

Focus on CDS

Issue 1 - December 2000

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Welcome to the first issue of *Focus on CDS*. This is a supplement to *Focus* for criminal practitioners. Three to four issues will be produced leading up to the launch of the CDS in April 2001. *Focus on CDS* will contain an overview of the changes taking place including details of training events and key publications and developments. Copies will be distributed to all criminal contracted suppliers and are also available on our website at www.legalservices.gov.uk.

Key Implementation Dates

- November 2000** Consultation paper on contract remuneration rates and payment structures published 24 November.
- December 2000** Final version of contract documentation and Duty Solicitor Arrangements 2001 published end December.
- January 2001** Consultation on remuneration rates and payment structures closes 26 January 2001.
- February 2001** New accreditation scheme for Duty Solicitors effective from 1 February.
Final version of remuneration rates and payment structures published in February.
New CDS forms issued for use from 2 April.
Monthly payment figures notified to suppliers. Contracts issued for signing, any requests for review notified to Regional Directors.
- March 2001** Regional Directors re-determine monthly payments where reviews requested.
Suppliers who have passed a preliminary audit by 31 March eligible for a one year contract. Suppliers who have passed a pre-contract audit eligible for a three year contract.
All contracts signed.
Training materials published for suppliers' staff on website and as hard copy.
Regional offices to arrange local training events for the profession.
- April 2001** Criminal Defence Service established 2 April.
Contracts start.
First monthly payment 4 April.
10 April cut off date for receipt of individual case claims.
Duty Solicitor Arrangements 2001 implemented.
- May 2001** 10 May cut off date for submission of first monthly matter reports.

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Focus on CDS is produced by the LSC's Press Office.

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Duty Solicitor Arrangements

Last Dates for Duty Solicitor Applications to be Considered by the LSC

This article sets out the transitional arrangements for selection to be a duty solicitor in the move from selection by local committee interview under the current Arrangements to selection by accreditation under the 2001 Arrangements.

Any application that is to be considered by the LSC under the Duty Solicitor Arrangements 2000 must be received by your regional office by 1 February 2001. Such applications (and any necessary appeal) will be considered under the 2000 Arrangements even if the final decision takes place after 2 April 2001, when the new Arrangements come into effect.

Any application received after 1 February 2001 will be considered under the 2001 Arrangements.

For applications received after 1 February 2001, if the applicant is:

- not currently a court or police station duty solicitor; or
- applying to join a court scheme and is not currently a member of a court scheme; or
- applying to join a police station scheme and is not currently a member of a police station scheme

then an application will need to be made to one of the testing organisations for the new accreditation scheme, selected by the Law Society.

Duty Solicitors

Duty solicitors will normally be expected to act as both police station and court duty solicitor after 2 April (see para 4.20 of the draft Duty Solicitor Arrangements 2001). This is, of course, already the position for the vast majority of duty solicitors. However, those solicitors who only act

as police station or court duty solicitor but not both should consider the following options:

- i) apply to your local committee urgently to be selected as a police station or court duty solicitor (whichever is relevant to you)
- ii) apply to be accredited under the new duty solicitor accreditation scheme
- iii) apply to the Commission to have the requirement waived on the grounds that there are good reasons for doing so

During the course of the first year of operation under the new Arrangements (until April 2002) we will be reviewing existing membership of all schemes against the new membership rules set out in the 2001 Arrangements. No changes to existing memberships will be made as a result of the new Arrangements before April 2002.

Computerised Time Recording

On 13 March 2000, we wrote to all criminal practitioners advising that the requirement to comply with parts of LAFQAS Requirement K1.3 would be postponed until 1 April 2001*.

LAFQAS Requirement K1.3 states that firms must maintain various financial management and cost control information on an appropriate computerised system.

We announced this partial postponement as a result of discussions with the profession about the likely approach to the categorisation of, and payment structures for, work under the General Criminal Contract. The reasons for this decision were:

1. the impact of the introduction of a new categorisation and claiming structure;
2. firms will have to manage an amount of change in moving to the

new contracted system, and postponing this additional requirement will allow them more time to deal with contracting issues.

