform the LAA as soon as possible. Paragraph 6.6 of the Award ITT confirms:

“At our absolute discretion and where it is practical and feasible to do so we may, but are under no obligation to, accept verification information submitted after the Verification Date subject to the conditions outlined in this Section 6 and our obligations to comply with relevant legal principles.”

Q.18. We are a partnership with corporate partners, recently approved for ABS Licence, and awaiting to receive confirmation of the same. Should we at Question A.3.i confirm that our trading status is "other" and explain as above or just tick "other partnership". The problem with latter is that there is no space to explain the ABS licence.

A.18. As set out in paragraph 1.9 of the SQ ITT, Applicants must bid as the contracting entity that will be delivering Contract Work. Applicants must therefore respond to the questions in the SQ which best describe the entity which will be delivering Contract Work.

Applicants must notify the LAA of any changes to the contracting entity as soon as possible and by using the eTendering system.

Q.19. Question A.2.ii of the Selection Questionnaire asks for our Registered website address - is this just our normal website address?

A.19. Yes.

Q.20. A.4.i of the Selection Questionnaire requires us to enter the "date of registration (if applicable) or date of formation". Our firm intends to trade as a partnership (therefore having no date of registration) but has not yet been formed or authorised by the SRA. Could the LAA please clarify the date it expects us to enter here, or if N/A would be acceptable?

A.20. A.4.i is a free text box. As the contracting entity is not yet formed a response of TBC is acceptable. Please also note paragraph 1.10 of the SQ ITT states:

“The contracting entity must have been formed by:

- **23:59 on 3 June 2024** when an Applicants for a HLPAS Contract Work and/or inclusion in IRC DDAS/DAC rotas from 1 September 2024; or
- *the Contract Start Date and, where possible, by **15 March 2024** for all other Individual Bids.*

This is to enable the LAA to establish the contracting entity is fully constituted prior to the notification of the contract Work awards. Where Applicants do not comply with this requirement, the LAA may reject your Tender.”

Q.21 I am a sole trader. Question A.4.i of the SQ asks for the date of registration (if applicable) or date of formation. Does this apply to sole traders?

A.21 Question A.4.i relates to the date a company was registered with Companies House. Sole traders who are not incorporated should answer 'N/A'.

Q.22. We have very recently made an application to register for VAT and have not yet got a VAT number. What should we put in Question A.4.iii of the SQ ITT?

A.22. Question A.4.iii of the SQ ITT provides a free text box for a response. Applicants may submit a response to explain to the LAA that an application has been made and the VAT number will be confirmed.

Q.23. Question C.1 of the SQ ITT asks have 'you' failed to meet obligations related to payment of taxes. Does 'you' mean the applicant firm? If not, please can you confirm what is meant by 'you' in this question.

A.23. Yes. 'You' in this question is about the Applicant.

Q.24. Question C.2 of the SQ ITT references a breach of 'social obligations'. We cannot find a definition for this, please can this be defined?

A.24. Defined in regulation 56(2) Public Contract Regulations 2015 governing this procurement process “the tender does not comply with applicable obligations in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time.”

Q.25. Question C.4 of the SQ ITT references 'grave' professional misconduct. We cannot find a definition of 'grave' - please can this be defined?

A.25. Defined in regulation 57(8)(c) Public Contract Regulations 2015 governing this procurement process “where the contracting authority can demonstrate by appropriate means that the economic operator is guilty of grave professional misconduct, which renders its integrity questionable;”

Authorisation from a Relevant Professional Body

Q.26. Question A.5.iii asks for confirmation that the SRA has issued appropriate authorisation that I am able to contract with the LAA - can you confirm that is this my company registered SRA number authorising and regulating my firm?

A.26. Yes, Applicants are required to ensure they have all necessary licences and authorisations from a Relevant Professional Body to conduct Contract Work as per paragraph 2.27 of the Award ITT. Applicants should provide the organisation's SRA or BSB number, CILEx Regulation ID or OISC ID.

Annex B: Glossary of Defined Terms of the SQ ITT states an Applicant is "A single legal entity (including an individual) tendering to deliver the advertised services".

Q.27. In respect of Question A.5.ii in the Selection Questionnaire, if mediators are not affiliated with any of the listed organisations, how should this question be addressed? Please provide guidance on the appropriate response.

Q.27. Question A.5.ii - As we are a mediation practice and we do not appear to fall into any of the categories for the relevant professional body. Should the correct answer to this question be N/A?

Q.27. Question A.5.ii doesn't seem to have an answer that is right for mediation providers. How should we answer?

Q.27. ITT_887 Selection Questionnaire (1.4.4 A.5.i) asks if we have authorisation to provide contract work from a relevant professional body. Will a response of c) N/A, exempt be accepted for organisations providing family mediation?

A.27. Where Applicants are mediators and are not authorised by one of the Relevant Professional Bodies, they should answer "N/A, exempt" to Question A.5.i.

Where they answer Question A.5.i in this way, Applicants will not be required to answer Question A.5.ii.

Small, Medium or Micro Enterprise (SME)

Q.28. Does a sole trader (not a limited company) fall into the category of Small, Medium or Micro Enterprises (SME)?

Q.28. We are a limited company with 1 director. Do we fall into the category of SME as regards to question where it says A.7- Are you a Small, Medium or Micro Enterprise (SME)?

Q.28. On looking at the definitions of SME's at question A.7 of the Selection Questionnaire, we appear to satisfy the definition of an SME but wondered whether it is a different entity to a Limited Liability Partnership firm of solicitors?

Q.28. We wish to check the definition of SME at question A.7 of the Selection Questionnaire. We meet the definition in terms of employees and turnover but we are based in the UK and not in the EU with access to EU support. How does this apply to us?

