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Valuable work of the Special Investigations Unit



Mark Workman, Editor

Editorial

Our fraud-busting Special Investigations Unit is at the heart of our efforts to protect the public funds we administer.

The valuable work the team carries out is highlighted on pages 8 - 9 along with some high profile successes.

The media were particularly supportive of our success in taking possession of Abu Hamza's house to help pay back his £300,000 legal aid bill. See page 9

2010 contract tenders

Check out the latest dates and information on tendering for the new 2010 civil and criminal legal aid contracts. See pages 11 & 15

Muslim barrister's road to success

Leading Muslim barrister Zira Hussain has an inspiring story to tell and we have put together an in-depth profile. She started her education at a primary school in rural Kashmir and is now working for a leading chambers based in Birmingham

You can find out more on pages 4-6

New teams to tighten public fund controls

We have a new Provider Assurance department geared up to tightening controls on the legal aid fund and carrying out quality checks on work we pay for. Read more on page 7

Praise for legal aid at Race for Justice conference

The contribution of our legal aid system to social inclusion won a special mention at the

international Race for Justice conference.

A major theme was encouraging different agencies to work together when tackling issues such as hate crimes, extremism, guns, gangs and knife crime. See page 15

Quality Assurance for Advocates

A discussion paper setting out proposed future minimum quality requirements for purchasing criminal advocacy services has been published.

Find out more about the background to this discussion paper and the way ahead.

See page 10

Positive feedback to Delivery Transformation pilots

Trials on our new electronic legal aid forms are going well with providers. See page 16

Reading focus

Remember that focus is now only available online. So it's worth checking to make sure you are using the latest version of Adobe Acrobat Reader.

This will allow you to read the magazine how you want – allowing you to zoom into a page, view a single page, or two pages at a time.

You can also search for items and even download a copy of the document to take away with you.

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Useful links

Corporate News -

Corporate announcements, including policy reforms and new consultation announcements

Civil News -

News and updates for service providers working within the Community Legal Service (CLS)

Crime News -

News and updates for service providers working within the Criminal Defence Service (CDS)

LSC Update -

The Legal Services Commission email alert for all service providers

Focus Magazine -

Homepage for the Focus magazine, containing the latest issue and recent back issues

Muslim barrister Zira Hussain's road to success

Interview

Zira Hussain is an established family barrister who is being nominated by the LSC for the European Muslim Women of Influence List 2010. We spoke to Zira about how family, friends and colleagues have helped her find success...

Four-year-old Zira Hussain's first day at school in rural Kashmir also marked her first steps on a journey leading to the Inns of Court School of Law in London.

Zira, now 34, said: 'I don't think that little girl could have imagined that one day she would be a barrister with one of the leading chambers in England and Wales.'

'I first revisited my school about ten years ago. It's a very simple building in a lovely village in Kashmir. I don't think we even had desks. We had to sit on the floor.'

"I'm lucky that lots of people encouraged me"

Zira is one of six girls and was actually born in Oldham. But when she was three-years-old her father decided to take his family to Azad Kashmir Jammu – part of the Kashmir region administered by Pakistan.

She said: 'We stayed there a few years before returning to England. I'd been taught in Urdu and remember walking into the classroom in Oldham and not understanding a word of English. It wasn't until I was almost eight years of age that I was able to speak English fluently.'

Learning quickly

'I thought to myself what am I doing here? But all the other children were great with me. There were very few pupils from an Asian background, which actually helped because I had to learn quickly to communicate.'

'Confidence is very important in the law. At school I was very quiet, which most people who know me would find hard to believe.'

'Thankfully, one of my teachers encouraged me to study drama and theatre arts at GCSE. That helped me build confidence and acquire

skills that have been especially useful for advocacy.'

At comprehensive school Zira first dreamed of becoming a doctor but changed her mind when she started to study her 'A' Levels at a local sixth form college.

She said: 'I'm lucky that lots of people encouraged me to go to the bar. My 'A' level law teacher encouraged me, so did my personal tutor at university. My late father was inspirational and gave me phenomenal support.'

Personal sacrifices

'There have been lots of sacrifices. I have had to work incredibly hard and haven't spent as much time with family and friends as I would have liked.'

'I've also put off thoughts of marriage and family – that is something for the future when the time is right.'

'My clients need to know I am giving 100%. Family law means advising clients going through traumatic times. They need to know their counsel is going all out to fight their corner.'

At the start of Zira's career she did a broad spread of family law work, including children and domestic violence injunctions.

She said: 'I now specialise in ancillary relief – matrimonial finance. There are huge financial considerations as well as issues around children.'

'I love working with figures and helping people so they can carry on with their lives. I also like dealing with people from all walks of life.'

Graduating

Zira took the bar vocational course after graduating from university and attended the Inns of Court School of Law.

She said: 'Applying for pupillage was a very long drawn out process and I had my fair share of rejections – like all the other students.'

Zira is remembered with affection by Peter Blair QC, head of chambers at Guildhall Chambers in Bristol. It was here that she secured a third six pupillage after completing her pupillage in London when she was 23.

Peter described Zira as 'great fun to work with' and added: 'She is extremely vivacious, enthusiastic and committed to her work.'

'Zira was very much appreciated by her clients who were often in a very difficult place – both legally and emotionally.'