The specific details of the postponement were as follows (please note the bullet points refer to LAFQAS K1.3):

Bullet points 1 and 2

no change, the full requirements of paragraph K1.3 as set out in LAFQAS remain in place.

Bullet point 3

the requirement to maintain this information on a computer system will be postponed to 1 April 2001. However, it must be noted that the existing requirement to have this information available (under K1.2) remains - this requirement can be met using manual systems, such as recording running totals of time spent and/or costs incurred on*

individual case files.

Bullet points 4, 5 and 6

the requirement to maintain this information on a computer system will be postponed to 1 April 2001.*

Note this postponement only applied to the Crime Franchise Category.

The systems we are introducing as part of the implementation of contracting will allow us to monitor the average cost of cases. Therefore, the requirement to meet bullet point 5 and 6 of LAFQAS K1.3 is postponed indefinitely.

For clarity, from 2 April 2001, firms will be required to comply with bullet points 1 to 4 (inclusive) of LAFQAS K1.3.

* This date has now changed to 2 April 2001 - which is the official date for implementation of CDS.

General Criminal Contract – Major Changes as a Result of Consultation

As a result of the major programme of consultation that has been undertaken on the draft General Criminal Contract we have substantially revised and clarified the initial proposals. These changes are a significant improvement for criminal defence lawyers.

Set out below are a number of the major changes that have been made. A fuller list will be sent out with the revised Contract at the end of this month.

Main Changes to the Standard Terms and Contract Duration

We have changed the provisions regarding Contract length which was to be a simple fixed term contract ending on 31 March 2004. Now the contract will be a three year “rolling contract” that will automatically be extended each year for a further year unless the Commission gives at least a year’s notice or considers, in an individual case, that there are grounds for terminating the contract.

We have undertaken, for firms which sign contracts and agree their monthly payment figures by 15 March, to make the first monthly contract payment on or about 4 April (and then make monthly payments in each calendar month thereafter). We will also (in addition) be making payments under the existing payment arrangements during April and May in respect of all individual case claims for work done under the 1988 Act submitted before 10 April. This will provide contracting firms with a significant cash injection. For new Contracts signed after 15 March 2001 the mandatory period for payment has been shortened from two months. We are now obliged to make the first monthly payment within 30 days of the date the contract starts.

We have introduced greater flexibility into the monthly submission of

consolidated work report forms. At least one form must be submitted monthly in order to trigger the next monthly payment. Normally the form/s should be sent at the end of the month to which it relates, and received by the appropriate Regional Office by the 10th of the following month. It may, in exceptional circumstances, be submitted before the end of the month to which it relates. It does not need to include all completed work up to that date, as you always have three months from the date a case ends to claim for it.

Main changes to the Specification

We have removed all initial and upper work limits from Police Station Advice and Assistance work.

We have raised the Advocacy Assistance upper limit from £500 to £1500 for both the Criminal Proceedings and Prison Law Classes.

We have made major changes to the structure and assignment rules for UFNs which will make them far simpler to operate and to integrate into existing case management systems. A separate note on UFNs is enclosed with the Contract.

We have disapplied the Sufficient Benefit Test from Advocacy Assistance and clarified the application of the test where Advice and Assistance is given in criminal cases.

We have removed the financial eligibility test for all court based Advocacy Assistance – all this work will now be non-means tested.

We have addressed the removal of Regulation 44(7) in two ways, first we have increased the rates of payment for Advice and Assistance provided in the Representation Class before the grant of an Order to the same level as

for work done under an Order. Second, we have provided for the effective date from which work can be done under an Order to be the date of receipt of an application by the court, rather than the date on which it was granted by the court.

We have reinstated the existing definition of a “case” for standard fee claims.

We have significantly relaxed the late claims rule and made it clear that they will not be applied in respect of firms who are generally prompt in submitting bills but may, on occasion, submit some bills out of time.

Quality and Performance Standards

For an initial period, non-compliances identified against the revised Quality Standards and the Performance Standards will not result in formal non-compliance action, in accordance with the provisions of LAFQAS, being taken. We will, instead draw the problems identified to the firm’s attention for information and to assist them. For the Quality Standards this approach will be taken until 31 October 2001. For the Performance Standards we will maintain this approach until 31 December 2001 and consult with the Law Society before any change of approach is implemented.

