



Procuring a Community Legal Advice Centre in Barking and Dagenham
Questions and Answers

Introduction

The London Borough of Barking and Dagenham and the Legal Services Commission are pleased to announce that we have agreed to work together to develop a Community Legal Advice Centre in Barking & Dagenham. The Centre will deliver integrated social welfare law and family law services.

This Q and A provides some background information to what integrated social welfare law services are and what they aim to deliver. It outlines our current thinking in relation to the development of a service in Barking and Dagenham. It takes into account questions raised at local provider briefings. We will consult further with local stakeholders to finalise the details of the service we wish to procure. After this we will publish an updated version of this Q and A. Should you have any questions in the meantime please e-mail CLSPolicy@legalservices.gov.uk with 'Barking and Dagenham question' as the subject.

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Section one: Background Information

1. What do you mean by integrated social welfare law provision?

An integrated social welfare law service is one that enables clients to access a full range of publicly funded legal services, minimising the need for referral. These services will cover general and specialist advice – from initial advice to representation at court – and the core bundle of social welfare law categories plus family.

To enable this to happen, the Commission is working jointly with local authorities to establish Community Legal Advice services. These will either pull the key services into a single legal entity (centres) or bring together a consortium of providers supplying complimentary services (networks).

2. Why are you procuring services in this way?

We wish to procure services that reflect client's problems and make it easier for them to access advice:

- Research by Legal Services Research Centre (the national civil law and social justice surveys) shows that clients often experience clusters of problems, one problem can trigger further problems and the more times a person is referred on the less likely they will get the advice they need.
- Research by Cardiff University and Matrix Research and Consultancy showed that clients frequently present with problems that cut across category boundaries.
- LSC funded provision tends to be fragmented; 80% of providers deliver advice in one or two SWL categories.
- The fragmented nature of current provision does not support people in helping them resolve their problems.

The Commission believes that the decision to develop Community Legal Advice services is essential if advice services are to meet advice seekers needs as effectively and efficiently as possible over the next five years.

Local authorities and local strategic partnerships have clear responsibilities to address social exclusion and to improve the co-ordination of services so that they have a greater impact on areas with the highest levels of deprivation. Improving advice services is part of this responsibility.

Barking and Dagenham are committed to the establishment of Integrated Social Welfare Law Services for the following identifiable reasons:

1. The Issue of Social Justice

Legal Services Research Centre studies highlight the early solving of civil legal problems can reduce demand on other public services. It identified a relationship between legal problems and deprivation and the valuable role of advice and legal services in the fight against social exclusion. The study found that people vulnerable to social exclusion are the most likely to experience clusters of civil justice problems, principally:

- People with long-term health problems or disabilities
- Lone parents
- Those living in rented or high density housing
- The unemployed and those on very low incomes
- People aged between 25 and 44.

Further the Charity, '*Revolving Doors*' has calculated there are tens of thousands of people in the UK facing multiple and complex issues that require specialised interventions and support. Though a minority of the population, they often lead chaotic lives damaging to themselves and in some cases to those around them. Sadly costing many thousands of pounds in service provision as they bounce from service to service, often not receiving the tailored help they need.

2. To Address the Borough's Position in the Index of Multiple Deprivations

The Index is based on the idea of distinct clusters of deprivation which can be recognised and measured namely:

- Income; Employment;
- Health, deprivation and disability;
- Education, skills and training;
- Barriers to housing and services;

- Crime; and Living environment.
LBBB is ranked the 21st most deprived of the 354 local authorities. (IMD 2004)
3. Because of the need to prioritise Social Cohesion
The Council believes that quality social welfare law advice can create and maintain community cohesion.
It will provide positive help and guidance to the community and counter mischievous and malevolent forces who seek to undermine our cohesion by preying on those vulnerable to social exclusion by whipping up fear and prejudice.
 4. Because of the Need to tackle Ill-health
 - Some 7.0% of people aged 16-74 in LBBB are permanently sick/disabled compared to 5.5% for England & Wales.
 - This is the 2nd highest in the region.
 - There is a clear connection between ill-health and need for advice services
 5. Because of Low Income
 - The Income Support Claimant Rate in LBBB is 33% compared to the average for the region at 28%.

Source: Barking and Dagenham Primary Care Trust.