David Hershman QC

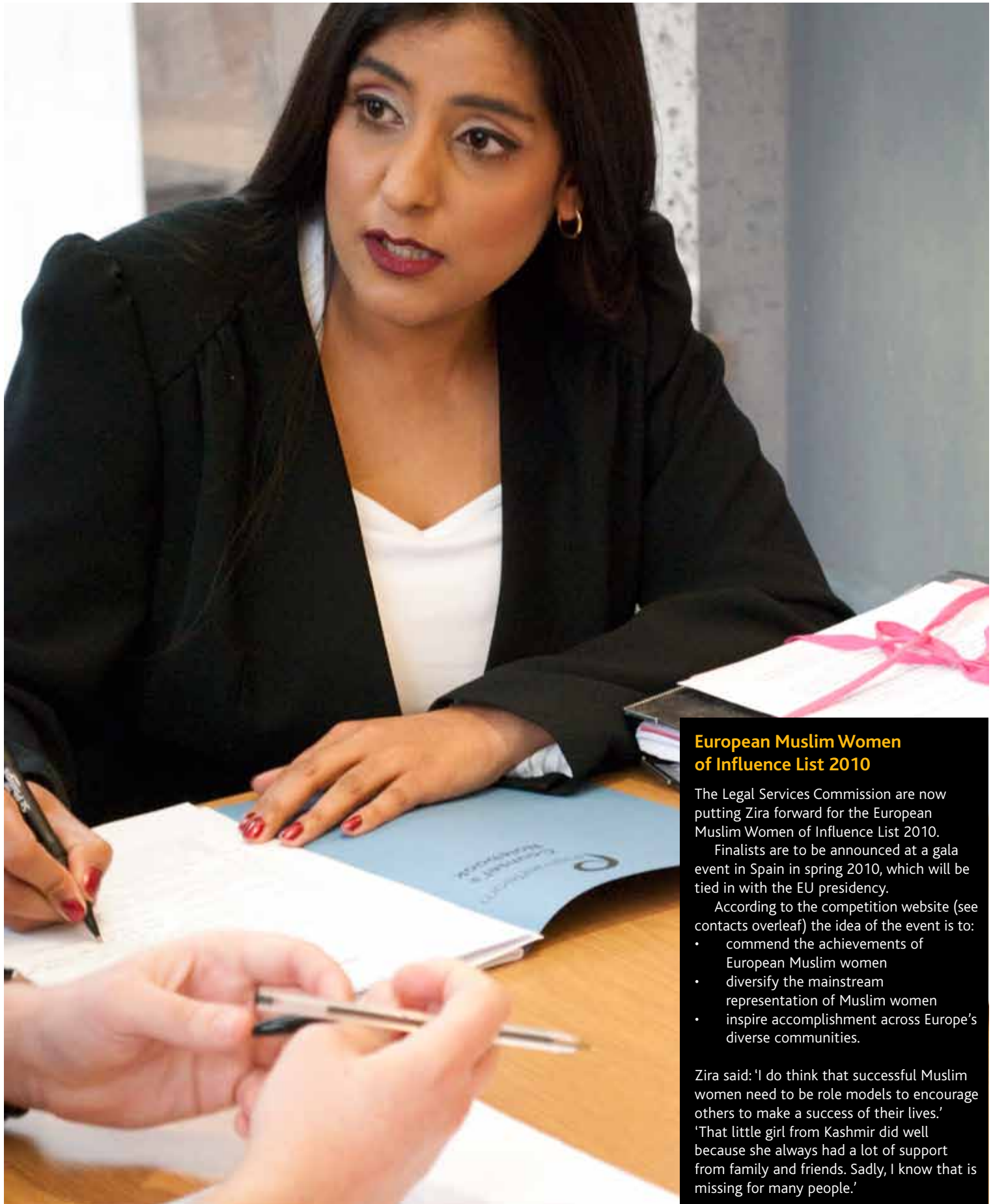
At St Philips Chambers Zira counts herself as fortunate to have had the chance to work with the late David Hershman QC – a celebrated lawyer, author and lecturer who was a passionate advocate for children's rights.

Zira said: 'David was head of the family law practice group when I joined St Philips Chambers. He was the most inspirational person in my professional life for whom I had the utmost respect. He welcomed me when I joined St Philips Chambers.'

'He was very supportive of junior team members and would always make time for us.'

Zira has shown her professional commitment to Birmingham through her membership of the Midlands Society of Asian Lawyers. She also represents the Midlands at the Society of Asian Lawyers London Committee.

CONTINUED »



European Muslim Women of Influence List 2010

The Legal Services Commission are now putting Zira forward for the European Muslim Women of Influence List 2010.

Finalists are to be announced at a gala event in Spain in spring 2010, which will be tied in with the EU presidency.

According to the competition website (see contacts overleaf) the idea of the event is to:

- commend the achievements of European Muslim women
- diversify the mainstream representation of Muslim women
- inspire accomplishment across Europe's diverse communities.

Zira said: 'I do think that successful Muslim women need to be role models to encourage others to make a success of their lives.'

'That little girl from Kashmir did well because she always had a lot of support from family and friends. Sadly, I know that is missing for many people.'



