



Family Strategy outlines five-year service priorities for families in need

NEWSPAGE4



Unified Contract paves the way for an ambitious reform programme

NEWSPAGE10

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The service provider newsletter of the **Legal Services Commission**

www.legalservices.gov.uk

focus

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Ensuring the future of legal aid



Carolyn Regan

Chief Executive, Legal Services Commission

As you know, the LSC and Department for Constitutional Affairs (DCA) are leading a radical reform of legal aid over the next three years that will significantly change the way we administer legal aid and will transform our relationships with providers of legal aid services.

These reforms support our ongoing drive to improve the delivery of legal services to vulnerable people throughout England and Wales. In 2006/07 more than two million people were provided with legal advice, assistance and representation. This included over 700,000 new acts of early legal advice through the Community Legal Service - more than at any point since 2000 - and more than 1.6 million new criminal cases through the Criminal Defence Service. These figures exclude immigration cases, which are covered by a separate budget.

We all agree that the legal aid scheme makes a very real difference to people's lives. However, the growing demand for help and the fact that the budget is necessarily limited means that fundamental change is necessary to ensure that legal aid continues to be made available to those who need it. During recent weeks, the LSC has published a series of consultations and policy documents that set out more detail on the next steps outlined in Legal Aid Reform: the Way Ahead. Together, these plans and proposals move us closer to our goal of ensuring the sustainability of the

legal aid scheme. One of the first changes to come into effect is the introduction of a new Unified Contract for all providers of civil legal aid from April this year. I am pleased to report that at the time of writing, well ahead of the deadline of March 30th, hundreds of providers have already returned their signed contracts. Looking ahead, we are currently consulting on the civil contract specifications for introduction in October this year and we will introduce the unified contract for all crime providers in October 2008.

In the area of civil legal aid we have recently published a number of papers which start to provide more detail on the reform programme. Making Legal Rights a Reality for Children and Families sets out our strategy to ensure effective outcomes for families, including our funding priorities and how we intend to work with other parts of the family justice system. At the same time we launched a second consultation on family fee schemes, which included important changes reflecting the views you expressed during the first consultation last year. This was accompanied by a consultation on changes to the Funding Code in public law children's cases and the final Immigration and Asylum Fee schemes. We will soon be publishing the mental health fee schemes, again reflecting comments that you made during the consultation last year.

For criminal legal aid, we have launched a consultation on proposed new police station boundary areas and fixed fees for most police station work, and during recent weeks we have been running events around England and Wales to hear your views on these. A Very High Cost Cases (VHCCs) consultation was also launched, detailing our proposals for achieving best value

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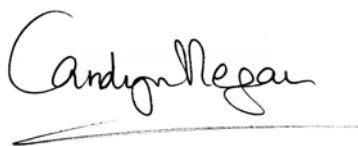
tendering in this area of work. More recently, we started a consultation on the proposed expansion of CDS Direct.

On the more general theme of how we will work with providers more efficiently and ensure quality services for clients, we have recently published our plans for the roll-out of the peer review process and we will soon announce the details of our Preferred Supplier scheme. An important part of this new way of interacting with providers will be our move to full electronic working, which will bring significant efficiency gains for both providers and the LSC. We have recently published an update of our broad strategy and timetable for this.

We recognise that services delivered through the legal aid scheme are only made possible through the hard work and dedication of the many solicitors' firms and advice agencies who advise and represent clients. This is why during last summer's consultation, we took careful note of providers' views about the changes proposed and have subsequently made a number of significant changes to the timing and content of the various schemes. We will continue to listen carefully and I encourage you to respond to current and future consultations.

We are also committed to working with our stakeholders and partners to improve efficiency across the wider justice system. It is important that potential pressures and risks, which could affect the delivery and cost-effectiveness of legal aid, are identified and addressed. To help this process, the DCA and LSC have just held their first quarterly stakeholders' meeting.

I would like to take this opportunity to thank all providers for their continued contribution to legal aid. By working together we can deliver a system that provides high quality advice for clients, greater certainty for providers and good value for the taxpayer.



Carolyn Regan
Chief Executive,
Legal Services Commission

CDS reforms consultation

In February 2007 the LSC published consultation papers on Police Station Reforms and Very High Cost Cases. Together these papers propose a more sustainable future for the Criminal Defence Service.



Providers' remuneration was included in the consultation.

On 12 February the LSC launched consultation papers on Police Station Reforms and Very High Cost Cases (VHCCs). Both papers develop the LSC's response to the consultation *Legal Aid: a sustainable future* published in *Legal Aid Reform: the Way Ahead*, and propose a more sustainable Criminal Defence Service.

Police Station Reforms consultation

The *Police Station Reforms: Boundaries, Fixed Fees and New Working Arrangements* consultation runs for eight weeks and concludes on 10 April 2007. The consultation examines options for:

- > a new method of remunerating providers for advice and assistance provided to clients detained in police custody, re-forming boundary areas, and adjusting the rules around accessing work
- > fixed fees per case for police station attendances based on average claims and local boundary areas
- > new boundary areas to replace existing duty

solicitor schemes and new duty slots for each area

- > a minimum contract size for providers.

Market stability

Coinciding with the release of the Police Station Reforms paper, the LSC's response to the Market Stabilities consultation has now been published. The response sets out the following methods to ensure a stable market until new arrangements come into place:

- > new police station slot allocation based on historic claims
- > accredited representatives entitled to the same conditions as duty solicitors
- > designated fee earners to conduct 50% of magistrates' court work undertaken by their office
- > no new general criminal contracts from February to October 2007.

VHCC Panel

Legal Aid Reform: the Way Ahead stated the LSC's intention to implement Lord Carter's proposal to create a panel of VHCC providers.

Consultation through representative bodies has now commenced on delivery of the first Best Value VHCC Panel. While most key principles of Lord Carter's recommendations have been retained, there are some changes to practical features, which affect:

- > selection criteria
- > structure and control of the panel application and bidding processes
- > proportionality of fee scales
- > the VHCC contract
- > Best Value Protocol.

The LSC's consultation closed on 23 March 2007, and the LSC's response is expected to be available in late April 2007.

A timetable for next steps is available on the LSC website.

@ CONTACT & INFORMATION

web: [lsc website](#) > [cds](#) > [consultations](#) > [recent consultations](#)



New pilot to add specialist family advice to the helpline.

New CLS Direct tender

Specialist family advice will soon be added to the Community Legal Service Direct helpline, and the new addition is set to improve accessibility for people who have difficulties accessing traditional services.

Community Legal Service Direct will shortly embark on a pilot expansion of its CLS Direct helpline. Family casework service providers have been invited to tender for the service that will form part of Community Legal Service Direct's 0845 345 4 345 helpline.

The helpline, which currently provides 70,000 callers with advice every year, will expand under the 12-month pilot to include a specialist family advice service.

The pilot will establish demand for accessible specialist family advice, which has historically been available only in person. The service is expected to benefit people with difficulties accessing traditional services, such as those with caring responsibilities and people in rural areas.

When the pilot commences in Summer 2007, Community Legal Service Direct operators will seek to establish the type of family law problems that can be resolved over the phone and determine if provision of telephone advice is appropriate.

Operators will also carry out means assessments and if callers are deemed eligible

for Legal Help, they will be directly connected to a specialist family advisor to progress the case by phone and post.

Callers who cannot be helped over the phone will be given non-tailored rights information by helpline operators and contact details of local face-to-face advisors and other helpline services.

These referrals will enable the LSC to determine how non-LSC funded services, such as domestic violence helplines, can complement Community Legal Service Direct's telephone service in the future.

Tender information

The application deadline for the Community Legal Service Direct tender is 30 March 2007.

Tender documentation and a list of questions and answers about the tender are now available on the LSC website.

@ CONTACT & INFORMATION

e-mail: fiona.dagenais@legalservices.gov.uk

web: [lsc website](#) > [cls](#) > [tendering opportunities](#)

CLS Direct expands

New contracts add specialist legal advice to helpline service.

Community Legal Service Direct is a free and confidential advice service paid for by legal aid. The 0845 345 4 345 helpline provides independent advice about debt, education, benefits and tax credits, employment and housing problems to people who live on a low income or benefits.

After a recent tender process, nine new contracts have been awarded to agencies who specialise in helping disadvantaged and socially excluded people to get specialist legal advice.

The new contracts are due to start in April 2007 and have been awarded to:

- > Children's Legal Centre
- > Maxwell Gillott
- > Stevenage CAB
- > DAWN
- > Derbyshire Housing Aid
- > EAGA Partnership Ltd
- > Capita Assistance
- > Morgans Solicitors
- > A4E

John Sirodcar, Head of Direct Services at the LSC said, "I am very pleased that we are now able to expand our service and help more socially excluded and vulnerable people. In 2007/8 we plan to offer specialist telephone advice to 150,000 clients, many of whom would have difficulty accessing more traditional services."

Community Legal Service Direct provides a high quality service. Its specialist contractors are required to obtain and maintain peer review status 1 or 2 and to meet the remaining requirements to become Preferred Suppliers. Quality is also assessed using client feedback (both telephone call backs and written surveys), complaints analysis and internal quality control by file reviews.

@ CONTACT & INFORMATION

e-mail: claire.parr@legalservices.gov.uk

CLS financial eligibility changes

Important changes to rules assessing financial eligibility for CLS services will come into force on 9 April 2007.

The regulations also introduce a number of exemptions from the statutory charge. The changes to rules assessing financial eligibility for CLS services continue the reforms begun in the New Focus Reform Programme of harmonising and simplifying some of the rules for calculating disposable income and capital.

Capital eligibility limits remain unchanged for April but further consultation will take place with a view to bringing the capital eligibility level for immigration services in line with other services from October 2007. Other important eligibility changes being introduced in April affect:

- > non-means tested General Family Help prior to care proceedings (revised guidance on the grant of General Family Help in public law cases will be available on the LSC website and in the next LSC Manual update)
- > the power to waive eligibility limits in domestic violence cases
- > the rules on aggregation of means for child applicants.

As well as eligibility changes, the regulations also introduce some new exemptions from the statutory charge. From 7 April 2007, certain lump sum payments recovered in lieu of a pension share will be exempt from the charge. Further, any additional costs associated with a client's disability will be excluded when calculating the amount of a client's statutory charge, in line with the approach described in Focus 49 (December 2005).

These changes are being introduced by the Community Legal Service (Financial) (Amendment) Regulations 2007. They have been published on the LSC website and will be included in the next update of the LSC Manual.

Full details of the changes to rules assessing financial eligibility for CLS services are available on page 14.

@ CONTACT & INFORMATION

web: lsc website > cls > legal information



The legal aid budget is targeted to reach priority clients.