Q.28. If the firm is not an SME at 1.7.1, do we need to complete questions 1.7.2, 1.7.3 and 1.7.4, other than to say n/a?

A.28. Footnote 1 at Annex A of the SQ ITT provides a link to the definition of SMEs. The term is also defined in Annex B of the SQ ITT as:

“A business which meets two of the following three criteria:

- *A turnover of no more than £36 million*
- *No more than 250 employees*
- *Gross assets (balance sheet total) of no more than £18 Million”*

There is no reference to EU support in the definition. Where an Applicant meets the definition of an SME, it should answer ‘Yes’ at question A.7.

Applicants may be an SME and an LLP. The term SME is a way to categorise the size of an organisation through the number of employees and/or their annual turnover.

Organisations will also be a legal entity that has legal rights and obligations and is the contracting vehicle through which Contract Work is undertaken.

Applicants should submit a response to A.7, A.8, A.9 and A.10 of the Selection Questionnaire. For questions A.7, A.8 and A.9, if the question is not applicable to the Applicant organisation, please respond N/A.

Persons of Significant Control (PSC)

Q.29. What is meant by Persons of Significant Control (PSCs) if an Applicant is a sole trader?

Q.29. As a sole trader is there a requirement for PSC or does this only apply to limited companies?

A.29. Paragraph 5.7 of the SQ ITT confirms that Applicants who are UK companies and LLPs will be required to identify and record their PSCs. Paragraph 5.8 of the SQ ITT states that if an Applicant is not a limited company or LLP, they should answer N/A to question A.8.

Q.30. To answer question A.8 of the Selection Questionnaire, what date should we use in circumstances where PSCs were in place prior to the introduction of the requirements in 2016?

A.30. 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.31. When providing the date of birth of the Person with Significant Control (PSC) in the selection questionnaire at question 1.7.2 (A.8) will it be acceptable for us to provide just the month and year of birth as that is the only information that is available at Companies House.

A.31. A full date of birth (day, month, year) is preferred however if this is not possible, the month and year of the date of birth, as a minimum, is acceptable.

Q.32. Paragraph 5.10 of the SQ ITT states that, where Applicants are limited companies or LLPs but do not meet the criteria to have a PSC register because no individual has 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. The guidance states that any Applicant falling within this category “should use their response to question A.5 to provide those details”.

Question A5 relates to whether the Applicant currently hold the appropriate authorisation to provide Contract Work from one of the Relevant Professional Bodies with the follow-up questions relating to the name of the regulatory body and the authorisation number. It is therefore not possible to use the response to question A.5 to provide details of individuals who will sign the personal guarantee and indemnity agreement.

Please clarify where on the Selection Questionnaire we should provide the details of individuals required to sign the personal guarantee and indemnity agreement.

Please also clarify what details need to be provided in relation to the individuals who will sign the personal guarantee and indemnity agreement.

A.32. Where Applicants are required to provide an LAA indemnity agreement, individuals named in response to SQ ITT A.8 will be required to sign the indemnity agreement on behalf of the Applicant. They should use their response to question A.8 to provide the following information:

Full Name; Date of Birth; Nationality; Country, state or part of the UK where the individual usually resides; Service address.

Changes to Contracting Entity

Q.33. When we last tendered, the firm was a Partnership. It is now a limited company. Do we need to re-register?

Q.33. We are currently a Limited Liability Partnership (LLP). We are intending to change legal status to a Limited Company on 31 March 2024. We cannot see any question about a change of legal status in the ITT. How should we deal with this?

Q.33. Paragraph 1.10 of the SQ ITT document writes that, ‘where possible’, the legal entity must be formed by 15 March 2024. If a firm were to change legal entity following this deadline, could they notify the LAA of a material change to their bid?

A.33. Applicants do not need to re-register in the eTendering system following a change in legal status.

Applicants should provide details of their legal status as they are at the time of bidding.

As set out at paragraph 6.33 of the SQ ITT, 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 at the LAA eTendering portal (bravosolution.co.uk). This would include circumstances where the Applicant's legal entity changes during the procurement process.

Q.34. One of our PSC will retire prior to outcome/verification. I presume I can amend the indemnity at verification. Do I need to include the individual within the tender as they are currently considered to be an individual with significant control although less than 25% share.

Q34. If any of the members of the LLP (i.e., individuals who will sign the personal guarantee and indemnity agreement) change after submission of the SQ but before either the outcome is notified or the commencement date of the contract, please clarify if there is a requirement to notify you through the messaging board of the e-tendering Portal or through some other channel of communication.

A.34. As set out in paragraph 1.9 of the SQ ITT, 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.

Applicants must notify the LAA of any changes to the contracting entity as soon as possible and by using the eTendering system. Applicants required to provide indemnity agreements must ensure the indemnity reflects all relevant changes to the contracting entity.

Invitations To Tender ("ITT")

Q.35. We note there is no facility to provide any verification such as Supervisor Declaration Forms or SQM certificates at this stage. Will you therefore be requesting these separately after the submissions have closed?

Q.35. Please can you clarify if the Supervisor Declaration Forms have to be submitted at the same time as the Award ITT, and, if so, how, or as part of the verification process?

Q.35. In the ITTs how do you provide name your Authorised Litigator and Supervisors if there is no specific question or space to give your litigators name and details, on any of these forms?

A.35. For this procurement process a Complete Tender, defined at paragraph 4.1 of the SQ ITT, does not include verification information and verification information cannot be submitted with the Tender response. This will be requested as part of the verification process and will be set out in the notification of outcome.

Please refer to Section 6 of the Award ITT and Category-Specific Information documents for information about verification including Supervisor Declaration Forms.