FACTFILE: Zira Hussain

2002 to present: Family barrister at St Philips Chambers, Birmingham

2000 to 2002: Third six pupillage, Tenant at Guildhall Chambers, Bristol

1998 to 1999: Pupillage at Grays Inn Chambers, London

1997 to 1998: Bar vocational course at Inns of Court School of Law, London

1994 to 1997: University of Huddersfield, LLB (Hons) (2:1)

» CONTINUED



“I love... helping people... so that they can carry on with their lives”



Mentoring

She said: 'I've helped set up a mentoring scheme on the Midlands Circuit in partnership with the Bar Council. I administer the scheme, which is designed to mentor those wishing to make applications for silk and judicial appointments.

'Birmingham is a very friendly city with a diverse mix of people from lots of different backgrounds. Also, it's very central and I can easily get to places like Manchester or London. I can't imagine being anywhere else now.'

Outside work Zira is keen to put something back into the local community. She feels particularly strongly about the need to tackle domestic violence and forced marriages.

Zira chaired an LSC organised focus group in Birmingham looking at how to improve access to legal aid services for victims of domestic abuse.

This was attended by local agencies and

charities as well as women using – or trying to make use of – the legal aid system. It was aimed specifically at women in black and minority ethnic (BME) communities.

Zira said: 'I'm glad to hear the Forced Marriages Act is now being well used. I'm keen to help as much as I can. I was involved in a voluntary group in Bristol and will be doing the same in Birmingham.'

Other plans include working with Birmingham Solihull Mental Health Trust and helping young people involved in crime through the Prince's Trust.

Help youngsters

Zira said: 'I feel I have a lot to offer to help youngsters take a different direction, apply for jobs, be motivated and rebuild their lives. The Prince's Trust has an excellent mentoring

scheme, which I plan to help with.'

Zira's passion for helping others came as no surprise to Paul Fletcher, who was Zira's clerk when she first started practising in the family team at Guildhall Chambers in Bristol.

Now chambers director at Albion Chambers in Bristol, Paul said that Zira was 'always passionate about her work with Asian women's charities'.

He added: 'I know too that she was proud and absolutely thrilled to be nominated last year for inclusion in the Muslim Women Power List 2009.'

Contact & Information

» St Philips Chambers

» European Muslim Women of Influence

New teams to tighten fund controls and check quality

Our new Provider Assurance department will be tightening controls on the legal aid fund and carrying out quality checks on work we pay for...

We have new teams of people working to enhance our control of the legal aid fund and assess the quality of the publicly funded work we pay for.

The specialist teams are based in offices across England and Wales in our new Provider Assurance department.

Assessment and assurance

Provider Assurance will be responsible for a wide range of assessment and assurance activity.

We will be carrying out on-site audits. These will focus on the effectiveness of the financial

on case splitting and costs claiming are being followed.

Quality and contract reconciliation

The LSC's main quality assessment tools are still the Specialist Quality Mark and the process of peer review. Provider Assurance will be responsible for both.

Used together with the audit process described above, these two tools will enable us to:

- develop an in-depth understanding of the way individual providers manage publicly

"Provider Assurance will be responsible for a wide range of assessment and assurance activity"

controls used by providers to manage claims for costs, payments on account and other public money received.

There will also be a greater number of contract compliance assessments, to make sure the claims we receive properly reflect the work done.

These assessments, together with ongoing data validation exercises such as that now being managed by the teams in Bristol and Cardiff, will be used to test for compliance with the unified contract.

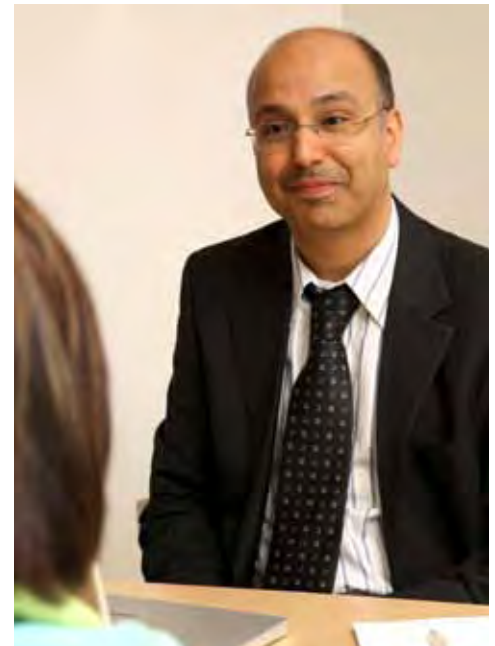
This will give us an assurance that our rules

funded work

- deliver quality services
- meet the requirements of the unified contract

As well as this, a new specialist team has been set up in South Tyneside, to manage all 'standard' monthly payments made under the Unified Contract and to reconcile payments and claims in line with the protocol agreed with the Law Society and the Ministry of Justice.

All reconciliation queries should be directed to the Reconciliation team – see contact box.



Provider records

We will also manage the way in which the LSC maintains and updates the information we hold about our providers.

This information includes everything from addresses and telephone numbers to more complex records on contract status and provider performance. Over time, we will review the way in which we keep all our provider data and the processes we use to ensure its accuracy.

Our aims

Provider Assurance has a firm commitment to achieving high standards of performance and to offering our providers the best possible level of customer service.

We believe that creating specialist teams will both improve the consistency of our decision-making and help us respond quickly and efficiently to any issues raised with us.