Family strategy launch

Making Legal Rights a Reality for Children and Families sets out a five-year decision-making framework for the LSC's funding priorities, and outlines how the LSC will work with the family justice system into the future.

On 1 March 2007 the LSC published its family legal aid strategy *Making Legal Rights a Reality for Children and Families*. The strategy will guide the development of family legal aid in line with the Community Legal Service Strategy proposals and the principles set out in *Legal Aid Reform: the Way Ahead*.

The strategy sets out a five-year decision-making framework that encompasses the LSC's priorities for funding family legal aid, and details how the LSC intends to work with other parts of the family justice system. It will be a critical component of the shift to a more coordinated, effective and efficient funding arrangement for family legal aid.

The strategy also reflects the changes to the legal aid system that will result from Lord Carter's review of legal aid procurement, the steps set out in *Legal Aid Reform: the Way Ahead* and development of the preferred supplier model.

Making Legal Rights a Reality for Children and Families is available in two volumes. Volume One outlines the LSC's priorities and objectives and details how they will be delivered, while Volume Two provides the strategy context and a synopsis of the information that has shaped decision making. Future procurement of family legal aid services covered in detail within the strategy includes:

- > fixed fees for solicitors, experts and barristers
- > an effective use of funding test in public law proceedings

- > a stronger presumption to mediate in private law proceedings
- > best value tendering for family legal services
- > increased focus on commissioning services against clear client-focused criteria.

The strategy outlines how the LSC will measure access and, together with the funding code, target the legal aid budget so that it most effectively reaches priority clients. Priority clients are those at elevated risk of social exclusion such as victims of domestic abuse, children in care and those leaving it, parents whose children are the subject of care proceedings and unaccompanied asylum seeking children.

The LSC will continue to work closely with providers and stakeholders across England and Wales to develop a sustainable system that provides the most vulnerable with access to justice. While the strategy will not be the subject of formal consultation, stakeholders will be consulted, where appropriate, on new proposals resulting from the strategy. More information and a copy of the strategy are available on the LSC website. Any comments on the strategy should be emailed to the LSC.

@ CONTACT & INFORMATION

email: family@legalservices.gov.uk

web: lsc website > cls > policy development > our strategy for the cls

Funding criteria consultation

The LSC invites responses to its consultation on funding criteria for Special Children Act Proceedings. Alongside the family fee schemes consultation and launch of the family strategy, the LSC is consulting on important changes to funding criteria for public law children cases.

Limited merits testing

At present, certain parties are automatically entitled to certain Children Act Proceedings (which include care proceedings under section 31 of the Children Act 1989 and proceedings under sections 25, 43, 44 and 45 of that Act). No means or merits criteria are applicable in these cases, and these proceedings remain a top priority for CLS funding. However, in a minority of cases the current rules may lead to unnecessary representation, for example where a party has no positive case to put to the court.

To address this, the LSC will consult on introducing limited forms of merits testing for Special Children Act Proceedings to exclude parties from funding where they have no separate or sufficient interest in the proceedings or where they have disengaged from the case. Entitlement will continue provided a parent remains interested and engaged in the case.

It is proposed that this test will apply to parents and those with parental responsibility for the child, but funding will remain an entitlement for the child except in cases where more than one child is involved and separate representation for each child would not be justified.

Financial eligibility

There are no plans to change the existing exemptions from financial eligibility for Special Children Act Proceedings. Even where a limited form of merits test applies, it is proposed that providers should have new devolved powers to grant legal representation subject to appropriate reporting obligations to ensure that funding is justified up to trial.

Residential assessments

The consultation also addresses the issue of residential assessments for the child, which remain a significant drain on the legal aid budget. In July 2005 the New Focus Reforms sought to remove from scope any element of an assessment that was therapeutic or



Limited merits testing under proposal to apply to parents.

rehabilitative in nature. However, this exclusion must be updated and strengthened in light of subsequent authorities. Consultation will therefore focus on removing residential assessments from the scope of CLS funding altogether.

Consultation paper

The full consultation paper is available on the LSC website, along with draft amendments to the Code that give effect to the proposals. Responses should be emailed or posted to the LSC by 24 May 2007.

@ CONTACT & INFORMATION

email: family@legalservices.gov.uk

post: Frances Joyce, Civil Policy (Family), LSC, 12 Roger Street, London WC1N 2JL

web: lsc website > cls > consultations > recent consultations

Next steps to full electronic working

In the lead up to full electronic working, the LSC moves closer to realising a key business initiative of the legal aid reform programme.

In February 2007, a meeting took place between the LSC and a working party of software vendors to discuss electronic case management systems (ECMS). Talks focused on the type of information an ECMS will need to provide the LSC in the future, and how it will be provided.

At the meeting an interim functional guidance document for a case management system was drafted and agreed. This guidance is now being circulated to the wider community of software vendors and will be refined in the coming months to ensure compatibility of providers' internal systems with the LSC's.

The LSC has also commenced a trial on expanded ebusiness interaction with a handful of providers in the Nottingham region. This trial will produce a template on full electronic working with the LSC that will be openly shared with all providers.

As stated in the Preferred Supplier Consultation Response document, this detailed guidance is expected to be available by October 2007.

For providers looking to cost or purchase an ECMS and who need advice on system requirements prior to this time, the interim functional guidance document is now available on the LSC website.

The LSC's delivery of a new Supplier Management System is a major step to realising key business initiatives of the legal aid reforms. A full e-enabled relationship and business operation will reduce transaction and consumable costs, improve data accuracy and reduce the need for remedial work or reduced claims.

For more information about current ebusiness services, including LSC Online electronic billing, visit the LSC website.

@ CONTACT & INFORMATION

email: online-marketing@legalservices.gov.uk

web: lsc website > cls > electronic billing – lsc online



Thousands of providers submit controlled work online.

Cracking the code

From 2007-08, changes to the LSC's civil and criminal coding framework are set to improve the quality and integrity of case information reporting.

New civil and criminal codes

A group of independent peer reviewers has recently undertaken a detailed review of civil legal help and criminal claiming codes. The review informed major changes to both the structure of the codes and the accompanying descriptions - new codes have been added and existing codes changed in format to include additional characters.

Why the new codes?

The current set of codes presents difficulties in accurately reporting case outcomes, and it is essential that accurate data be obtained about the type of cases the LSC funds and how these cases end. The new category-specific codes will also significantly improve the quality of case data, and deliver a clearer and more consistent understanding of legal aid cases and the work providers are conducting.

What does this mean for you?

All CMRF, CDS6 and CDS7 claims for cases closed on or after 1 April 2007 must be reported using the revised set of claim codes, matter types, stage reached and outcome codes. This applies to all contracted providers making monthly claims under the Civil Unified Contract or the Criminal Contract.

From 1 May 2007, the old codes will no longer be valid or available for use on claims forms or through LSC Online. Details of the changes have been communicated to software vendors of case management systems and accounting packages.

Guidance for translating old civil and criminal codes into new codes is available on the LSC website. Specific guidance for each affected category of law can also be found in the Related Documents panel on each web page on the LSC website.

information.

The Preferred Supplier Scheme will develop less intrusive relationships with providers, and rely on the timely provision of accurate case data. In the meantime, the LSC will use case data to drive and focus provider management activity.

Ultimately, inaccurate billing will have a direct impact on a provider's profile, Peer Review rating and File Assessment results. Consistent inaccuracies could lead to contract sanctions.

Need help with the transition?

The simple solution to ensuring a smooth transition to the new codes is to sign up to LSC Online, the LSC's free and secure electronic billing service.

Thousands of providers already submit their controlled work online and benefit from the system's robust online error and omission checking function. One of LSC Online's key features is that it will automatically validate all submissions so that only acceptable combinations of matter types and codes can be entered, which ensures the integrity of case data.

The scheduled Spring Forms Masterpack update was distributed to all contracted providers in March 2007 for cases concluding on or after 1 April 2007. Updated forms, which will also be available to download from the LSC website, will include all correct new codes.

All CMRF and CDS6 claims using the old codes must be submitted to the LSC by the existing deadlines in April 2007. Paper submissions containing incorrect codes will be rejected and will require re-submission with the correct codes.

For more information and to get registered, call the LSC's Online Marketing team or visit the LSC website.

Which codes should be used?

When was the case concluded?	When were the case data submitted?	What codes should be used?
Before 1 April 2007	Before 1 May 2007	Old codes
Before 1 April 2007	On or after 1 May 2007	New codes - old codes to be translated
On or after 1 April 2007	On or after 1 May 2007	New codes

How will the new codes be used?

The improved information that the new codes deliver will be incorporated into the current provider management activity and the new Key Performance Indicators (KPIs), which will form part of the Civil Unified Contract for all contracted providers.

Accurate reporting is crucial in the Preferred Supplier scheme because a number of key monitoring tools, such as Peer Review, Quality Profiles, and File Assessment Value for Money, will also rely on the accuracy of claim

@ CONTACT & INFORMATION

Registration

tel: 0117 302 3117 (LSC Online Marketing Team)

web: lsc website > cls > electronic billing - lsc online

Civil code changes

web: lsc website > cls > forms > contracting forms

email: alex.ashcroft@legalservices.gov.uk

Criminal code changes

web: lsc website > cds > forms > cds forms

email: stephen.mcgowan@legalservices.gov.uk

Red Lion relocates

Staff at the LSC's offices in Red Lion Street, Holborn, are preparing to move to a new home in London's Docklands district.

More than 300 LSC employees will be relocating from the Red Lion Street office in Holborn to Exchange Tower, near South Quay, in April.

The Red Lion office will close on Thursday, 5 April and reopen at Exchange Tower on Wednesday, 11 April.

Departments moving include the London regional office's contracting and Contract Compliance Audit teams; the London operations team, which processes applications for legal aid; and the National Immigration and Asylum team, which handles all immigration and asylum work across England and Wales.

The London regional office alone looks after more than 800 providers of legal services across the capital. All providers will receive a letter giving the new details for their key contacts.

The office will close in the days immediately before and after the relocation to enable staff to pack and unpack, but arrangements will be made for urgent inquiries to be dealt with at other LSC offices around the country.

Red Lion Street has been the home of legal aid in London for 40 years and some of the staff relocating have worked there since the 1960s (previously for the Legal Aid Board before the creation of the LSC).

Martin Seel, the LSC's Regional Director for London and the South East said, "The lease on our Red Lion Street building was about to expire so we had no option but to seek new accommodation.

"The new office is both smaller and cheaper than the one we are leaving but it is also much more modern and more pleasant for our staff to work in."