The requirement to designate fee-earners and maintain information on aspects of their training, supervision, etc has been maintained. However, the requirement that these records must be kept on personal files has been removed. However, we recommend such an approach and have clarified that if the records required are kept on personal files they need not be duplicated or kept elsewhere in addition. This could lead to a significant reduction in administration for you.

Criminal Defence Service Managers

Each regional office has a Criminal Defence Service Manager. Contact details are set out below.

West Midlands Regional Office

Maryvonne Islip previously worked in the automotive industry before joining the LAB in August 1993 as Liaison Manager. She also worked as Franchise Manager and Account Manager and was involved in the allocation process for Civil Contracts before becoming CDSM. Maryvonne can be contacted on 0121 665 4700.

South Western Regional Office

Bryan Swanson was Operations Manager for the Bristol Office for three years before becoming CDSM. He is a qualified Legal Executive and has worked in private practice and in-house with RAC Legal Services. Bryan can be contacted on 0117 302 3172.



Bryan Swanson

Eastern Regional Office

Mark Hughes is based in Cambridge as the CDSM for the Eastern Region. Prior to this position he was the region's Operations Manager, joining the LAB in April 1999. Mark can be contacted on 01223 417840 or 01223 417982 (fax).

Yorkshire and Humberside Regional Office

Peter Beckford previously worked in industry with British Coal before joining the LAB in 1995 as an Account Manager. He then worked as part of the CLS Quality Mark Development Team in London on secondment before becoming CDSM. Peter can be contacted on 0113 390 7460.



Peter Beckford

Merseyside Regional Office

Sarah Norman joined the LAB as Regional Legal Services Advisor in 1997. She then became Civil Contracts Manager at the Liverpool Office and



Sarah Norman

continues this role as well as being the CDSM for Merseyside. Her background is in local government and voluntary sector management. Sarah can be contacted on 0151 242 5256.

London Regional Office

Shaun Moggan became London's Acting CDSM in August 2000. He had previously been a Team Leader in London Civil Contracting and has been with the organisation for seven years in total. His previous working experience was gained in banking. Shaun can be contacted on 020 7759 1816.

North Western Regional Office

Hilary Moufid first joined the LAB as an Account Manager and took over the CDSM position in June 2000. Before this she worked in marketing, focusing on strategy development and implementation. Hilary can be contacted on 0161 244 5011.

North East Regional Office

Nicola Thackray is the Acting CDSM for the North East Regional Office. She joined the LAB in May 1999 as an Account Manager with responsibility for the County Durham area and took up her current role in October 2000. Nicola can be contacted on 0191 244 5911.

East Midlands Regional Office

Brigitte Humby Jones joined the LAB in 1996 as Operations Manager. She spent five months on secondment to Head Office and returned to Nottingham as CDSM in April this year. Brigitte can be contacted on 0115 908 4321.

South Eastern Regional Office

Edward Procter joined the LSC from the Sports Council in July 2000, where he headed up a department responsible for monitoring the use of

lottery funding for sport. He can be contacted on 0118 955 8676.

Wales Office

Bernard O'Reilly has a background of senior management in the public and private sectors. He joined the LSC this year as CDSM for Wales and can be contacted on 029 2064 7147 or 07730 415059 (mobile).



Bernard O'Reilly

News in Brief

Salaried Defence Service

We are progressing with the recruitment exercise and hope to have this completed by the end of the year. We are still aiming to open the first three offices by April 2001.

Advising Mentally Disordered Offenders

A reminder that the National Duty Solicitor Committee has recommended that all Duty Solicitors should have access to the publication "Advising Mentally Disordered Offenders - A Practical Guide" by Postgate and Taylor (Published by The Law Society). Please make sure that this is complied with.

CDS Logo

Practitioners who plan to print new stationery in the next few months should note that we are working on a logo for the CDS. We aim to finalise this in January 2001. An update will be provided in this bulletin.

LSC Website

A dedicated CDS section will be set up on the LSC website. We hope to have this in place by January. Key CDS documents have already been placed on the LSC site - www.legalservices.gov.uk.