Contact & Information

Legal Help (civil) billing queries

0207 7188376

PA-CivilLegalHelpQueries@legalservices.gov.uk

Reconciliation

0191 428 3738

reconciliation@legalservices.gov.uk

Provider Records

0207 718 8096

Crime billing queries (police station)

0115 908 4200

Nottingham@Legalservices.gov.uk

Crime billing queries (magistrates court, appeals and prison law)

Providers from South Wales, the North West,

Yorkshire & Humberside & Liverpool

0151 242 5372

Providers from the South East, West Midlands, East Midlands, London & Eastern Regions

0115 908 4200

Providers from the South West, North East & North Wales

01244 404 500

Further information: Joe Cowley:

0113 390 7429

■ Fighting fraud to protect our fund

Our Special Investigations Unit is busier than ever fighting fraud to help ensure the sustainability of the legal aid fund...

Film directors, writers and moneylenders applying for legal aid all have something to share – coming under the scrutiny of our Special Investigations Unit (SIU).

The value of this work was highlighted recently when we successfully took possession of high profile Muslim cleric Abu Hamza’s house – see accompanying story.

Hamza, who is now serving a seven year jail term, had lied about ownership of the property.

Also highlighted on these pages is a legal aid fraudster who was brought to justice after claiming to be living in a garden shed.

A lot of our cases attract press interest. For example, we have investigated:

- a doctor found guilty of poisoning his mistress
- a rogue moneylender
- numerous murder cases

The SIU team:

- investigate eligibility of people receiving civil legal aid
- make sure that Crown Court defendants contribute to defence costs where able
- take responsibility for our internal client fraud strategy

Financial detectives

Our financial detectives can start investigations at any time in the life of a legal aid certificate. In the last year alone the unit has looked at cases requiring them to:

- value horses owned by a legal aid applicant
- look into company directors with global shareholdings
- investigate applicants with assets restrained under Proceeds of Crime Act

In the past year the unit has seen a 54% increase in the number of business cases referred to them involving assets or where substantial assets are in dispute. This has contributed to savings of £1.2 million this year to date.

There have been 305 civil and business referrals involving company directors in 2009/10. In 70% of cases the investigations have led to a change in certificate status.



“It is great news that at long last taxpayers are starting to get some money back from Abu Hamza”

How do investigations work?

This is all about contacting the person involved and talking to them directly. Our caseworkers will ask questions about their finances, and request documentary evidence.

The SIU team check out what people are saying by contacting other parties such as banks, the Inland Revenue and the DWP. They also have online access to Companies’ House.

Investigators have had to value everything from helicopters to sheep, antiques, cars, light aircraft, yachts and antiques – at home and abroad.

UN sanctions list

Part of the unit’s work on the civil side has meant working with HM Treasury on cases where the applicant is on the UN sanctions list and has had assets frozen.

A big success came with a case involving terrorist financing, which resulted in more than £220,000 of public money being recovered.

Criminal proceedings

A lot of the work carried out in SIU involves referrals from the Crown Courts and the Court of Appeal in England and Wales.

Already this year SIU has carried out 385 financial investigations. Findings were sent to trial judges for them to consider making a recovery of defence cost order. Judges have already made orders worth more than £1.5m for 2009/10.

Increase in fraud

A significant change for the team this year has been a rise in fraud referrals. This has included many civil applicants receiving passported benefits.

Allegations have been investigated involving film directors, authors and people with assets in countries such as Brazil, Switzerland, Canada and Bulgaria.

Help protect public money

Anyone with information that could help prevent future attempts to defraud the LSC is encouraged to contact the SIU team.

Contact & Information

» 020 7718 8028 Laura Eshelby (SIU)



The Sun The Daily Sun, February 9, 2009

Abu Hamza's house seized to repay legal aid bill

We win possession of £280,000 house after a three-year battle

Abu Hamza's house is to be sold to help pay back the £300,000 legal aid bill for his defence against inciting racial hatred and soliciting murder charges.

Hamza, 51, was convicted in February 2006 and sentenced to seven years in prison. He

"Since 2006, the LSC has recovered approximately £3 million following Crown Court trials"

claimed poverty and lied about ownership of the house in Greenford, West London – saying it belonged to his sister in Egypt.

Carolyn Regan said: 'We can confirm the LSC has taken possession of Abu Hamza's property, as a contribution to recovering the legal aid costs spent on his defence.'

Legal aid a vital public resource

'The LSC will not tolerate people trying to conceal their financial assets. Legal aid is a vital public resource and we are committed to ensuring it is spent on those who most need help with their legal problems.'

'Since 2006, the LSC has recovered

approximately £3 million following Crown Court trials.'

Following Abu Hamza's conviction in 2006, SIU prepared a report for the trial judge about his financial means. This report showed that Hamza was the real owner of the property.

Debt recovery unit

The trial judge ordered Hamza to pay for all his own defence costs in January 2007. Our debt recovery unit then swung into action and this led to our success in taking possession of the property.

Our victory won praise in the media and from the TaxPayers Alliance whose chief executive, Matthew Elliott, was quoted as saying: 'It is great news that at long last taxpayers are starting to get some money back from Abu Hamza.'

Hamza is now fighting extradition to the United States on terror charges.

'Garden shed' fraudster convicted at Crown Court

Our speedy response brings fraudster to justice after he claimed to be living in garden shed

The husband of a rich landowner who claimed to be single and living in the garden shed of his employer's house has been convicted of fraud.

Legal aid applicant Nigel Melia was caught out in his deceit in the High Court.

He admitted to a judge that he had gone from being the hired help to Lord of the Manor when he married his wealthy wife.