@ CONTACT & INFORMATION

LSC London Office

post: Exchange Tower, 2 Harbour Exchange Square, London E14 9GE DX 170 Chancery Lane

tel: 020 7718 8466

News in brief

Peer review workshops support quality improvement

The LSC recently collaborated with the Law Society and Advice Services Alliance to deliver a number of highly successful Peer Reviewer-led workshops. Very positive feedback was received from a vast majority of delegates. In particular, delegates felt that the workshops helped providers to improve their quality from a Peer Review rating 3 (Threshold Competence) to a 2 (Competence Plus – the Preferred Supplier quality standard). Delegates and Peer Reviewers alike confirmed the workshops were a valuable learning experience, and that the forum provided a constructive and inclusive environment in which to use Peer Review derived information for improving quality. In total, 44 workshops were delivered to over 1000 providers (including 204 Not for Profit) and 1601 delegates (302 from Not for Profit) in Crime, Family, Immigration, Welfare Benefits/Debt, Housing and Employment during 2006-07. More information on the Peer Review Workshops is available on the LSC website.

Tendering opportunities

The LSC is conducting a number of tendering exercises in 2007, all of which will appear on the LSC website under About Us > Tenders. Based on the LSC's experience of assessing past tenders, it is timely to remind applicants of the importance of complying fully with the instructions set out in the tender documents. In particular, applicants must complete every section of the application form(s) as instructed and address each element of every question, demonstrating how they meet the selection criteria. Applicants must also adhere to the 'Conditions of Tender' when compiling their bid (these are usually in the 'Information for Applicants' document). Please bear in mind that in a competitive bid round, not all applicants will be successful, and it is therefore important that applicants put in the very best tender possible.

New national standards

The Institute of Paralegals is working to develop new national standards and a career structure for legal secretaries and paralegals. The project involves 30 firms, and the wider profession is invited to participate in the standards development process. The standards will offer nationally recognised career paths; define the tasks, knowledge, skills, qualifications, job titles and compliance obligations applicable at the different career stages; make recruitment and appraisals easier; and offer discounts on training that lead to an optional nationally-recognised legal qualification. To join the Working Party or for more information, contact James O'Connell by email at joconnell@InstituteofParalegals.org, telephone 020 7887 1420 or visit www.InstituteofParalegals.org

LSC London office contacts after the move

The new contact details for departments currently based at Red Lion Street are as follows: Contracting Department tel 020 7718 8250 & fax 020 7718 8456 (Contracting), 020 7718 8358(Contracting CDS team); Operations tel 0845 602 1400; National Immigration and Asylum team tel 020 7718 8091 fax 020 7718 8092; LSC Online tel 020 7718 8359; Special Investigations Unit tel 020 7718 8023; Special Cases Unit tel 020 7718 8475, Complex Crime Unit tel 020 7718 8257; Other departments tel 020 7718 8466.



Changes to family rates

Following from *Legal Aid Reform: the Way Ahead*, the Department for Constitutional Affairs has consulted with practitioner bodies on the Legal Aid in Family Proceedings (Remuneration) (Amendment) Regulations.

Prescribed family proceedings - county court and magistrates' court proceedings	
Writing routine letters	£6 per item
Receiving routine letters	£3 per item
Routine telephone calls	£6 per item
All other preparation work	£61 p/hr (South Eastern circuit £66 p/hr)
Travelling and waiting	£31 p/hr (South Eastern circuit £32 p/hr)
Attending with counsel at the trial, hearing or other appointment	£36 p/hr
Attending without counsel at the trial, hearing or other appointment	£63 p/hr (South Eastern circuit £66 p/hr)
Preparing the bill (where allowable) and completing the detailed assessment	£35.70 - £56.95
Preparing for and attending the hearing of the detailed assessment	Discretionary
Appeal to costs judge, district judge or judge	Discretionary

These regulations will harmonise solicitor remuneration rates for prescribed private law family cases between the county court and the magistrates'/Family Proceedings Court prior to the introduction of the new Family Help scheme in October 2007.

Key points are:

- > the amended rates and provisions apply to work carried out on or after 2 April 2007 but only where funding is granted on or after 2 April 2007
- > the amended rates do not apply to care proceedings where harmonised rates are already applied
- > a new rate for receiving routine letters in the Family Proceedings Court is introduced
- > increased rates are payable for certain items where the fee earner's office is situated within the South Eastern Circuit - previously an increased rate was payable for proceedings in the magistrates' court where the fee earner's office was situated in the LSC's London region
- > the 15% uplift (for Law Society Advanced Family Panel members, Resolution Accredited Specialists and Law Society Children Panel members in children cases) as well as enhancements based on competence, expedition or other exceptional circumstances will apply to the harmonised rates regardless of venue
- > Regulation 59 Civil Legal Aid (General) Regulations 1989 regarding authority for counsel will continue to apply to proceedings in the Family Proceedings Court and, where appropriate, a condition will continue to be applied requiring proceedings to be commenced in the Family Proceedings Court.

@ CONTACT & INFORMATION

email: jane.worsey@legalservices.gov.uk or anthony.cox@legalservices.gov.uk

web: lsc website > cls > statutory material > acts > regulations and orders

Call for Peer Reviewers

Are you an experienced legal aid practitioner who provides a high quality service to your clients whilst guiding the careers of your colleagues?

If so, you may be interested in becoming an Independent Peer Reviewer. As an Independent Peer Reviewer, you will assess the quality of work carried out by legal aid providers and work with experts from the Institute of Advanced Legal Studies. There may also be opportunities to work with the LSC, influencing future developments on projects requiring practitioner experience.

You will be contracted on a consultancy basis and should be available for approximately 36 days per annum while continuing with your usual work under the LSC contract. Fees are payable at the rate of £375 per day plus expenses.

If you wish to apply, you should be a specialist in your chosen category, with wide casework and supervision experience. We are currently accepting applications in the categories of:

- > Actions Against the Police
- > Community Care
- > Consumer General Contract
- > Clinical Negligence
- > Debt
- > Education
- > Employment
- > Family
- > Immigration
- > Public Law
- > Welfare Benefits

More information, application forms and a personal specification form are available on the LSC website. Documentation can also be provided on request via email. Applications close on 20 April 2007.

@ CONTACT & INFORMATION

web: lsc website > cls > how the unified contract works > how we measure quality - peer review

email: peer.review@legalservices.gov.uk

tel: 020 7759 0327

Update on Preferred Supplier launch

The launch of the Preferred Supplier scheme brings with it a new and exciting partnership between the LSC and legal aid providers. The new way of working rewards efficiency, encourages self-management and reduces the traditional administrative obligations placed on legal aid providers.

The LSC's Preferred Supplier scheme will be launched in April 2007.

To help providers make the transition to Preferred Supplier status, the LSC will dedicate a relationship manager to provide guidance during the entry process. Providers will also have access to a range of time and cost saving initiatives at an early stage of the entry process. These include:

- > more simplified business processes
- > a shift from inspection and auditing to remote monitoring of management information and performance data
- > eligibility to compete in best value tender rounds.

A range of benefits will be available to providers who achieve Preferred Supplier status:

- > a relationship manager to streamline liaison with the LSC
- > a greater range of devolved decision-making
- > advice and support to help you prepare for the introduction of new fee schemes and the best value tendering process
- > a genuine partnership arrangement with the LSC that opens up access to the LSC's strategic plans and priorities to support business planning and development
- > a partnership approach that shifts the focus to self-management, empowering providers to direct transaction and efficiency savings.

The Preferred Supplier scheme has strong links to the Unified Contract. It encourages self-monitoring through the use of Key Performance Indicators and File Assessment Value for Money, and rewards providers for good performance, for example, with increased devolved powers. This means Preferred Supplier status is achieved irrespective of provider size, and high performing organisations will be rewarded with priority access to scheme benefits.

The quality assessment

File assessment quality benchmarks have been developed in conjunction with peer reviewers to be used nationally alongside independent

peer review. Representative bodies were asked to comment on the File Assessment Process document in February.

File assessment will be used as part of the quality assessment stage of the Preferred Supplier entry process. Independent peer review is the primary measure of quality and will be used on any category with a total value of legal aid work in 2006/07 of £50,000 or greater. Where a provider has no single category that exceeds £50,000, their highest value category will be peer reviewed. All other categories will be subject to file assessment.

Peer reviewers specialising in that area of law have produced separate quality criteria and associated guidance for each category of law. Through the peer review process, peer reviewers have built up a substantial understanding of files relating specifically to the quality of advice and legal work provided to clients. This knowledge has been used to create category-specific criteria under file assessment, which can be used by LSC caseworkers assessing evidence in providers' case files.

Over time, the LSC intends to peer review all categories of law. However, to prioritise peer review resources this will be targeted at quality assessing the greatest proportion of legal aid expenditure in the interests of clients and value for money. Whenever file assessment quality results in a fail rating, the same sample of files will be peer reviewed so that a provider will never be excluded from Preferred Supplier on the basis of a file assessment quality rating alone.

The output of the file assessment quality process is a report that helps providers identify areas for improvement so that when a peer review is completed a rating of 1 or 2 should be achieved.

To prepare for quality assessments, whether a peer review or a File Assessment Quality, providers can refer to the Improving Quality Guides on the LSC website.

Next steps

The plan linking the roll out of quality assessment for the Preferred Supplier scheme and best value tendering is available on the LSC website. The plan sets out a high-level timetable for best value tendering and the associated quality assessment roll out, and

provides timescales in which case files are likely to be requested for quality assessment. The roll out plan for quality assessment gives all providers the opportunity to be eligible for the first round of best value tendering.

Further process detail will be given in the Preferred Supplier scheme document, which will be published shortly.

The implementation of the Preferred Supplier scheme commences in April with monitoring of provider performance against the new contract key performance indicators, File Assessment Value for Money and quality assessment. While all three of these elements must be met in order to become a Preferred Supplier, the sequencing will vary in order to prioritise the quality assessment in those areas in which best value tendering will start first. The roll out plan will give the exact sequencing.

In the meantime, more information on the Preferred Supplier scheme is available via email.

@ CONTACT & INFORMATION

email: preferred.supplier@legalservices.gov.uk

TTF deadline

All providers in the Tailored Fixed Fee Scheme, both Voluntary and Mandatory, should be aware that the deadline to submit a claim adjustment is 10 May 2007.

This includes applications for exceptional cases, disbursements, housing uplift, ASBOs and Statutory charge/Cost recovery. All applications should be sent to the LSC's Midlands office, Nottingham, and not a provider's local regional office.

Unfortunately application forms have not been updated in respect of the dates, therefore all applications should be made on the existing application form. Guidance and forms are available on the LSC website.

@ CONTACT & INFORMATION

tel: 011 5908 4280

post: Fothergill House, 16 King Street, Nottingham NG1 2AS DX 10035 Nottingham 1

The Unified Contract

The Unified Contract for civil legal aid providers was published on 26 February 2007. It replaces the General Civil Contract and Family Mediation Contracts, which expire on 31 March 2007. The Unified Contract Standard Terms will apply to crime providers from 1 April 2008.