Q.36. In the SQ ITT at paragraph 6.6, it states "Applicants must submit an Award ITT Response for each Category of Law, and where applicable, an individual HLPAS ITT Response for each HLPAS Area they wish to deliver and each ITT Response must be

authorised by an individual who is authorised to make this submission on behalf of the Applicant."

Who does the LAA consider to be 'authorised' to make the submission? Can any person within the organisation complete the tender documentation provided it has been approved by senior leadership?

A.36. Yes, an individual within the Applicant may complete the ITT(s), with approval from its Key Personnel.

Q.37. Please are you able to provide us with the Procurement Areas and how to locate which area falls within a particular Procurement Area? We want to ensure that the area we tender for is strictly within the right Procurement Area.

Q.37. The Award ITT document does not contain details of the Procurement Areas but instead it states as follows: "The Category-Specific Information documents include the Procurement Areas and the local authorities included in each Procurement Area." However, this is incorrect as there is no such information in the "2024 Standard Civil Contract Specification Category Specific Rules: Family" or in the other category specific rules documents that we reviewed. By contrast in the 2023 Civil tender the Procurement Areas were published at annex A within the IFA document. Where has or where will you publish details of the Procurement Areas for the 2024 Civil Tender?

A.37. Paragraph 2.37 of the Award ITT states:

"Applicants (except those responding to the Family Mediation ITT only) should check that they tender in the correct Procurement Area for their Office(s). To do this, an Applicant must enter the postcode for their Office (or intended Office) into the 'Find your local council' tool on the Gov.uk website: <https://www.gov.uk/find-local-council>. The Category-Specific Information documents include the Procurement Areas and the local authorities included in each Procurement Area. There are significant differences in the Procurement Areas and the local authorities included, for each Category. It is the Applicants' responsibility to submit their Individual Bid(s) in the correct Procurement Area for the Category(ies) they are tendering."

The Category-Specific Information documents are available on the Gov.uk website and can also be accessed via the links at paragraph 2.31 in the Award ITT.

Q.38. In Mental Health, when we bid in a Procurement Area where we want to have an Alternative Arrangement, the ITT asks if we have an LAA Account Number. Currently we only have one LAA Account Number for our Office. Should we provide that LAA Account Number?

A.38. Please enter N/A for your Office which is an Alternative Arrangement.

Q.39. For clarification - we wish to apply for the Clinical Negligence contract only. We have 4 Offices. My understanding is that we compete 1 Selection Questionnaire and 1 ITT, but adding 3 additional Offices (making 4 Offices). Is this correct?

A.39. Yes. Applicants intending to tender to deliver Contract Work from multiple Offices should provide a 'Yes' response to Question A.1.ii, the Applicant will then be required to enter the relevant details as applicable for each Office.

Matter Starts

Q.40. Where do we put down the number of Matter Starts we can offer, our service model and costings as we cannot find this on the Award ITT.

A.40. For Categories of Law where Lots apply, Applicants must select the Lot that corresponds with the Matter Starts they intend to deliver. For Categories of Law where Lots do not apply, Applicants cannot select a number of Matter Starts and will receive the allocated Matter Starts for that Category, as set out in the Category-Specific Information documents.

Except for HLPAS ITTs where applicable Applicants are not required to submit information about their service delivery as part of this procurement process.

Applicants are not provided to submit any information regarding costings as part of this procurement process. Payment arrangements for Contract Work are detailed in the 2024 Contract.

Q.41. How many Matter Starts will be allocated via Civil contracts?

Q.41. On ITT 899 Housing, Debt and Welfare Benefits, there is a Matter Start Allocation for Housing, Debt and Welfare Benefits, are these examples figures and given the proportion in terms of the three categories are they a reflection of the distribution of Matter Starts that you would be looking for in our proposed Matters Start figures.

A.41. Paragraph 1.9 of the Award ITT states:

“Controlled Work cases are known as ‘Matters’ or ‘Matter Starts’. Controlled Work permits Providers with available Matter Starts to assist clients directly without prior authority. Except in relation to the Clinical Negligence and Family Mediation Categories, a certain number of Matter Starts will be allocated to Providers and then set out in the applicable 2024 Contract Schedule. Providers in the Clinical Negligence and Family Mediation Categories of Law may use an unlimited number of Matter Starts, reflected on a Provider’s 2024 Contract Schedule by a notional allocation of 1 Matter Start”.

Paragraph 1.11 of the Award ITT confirms that:

“Notwithstanding the volume of Matter Starts allocated, no guarantee is provided in relation to the volume or value of work Applicants will receive/be paid for under any 2024 Contract. Services are provided under open market conditions and clients are free to choose from those Providers holding a 2024 Contract”.

Links to the Category-Specific Information documents can be found at paragraph 2.31 of the Award ITT.

Q.42. I wish to bid for more Matter Starts than is available in a Lot. How do I do this?

A.42 Where Categories of Law include Lots, Applicants will only be able to tender for the volume of Matter Starts included in the relevant Lots. Where an Applicant successfully verifies its Individual Bids, these are the volume of Matter Starts which will be added to the Schedule.

Once the 2024 Contract is in operation, and a Provider wishes to increase the number of Matter Starts it delivers, it may do so as per the provisions set out at Paragraphs 1.21 to 1.24 of the 2024 Contract Specification.

Q.43. Will we be able to use unused Matter Starts from one Office at a second Office if we run out of Matter Starts at that second Office?

A.43. Paragraph 1.19 of the 2024 Contract Specification states:

"During each year of your Schedule and subject to our prior approval, you may reallocate up to 50% of your Matter Start allocation in a Category to one or more of your other Offices as applicable."