Lied to LSC

Melia also admitted that he had lied to the LSC so that he could have the benefit of legal aid.

He received public funding of £10,105 but his certificate was revoked as soon as our Nottingham office knew about the deception.

The Special Investigations Unit (SIU) acted swiftly when Nottingham told them about Melia's admission. The SIU team obtained evidence of the assets owned with his new wife and witness statements from:

- solicitor in court when Melia made the admission
- staff who had worked on the application

Working with police

SIU then worked with Kent Police to make sure they had all the information needed to prosecute Melia.

On 8 January 2010, Melia was convicted of defrauding the LSC in Maidstone Crown Court after pleading guilty.

Melia was sentenced to 200 hours of community service and a four month curfew order from 9pm to 5am.

Work is now taking place to recover the legal aid funds Melia obtained through deception.

QAA – a framework for better advocacy

Quality Assurance for Advocates (QAA) – working with the professions to deliver a framework for better advocacy...

This month, the LSC publishes a discussion paper that sets out its proposed future minimum quality requirements for purchasing criminal advocacy services.

In 'QAA – Working with the professions to deliver a framework for better advocacy', we start the discussion on how our common characteristics for quality assurance schemes should be applied to criminal defence advocacy.

We also take the opportunity to publish the results of the research we have led over the last three years, including the evaluation of the pilot research carried out by Cardiff Law School.

Thank you

Head of QAA Louise Collins said: 'We would like to take this opportunity to thank all those advocates who gave their time to participate in surveys, focus groups and in the pilot research.'

'The findings from this work are illuminating and should assist development considerably. In addition, we must recognise the significant contribution from the representative and regulatory arms of the advocacy professions, the Judiciary and CPS for which we are very grateful.'

Need for a scheme

The initial impetus for the development of a Quality Assurance Scheme for Advocates (QAA) arose from Lord Carter's review of Legal Aid.

A rapidly changing legal market, pressures on public spending and concerns about the economy, make a QAA scheme increasingly important in order to support the market and the professions. It will also enable consumers and procurers to have confidence in world-leading advocacy professions.

Change in responsibility

The LSC welcomes recent agreement that a Joint Advocacy Group (JAG) should lead remaining development of a QAA scheme.

JAG is made up of the three main advocacy regulators (Solicitors Regulation Authority for solicitors, Bar Standards Board for barristers and ILEX Professional Standards for Legal Executives).

Louise Collins said: 'An operational scheme that is owned by the professions and



independent of commissioning organisations such as the LSC is entirely appropriate.

Involvement

'However, our involvement in this work does not cease here. We, together with the Judiciary and CPS, will continue to support the JAG and feed in to its work to deliver an operational scheme that will initially apply to criminal defence advocates from mid 2011.'

The LSC's view from its extensive equality and diversity programme is that recommendations contained within our discussion paper cannot be that far removed from final scheme proposals.

This is because suggestions for assessment have been reached by assessing methods that will have the least impact on the profession. So, it is for these reasons that barristers, solicitors and legal executive advocates should read the discussion paper and consider the impact on them.

Sharing the findings to date

Louise said: 'The JAG's new role does mean that it is no longer necessary for us to publish a detailed consultation on proposals for a scheme. The JAG will be looking to do that later this year.'

'We do, though think it is right to share findings and evidence from the last three years

of development with the professions and seek feedback on it.'

Your feedback

Your feedback will be invaluable in supporting the future development work undertaken by the JAG. It will help the LSC to finalise its minimum requirements as well as to influence and shape proposals for a final scheme.

We are particularly interested in hearing from individual practising advocates, chambers and firms.

Family and civil advocacy

While initial work has focused on crime, it was always the intention for QAA to apply to all advocates undertaking publicly funded work.

Although there remains much further work to be done in Family and Civil advocacy to develop appropriate scheme(s), we would also encourage feedback in this area.

Contact & Information

- » lsc > cds > quality & performance > qaa – to read discussion paper
- » qaa@legalservices.gov.uk
- » 020 7783 7421 – to find out more or contact Sinead Reynolds on.

2010 standard civil contracts

Updates on the latest dates and information on tendering for the new 2010 civil and criminal legal aid contracts...

The current Unified Contract (Civil) will expire on 13 October 2010. Any organisation wishing to carry out civil legal aid work from 14 October 2010 must take part in the tender processes for this work.

The Invitation to Tender (ITT) has now closed for work in the immigration category, and opened for the mental health category.

Tender processes will be taking place in all civil categories over the next few months.

Category of law	Tender opens	Deadline for questions	Tender closes	Final notification of outcome
Immigration-mainstream	30 Nov 09	12 noon 14 Jan 2010	12 noon 28 Jan 2010	w/c 15 Mar 2010
Immigration-IRCs	16 Dec 09	12 noon 22 Jan 2010	12 noon 5 Feb 2010	w/c 7 June 2010
Mental health	10 Feb 2010	12 noon 10 March 2010	12 noon 31 Mar 2010	StHAs: W/c 26 Apr 2010 HSHs: W/c 28 Jun 2010
Social welfare law	26 Feb 2010	tbc	21 Apr 2010	w/c 14 Jun 2010
Family	26 Feb 2010	tbc	21 Apr 2010	w/c 14 Jun 2010
All other civil categories	w/c 8 Mar 2010	tbc	w/c 26 Apr 2010	w/c 31 May 2010

What you must do

Unlike previous years the application process is entirely online, through our eTendering portal website. When you have registered on this website, you can access all Invitations to Tender that are open.