6. Because of Unmet need and joined - Up Advice
 - The Council believes that the need for joined-up advice services on Social Welfare Law has never been greater
 - We see the benefits in greater integration of advice
 - The Legal Services Commission's expertise make it an excellent partner. Many people have a bundle of issues that need assistance for example loss of a job can lead to employment, housing and debt problems
 - The establishment of an integrated service will prevent people falling between the "referral gap"

Centres and Networks will allow both the LSC and local authorities to maximise the value of their resources, pooling funds, where they share common objectives. More joined up working will lead to less duplication in effort and better-linked services.

3. Where did the idea come from?

The procurement of integrated social welfare law services through Community Legal Advice centres and networks is a key part of the Legal Services Commission's five-year strategy for the Community Legal Service 'Making Legal Rights a Reality'.

The strategy was published in March 2006 and advocates a new approach to the way civil legal and advice services are funded, purchased and delivered. It sets out a vision for a civil legal aid system which is more focused on people in greatest need; more coordinated and cost-effective; and more able to tackle the causes of legal problems.

The Strategy, including the development of Community Legal Advice centres and networks, was accepted by Lord Carter of Coles in his review of legal aid procurement and forms the basis for his recommendations for the Commission's future procurement of advice and representation across the whole of non-family civil legal aid.

The Government and the Commission have now accepted these recommendations. Work in developing and rolling-out this new procurement mechanism is being taken forward as part of the Commission's reform programme. The service in Barking and Dagenham will be established as part of the initial wave of services to be developed under this programme.

4. Where will you be procuring these services?

In addition to Barking and Dagenham, the LSC is working with the following local authorities to set up a centre or a network in their area:

- Leicester
- Derby
- Portsmouth
- Cornwall
- Hull
- East Riding of Yorkshire
- Wakefield

The first jointly commissioned service, Gateshead Community Legal Advice Centre opened in April 2007.

Further information about the overall project, including a Q and A document, can be found on our website at http://www.legalservices.gov.uk/civil/community_legal_advice_centres_and_networks.asp

5. Why has Barking and Dagenham been chosen as an area in which to establish a Community Legal Advice Centre?

The LSC looked at areas that:

- were high on the Index of Multiple Deprivation;
- had high concentrations of benefits claimants; and
- were without a joined-up integrated legal advice service.

The LSC then focused on areas where our regional offices believed the local authorities might be interested in commissioning joined-up services.

Barking and Dagenham, a council committed to delivering high quality and joined-up advice services to its local communities, was keen to be involved.

6. Will the initial phase of services be evaluated?

The initial phase of Community Legal Advice Services will help inform us of the best ways of delivering and commissioning integrated social welfare law services.

The Legal Services Research Centre (the independent research division of the LSC) will be responsible for the evaluation.

The evaluation will

- explore issues relating to the delivery and implementation of such services for funders and providers; and
- assess the benefits to clients from establishing such services.

All services set up in the initial phase would be expected to co-operate with the evaluation exercise as appropriate.

An evaluation report will be produced in 2009.

7. How can I find out more?

Information, including this Q&A, will be posted on www.barking-dagenham.gov.uk.

We will hold further public events (in addition to the event held on the 30th October 2007) throughout the process to inform and gain feedback from stakeholders. If you have a question in the meantime you can email it to clspolicy@legalservices.gov.uk with 'Barking and Dagenham question' as the subject.

Section two: Service Details

8. How will integrated social welfare law services be delivered in Barking and Dagenham?

We have two potential models for the provision of integrated legal advice services – Community Legal Advice centres and Community Legal Advice networks, collectively known as Community Legal Advice services.

Centres and networks' will provide the same services but the structure for delivering the services may differ. Centres will be run by a single legal entity (although some services may be sub-contracted) and are likely to be run from a central office, along with outreach. Networks will see a group of providers come together and sign up to a shared service specification guaranteeing that wherever a client contacts the network they will have access to the full range of services provided.

In an urban unitary authority, such as Barking and Dagenham, we will be looking at establishing a centre.

The Centre provider(s) will be expected to design the delivery of those services in response to the needs of local communities. Services will need to be provided in places, at times and in ways that are convenient to those with legal and advice needs.

9. What is the timeframe for the development of a Community Legal Advice Centre in Barking and Dagenham?

We aim for the Centre to be operational from April 2009. To achieve this we aim to go out to tender in early summer 2008.

We expect the service to continuously develop over a three-year period so that the service effectively targets those who need help most.

10. What will the Centre deliver?

The Centre will provide face-to-face legal advice - from basic advice to specialist representation - for a wide range of social welfare and family problems, allowing people to get help on a range of frequently related problems.

It will also help to tackle the causes of people's problems such as the poor delivery of public and private services; and raise awareness of clients' rights by for example, providing information, self-help packs and participating in legal education sessions.