The Unified Contract will bring Not for Profit (NFP) advisors and family mediators the same terms as solicitors who carry out civil legal aid work, with NFPs subject to transitional arrangements. A key change is the move to contracting on a 'whole organisation' basis, rather than issuing separate contracts for each office.

Unified Contract Standard Terms

All providers have been sent their Contract for Signature and Office Schedule/s, which sets out rights to carry out Contract Work and limits in respect of Controlled Work. The relevant sections of the Contract for Signature must be

signed and returned to the Principal Office's Regional Office by 30 March 2007 to ensure continuation of Standard Monthly Payments and to guarantee entitlement to start new matters and cases.

The new Standard Terms build on the General Civil Contracts and include similar provisions, although they have been updated and, where possible, simplified. The layout has changed but it is not expected that the new Standard Terms will make any significant difference to the day-to-day operation of Contract Work. The Unified Contract Standard Terms are in many respects identical or very similar to the existing terms, with key

amendments paving the way for the reform programme.

The main provisions include:

- > Creating a more efficient way of working with providers by issuing one contract per organisation rather than one per office. However, each contract will contain a schedule setting out the work that individual offices can undertake.
- > Giving the LSC the flexibility to amend the contract documents to help deliver the reform programme following consultation.
- > Continuing to have a clause (in line with most public sector contracts) which allows the LSC to terminate for no-fault on six months notice but only where it is necessary or desirable in order to deliver a 'Reform of the Legal Aid Scheme' as defined.
- > Introducing new provisions (to be exercised from October 2007) relating to e-business and equality and diversity, which are of real benefit to legal aid clients, the LSC and providers.
- > Introducing new Payment on Account (POA) provisions, which dispense with the £250 automatic POA on the issue of each legal aid certificate but bring forward the first claim to three months. This will financially compensate providers for removing the automatic POA and will resolve issues that arose during the current Unrecouped Payments on Account exercise.
- > Enabling the LSC to set a minimum and maximum number of new cases to be started by an individual office each year. This will allow the LSC to ensure adequate provision of services to meet the needs of vulnerable clients in a specified area, although minimum numbers will not be set without further consultation.
- > Requiring providers to meet standards contained in Key Performance Indicators. However, meeting the KPIs will not be a contractual requirement until April 2008 and further consultation will be held prior to implementation.

Contract for Signature, Key Information Tables and Annexes		
The Contract for Signature sets out the terms of the Unified Contract. It will be in force until 31 March 2010 with an option to extend to 31 March 2012.		
KEY INFORMATION TABLES		
Table 1	Contact Details	Providers must enter their contact details and include an email address, and the table lists the Office Schedule that applies to each office within the provider's organisation
Table 2	Status and Quality Assurance Standard	Confirms current status and Quality Assurance standard (ie. SQM)
Table 3	Maximum Payment on Accounts Limits	Maximum limit to be determined following consultation
Table 4	Performance Indicators	Performance indicators to be determined following consultation, although Immigration and Asylum Success Rates introduced in October 2006 are carried over into the Office Schedule
Table 5	Conditions on which this Contract is granted	Outlines contract conditions
ANNEXES		
Annex A	Constitutional Statement	States provider's legal entity, and should be completed with the required information (eg. names of organisation's trustees etc.)
Annex B	Provisions on Licensed Work from 1 April to 30 September 2007	Provisions are taken from the current Contract
Annex C	Specification	States the Specification that will apply to the provider from 1 April to 30 September 2007
Annex D	Payment Annex to the Specification (solicitors) from 1 April to 30 September 2007	Provisions are taken from the current Solicitor Contract
Annex E	Provisions for Not for Profit providers from 1 April to 30 September 2007	Provisions are taken from the current Not for Profit Contract

Civil Specification from October 2007

The draft Contract Specification has been issued for consultation, along with the fee schemes proposed for October 2007. More detail is available in the Consultation on Civil Contract Specification article on this page.

Specialist Quality Mark

In light of the LSC's proposed development of the Preferred Supplier scheme, the Specialist Quality Mark (SQM) will continue to be used and applied as it is at present for all providers, including those on the Preferred Supplier pilot. This arrangement will be in place until the LSC's Preferred Supplier scheme has been fully implemented.

Providers should note that the SQM is the required Quality Standard under the Key Information Tables set out in the Contract for Signature.

General Criminal Contract changes

A number of amendments have been made to the General Criminal Contract's Standard Terms that apply from 1 April 2007. The most significant change enables the LSC to terminate all or parts of the contract on three months notice, but only where it is necessary or desirable to deliver the reform programme.

The Contract has also been amended to include the introduction from 16 April of revised standard fees for all solicitors working in designated areas including London, Birmingham and Manchester. The revised fees include an element for travel and waiting and lower and higher standard fee cases: no travel and waiting will be paid for Revised Non Standard Fees.

Whilst it is recognised that this may mean some crime providers will receive lower payments for work, it is a necessary step in making the legal aid fund sustainable for the future and to enable more funds to be directed into civil legal aid.

The new fees will reward firms for efficient handling of magistrates' court work and assist them in preparing for competitive tendering.

A comment piece on the Unified Contract is provided by Ruth Wayte, the LSC's Legal Director, on page 12. More information is also available on the LSC website, together with answers to Frequently Asked Questions on technical and general queries.

@ CONTACT & INFORMATION

web: [lsc website](#) > [cls](#) > [how the unified contract works](#)

Civil Contract consultation

A draft Civil Specification has been prepared for consultation and replaces the terms of the existing General Civil Contract Specification with effect from 1 October 2007.

The Specification will go alongside the Unified Contract Standard Terms, which come into effect for civil work from April 2007. The Specification gives effect to the civil fee schemes that will apply from October. It contains the proposed fees and detailed rules for Legal Help Standard Fees and the new fee schemes for Family and Immigration work (see page 8).

In addition, the remainder of the Specification has been updated and streamlined. All references to regulations under the Legal Aid Act 1988, many of which were incorporated into the existing contract, have been removed and replaced with clear contract provisions to govern all remuneration for civil work. There are also new rules on Matter Starts and Case Splitting, which support the new standard fee schemes and more comprehensive provisions on cost assessment rules and procedures.

For ease of reference the draft Specification has been published on the LSC website in six sections: General Provisions, Family, Immigration, Mental Health (to follow when the new Mental Health fee scheme is announced), Other Category Specific Provisions, and Payment Annex (which gives fees and rates for civil work).

Two further documents are being issued with the Specification for consultation. The first is the *Detention Advice Specification*, which is the draft contract that will be used as the basis for Exclusive Contracting for Immigration and Asylum advice for clients held in detention. The second is *New Cost Assessment Guidance* which brings together all guidance on assessment of costs for both Controlled and Licensed Work.

These documents are available on the LSC website, and comments are due by 16 April 2007.

@ CONTACT & INFORMATION

web: [lsc website](#) > [cls](#) > [consultations](#) > [recent consultations](#)

email: colin.stutt@legalservices.gov.uk



All providers have been sent their Contract for Signature.

Family fees consultation

In response to views expressed during the consultation *Legal Aid: a sustainable future*, the LSC is proposing significant changes to Family Fees.

In *Legal Aid Reform: the Way Ahead*, the LSC committed to issuing a further consultation paper with revised proposals for the new family work fee structures being implemented in October 2007.

Entitled *Legal Aid Reform: Family and Family Mediation Fee Schemes*, the consultation incorporates proposed changes to the Family Mediation Fee Structure and parts of the Funding Code. The consultation paper was published on 1 March 2007.

The LSC has carefully considered the responses to the original consultation paper *Legal Aid: a sustainable future* and has made significant changes to the fee schemes as a result. These amendments affect the Care Proceedings Scheme, the Family Help Private Scheme and the Mediation Scheme. In response to concerns raised, a key amendment to the Care Proceedings Scheme is a revised approach to the calculation of fees per certificate. The LSC is now consulting on payment of a higher fee where two or more children are represented

(50% higher than the fee for representing one child), and a higher fee where both parents are represented (25% higher than the fee for representing one parent). The exceptional case threshold has been reduced in response to concerns that it was too high, and advocacy removed from the scheme so that it continues to be paid under hourly rates for solicitors in the short term. The structure of Level 3 has also been revised and a single fee proposed to provide flexibility for future changes in the Protocol. The Family Help Private scheme was also amended. Following calls for the introduction of different fees that reflect different types of family private cases, there are now separate fees for children and finance cases at Levels 2 and 3. The exceptional case threshold has been reduced in response to concerns that it was too high. To encourage early settlement, further consultation has been invited on higher fees for finance cases and cases settled at Level 2. Further consideration was also given to areas such as the Trusts of

Land and Appointment of Trustees Act 1996 and domestic violence, which were highlighted by respondents in the previous consultation.

The proposed mediation scheme will amend the current fee structure in line with the LSC's increased understanding of claiming patterns since the introduction of permanent contracting arrangements.

The new fee arrangements formally conclude the three-year transitional period for the Not for Profit (NFP) contracting arrangements, and will allow both For Profit and NFP services to move to one single family mediation remuneration structure from October 2007. The move will bring family mediation contracts in line with other civil contracting arrangements.

As the family fees proposals are a re-consultation and the mediation proposals have already been discussed in some detail with stakeholders, the six-week consultation will close on 16 April 2007. Providers wishing to respond should do so online or through their representative bodies. The consultation paper *Legal Aid Reform: Family and Family Mediation Fee Schemes* is available on the LSC website.

@ CONTACT & INFORMATION

web: [lsc website > cls > consultations > recent consultations](#)

email: family@legalservices.gov.uk

Graduated Fee Scheme

The Immigration and Asylum graduated fee scheme will be introduced for all immigration cases started and the majority of asylum cases lodged with the Home Office after 1 October 2007.

The scheme consists of a single fee for Legal Help and two fees for Controlled Legal Representation (one of which will be claimed depending on the point at which the case concludes).

Additional payments of fixed values will be made for representation at the Home Office Interview, when within scope, and representation at hearings before the Asylum and Immigration Tribunal. The broad framework remains the same as was consulted upon in *Legal Aid: a sustainable future* but a number of important changes have been made.

Final fees will remain the same as those published in the consultation paper but with the interpreter and translation allowance removed, a baseline hourly rate set three quarters between current national and London rates, and an amended formula for rounding, which is fairer for providers. The exceptional case escape threshold will be reduced from four

times to three times the graduated fee in both immigration and asylum cases. The fees have not been reduced to offset the lower threshold.

All disbursements, including interpreter and translation costs in both asylum and immigration cases, will sit outside the fees and be paid as incurred, subject to extendable financial thresholds. The LSC will not proceed with the proposal to provide an early resolution payment for asylum cases.