It is important to look at the 'information for applicants' documents, which will be published when each ITT opens. These will be available in the eTendering portal, under each Invitation to Tender. They will also be published on our website – see contact box.

Applicants are strongly encouraged to start looking at the tender documentation as soon as it becomes available. This will help them to complete their applications early to avoid placing themselves under last minute pressure.

Questions?

There will be opportunities to ask questions once each ITT opens. There will be a technical helpdesk, which can answer queries about how to use the eTendering system.

You can ask questions about the content

of the information for applicants documents, including detailed questions on our requirements. But these must be sent in through the secure message boards within the eTendering system.

Any questions of wider interest will be answered centrally in writing through a 'Questions and Answers' document. All interested parties have equal access to information published on our tendering pages – see contact box.

These will all be available on our tendering pages.

Contact & Information

- » eTendering portal
- » lsc > cls > tenders > civil contracts for 2010
- » lsc > cls > tenders > civil contracts for 2010 > mental health
- » lsc > cls tenders > civil contracts for 2010 > social welfare law and family
- » lsc > cls tenders > civil contracts for 2010 > low volume categories of law

Feedback on eTendering for immigration

More than 300 providers managed to complete their bids on time for our first 2010 contracts tender process.

This was the first time the LSC and providers were able to use eTendering on a large scale with some useful lessons learnt for the future.

Few problems were reported with the immigration process running from 30 November last year to 28 January 2010.

The process for work at Immigration Removal Centres ran from 16 December to 5 February.

eTendering performed well

LSC director of policy Derek Hill said: 'Overall the eTendering system performed well. We were able to send out notices to all those who had registered to let people know about any amendments to the documents, and remind them about deadlines.

'We also dealt with many questions from providers, posting the answers in an FAQ.

'We had lots of interest and a number of bids from existing providers and new organisations wanting to start doing legal aid work

'We received more than 300 bids to deliver immigration mainstream services and have received bids for all the areas where we advertised for services.

'Bids received in the immigration process are being assessed, and we will be communicating with applicants using the process set out in the Information for Applicants.'

Important to submit bids early

Although some bidders did register their interest early many tenders were submitted very close to the deadline with 50% of the tenders received in the final 24 hours.

Many providers did not log on to the eTendering system to start preparing their tender until very close to the deadline which meant they had less time to work out how to use the system and ensure their bid had been submitted correctly.

For future tender processes the advice is for providers to start using the system early on.

This will give time to ask questions – the deadline for receiving questions on the content of the tender documents is earlier than the closing date of the tender process. So questions need to be sent in early.

■ New quality guide offers tips to raise standards

New resource to help achieve highest levels of quality in legal advice and work...

A new 'Improving Your Quality' guide has been launched to help practitioners learn from the experience of others.

The guide gives peer reviewers' comments on what is good practice, based on their reports from a range of categories of law.

Like the other guides in the series the 'Improving Your Quality' Generic Guide aims to help improve the quality standard of legal aid work.

Useful resource

The guides are well regarded as a useful resource – as partner Clare Routledge from David Gray Solicitors confirmed.

Clare is head of civil law at the Newcastle firm. She said: "This new guide is really good – clear and easy to read. It will be a great training tool, invaluable for young lawyers, and compulsory reading for my team – I may even test them on it!"

The new guide joins eight other 'Improving Your Quality' guides, which have been produced since 2006. These cover:

1. crime
2. debt
3. employment
4. family
5. housing
6. immigration
7. mental health
8. welfare benefits

The new Generic Guide may be of particular interest to trainee lawyers, but people at all levels should find it useful. It focuses on areas of law that aren't covered by one of the previous guides listed above.

How peer review works

'Peer review' is a quality assurance tool in which an experienced practitioner who is trained in the peer review framework reviews a sample of a supplier's case files. Training and moderation ensure that the ratings are consistent.

A peer review results in a report which identifies the provider's strengths as well as



"'Improving Your Quality' aims to help improve the quality standard of legal aid work"

any quality issues and makes suggestions for improvements. These reports are a useful source of information for other providers.

Peer reviews have now been carried out in several categories not covered by the previous guides:

- community care
- clinical negligence
- consumer general contract
- education
- actions against the police
- public law

Reports from many of these categories have been used as source material for the Generic Guide.

Selection process for peer reviewers

Peer reviewers are independent legal practitioners. They all go through a rigorous

selection process operated by the Institute of Advanced Legal Studies and the LSC Provider Assurance team.

Institute director Professor Avrom Sherr put together the review process. He said the Generic Guide will "give the profession access to peer review findings and help support those wishing to achieve the highest levels of quality of legal advice and work".

All our guides are available to view and download from the LSC website. A small number of Generic Guide booklets will be printed.

Contact & Information

» lsc > cls > quality & performance > peer review > improving your quality

Families choose mediation over trauma of court hearings

Six month mediation pilot helps families in test courts...

A pilot to encourage family mediation as an alternative to court hearings has produced encouraging results.

The LSC backed six month 'In-Court Family Mediation pilot' was launched in June 2009.

It ran in the family procedure courts (FPC) and county courts (CC) of Birmingham, Sheffield, Milton Keynes, Reading and Plymouth.

The pilot came about following a package of reforms put forward by president of the family division Sir Mark Potter.