The Centre will work with other specialist lawyers and non-legal organisations based in Barking and Dagenham and with the Community Legal Advice telephone helpline (previously Community Legal Service Direct) so that, where there is a need, clients are referred on effectively.

11. What legal areas will be covered?

The Centre will provide advice and representation in community care, debt, housing, welfare benefits, employment, family and any related public law.

The Centre will also need to link with those providing specialist advice in categories not covered (mental health, immigration, education, clinical negligence, personal injury, actions against the police and crime). The Centre would not be expected to deliver any of these categories unless there was a specified need for them to do so.

12. How will you ensure that the Centre meets local needs?

A joint working group has been set up between the London Borough of Barking and Dagenham and the LSC. This group will develop the service specification using information about local needs and feedback from stakeholders.

We expect all groups within the local population to be served by the Centre; however as a result of local consultation certain client groups or wards within Barking and Dagenham may be identified as a priority.

The service specification will form part of the tender documentation, which will ask bidders to describe how they will serve these key populations.

13. Will the services help those who don't qualify for legal aid?

Yes – Barking and Dagenham Council will fund some services that are not covered by legal aid, such as general help services.

A funding model will be produced clearly mapping out which funding stream will be used to fund the different elements of the required service. This will take into account any restrictions placed on the funding streams of the LSC and Barking and Dagenham Council and will show how the different funding streams compliment one another.

The Centre will be required to refer clients they cannot help to private service providers, other public legal service providers and non-legal advice as appropriate.

14. How will you include service providers in the development of the specification for services?

Providers will be given an opportunity to ask questions and make recommendations on:

- the services needed within each area;
- what the service should look like;
- what other services should be included; and
- who the target groups or wards should be.

This will be through a series of stakeholder events held throughout the development process.

Section three: Tender Process

15. How will you select the service provider(s)?

The LSC and Barking and Dagenham will go out to tender.

Bids will be assessed against essential and desirable selection criteria. These will be listed in the Information for Applicants, and will be specific to Barking and Dagenham.

16. How will the tendering process work?

An advertisement will invite interested parties to bid.

Tender documentation will include:

- the Information for Applicants, setting out the specification for the service, the details of the tender evaluation process and the essential and desirable criteria,
- an application form, and
- a needs analysis document.

The length of time given for bidders to tender will be between two and three months.

The tender will have a question period where potential bidders will be able to ask questions before they decide whether to submit a tender.

Following receipt of tenders, bids will be assessed against the essential and desirable criteria in line with the evaluation process set out in the IFA. The assessment panel will be made up of LSC and Barking and Dagenham Council representatives.

17. Can you tell us more about the contract?

The successful bidder will be awarded a contract, jointly by the LSC and Barking and Dagenham Council, to run the Centre. This will be for an initial period of three-years to provide stability to the service provider(s).

The contract will be tailored to the priorities and needs of Barking and Dagenham, as detailed in the tender documents.

We aim to award the contract in good time so as to allow 8 to 12 weeks between the date the contract is signed and when the service must start.

18. Who can bid for the contract?

Organisations or groups of organisations, from the not-for-profit and private sectors will be able to bid.

Organisations do not currently have to have premises or, indeed, be operating within Barking and Dagenham to bid. However they will have to meet all the criteria including those concerning accessibility of services and operational start-dates.

19. Will you consider group bids?

Yes, although ultimately in Barking and Dagenham we only wish to contract with a single legal entity. Groups therefore need to demonstrate their willingness and ability to form such an entity. However they don't need to form this entity until after the tender.

Organisations considering making a bid through a merger or by expanding will also need to consider various regulatory issues under the Solicitors Practice Rules, charities law, etc., which may affect their plans.

20. How will you treat applications involving subcontractors?

Where part of the service is to be subcontracted then we will consider whether the bid as a whole, including the contribution of the subcontractor meets the criteria. Applications will not necessarily fail merely on the poor choice of subcontractor.

We will need to be satisfied that any subcontracting arrangements will not compromise the intention to create an integrated service. Inevitably, the more work that is subcontracted the more difficult it will be to demonstrate this.

Any subcontractor(s) proposed as part of the bid must individually meet some of the criteria to be applied to applicants.

Section four: Operation

21. Will the successful organisation(s) need to find new premises?

The successful bidder(s) may use its current premises if these are suitable and meet all the criteria listed in the IFA.