Arrangements will be made for remunerating cases that move between graduated fees and excluded services that include additional funding for travel for detained clients when not subject to exclusive arrangements.

Graduated Fee Scheme exclusions

The LSC remains committed to the proposals for providing services for clients in detention through exclusive contracts, and consultations on the content of the contract for providing

services within Immigration Removal Centres are underway, along with the general specifications for civil categories.

Bid rounds for exclusive contracts for providing these services will be held later this year with contracts expected to come into effect in October 2007. Bid rounds will be published on the LSC website.

A pilot telephone advice service for clients held in police stations has recently concluded and once the evaluation concludes, consultations will be held with stakeholders to evaluate the pilot's success. Current contracts for services for detained clients, including those subject to the Fast Track process and for telephone advice in police stations, will be extended until October 2007.

Based on feedback from stakeholders, proposals to introduce an exclusive panel for appeals before the Special Immigration Appeals Commission will not proceed.

The LSC remains committed to the proposals for providing services at the Asylum Screening Unit (ASU) and for Unaccompanied Asylum Seeking Children (UASC). At present, Home Office proposals for the future processing of UASCs or developing services at the ASU have not yet progressed to a stage that allows for further consultation or updates.

Developing family legal aid



Crispin Passmore

Director, Community Legal Service

In March last year we published our priorities for the Community Legal Service (CLS). We are now setting out our specific vision for family legal aid with the launch of our strategy *Making Legal Rights a Reality for Children and Families*. Our proposals link closely with the CLS strategy aims. Key amongst these are focusing legal aid funding to meet the needs of priority clients and contributing to the reform of the family justice system.

Last year we spent approximately a quarter of the legal aid budget (£570 million) on family legal aid. This is an important area of law that depends on the hard work and commitment of our family providers to deliver specialist advice and assistance to clients suffering from family and associated problems.

We will be working to control costs as appropriate in the system, for example by better regulating the cost of experts and residential assessments. Through this strategy and the new fee schemes that will be implemented from October, we will deliver a system that is effective for clients, fair to providers and sustainable for the Government.

We will continue to promote development of the profession through initiatives like training support grants to encourage more trainees to undertake legal aid work.

We will also shape the legal aid system to be more responsive to the needs of clients. This will include improving access to specialist advice, for example by allowing providers the flexibility to offer services in locations where clients want to receive advice. It will also include helping clients resolve their problems without resorting to court, where this is safe to do so, through a stronger presumption to mediate in private law family disputes. We will also make sure that where litigation is appropriate, adequate funding can be secured.

We recognise there should be some variation in the way that the family strategy is implemented across England and Wales to take account of regional need. In implementing the strategy, I look forward to working with providers, representative bodies, Government departments in England and Wales and interested stakeholders to deliver a system that will help us, together, to meet the needs of vulnerable clients.

The Unified Contract



Ruth Wayte

Legal Director

The LSC's Unified Contract was published on 26 February 2007. It paves the way for the reform programme outlined in *Legal Aid Reform: the Way Ahead* and addresses issues that have arisen through the operation of the General Contracts.

The Unified Contract, hundreds of which have already been signed and returned to the LSC, is a three-year contract between the LSC and every legal aid firm and advice agency in England and Wales. It will include all crime providers from April 2008. We therefore need to include standard terms that provide a range of benefits like e-business, and allow us to act as a responsible public body that can take effective action against non-performing providers to protect vulnerable clients and the reputation of the profession.

The flexibility to deliver the reform programme is derived from two key terms within the Unified Contract. The terms are not new - similar provisions were in the previous General Contracts - but given the implementation of changes scheduled over the next three years, the terms have featured prominently in our discussion with representative bodies.

Firstly, we must have the ability to make changes so that we can better and more swiftly react to a changing environment as we implement the reform programme. However, given that legal aid contracts have always included the right to amend, our track record proves that we do not make major changes

without consultation. As before, the contract provides for consultation followed by six weeks notice unless the amendment is urgent. At the Law Society's request, we have also reduced the period of notice required from a provider should they find the amendment unacceptable. In practice, this provision should only be used exceptionally but it means that providers will be able to terminate their own contract without liability.

Second is the provision which allows us to terminate the contract or parts of it on six months' notice but only if we think it necessary or desirable to allow reform of the legal aid programme. This provision gives some flexibility but that flexibility is not endless. For example, it would not allow us to terminate individual contracts in isolation, and would only apply if we are looking at a change that affects the legal aid programme generally. This right is critical when dealing with a radically changing and developing environment. Again, legal aid contracts have always contained 'no-fault' termination clauses: six months for the LSC and three months for providers.

To conclude on a more personal note, I extend my thanks to those of you who sent condolences following the sad loss of Simon Morgans, our Head of Contracts. Simon worked for over 25 years in legal aid and was the creative force behind the General Contracts. The Unified Contract Standard Terms build on that legacy.

Community Legal Service Financial Eligibility April 2007

The Community Legal Service (Financial)(Amendment) Regulations 2007 provide for the following changes to financial eligibility. The Community Legal Service (Financial)(Amendment) Regulations 2007 provide for the following changes to financial eligibility.

These changes will apply to all applications for funding made on or after 9 April 2007.

1. An uprating of gross and disposable income limits for all levels of service.
2. Eligibility waiver extended for victims of domestic violence and abuse.
3. Aggregation of means for child applicants in family proceedings.
4. Non-means tested General Family Help prior to childcare proceedings.

Gross income cap and disposable income limit

For all applications and further assessments made on or after 9 April 2007, the new gross income limit is £2435 per month. A higher gross income limit applies for families with more than four children. The increment for the 5th and each additional child has increased from £145 to £205. Clients with income above the gross income cap will be refused funding without the need for a full assessment.

Where a client's gross income is within the gross income limit, disposable income will need to be assessed. The new disposable income limit for applications and further assessments made on or after 9 April 2007 is £672 per month.

The new gross and disposable income limits represent a 3.6% increase on 2006 rates and apply to all levels of service. (See LSC Manual volume 2, part F for definitions of gross and disposable income, and for further guidance.)

Capital limit

The capital limit for Controlled Legal Representation (CLR) immigration matters remains at £3,000 for the time being, with the intention to raise it to £8,000 following consultation on an appropriate contribution scheme later in the year. The capital limit remains at £8,000 for all other levels of service.

Passporting arrangements

Passporting arrangements remain unchanged. Clients in receipt of Income Support, Income Based Job Seekers' Allowance or Guarantee State Pension Credit automatically qualify on

both income and capital for all levels of service.

Clients in receipt of NASS payments automatically qualify on both income and capital for immigration and asylum matters of controlled work, that is Legal Help, Help at Court and Legal Representation before the Asylum and Immigration Tribunal and the High Court in respect of an application under section 103A of the Nationality, Immigration and Asylum Act 2002 (CLR Immigration and Asylum). Suppliers are reminded that the requirements in relation to obtaining evidence of support remain unchanged. See Table A on page 15 for eligibility limits.

Contributions

All levels of service

There continues to be no contribution system for Legal Help, Help at Court, Family Mediation, Help with Mediation or for CLR asylum and immigration. Clients are ineligible if their income or capital exceeds the above limits.

For all other forms of Legal Representation and for General Family Help, a client with disposable income of £289 or below per month and capital of £3,000 or below will not be required to pay any contributions. A client with disposable income between £290 and £672 inclusive per month will be liable to pay a monthly contribution of a proportion of the excess over £285. Such contributions will be assessed in accordance with the bands shown in Table B on page 15.

So if disposable income is £325 per month, the contribution will be in band A, the excess income is £40 and therefore the monthly contribution will be £10 per month.

If the disposable income was £441 per month, the contribution would be in band B, the excess income would be £15 (£441 - £426), the monthly contribution would therefore be £40.25, i.e. £35.25+ £5. If the disposable income was £585 per month, the contribution would be in band C, the excess income would be £20 (£585 - £565), the monthly contribution would therefore be £91.60, i.e. £81.60+ £10.

A client whose disposable capital exceeds

£3,000 is required to pay a contribution of either the capital exceeding that sum or the likely maximum costs of the funded service, whichever is the lesser.

Dependants' allowances

Following the uprating of 3.0% to the Income Support (General) Regulations 1987, increases to the allowances for dependants will apply automatically to new applications and further assessments made on or after 9 April 2007. These are shown in table C on page 15.

Domestic violence waiver extended

As part of the LSC's continuing commitment to empowering those who are most vulnerable in society to safeguard their rights, new measures have been announced to provide increased help to victims of domestic violence.

The eligibility waiver set out within Regulation 5E of the Community Legal Service (Financial) Regulations 2000 currently provides the LSC with discretion to waive the upper disposable income limit for the benefit of victims of domestic violence seeking protection from the court. From 9 April 2007, this waiver will apply to all eligibility limits, i.e. the gross and disposable income limits and disposable capital limit. However, any contribution from income or capital that is applicable under the regulations cannot be waived in such cases. A client with disposable income of £290 per month or above will be liable to pay a monthly contribution of a proportion of the excess over £285.

The eligibility waiver applies to any application for Legal Representation for proceedings where the client seeks an injunction or other order for protection from harm to the person, or for committal for breach of any such order. Thus along with victims of domestic violence and abuse, the waiver may also apply to applicants in certain harassment cases. The waiver does not extend to other matters in family proceedings such as ancillary relief, contact etc. Work therefore cannot be undertaken on other matters relating to the breakdown of the relationship under the certificate granted for domestic violence proceedings where the waiver has been applied.

For details on operation of the waiver, see Focus 47 and LSC Manual volume 3, part D.

Pensioners' capital disregard

Additional capital disregards for pensioners on low incomes apply to all levels of service. The monthly disposable income limit at or below which the disregard applies has risen from £279 per month to £289 per month. The pensioners' capital disregard therefore applies where either the client (or spouse/partner where an aggregated assessment is carried out) is aged 60 years or over at the date of

computation and their disposable income is less than £289 per month. See LSC Manual volume 2 part F for the full table of disregards. The supplier calculator will automatically complete this calculation where the client's disposable income falls below this lower income limit.

Aggregation of means for child applicants for family proceedings

From 9 April 2007 the means of child applicants for family proceedings will be aggregated with those of their parent(s), guardian(s) or any other person who is responsible for maintaining the child for all levels of service. This means the aggregation rule, which currently applies to Legal Help, is extended to General Family Help and Legal Representation in family proceedings.

The resources of the relevant adults will be treated as the child's unless it appears inequitable in all the circumstances, for example if there is a conflict of interest between the parent and child then it would not be appropriate to aggregate their means.