Sustainable outcomes

The aim is to prevent distressing court disputes and help families reach safe and sustainable outcomes at the first hearing.

Family head of civil policy development Sara Kovach-Clark said: 'In those cases where the mediation has finished 72% of clients either reached a full agreement or were able to narrow some of the issues in dispute.

'Many others have gone on to more substantial mediation away from the courts and we await the outcome of these cases.

'The pilot also identified that in 43% of cases, clients hadn't previously considered the use of mediation.

Benefit

'This suggests there are a considerable number of clients who could potentially benefit from mediation.'

Under the pilot, mediators were present at court on days where family cases were listed for first hearings on an agreed rota basis.

Clients were not compelled to take part in mediation itself. However, they were required to attend a meeting with a mediator, where it was considered appropriate by the judge and the children and family court advisory and support service (Cafcass).

This was to discuss suitability and the potential benefits mediation could offer in resolving their dispute.

Resolved

Research suggests that family disputes resolved



"...there are a considerable number of clients who could potentially benefit from mediation"

through mediation rather than the courts are:

- less acrimonious
- resolved more quickly
- more likely to produce long-lasting agreements
- more cost effective
- good for communication between parties – especially important for children

National approach

The LSC is now evaluating the results of the pilot with a view to developing a national approach that encourages more mediation in future. The LSC hope to publish the findings in March 2010.

The pilot has usefully identified a number of potential obstacles preventing greater numbers of clients benefiting from mediation.

These include need to raise awareness for everyone involved at court about:

- role and involvement of mediators
- time it takes to develop professional trust and more positive working relations between the various agencies

The LSC has been working with the Private Law Programmes Working Group on how to address these issues.

Contact & Information

» terence.davies@legalservices.gov.uk

Asylum and immigration tribunal transfer: payments to providers

Changes to the asylum and immigration appeals structure mean revised arrangements to protect funding for payments to providers...

We've been working to protect payments to our providers following the transfer of the Asylum and Immigration Tribunal (AIT) into a new structure.

Contract and regulation changes have been made to make sure that funding remains available with the transfer into the new two-tier unified tribunal structure.

The new structure took effect on 15 February 2010 and was established under the Tribunals, Courts and Enforcement Act 2007.

Before the transfer consultations were held on what we needed to do to make sure that legal aid funding continued to be available.

The aim was to make sure that existing levels of payment were protected as far as possible under the new arrangements.

First-tier tribunal payments

Cases heard in the First-tier Tribunal are to be paid at the same rates as the payments we made for AIT substantive appeals.

This will either be a graduated fee or hourly rates depending on the type of case, as set out in the Immigration Specification.

Upper tribunal payments

Rates payable for Upper Tribunal appeals are broadly comparable to those currently applied to Review and Reconsideration applications.

Retrospective funding abolished

As part of the changes the retrospective funding order scheme has been abolished. Funding, apart from some limited exceptions, will now depend on whether a judge grants "permission" to appeal to the Upper Tribunal.

In most cases, if the judge refuses the permission application then funding will not normally be claimable.

Where a permission application is successful the costs of that application and subsequent appeal costs can be claimed subject to the usual LSC funding requirements.

Cases started before the transfer

Any cases begun before the transfer, under the Review and Reconsideration process, will continue to require a costs order under section 103D of the NIA 2002.

Providers will need to apply for these orders in the normal way. Full details of the costs order scheme, together with the appropriate forms, can be obtained from the Tribunal Service website – see contact box.

The Tribunal Service website also has additional information about the new two-tier structure.

Further details on the contract changes, including an amended copy of the Immigration Specification, will be placed on the LSC website.

Contact & Information

- » [lsc > cls > civil areas of work > immigration and asylum > immigration update](#)
- » [Tribunals Service](#)

Crown Court means testing – next phase

Crown Court means testing (CCMT) began on 11 January in five Crown Courts and 23 magistrates' courts.

The first applications for Crown Court representation have begun to filter through the system and so far the process seems to be working well.

Supporting materials for practitioners, including a new legal aid guidance manual, CDS forms, guides for solicitors and defendants are all available on the LSC website – see below.

There are answers to frequently asked questions from last year's training events and a draft client care letter. Also, 'easy read' information for clients with simple pictures to help explain the process.

Phased in

CCMT will be phased in across the rest of England and Wales from April, starting in the South West and Midlands. The North East,

North West and Wales will follow in May and the South East and London in June.

Training for the next phase of national roll-out in the South West and Midlands starts in March – we'll provide more detail in the LSC Update e-alert shortly.

We want your views

We're keen to find out practitioners' views on what's worked well so far and if there's anything else we need to think about. We'll be holding feedback workshops for solicitors from early adopter areas looking at the training, the process and our communications.

Three events are planned in:

- Manchester: Civil Justice Centre, Monday 22 February, 2-5pm.
- Swansea: Brangwyn Hall, Tuesday 23

February, 2-5pm.

- Highbury: Crescent Suite, Wednesday 24 February, 2-5pm.

All practitioners from early adopter areas are welcome, but places are limited. Please contact James Bell – see below.

Contact & Information

- » [lsc > cds > criminal legal aid eligibility > crown court means testing](#)
- » ccmt@legalservices.gov.uk – questions about CCMT
- » james.bell@legalservices.gov.uk about feedback workshops
- » 0161 244 5195 - James Bell



Legal aid at Race for Justice
LSC's Dawn Carr with Attorney General Baroness Scotland and Peter Herbert, Chair of Society of Black Lawyers

Race for Justice conference applauds legal aid work

International Race for Justice conference praises contribution of legal aid to social inclusion...