Q.44. Are there any penalties associated with not utilising all Matter Starts or a percentage of Matter Starts in Lot 1, 2 or 3 of the Family, standard civil Contract? If so please confirm what the penalties are, when they are applicable and where further details are located within the tender documents.

A.44. No.

Q.45. Are ECF cases included in the number of case starts?

A.45. No.

Q.46. Family - Please can you confirm that when selecting LOTS 1,2 or 3 number of Matter Starts that this also includes unlimited licence work for the contract work.

A.46. Yes.

Supervisor Requirements

Q.47. The published 2024 Civil Contract tender communications stated there would be relaxed supervision requirements as per the attached screen shot and extract below: Changes for 2024 Contract.

"We are making changes to the contract in relation to supervision:

- Supervisors may now supervise in more than one category of law
- restriction on the number of Offices where a Supervisor can supervise has been removed
- remote supervision is allowed”.

Please advise the exact clauses in the new 2024 draft civil Contract that cater for these arrangements.

A.47. Paragraphs 2.10 to 2.28 of the 2024 Contract Specification set out the Supervisor requirements that will apply during the contract term.

Q.48. How many categories of law can an individual Supervisor supervise?

Q.48. If an Applicant has a particularly qualified and experienced individual who meets category-specific requirements, would it be possible for that one person to be simultaneously both a full-time housing Supervisor and a part-time community care Supervisor?

Q.48. We have one solicitor employee (working full time) who is qualified to supervise in 3 Categories of Law (Housing and Debt, Public Law and Community Care). Can one Supervisor supervise in all 3 categories?

Q.48. On the LAA website it states: "Supervisors may now supervise in more than one category of law". Considering that Supervisors can work 1050 hours a year and the Supervisor Declaration Form requires only 350 hrs per year (one third of 1050 hours) does that mean that Supervisors can now supervise up to three categories of law just as they could previously?

A.48. Supervisors may supervise in more than one Category of Law but they must meet the requirements in Paragraph 2.26 of the 2024 Contract Specification on the ratio of Supervisors to Caseworkers. An FTE Supervisor could supervise more than one Category of Law but they could not supervise more than 4 FTE Caseworkers across those Categories.

There is no limit to the number of Categories so long as the Supervisor meets the requirements for each Category (as set out in the Category-Specific Rules) and the requirements set out at Paragraphs 2.10-2.28 of the 2024 Contract Specification.

Q.49. Please confirm if the LAA has removed the restriction on external supervision as modern working methods mean that many Supervisors can now work for more than one firm as consultants.

Q.49. Can a Supervisor work in 2 completely different organisations?

A.49. There is no restriction but each organisation must ensure they have a Supervisor that meets the requirements i.e. one Supervisor could not supervise 2 Family organisations as each one is required to have a FTE Supervisor. One Supervisor could supervise two Clinical Negligence organisations as the requirement is to have a PTE Supervisor. The Supervisor to Caseworker ratio must also be met in each organisation.

**Q.50. The 2018 Civil Contract Specification contains the following clause:
“2.26 A Supervisor must not supervise more than four Caseworkers across a maximum of two Offices.”**

The Standard Civil Contract 2024: Family Category-Specific Information for this tender states:

“By Contract Start Date the Applicant will employ one FTE Supervisor: four FTE Caseworkers ratio at each Office from which it is tendering”

Does this clause in the tender reflect a change in policy by the LAA? If so, does it mean the Supervisor has to be located at one Office only? Please explain what this change will mean in practice.

Q.50. Can you confirm do we have to have an FTE Family Supervisor permanently at each Office?

Or

Is it that we have to have a Full-Time Family Supervisor who can supervise each of our Offices (i.e. as per 2.21 ensuring that they attend each Office at which they supervise as we determine (i.e. weekly, fortnightly, monthly) but keeping in mind the 1:4 ratio?

Q.50. I am submitting an ITT for Clinical Negligence on behalf of my firm. I note that the declaration that states “by Contract Start Date will employ one PTE Supervisor: two FTE Caseworkers ratio at each office from which it is tendering to deliver Services in the Clinical Negligence Category of Law”.

This seems to suggest that a Supervisor will be required at each Office from which we are delivering these services. Is this correct?

Q.50. It is noted within the Supervisor requirements for the categories Mental Health, Clinical Negligence and Claims Against Public Authorities that there needs to be one PTE Supervisor for two full time Caseworkers. Can you please clarify the Supervisor ratio, if at all, for full time Supervisors in each category? Is an FTE Supervisor able to supervise 4 full time Caseworkers in line with the current requirements in each Category?

Q.50. How many Offices can an individual Supervisor supervise?

Q.50. We note that the required ratio is 1 Supervisor to 4 Caseworkers in each Office. If a firm has 3 Offices with 1 Caseworker in each, can 1 Supervisor supervise those 3 case workers?

Q.50. On the Housing and Debt requirements it states that you must have four FTE Caseworkers, is it possible to more or less than that figure.

A.50. Paragraph 2.26 of the 2024 Contract Specification does not have a restriction on the number of Offices that a Full-Time Equivalent (FTE) or Part-Time Equivalent (PTE) Supervisor can supervise.

The Provider must maintain a maximum 1:4 ratio of FTE Supervisors to FTE Caseworkers is met at each Office (or the 1:2 ration of PTE Supervisors to FTE Caseworkers where the Category-Specific Rules vary the requirement so).

For example, an FTE Supervisor can supervise up to 4 FTE Caseworkers who are working from 2 or more Offices, a PTE Supervisor could supervise up to 2 FTE Caseworkers who are working from 2 different Offices.

Applicants are not required to have a predetermined number of Caseworkers, but the minimum Supervisor ratios as per the 2024 Contract Specification and the Category-Specific Rules must be adhered to.