In certified cases the applying solicitor should submit appropriate means forms for the child and parent(s) or others responsible for or contributing to the child's maintenance or, more usually in the first instance, explain in the application itself why non aggregation of means would be appropriate in the circumstances of the particular case, having regard to the position of each of the parent(s) or others on the issues in the case and the party status of the child. If CLS Means 4 is being used the form should be boldly marked "Possible aggregation" at the top and additional information on why aggregation is inequitable given on a separate sheet. If CLS Means 1 is being used this information should be given in the additional information section on page 13. Additional guidance on aggregation will be given in the next LSC Manual update.

The eligibility rules for child applicants for Legal Representation in non-family proceedings are unchanged.

Non-means tested General Family Help prior to childcare proceedings

General Family Help may be granted to a parent or person with parental responsibility to obtain legal advice and assistance prior to care proceedings under section 31 of the Children Act 1989. Such parties are entitled to non-means tested Legal Representation for the proceedings themselves. The change this April will ensure that this exemption from means testing also extends to any General Family Help certificate granted prior to section 31 proceedings. Applications should be made using form CLS App 3 and boldly marked 'non-means tested' at the top.

Transitional provisions

The new eligibility limits will apply to all further

assessments of certificates under Regulation 15 of the Community Legal Service (Financial) Regulations 2000 made on or after 9 April 2007.

Miscellaneous guidance

Subject Matter Of Dispute Rule (SMOD)

In calculating the disposable capital of the client, the amount or value of the subject matter of dispute to which the application relates is subject to a disregard.

Assets that are the subject matter of dispute in respect of an application for Legal Help, Help at Court, Controlled Legal Representation (immigration and asylum) and Family Mediation are to be wholly disregarded. However, where eligibility is being assessed in respect of an application for General Family Help or Legal Representation (i.e. all types other than CLR immigration and asylum), the SMOD disregard is limited to £100,000. Thus capital assets in dispute will be taken into account in the assessment only to the extent that the client's interest in the disputed assets exceeds £100,000. These provisions are set out within Regulation 32A of the Community Legal Service (Financial) Regulations 2000.

Assessment

In dealing with property assets that are in dispute the following hierarchy of disregards applies:

- > Step 1 (a) Apply the mortgage disregard (actual mortgage or £100,000 whichever is the less) to the value of the property to establish the total amount of equity within the property; (b) determine the client's share of this equity – generally treated as 50% [using Regulation 30A of the Community Legal Service (Financial) Regulations 2000] unless there is evidence of a different division of property. Multiply total equity assessed under Step 1(a) by the client's percentage share of the property.
- > Step 2) Apply the subject matter of dispute disregard of £100,000 to the client's share of any equity within the property.
- > Step 3) Apply the Equity disregard of £100,000 to the remainder (if any) of the client's share of the equity within the main dwelling. (Do not apply the equity disregard to a property that is not the main dwelling.)

The worked example provided in table D demonstrates that the client is ineligible for funding. For cases where the assets in dispute include the main dwelling property and other capital assets, the subject matter of dispute disregard is applied to the client's interest in the main or only dwelling first. The remainder (if any) can then be applied to the other disputed assets. The total amount disregarded must not

Table A	
Gross Income Limit	Increased from £2,350 per month to £2,435* per month
Disposable Income Limit	Increased from £649 per month to £672 per month
Disposable Capital Limit	£3,000 CLR immigration only £8,000 All other levels of service
* A higher limit applies for families with more than four children with £205 added for the 5th and each additional child.	

Table B		
Band	Monthly disposable income	Monthly contribution
A	£290 to £426	1/4 of income in excess of £285
B	£427 to £565	£35.25+ 1/3 of income in excess of £426
C	£566 to £672	£81.60+ 1/2 of income in excess of £565

Table C	
Partner	Increased from £141.87 to £146.62 per month
Child aged 15 or under	Increased from £198.06 to £206.75 per month
Child aged 16 or over	Increased from £198.06 to £206.75 per month

Table D	
The applicant has a home worth £520,000 and the mortgage is £150,000.	
Value of Home	£520,000
Deduct mortgage up to maximum allowable	minus £100,000
Equity	£420,000
Client's share of Equity (assume asset held in equal shares)	£210,000
Is the client's share of the property and savings in dispute – Yes/ No? If Yes:	
Apply Subject Matter of Dispute disregard	minus £100,000
Remaining Equity	£110,000
Apply Equity exemption for main dwelling property	minus £100,000
Capital assessed	£10,000
The client is therefore ineligible for funding.	

<< P15

exceed £100,000.

Detailed guidance (and further worked examples) is provided in the LSC Manual volume 2, part F, section 7.3. Such guidance can be accessed using the eligibility calculator on the LSC website.

Forms update

An updated Keycard (No. 43) providing a step-by-step guide to assessment accompanies this article and will be available from the LSC website from 9 April 2007.

The suppliers' calculator and accompanying guidance (LSC Manual volume 2, part F), also located on the LSC website, has been updated accordingly for applications made on or after 9 April 2007.

Criminal Defence Service - Financial Eligibility April 2007

The following uprating will apply to applications for funding made on or after 2 April 2007. CDS (General)(No.2) Regulations 2001:

- > Increase the disposable income limit for advice and assistance from £92 to £95 per week.
- > Increase the disposable income for advocacy assistance from £194 to £201 per week.

Criminal Defence Service (Financial Eligibility) Regulations 2006:

- > Increase of initial filter from £20,740 to £21,487 (weighted gross income) per annum.
- > Increase of lower threshold from £11,590 to £12,007 (weighted gross income) per annum.
- > The cost of living allowance has increased from £5,304 to £5,463 per annum.
- > Where the full means test applies, the threshold level has increased from £3,156 to £3,270 per annum.

Refer to LSC Manual volume 4, part E, section 1A (Financial Eligibility - Representation in the magistrates' court) for definitions of initial filter, lower threshold and weighted gross income.

Following an uprating of 3.0% to the Income Support (General) Regulations 1987, the allowance for dependants will be increased for advice and assistance and advocacy assistance levels of service. The magistrates' court means test is unaffected by this change. The new allowances apply to applications for funding made on or after 9 April 2007. An updated keycard (No. 43a) accompanies this article.

Standard fees coming

In *Legal Aid Reform: the Way Ahead* the LSC confirmed that Tailored Fixed Fees (TFF) will be replaced by standard fees from 1 October 2007.

The new fees will apply in the following categories of law: actions against the police, clinical negligence, community care, consumer, debt, education, employment, housing, personal injury, public law and welfare benefits.

For almost 70% of solicitors' firms, the new fees represent an increase in the current average cost of the cases to which they will apply. When comparing the fees with the TFF rate, the following points should be considered:

- > TFF rates include VAT. The fixed fees published in *Legal Aid Reform: the Way Ahead* were shown net of VAT, which will be paid on top.
- > TFF rates include disbursements - but under the new scheme all disbursements except counsel's fees are payable in addition to the

fixed fees.

- > TFF rates include exceptional cases, which means that extra payments are not made for those cases. However, in the new scheme, all exceptional cases - those where the costs on hourly rates are three times the fee - will be paid separately at hourly rates.

The new fixed fees, excluding and including VAT, are set out in the table below. There are different fees for cases done within a category specific contract (ie. where Matter Starts apply in the category concerned) and tolerance cases.

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web: lsc website > cls > pay rates & schemes > standard fee schemes

Category	Contract Fixed Fee Excluding VAT	Contract Fixed Fee Including VAT	Tolerance Fixed Fee Excluding VAT	Tolerance Fixed Fee Including VAT
Actions Against the Police	£261	£306.68	£151	£177.43
Clinical Negligence	£213	£250.28	-	-
Community Care	£290	£340.75	£175	£205.63
Consumer General Contract	£174	£204.45	£146	£171.55
Debt	£196	£230.30	£121	£142.18
Education	£296	£347.80	£149	£175.08
Employment	£225	£264.38	£147	£172.73
Housing	£171	£200.93	£135	£158.63
Personal Injury	£204	£239.70	-	-
Public Law	£282	£331.35	£203	£238.53
Welfare Benefits	£164	£192.70	£133	£156.28
Miscellaneous	£86	£101.05	-	-

Community Legal Service

Keycard No 43 - Issued April 2007

General

This card is intended as a quick reference point only when assessing financial eligibility for those levels of service for which the provider has responsibility: Legal Help; Help at Court; Legal Representation before the Asylum and Immigration Tribunal, and before the High Court in respect of an application under s. 103A of the Nationality, Immigration and Asylum Act 2002; Family Mediation; Help with Mediation, and Legal Representation in respect of Specified Family Proceedings before a magistrates' court (other than proceedings under the Children Act 1989 or Part IV of the Family Law Act 1996). Full guidance on the assessment of means is set out in the LSC Manual part F, volume 2. References in this card to volume and section numbers, eg. volume 2F-section 1 are references to the relevant parts of that guidance. Providers should have regard to the general provisions set out in guidance volume 2F-section 2, particularly those set out in sub paragraphs 3-5 regarding the documentation required when assessing means. This keycard and the guidance are relevant to all applications for funding made on or after 9 April 2007.

Eligibility Limits

The summary of the main eligibility limits from 9 April 2007 is provided below:

Level of Service	Income Limit	Capital Limit
All Levels of Service*: <ul style="list-style-type: none"> o Legal Help o Help at Court o Family Mediation o Help with Mediation o Legal Representation before the Asylum and Immigration Tribunal, and before the High Court in respect of an application under s 103A of the Nationality, Immigration and Asylum Act 2002 o Legal Representation in respect of Specified Family Proceedings before a magistrates' court (other than proceedings under the Children Act 1989 or Part IV of the Family Law Act 1996) 	Gross income not to exceed £2,435** per month Disposable income not to exceed £672 per month Passported if in receipt of Income Support, Income Based Job Seekers' Allowance or Guarantee State Pension Credit [Also passported for Legal Help, Help at Court and Legal Representation (asylum and immigration matters only), if in receipt of NASS Support].	Disposable Capital not to exceed: <ul style="list-style-type: none"> o £3,000 (CLR immigration matters) o £8,000 (all other levels of service) Passported if in receipt of Income Support, Income Based Job Seekers' Allowance, or Guarantee State Pension Credit [Also passported for Legal Help, Help at Court and Legal Representation (asylum and immigration matters only), if in receipt of NASS Support].

* May be subject to contribution from income and/or capital (see volume 2F-section 3.2, paras 1 to 5).

** A higher gross income cap applies to families with more than four dependant children. Add £205 to the base gross income cap shown above for the 5th and each subsequent dependant child.

Additional information regarding the financial eligibility criteria is also provided in guidance volume 2f-section 3.

Step by Step Guide to Assessment

Step One Determine whether or not the client has a partner whose means should be aggregated for the purposes of the assessment (see guidance in volume 2F-section 4.2, paras 1-5).