An international Race for Justice conference paid tribute to the work of the legal aid system when it was held in London.

The Legal Services Commission had an information stand at the conference.

The event was organised by the Society of Black Lawyers (SBL), the National Association of Probation Officers (Napo), and the Association of Black Probation Officers (ABPO).

Legal aid and social inclusion

SBL chair and conference host Peter Herbert congratulated the LSC on our 60th anniversary celebrations last year and said: 'Legal aid is an important element of social inclusion.

'We appreciate the LSC contribution to the conference and aim to work more closely with the LSC in the future.'

The conference brought together key stakeholders from all over the world to explore issues like hate crimes, extremism, guns, gangs and knife crime.

A major theme at the conference was the importance of encouraging different agencies to work together to tackle such issues.

Justice Link awards

Successes in this area were recognised by the Justice Link awards, which were presented by Attorney General Baroness Patricia Scotland – a strong backer of the conference. At the same time, delegates were invited to make charity donations to the African Prisons Project.

Featured speakers at the event included Liberty director Shami Chakrabarti, a US trial attorney, Government ministers, judges, MEPs, and a Canadian criminologist.

LSC Equality Performance Adviser, Dawn Carr said: 'It was a great event, which provided a wonderful networking opportunity.

Inspiring

'There were individuals and organisations committed to best practice in equality and diversity, community cohesion, tackling extremism and fair access to education. I thought it was really inspiring.'

Contact & Information

» 0121 232 5554 - Dawn Carr

2010 standard criminal contract

The tender process for the new 2010 Standard Criminal Contract began on 15 February 2010 at 4pm. It closes at 4pm on 12 March 2010.

Any organisation wishing to undertake criminal legal aid work from 14 July 2010 must take part in the tender process for this work.

Applicants are strongly encouraged to complete their applications early to avoid placing themselves under last minute pressure.

They can make a start today by reading the information for applicants (IFA) paper, which details how to apply for a 2010 Standard Criminal Contract – see contact box.

Online tender process

Unlike previous years the tender process is entirely online. If applicants have any questions about the 2010 Standard Criminal Contract they submit these using the online e-tendering messaging tool.

Any questions of wider interest will be answered centrally in writing through a 'Questions and Answers' document so all interested parties have equal access to information published.

It is vital that applicants read the IFA early particularly as the final date for questions is 12pm on the 4 March 2010. The final questions and answers paper will be published on 8 March 2010.

Contact & Information

» lsc > criminal defence service > tenders
– to see information for applicants (IFA)

■ New electronic forms win backing in trials

A pilot to test electronic legal aid forms with a selection of providers has been launched successfully.

The first form to be submitted online was dealt with and processed by one of our caseworkers on the same day.

The trial started with four providers, who have all successfully submitted both civil and criminal claim forms online. The plan is to steadily enlarge this group.

Pilot firms have welcomed the training and support they received. This included on-site training and an interactive CD.

System really works

Venters Solicitors' practice manager Mike Chapman said: 'This has been the best pilot I have been involved in and, most importantly, the system really works. The training CD was excellent – probably the best training CD I have received.'

The pilot encourages providers to give feedback on the new forms so that changes can be made where necessary.

Expand pilot

And other feedback from pilot firms has shown that they are already seeing benefits through:

- reduced administration time
- speed of response
- being able to track forms through the system

Plans are now under way to expand the pilot with more providers being added to the pilot group before full rollout of the new electronic forms.

More forms

The intention is also to increase the number of forms available for online completion and submission.

Partnership working

Building bridges with providers so that there is as much collaboration as possible on new processes and technology is a key part of the Delivery

Transformation project.

The Delivery Transformation team is now working with providers through a series of workshops on the design of screens to capture and process information and support decision-making.

And we've had positive feedback from providers such as Rosie Bracher Solicitors, a specialist child law service in Devon. She said: 'This is a great project to be involved in – with real benefits for firms like ourselves and the clients.'

Contact & Information

Providers who would like to be involved in the Delivery Transformation Programme can email
» deliverytransformation@legalservices.gov.uk

■ Changes to means testing in magistrates' courts

Important changes are being made to the magistrates' court means testing process.

These will be introduced from 12 April 2010 and will affect:

- either way cases which have failed the magistrates' court means test and are

subsequently committed to the Crown Court

- the way some passported benefit cases are assessed

For further changes on both of these changes please visit our website – see opposite.

Contact & Information

» [lsc > cds > criminal legal aid eligibility > means testing in the magistrates court](#)
» 0115 908 4324
National Courts Core Team
» louise.perry@legalservices.gov.uk

■ Payment dates April and May 2010

In the table below are proposed payment dates up to February 2010. The payment day is the day it goes into bank accounts (day 3 of BACs). For regularly updated information about payment dates please see the LSC website.

1 st settlement of the month	2 nd settlement of the month	3 rd settlement of the month	4 th settlement of the month
8 April 2010	15 April 2010	22 April 2010	29 April 2010
6 May 2010	13 May 2010	20 May 2010	27 May 2010

■ LSC > Criminal Defence Service (CDS) Pay rates and schemes > Payment dates

■ LSC > Community Legal Service (CLS) Pay rates and schemes > Payment dates