Q.51. Would the LAA be willing to consider any flexibility on Supervisor standards for Welfare Benefits Supervisors?

A.51. No, Applicants will need to meet the minimum contract requirements sets out in Welfare Benefits Category-Specific Information in full.

Q.52. In the event that we are not able to meet the Supervisor standard for Welfare Benefits and therefore have to withdraw our application for a Welfare Benefits contract, will this in any way impact our ability to apply for or retain the Housing and Debt contract?

A.52. No, Applicants may withdraw from Welfare Benefits but continue with their Housing and Debt Individual Bid.

Q.53. Does the Welfare Benefits Supervisor need to be a qualified lawyer? Or can they be an experienced Welfare Benefits adviser?

A.53. Applicants must meet the Supervisor requirements set out in the Welfare Benefits Specification. There is no specific requirement for the Supervisor to be a qualified lawyer.

Q.54 As I understand, verification information would need to be submitted by 23.59 on 15 March 2024. Would it be sufficient for us to have a Supervisor in Immigration to be provided with a contract of employment to start in September or should they have been with us prior to this time? Is a contract of employment and confirmation that the candidate we wish to employ qualifies as a Supervisor for the LAA purposes sufficient to be sent to the LAA in March 2024 and for them to officially start employment with us in September 2024?

A.54. Yes, it will be sufficient for Applicants to have a Signed Engagement Agreement with individuals who will be undertaking Contract Work from the Contract Start Date, however, Applicants will be required to provided verification information, such as compliant Supervisor Declaration Forms, for those individuals by the Verification Date of 23.59 on 15 March 2024.

Office Requirements

Q.55. Where can I find the postcode finder tool that was available in the last Civil Tender Round.

A.55. Please refer to paragraph 2.37 of the Award ITT to ensure the Office address and postcode is located in the Procurement Area stated in the Tender response.

Q.56. Are there any procurement restrictions in certificated work? For example if we are based in Sheffield, can instructions be taken from a client in Manchester on a certificated matter?

A.56. No, there are not any Procurement Area restrictions in undertaking Licensed Work.

Q.57. Can I tender for two Offices within the same borough or Procurement Area?

A.57. Paragraphs 2.35 to 2.43 in the Award ITT address Office requirements, which vary for each Category of Law. Applicants must also refer to the Category-Specific Information documents about the Category of Law they are tendering for. With the exception of Family Mediation and Mental Health Categories, Applicants may submit more than one Office in a Procurement Area. Paragraphs 2.39 and 2.40 of the Award ITT include the relevant provisions for Family Mediation and Mental Health respectively.

Q.58. We are due to move addresses for one of our Offices between tender submission & outcome/verification. The Office will remain in the same Procurement Area. Should I complete the Tender with the existing Office address and notify at verification?

Q.58. I have no specific address or other contact details yet and so assume I can just use home address and personal contact details - correct?

A.58. Applicants are not required to submit Office address(es) and postcode(s) with their ITT Response(s) however Applicants must select the Procurement Area(s) where the Office(s) will be located, in accordance with paragraphs 2.35 - 2.44 of the Award ITT and relevant Category-Specific Information documents. Where this applies the LAA recommends Applicants respond with the term "TBC" to the questions regarding Office address(es) and Office postcode(s) in their ITT Response(s). Applicants will be required to provide full Office address(es) and postcode(s) by the Verification Date to enable the LAA to verify the information provided.

It is acceptable for Applicants to change Office address(es) and Office postcode(s) after the submission of the Complete Tender however the new address will be subject to the same assessment and verification processes outlined in the Award ITT and must be in the same Procurement Area(s) the Applicant has tendered for. Paragraph 2.42 of the Award ITT states:

"Where an Applicant is unable to evidence at the point of verification that they have an Office which is in the Procurement Area tendered for as part of the Individual Bid the LAA will reject the relevant Individual Bid."

Q.59. When bidding for Mediation Contract Work, how many addresses do I need to provide as part of my tender? We currently work from two locations.

A.59. Applicants tendering to deliver Family Mediation Contract Work must provide one Office address as part of their Tender. Paragraph 2.39 of the Award ITT confirms that Outreach locations will be collected as part of the verification process.

Q.60. We want to apply to deliver Mental Health work in 2 Procurement Areas in the Mental Health ITT. How do we do this?

A.60. In Mental Health, Applicants may bid once per Procurement Area. Where an Applicant has multiple delivery locations within a Procurement Area, they only need to provide the address and postcode of the primary location for the purposes of the Tender. Additional Office addresses within the Procurement Area will be collected as part of the verification process.

Where Applicants wish to deliver Contract Work from two Offices in two Procurement Areas, they should select the appropriate Procurement Area for their first Office at Question A.1.i. At Question A.1.ii, they should select 'Yes', which will allow them to select a second Procurement Area later in the Mental Health ITT.

Q.61. In addition to bidding for an Office which will meet the definition of Permanent presence, I also wish to bid for locations which will be Alternative Arrangements. Do I need to tender for these and if so, how to do that?

Q.61. In Mental Health, when the ITT refers to an Office in a Procurement Area, should we also tender for Alternative Arrangements? Is this the case even though Alternative Arrangements don't have to meet the definition of an Office?

A.61. Paragraph 2.40 of the Award ITT states that Applicants in Mental Health need to have at least one Permanent Presence Office in England and Wales. To bid in additional Procurement Areas Applicants should follow the process set out in question 60. Applicants need to have either a Permanent Presence or Alternative Arrangements in any additional Procurement Areas where they bid. Where an Applicant wishes to bid in a Procurement Area on the basis of Alternative Arrangements they should choose "Alternative Arrangements" as the type of presence at the options list at A.1.vi in the Mental Health ITT.