Step Two Determine whether the client is directly or indirectly in receipt of either Income Support, Income Based Job Seekers' Allowance, Guarantee State Pension Credit or NASS support in order to determine whether the client automatically satisfies the relevant financial eligibility test as indicated by the 'passport' arrangements stated in the table on reverse.

Step Three For any cases which are not 'passport', determine the gross income of the client and include the income of any partner (see guidance in volume 2F-section 5). Where that gross income is assessed as being above £2,435 per month, then the client is ineligible for funding for all levels of service and the application should be refused without any further calculations being performed. Certain sources of income can be disregarded and a higher gross income cap applies to families with more than four dependant children.

Step Four For those clients whose gross income is not more than the gross income cap (see guidance in volume, 2f-section 3), fixed allowances are made for dependants and employment expenses, and these are set out in the table below. Other allowances can be made for tax, national insurance, maintenance paid, housing costs and child minding. If the resulting disposable income is above the relevant limit then funding should be refused across all levels of service without any further calculations being necessary.

Fixed rate allowances (per month) from 9 April 2007

Work related expenses for those receiving a wage or salary	£45
Dependants Allowances	£146.62
Partner	£206.75
Child aged 15 or under	£206.75
Child aged 16 or over	
Housing cap for those without dependants	£545

Step Five Where a client's disposable income is below the relevant limit then it is necessary to calculate the client's disposable capital, see guidance in volume, 2F-section 7. If the resulting capital is above the relevant limit, then the application should be refused. (However in the case of Legal Representation in Specified Family Proceedings, if the likely costs of the case are more than £5,000 then refer to the LSC which may grant funding – see volume 2F-section 3.1, para 6).

Step Six For those clients whose disposable income and disposable capital have been assessed below the relevant limits then for all levels of service other than Legal Representation in Specified Family Proceedings, the client can be awarded funding.

Step Seven For Legal Representation in Specified Family Proceedings, it is necessary to determine whether any contributions from either income or capital (or both) should be paid by the client (see guidance in volume 2F-section 3.2, paras 1 to 5). For ease of reference the relevant income contribution table is reproduced below. Such contributions should be collected by the supplier (see guidance in volume 2F-section 3.2, para 4).

Band	Monthly disposable income	Monthly contribution
A	£290 to £426	1/4 of income in excess of £285
B	£427 to £565	£35.25 + 1/3 of income in excess of £426
C	£566 to £672	£81.60+ 1/2 of income in excess of £565

Criminal Defence Service

Keycard No 43a - Issued April 2007

General

This card is intended as a quick reference point only when assessing financial eligibility for Advice and Assistance and Advocacy Assistance. Full guidance on the assessment of means is set out in the LSC Manual part E, volume 4. References in this card to volume and section numbers, eg. volume 4E-section 1 are references to the relevant parts of that guidance. Providers should have regard to the general provisions set out in guidance volume 4E-section 3, particularly those set out in sub paragraph 2 regarding the documentation required when assessing means. This keycard and the guidance are relevant to all applications for funding made on or after 2 April 2007.

Level of Service	Income Limit	Capital Limit
Advice and Assistance	<p>Disposable income not to exceed £95 per week</p> <p>Passported if in receipt of Income Support, Income Based Job Seekers' Allowance, Guarantee State Pension Credit, Working Tax Credit plus Child Tax Credit* or Working Tax Credit with disability element *</p> <p>*Gross Income not to exceed £14,213 for passporting</p>	<p>£1,000 for those with no dependants</p> <p>£1,335 for those with one dependant</p> <p>£1,535 for those with two dependants with £100 increase for each extra dependant</p> <p>No passporting - capital must be assessed in all cases</p>
Advocacy Assistance	<p>Disposable income not to exceed £201 per week</p> <p>Passported if in receipt of Income Support, Income Based Job Seekers' Allowance, Guarantee State Pension Credit, Working Tax Credit plus Child Tax Credit* or Working Tax Credit with disability element*</p> <p>* Gross Income not to exceed £14,213 for passporting</p>	<p>£3,000 for those with no dependants</p> <p>£3,335 for those with one dependant</p> <p>£3,535 for those with two dependants with £100 increase for each extra dependant</p> <p>Passported if in receipt of Income Support, Income Based Job Seekers' Allowance or Guarantee State Pension Credit</p>

Step by Step Guide to Assessment

Step One Determine whether or not the client has a partner whose means should be aggregated for the purposes of the assessment (see guidance in volume 4E-section 4).

Step Two (a) Determine whether the client is directly or indirectly in receipt of either Income Support, Income Based Job Seekers' Allowance or Guarantee State Pension Credit in order to determine whether the client automatically satisfies the relevant financial eligibility test as indicated by the 'passported' arrangements stated in the table on reverse.

Step Two (b) Assess gross income for all other cases. Determine whether the client is directly or indirectly in receipt of Working Tax Credit along with Child Tax Credit or Working Tax Credit with disability element. The client will be 'passported' on income where gross limit £14,213 is not exceeded.

Step Three For any cases that are not 'passported', determine the client's disposable income (see guidance in volume 4E-section 5). Fixed allowances are made for dependants and these are set out in the table below. Other allowances can be made for tax, national insurance and maintenance paid. Certain sources of income can be disregarded. If the resulting disposable income is above the relevant limit then funding should be refused across all levels of service without any further calculations being necessary.

Fixed rate allowances (per week) from 9 April 2007

Dependants' Allowances	Partner	£33.65
	Child aged 15 or under	£47.45
	Child aged 16 or over	£47.45

Step Four Where a client's disposable income is below the relevant limit then it is necessary to calculate the client's disposable capital (see guidance in volume 4E-section 6). If the resulting capital is above the relevant limit, then the application should be refused.

Step Five For those clients whose disposable income and disposable capital have been assessed below the relevant limits for all levels of service then the client can be awarded funding.

Public Interest Advisory Panel Summaries

The Public Interest Advisory Panel (PIAP) reports to the LSC on cases that are considered to raise public interest issues. These reports are then taken into account by the LSC in decisions under the Funding Code. For more information on the Panel, see the article in Focus 31 (page 2), section 5 of the Funding Code Decision-Making Guidance in Volume 3 of the LSC Manual, and on the LSC website at www.legalservices.gov.uk

Summaries of Panel reports are no longer included in the Manual. They are however available on the the LSC website under [cls > Guidance on our decision making > Public Interest Reports](#). New reports will continue to be published in Focus. Summaries of cases considered by the Panel are contained in Focus 32 to 52. A summary of the cases that have been referred to the Panel since publication of Focus 52 is set out below. These are taken from the full reports of the Panel but omit individual client details. In each case the Panel gives an opinion as to whether or not the case has a significant wider public interest. Cases that have a significant wider public interest are usually assessed in one of three categories, namely 'exceptional', 'high' or simply in the general category of 'significant' wider public interest.

PIAP 07/371

Nature of Case

Claim for judicial review against the South Yorkshire Police and the Secretary of State in relation to an alleged breach of Article 5 of the European Convention of Human Rights (ECHR) following questioning of the applicant under the provisions of the Terrorism Act 2000 (the Act).

Report of Panel

The Panel considered that there was a lack of clarity within the Act in relation to the distinction between being "detained" and "questioned" under Schedule 7 of the Act.

Had the applicant been formally subject to detention, she would have had the benefit of procedural protection under Schedules 7 and 8 of the Act. It was the Panel's view however, that while ostensibly being only questioned and described as 'cooperating' with the police, there was a clear argument that the applicant was not free to leave in any meaningful sense, such that there had been a deprivation of liberty engaging Article 5 of the ECHR.

The Panel noted that such cases raised important issues concerning the interface between private freedom and public security. A successful outcome would be of considerable impact and, in particular, would be likely

to affect a significant group of the public by ensuring that those who were in reality compelled to face questioning would receive the benefits of the safeguards applying to detention under the Act.

Conclusion

Significant Wider Public Interest
Rating: High

PIAP 07/373

Nature of Case

Claim for judicial review in respect of the delay to list a Mental Health Review Tribunal (MHRT) by the Tribunals Service, where the hearing initially listed had had to be adjourned.

Report of Panel

The Panel noted that the landmark case of *R v Mental Health Tribunal and Secretary of State for Health, ex parte KB & Others* [2003] 2 All ER 209 had, in principle, addressed the issue involved in this case, but accepted that a further point of importance was raised.

The Panel considered that this claim faced substantial difficulties in relation to the actual delay that had occurred in listing the tribunal hearing. The case did not disclose evidence of a systemic failing. The Panel did not consider that the Tribunal was likely to be held liable to challenge for every adjournment that might be caused by individual circumstances outside their control.

The delay caused by the adjournment in this case was only two weeks and had not prevented compliance with the Tribunal's target for hearings of applications from those subject to detention under s 3 of the Mental Health Act 1983 (those detained for treatment) within six weeks, in accordance with the Tribunal's plan following the decision in *KB & Others*.

The Panel considered however that the differential between bringing before the Tribunal those applicants detained under s 2 and those detained under s 3 was arguably unlawful. Whether detention was under s 2 or s 3, the Tribunal was the vehicle to ensure the application of s 5 rights, and the principle should be for the applicant to have access to the Tribunal as early as possible, irrespective of

the length of the detention.

The Panel stated there was no significant wider public interest in the argument concerning the delay in this case arising from the adjournment. The Panel accepted, however, that there would be significant wider public interest in a challenge to the separate system for s 2 and s 3 cases.

Conclusion

Significant Wider Public Interest
Rating: Significant

PIAP 07/370

Nature of Case

Proposed application for permission to appeal to the Court of Appeal against a decision of the Administrative Court in respect of a decision by the West Yorkshire Police to extend detention in custody whilst advice was sought as to the appropriate charge to be brought.

Report of Panel

The Panel noted that the applicant sought to clarify the law in relation to the Police and Criminal Evidence Act 1984 (PACE) where a suspect was kept in further detention whilst advice was sought from the CPS on the appropriate form of charges to be brought.

Whilst such an issue would in principle be a matter of wider public interest, the Panel noted that the Government has introduced legislation which came into force on 15 January 2007 under s 11 of the Police and Justice Act 2006. This had amended s 37 PACE and PACE Code of Practice C16.1B so as to determine this issue.

The Panel considered that, given that any other claims in relation to this issue would be limited to those who had been subject to such extended detention before 15 January, and given the low value of damages that would arise from such short periods of detention, the likely benefits deriving from a successful outcome would be too small to fulfil the Funding Code definition of Significant Wider Public Interest.

Conclusion

No Significant Wider Public Interest

PIAP 07/367**Nature of Case**

Proposed claim by a transsexual against a restaurant under the Sex Discrimination Act 1975.