Minimum Contract Requirements

Q.62. If we bid for Lot 1 in the Immigration and Asylum category, would we be able to undertake licenced work? Would we be able to conduct legal aid certificated work for Judicial Review, Court of Appeal and Supreme Court?

Further, if we bid in Family Law Lot 1 and Public Law Lot 1, would we be able to undertake licenced certificated work?

A.62. Applicants who successfully bid for and go on to hold a 2024 Contract to deliver Contract Work in Immigration and Asylum, Family and Public Law in Lot 1 will be able to undertake Licensed Work where they are permitted to carry out "reserved legal activities" under the Legal Services Act 2007 and employ an Authorised Litigator and employ Caseworkers that are able to undertake Licensed Work.

Q.63. Can you please confirm the meaning of an Authorised Litigator? Our interpretation of this is a qualified solicitor or CILEX.

A.63. Authorised Litigator is a defined term in the SQ ITT Annex B Glossary:

“An individual who conducts litigation services as an authorised person in accordance with the Legal Services Act 2007.”

Q.64. In the Standard Civil Contract Specification Category Specific Rules: Welfare Benefits, at Paragraph 12.29 you state that at all times we must have access to an Authorised Litigator.

Is this Authorised Litigator required to have experience of Welfare Benefits litigation, or is it sufficient that they have other litigation experience, provided the category Supervisor has the relevant Welfare Benefits expertise?

A.64. Yes, as per Paragraph 2.8 of the [2024 Contract Specification](#), the Authorised Litigator is required to have experience of Welfare Benefits litigation.

Q.65. In the mediation contract, Paragraph 8 mentions that the number of Matters where the client does not attend in person should not exceed 50% of the total matters opened in any Schedule period. Could you please provide further clarification and context for this provision counts towards the 50% limitation, is it the assessment, MIMA, mediation for example?

A.65. It refers to the number of mediations started. The detailed provision can be found at Paragraph 18.85 of the Family Mediation Category-Specific Rules.

Q.66. In respect of Mediation Contract Work, is it a requirement to have a formal contractual relationship with each Outreach location, or is it acceptable for us to have the ability to rent the space as needed for outreach work? Please provide guidance on the necessary arrangements for Outreach locations.

A.66. There is no requirement to have a formal contractual arrangement in place in relation to Outreach locations for Family Mediation Contract Work. Paragraphs 18.55 and 18.56 of the Family Mediation Category-Specific Rules state how Outreach services regarding Family Mediation may be provided.

Q.67. At Section 4 under Verification Requirements, it states: "By Contract Start Date the Applicant will have at least 1 FTE member of the Law Society's Mental Health Accreditation Scheme in each Procurement Area in which they bid in this Lot [Lot 1]."

If you are bidding for 2 Procurement Areas in Mental Health, do you need 2 different FTE MH Accredited members, one for each Procurement Area, rather than the same person?

A.67. Yes, Applicants need to fulfil the requirements for the relevant Lot in each of the Procurement Areas where they bid. Applicants in Mental Health that bid in Lot 1 for two

different Procurement Areas will need to have at least two FTE members of the Law Society's Mental Health Accreditation Scheme, i.e. one in each Procurement Area.

Q.68. In the Family Category, one of the requirements is to employ, on at least a PTE basis, by the Contract Start Date an individual who is:

- An Advanced Member of the Law Society's Family Law Accreditation Scheme (having passed the 'violence in the home' module or previously held adult party representative status on the Children Panel); or
- A Resolution Accredited Specialist in Domestic Abuse

The individual must be based and regularly working at the Office.

We have 3 solicitors who are on the Children Panel but they represent children. Is this ok?

A.68. Yes, if they meet the requirements above.

Immigration and Asylum

Q.69. Can DDAS clients seen during IRC surgeries be seen remotely?

A.69. Yes, see the Tender Amendment Notice published at [2024 Standard Civil Contract Amendment Notice 3 October 2023.pdf\(publishing.service.gov.uk\)](#) and the revised 2024 Contract Specification published at [Immigration and Asylum Specification \(publishing.service.gov.uk\)](#)

Q.70. In the Immigration and Asylum category, if the Provider bids for Lot 2 or 3, but does not bid to join the IRC Rota(s), does this prevent the Provider from attending clients in IRCs under the contract but outside of the DAC or DDAS? Paragraph 8.52 of the Category Specification appears to only allow this if the client is detained in a prison or other place.

A.70. Exclusive Arrangements refer to the specific operational and remuneration arrangements provided for by the DDAS and DAC schemes. If a client in an IRC wishes to instruct a legal aid provider who is not on the DDAS rotas then they may do so however the work will not be remunerated on the same basis as DDAS.

Q.71. Can OISC regulated organisations tender for DDAS or DAC work in Lots 2 and 3?

OISC regulated entities are not allowed to employ a person who holds them self out to be a solicitor (even if they are qualified to act as a solicitor) so how would this work with any licensed work?

A.71. Paragraph 2.28 of the Award ITT states:

“In respect of Immigration and Asylum Contract Work, organisations solely regulated by the Office of the Immigration Services Commissioner (“OISC”) are not eligible to bid in this procurement process for Contract Work in Lot 2 or Lots 3 unless they are permitted to carry out “reserved legal activities” under the Legal Services Act 2007. This is because one of the requirements of this procurement process is that Applicants are able and willing to undertake the full range of Licensed Work in the Immigration and Asylum Category of Law and as such employ an Authorised Litigator. OISC registered individuals are not necessarily permitted to undertake the full range of activities required during litigation.”

OISC regulated organisations may tender for DDAS or DAC work subject to meeting this requirement.

Housing Loss Prevention Advice Service (“HLPAS”)

Q.72. In the last HLPAS tender, Criterion 1.2 (skills and experience) asked Applicants to explain how their staff have the "relevant skills and experience in delivering representation at court to cover the requirements of Paragraph 10.54 of the Specification.”

This time around the same Criterion asks how their staff have the "relevant skills and experience in delivering representation at court to cover the requirements of Paragraph 10.55 of the Specification.”

Comparing the 2018 contract and the 2024 contract, these are completely different provisions with completely different lists of elements. Is this change intended or is it an error? It radically changes the responses to the Criterion. Does LAA actually mean 10.55 (as the current criterion says) or do they mean 10.54 (as the previous criterion said)?

The wording of the criterion strongly suggests that the appropriate contract provision is 10.54 (of the 2024 Contract), as that aligns with the words "delivering representation at court" – whereas 10.55 refers to things like "referrals to other Providers to take on follow up work where you are unable to take on this work under your Contract," which appears to have absolutely nothing to do with representation at Court.

A.72. Paragraph 10.55 of the 2024 Contract Specification is the correct reference in Criterion 1.2. The Criterion relates to the skills and experience of all staff delivering the service across the range of activities required to deliver the In-Court Duty Scheme of HLPAS.

Q.73. Current HLPAS Guidance for Service Providers says that delivery of ELA can be remote or in person subject to Paragraphs 3.15-3.17 of the General Specification (no less than 50% of new matter starts to be in accepted person). The 2024 Specification (Housing and Debt) at 10.35 simply says HLPAS ELA can be provided in person or remotely. Does this mean the restriction on how many HLPAS ELA can be delivered remotely will be removed from September 2024?

A.73. HLPAS Early Legal Advice can be delivered in person or remotely. There is no restriction on how much work can be delivered in this way. The HLPAS Provider Guidance will be amended accordingly.

Verification

Q.74. What happens if I cannot provide all verification information by the Verification Date?

A.74. As set out at paragraph 6.6 of the Award ITT:

“6.6 At our absolute discretion and where it is practical and feasible to do so we may, but are under no obligation to, accept verification information submitted after the Verification Date subject to the conditions outlined in this Section 6 and our obligations to comply with relevant legal principles.”

This means, where verification information is not available by the Verification Date it must be submitted at the earliest opportunity but by no later than the Contract Start Date, except in respect of Individual Bids for HLPAS Areas and Contract Work delivered in an IRC setting where Verification Deadlines apply.

As set out at paragraph 6.8 of the Award ITT:

“Applicants that do not successfully complete the verification process prior to 1 September 2024 will not be able to undertake Contract Work at the Contract Start Date and the Contract award may be withdrawn at our discretion.”

Q.75. When can the new Supervisor Forms be completed by Supervisors? Do they need to be completed within a time period, for example, could they be prepared and executed now and still be acceptable for submission on the Verification Date or do you require them to be prepared and executed within a few weeks or months of the Verification Date?

A.75. We will ask Applicants to submit Supervisor Declaration Forms as part of verification, set out in the notification of outcome. The Supervisor Declaration Form must be submitted using evidence from the preceding 12 months by the Verification Date of 23:59 on 15 March 2024. All case examples stated in the Supervisor Declaration Form must be within 12 months of the date that the Supervision Declaration Form is executed. Please ensure the latest version of the Supervisor Declaration Form is submitted as part of verification.

Q.76. We are currently Lexcel accredited. Our accreditation date is July. On 15 March 2024 we will not be able to provide evidence of accreditation on the Contract Start Date of 1 September 2024 as our Lexcel reaccreditation assessment will not have taken place.

Is the LAA expecting us to be reassessed early to be able to evidence accreditation on 1 September 2024 on 15 March 2024? That would require the co-operation of the Law Society as normally a reaccreditation can only take place in the reaccreditation month or one month either side of that month.

Q.76. Our SQM is due to run out on 02.08.24 and we had intended to complete our renewal audit in June 2024. Do we now need to complete the audit process before March 2024 to ensure compliance? Or is it acceptable to provide our current SQM in March 2023 and update it in June?

Q.76. The Award ITT appears to indicate that if your accreditation runs out in June 2023, then you can have the verification evidence required on 15th March 2024 if there is written confirmation that the re-audit is scheduled and that the existing certificate will remain in force until the re-audit.

Can you clarify what will be accepted at the time of verification in March 2024?

A.76. Paragraph 2.19 of the Award ITT confirms that Applicants (except those tendering for Family Mediation only) must be able to evidence by 23.59 on 15 March 2024 that they comply with the Quality Standard requirements, as detailed in paragraph 2.22 of the Award ITT. To verify their Tenders, Applicants must provide a Lexcel Certificate or SQM Certificate, valid at 1 September 2024 by 23:59 on 15 March 2024.

Category-Specific requirements can be found in the documents listed in paragraph 2.31 of the Award ITT.

Where an Applicant's Quality Standard is in place but due to expire prior to the Contract Start Date, the LAA will accept the current Quality Standard Certificate, along with confirmation in writing from the Quality Standard provider of the date of the scheduled re-audit and that the Certificate will remain in force until the re-audit is complete.

Q.77. Can you please clarify the date by which a tendering organisation must have a a) Mediator and b) a contract with a Mediation Supervisor in place to tender for a family mediation contract? We have a Mediator who is in the process of qualifying but is not yet accredited. Is the date 15 March 2024 or the Contract Start Date of 1 September 2024?

A.77. The Declaration that forms part of the Award ITT Response states the Applicant must meet the requirements listed in the Declaration by the Contract Start Date. Applicants are required to provide verification information, such as Supervisor Declaration Forms, for those individuals by the Verification Date of 23.59 on 15 March 2024, where this information is available by this Date.