Report of Panel

The Panel recognised that an attempt to clarify the law in respect of s 29 of the Sex Discrimination Act 1975 in relation to discrimination in the provision of goods, facilities and services, where there is anti-discrimination legislation as regards transsexuals only in the field of employment, would appear to be of wider public interest.

However, the Panel noted that the Government has made a commitment to prohibit discrimination on grounds of gender reassignment in the provision of goods and services by December 2007, in order to meet the transposition deadline for European Directive 2004/113/EC, the result of which will be that this issue has the potential to affect a limited number of individuals (having regard to the applicant's own Counsel's estimate) for a limited period. The Panel had further concerns as to the strength of the proposed case on its facts, particularly given that the applicant in this case has no evidence of a medical diagnosis of gender dysphoria/transsexualism.

Conclusion

No Significant Wider Public Interest

PIAP 07/368**Nature of Case**

Proposed claim by a transsexual against a health club under the Sex Discrimination Act 1975 following the refusal of her application for membership.

Report of Panel

The Panel noted that this case was different from PIAP 367 in that it raised an additional issue in respect of the applicability of s 29 of the Sex Discrimination Act 1975 regarding discrimination in the provision of goods, facilities and services, specifically in relation to its applicability to private members' clubs.

The Panel considered that on the face of it a challenge to the exclusion of private clubs from legislation outlawing discrimination in the provision of goods and services would have significant wider public interest. However it was not satisfied that this case, on its facts, had such potential, bearing in mind that the limitation period for bringing such claim had already passed, the evidential difficulties with this case, and the wider field of discrimination law from which a stronger challenge to this exclusion could arise.

The Panel further noted that the issues raised by the applicant in respect of a potential disability discrimination claim are not supported by the facts and do not raise any novel points of law.

Conclusion

No Significant Wider Public Interest

PIAP 07/369**Nature of Case**

Proposed claim by a transsexual against a health club under the Sex Discrimination Act 1975 following the refusal of her application for membership.

Report of the Panel

The Panel considered that this case has no significant wider public interest for the same reasons as given in PIAP/07/368.

Conclusion

No Significant Wider Public Interest

PIAP 06/364**Nature of Case**

Proposed application for permission to appeal to the Court of Appeal against a decision of the county court that the court had no discretion to postpone the date for giving possession or suspend a warrant for possession in possession proceedings against occupiers who had entered land as trespassers.

Report of Panel

The Panel noted that this case faced considerable difficulties, in particular the short time that the applicants had been in occupation of the land before possession proceedings had been brought. In this respect the position appeared to be similar to that in *Leeds City Council v Price* [2006] UKHL 10, where Article 8 of the ECHR was found not to be engaged because the land could not be said to be the Defendants' home. On the specific question of the discretion to postpone the date for giving possession, three of the seven members of the House of Lords in *Leeds City Council v Price* and *Kay v London Borough of Lambeth* had expressed the view that the correctness of *McPhail v Persons Unknown* [1973] Ch 447 did not need to be reconsidered in the light of ECHR jurisprudence. Further, the proceedings could be argued to be academic in that the applicants' occupation of the land in question was no longer at issue.

However, the Panel considered that the case was not so poor on the merits that it had no potential to achieve wider benefits. The decisions in *Price* and *Kay* had left open at least the possibility of arguing a discretion in relation to the postponing, as opposed to the defence

of, possession. Although there were difficulties in relation to the engagement of Article 8, the applicants had put forward an alternative argument based on the interpretation of s 89 Housing Act 1980. Generally, while this application might appear difficult on its facts for such a challenge, in reality all such cases were likely to be similar. The question of whether there was any discretion at all to postpone the date of possession was clearly of wider importance for travellers generally, an identifiable and significant group.

Conclusion

Significant Wider Public Interest
Rating: Significant

PIAP 06/366**Nature of Case**

Claim in the Employment Tribunal under the Disability Discrimination Act 1995 in relation to an alleged failure to make reasonable adjustments for the applicant's dyslexia in a Police Officer recruitment process.

Report of Panel

The Panel noted that the applicant's assessment raised a number of issues, in particular that the adjustments made were taken from a standard range for those diagnosed as having dyslexia, rather than addressed to his individual needs, and that the permitted adjustments could consist only of extra time allowance, in a context where competencies such as team working were assessed through written exercises. There were also problematic issues in respect of the likely impact of the applicant's disability on his performance of the post he was seeking, and the respondent's defence that they were obliged to rely on the assessment carried out by a statutory central training body which would therefore be responsible for any discrimination.

Overall, the Panel considered that the case involved an important question of the nature of reasonable adjustments, particularly in the context of a competitive recruitment process, and an interesting subsidiary question of whether the recruiting authority or the central training body owed the duty to make the adjustment. It was clear that there was a significant group that was likely to benefit from a successful outcome.

Conclusion

Significant Wider Public Interest
Rating: Significant

PIAP 06/365**Nature of Case**

Proposed appeal to the Employment Appeal,

in relation to a claim for unfair dismissal and discrimination on grounds of age, against the decision of the Employment Tribunal that it had no power to hear the claim because, pursuant to s 109(1) Employment Rights Act 1996, the applicant was aged over 65, the claim having arisen before the coming into force of the Employment Equality (Age) Regulations 2006.

Report of Panel

The Panel noted that the applicant sought to rely on dicta of the European Court of Justice in *Mangold v Helm* Case C-144/04 [2006] referring to non-discrimination on grounds of age as a general principle of Community law, such that it was the responsibility of a national court, hearing a relevant dispute, to set aside any provision of national law which might conflict with that principle.

The Panel considered that potentially there were wide issues raised by the reference to *Mangold*, in particular as to whether greater scope of protection could be available under such a general principle of EU law than provided by the 2006 Regulations. However, on the narrow point concerning s 109 of the 1996 Act addressed by the application as framed by counsel, the Panel considered that any group likely to benefit directly from a successful outcome, ie. those dismissed on grounds of age before 1 October 2006 and still in time to bring a claim following the decision in this case, would be too small to fulfil the Funding Code definition of Significant Wider Public Interest.

Conclusion

No Significant Wider Public Interest

CLS Training Events 2007

The Advice Services Alliance is running a number of training courses throughout 2007. For more information and booking forms, visit the Advice Services Alliance website at www.asauk.org.uk/clsstraining

COURSE NAME	LOCATION	DATE
COURSE 1 Casework Under Contract: The Essentials Law Society Introductory/Intermediate level (4.5 CPD hours)	London Manchester Birmingham York Exeter London	3 April 8 May 27 June 17 July 14 August 4 September
COURSE 2 Foundations of Supervision: An Introduction to Supervision, File Review & Appraisal Law Society Introductory/Intermediate level (4.5 CPD hours)	London Birmingham Exeter Manchester York London	5 April 15 May 3 July 21 August 5 November 11 October
COURSE 3 The Effective Supervisor Law Society Intermediate/Advanced level (4.5 CPD hours)	London Birmingham Exeter Manchester London York	10 April 17 May 5 July 28 August 16 October 12 November
COURSE 4 Making Every Matter Count: Forward to Fixed Fees Law Society Intermediate/Advanced level (4.5 CPD hours)	London Birmingham London York Manchester Exeter London Manchester Birmingham	16 April 29 May 21 June 7 August 14 September 9 October 18 October 13 November 4 December
COURSE 5 Sufficient Benefit Test: Principles & Practice Law Society Introductory/Intermediate level (4.5 CPD hours)	London York London Birmingham Manchester Exeter	19 April 5 June 19 July 12 September 31 October 20 November
COURSE 6 Eligibility: Principles & Practice Law Society Introductory/Intermediate level (4.5 CPD hours)	Manchester London Birmingham York Exeter London	24 April 12 June 10 July 19 September 30 October 27 November
COURSE 7 The Unified Contract: Content Structure & Purpose Law Society Intermediate/Advanced level (4.5 CPD hours)	London Birmingham London York Exeter Manchester London Manchester Birmingham	26 April 23 May 14 June 24 July 9 August 6 September 2 November 7 November 29 November

All courses run from 10am to 4pm

Course costs:

Voluntary Sector - £129.25 (£110 + VAT)

Private Practice & Local Authorities - £176.25 (£150 + VAT)

About Focus

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While Focus contains guidance, the LSC Manual should be referred to for definitive information.

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It is important that Focus is seen by everyone in your firm who is involved in LSC work, so copies of this publication should be made as required.

Focus editions 39 to 52 are available for download as PDFs from the LSC website. Older issues can be found in the Archive section of the LSC website. If you require assistance to obtain copies of Focus, please contact Neil McLeavey using the contact details listed below.

If you have any questions regarding the articles that appear in Focus, please refer to the contact details included with each article. If there are no contact details, or for other editorial questions or requests for extra copies, please contact the editor.

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Payment dates for January - June 2007

The proposed payment dates for the first half of 2007 are set out in the table below. These dates may be subject to amendment, but notification of changes will be provided in advance where possible. Contact details for the LSC's Master Index and Settlement Sections are given below.

Contract Payments	1st Settlement of the Month	2nd Settlement of the Month
Friday 5 January	Thursday 11 January	Thursday 25 January
Tuesday 6 February	Thursday 8 February	Thursday 22 February
Tuesday 6 March	Thursday 8 March	Thursday 22 March
Thursday 5 April	Thursday 12 April	Thursday 26 April
Friday 4 May	Thursday 17 May	Thursday 31 May
Wednesday 6 June	Thursday 7 June	Thursday 21 June

If you are paid by BACS (Bank Automated Clearing System) the proposed payment date shown is the date on which you will receive a payment in your bank account. For some smaller banks the BACS credit may appear a day later. The proposed payment date will also be the date by which the last of the cheque/remittance advices are despatched from the Financial Services Settlement section. Remittance advices are despatched using DX or first class post. If you are still being paid by cheque, we recommend that you change to BACS, which is a more efficient payment method. With BACS, the payment is made directly into your bank account, avoiding cheque-handling, and you also receive a remittance advice. BACS provides immediately cleared funds, as opposed to cheques which can take four to six days to clear. If you have any queries about payment by BACS, please telephone the Master Index Section. Details of the amount due to you may be obtained by contacting either the regional office or the

Solicitors/Counsel Settlement Section, but no earlier than the day before the proposed payment date. If you have a query regarding an individual item shown on a remittance advice, you should contact the relevant regional office, which authorises and processes all such bills.

Names, addresses, DX, fax and telephone numbers and bank details for BACS payments are held on the LSC's Master Index database. Please help keep us up to date and make sure that you inform the Master Index Section of relevant changes relating to your firm or chambers in writing, either by letter or fax.

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The LSC delivers legal aid and services through two schemes: the CLS and CDS.

**Community
Legal Service**



**Criminal
Defence Service**