This means, where verification information is not available by the Verification Date it must be submitted at the earliest opportunity but by no later than the Contract Start Date, except in respect of Individual Bids for HLPAS Areas and Contract Work delivered in an IRC setting where Verification Deadlines apply.

As set out at paragraph 6.8 of the Award ITT:

“Applicants that do not successfully complete the verification process prior to 1 September 2024 will not be able to undertake Contract Work at the Contract Start Date and the Contract award may be withdrawn at our discretion.”

Q.78. In the Category Specific Requirements for Housing, Debt and Welfare Benefits there is a requirement to have an Authorised Litigator for both Housing, Debt and

Welfare Benefits. The verification requirements state that; an Applicant notified of an intention to be awarded a contract must be able to demonstrate that they meet the minimum 2024 Contract requirements by 23:59 on 15th March 2024. However, the document also states that a successful Applicant will have to have appropriate qualified staff in place by the Contract Start Date. Can you please clarify when the Legal Aid Agency will want confirmation that all relevant qualified staff are in place.

A.78. Applicants are required to submit verification information, including Authorised Litigator details, by the Verification Date. Applicants declare in Part C of their Award ITT Response to have all relevant, qualified staff including Authorised Litigator(s) where applicable employed by their organisation by the Contract Start Date.

Q.79. Our Supervisor's current Children Panel accreditation expires on 31 March 2024 and she cannot apply for re-accreditation until January 2024. It is unlikely that the Law Society will issue the new accreditation before the deadline for verification documentation. Will the LAA consider evidence of accreditation being in place where the applicant can demonstrate that the application for re-accreditation has been submitted before the current accreditation expires? This appears to be provided for in the Mental Health category but is not mentioned in Family or other Category-Specific Information documents.

A.79. Where Applicants have applied for Accreditation from an external Accreditor within the timescales accepted by that Accreditor, the Applicant should provide evidence to the LAA that the application has been submitted.

As set out at paragraph 6.6 of the Award ITT:

“6.6 At our absolute discretion and where it is practical and feasible to do so we may, but are under no obligation to, accept verification information submitted after the Verification Date subject to the conditions outlined in this Section 6 and our obligations to comply with relevant legal principles.”

This means, where verification information including evidence of accreditation where applicable, is not available by the Verification Date it must be submitted at the earliest opportunity but by no later than the Contract Start Date, except in respect of Individual Bids for HLPAS Areas and Contract Work delivered in an IRC setting where Verification Deadlines apply.

As set out at paragraph 6.8 of the Award ITT:

“Applicants that do not successfully complete the verification process prior to 1 September 2024 will not be able to undertake Contract Work at the Contract Start Date and the Contract award may be withdrawn at our discretion.”

Q.80. If we are tendering for HLPAS as well as Housing and Debt will we need to submit verification information twice to the LAA i.e., by 23:59 on 15 March 2024 for Housing and Debt and again by 3 June 2024 for HLPAS?

A.80. No, verification information will only be submitted once. The HLPAS ITT states at paragraph 1.4 that where an Applicant is notified of the LAA's intention to award it Housing and Debt Contract Work subject to verification, it is the Applicant's sole

responsibility to ensure they provide all necessary information to evidence they meet the Housing and Debt verification requirements by the Verification Date of 23:59 on 15 March 2024 and by no later than the HLPAS Verification Deadline of 23:59 on 3 June 2024. Verification information is submitted for Housing and Debt Contract Work, not for HLPAS but it must be submitted by the HLPAS Verification Deadline (23:59 on 3 June 2024) for the Applicant to be eligible for a HLPAS Schedule. So long as the verification requirements for Housing and Debt are satisfied by the HLPAS Verification Deadline the HLPAS Tender can proceed through the next Stages of the procurement.

LAA Administrative Processes

Q.81. I understand that I need to file an Indemnity with Companies House as we are (Private) Limited Company. I cannot find any Indemnity form on the Gov website to complete. Can you please advise, and can you please confirm if I have to upload it to the portal as well?

Q.81. The Indemnity Form for which the link is provided refers to the 2018 Contract and we have already provided this duly signed very recently. Is there going to be a new form referring to the 2024 contract and if so when will this be available. If not can we simply upload the one we had signed very recently when verification takes place.

A.81. As per paragraph 6.22 of the Award ITT, Applicants with limited liability (unless a registered charity) expressly agree, by submitting a Tender, that they must submit a properly completed indemnity agreement even if submitted under a previous procurement exercise or under a current or previous contract with the LAA to be awarded a 2024 Contract.

Paragraph 6.24 of the Award ITT confirms the indemnity form is available at <https://www.gov.uk/government/publications/personal-guarantee-and-indemnity>.

The LAA is unable to advise regarding an Applicant's filing requirements with the Companies House under the Companies Act.

Q.82. Please can the LAA clarify those within a limited company who should sign the indemnity form. On the last occasion, when we signed an indemnity form, it was limited to those with significant control. Would the same apply to this process?

A.82. Paragraph 6.23 of the Award ITT and Clause 4.5 of the 2024 Contract Standard Terms confirm the indemnity agreement must be signed by the individuals who are the ultimate owners of the bidding entity and/or such persons as the LAA might reasonably regard as being Controllers and/or senior managers of the Applicant and from any company which is the Applicant's holding company.

Q.83. We are an exempt charity under the terms of the Charities Act 2011, Schedule 3(Statutory Instrument 1978, number 453). This status means we are not required to register directly with the Charity Commission and do not have a charitable number. As an exempt charity (as opposed to a registered charity), are we required to complete the indemnity agreement?

A.83. No.