22. When must the Centre services start?

The aim is to have the Community Legal Advice Centre in Barking and Dagenham operational by April 2009. However, the service provider will not be required to have all services available from that date. The services that must be provided from the outset and those that can be expanded into over a 6 or 12 month period will be detailed in the Information for Applicants.

23. How must the Centre be staffed?

The successful bidder will be free to organise how the Centre is staffed, provided that this staffing structure enables it to deliver the services required. The proposed organisational/staffing structures will be assessed as part of the tender evaluation. We will expect to see a reasonable ratio of supervisors to caseworkers.

24. Can volunteers deliver some of the services?

Yes, however the nature of the work they can undertake will depend on their skills and expertise. Volunteers (including students and people seeking work experience) will only be allowed to undertake specialist casework and representation with the prior agreement of the LSC and Barking and Dagenham.

25. Will TUPE apply?

The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) preserves employee's terms and conditions when a business or undertaking, or part of one, is transferred to a new employer.

Potential applicants are strongly advised to obtain legal advice on their obligations under TUPE.

26. What are the branding requirements for the Centre?

The Centre will be required to brand itself using the Community Legal Advice brand **in partnership with the London Borough of Barking and Dagenham**. All work done as part of the service must be undertaken under this brand, including outreach services.

Service providers will be able to display their membership of other networks, or their own name, as a sub-brand. Solicitors will be able to display the information required of them by the Solicitors Practice Rules.

27. The Centre will be funded by the LSC and Local Authorities - How will you ensure that it is independent?

As with existing funding arrangements with both the LSC and Barking and Dagenham Council those delivering the Centre services would offer a completely independent and impartial advice service to clients.

The LSC has supported individuals taking action against local authorities and other public bodies in the past. It does not compromise its independence, always acting to protect people's fundamental rights.

The services will deliver against criteria set jointly by the LSC and Barking and Dagenham Council and the requirement for independent advice, including advice on people's rights and obligations in relation to local and central government, will be included in the specification.

Barking and Dagenham Council will not be able to remove funding if they are challenged on a point of law and council officials will not have access to any files on matters relating to such action. This will be reflected in both the agreements between the funders and the agreements between the funders and the providers.

28. Can the successful organisation(s) continue with their other work interests?

Yes, as long as the legal advice services are not in direct competition with or marketed as part of the Centre service

Complementary legal or non-legal services for which funding can be obtained from a third source may also be marketed and delivered as part of the Centre if this is agreed with the LSC and Barking and Dagenham Council in advance.

29. What will happen to organisations that are not part of the new Centre?

We expect the Centre to provide all the **current Legal Aid** [delete SWL] advice in Barking and Dagenham.

Successful bidders (including subcontractors) that hold current Legal Aid contracts in Barking and Dagenham will be required to give up all or part of that contract where the services will be provided through the Community Legal Advice Centre contract. They may continue to hold current legal aid contracts where they are delivering:

- services in areas outside of Barking and Dagenham;
- in categories not covered by the Centre contract; and
- family work.

Providers that are not part of the successful bid will have their current Legal Aid [delete - social welfare law] contracts covering Barking and Dagenham terminated. However, all providers in the area will have had the opportunity to bid for the contract.

30. How will you monitor the performance of the Centre?

The Centre will be set performance targets, based on the available funding and the priorities for Barking and Dagenham. The targets will be set out in the Information for Applicants and in the contract and may include:

- numbers receiving general advice,
- numbers receiving specialist advice,
- access to services,
- client satisfaction,
- complaint resolution, and
- case outcomes.

The Centre must operate a case management system and will be required to report work electronically on a monthly basis. It will also be required to provide monthly narrative reports and other reports as detailed in their contract.

The Centre will be contract managed by an LSC Relationship Manager, who will be responsible for monitoring performance, including performance against the standards set and compliance with the

contract. Non-compliance with the contract could lead to sanctions and as a last resort termination of the contract.

A Liaison Board, made up of LSC and Barking and Dagenham Council representatives, will be established to take all decisions relating to general development, renewal of funding and setting performance standards.

31. How will the quality of the Centres work be assessed?

We will review the quality of work on an ongoing basis through peer review and quality profiles.

The Centre will be subject to the peer review process for all categories of law where specialist legal advice and representation are provided.

Quality profiles will be used to measure the Centres performance against a series of indicators, such as case duration, mix and outcome. National data has been used to establish a 'normal' range for each performance indicator. Areas of improvement can be identified for providers who are 'out of profile' from the norm.

Section five: Questions from Providers

A provider briefing was held on 30th October 2007 to discuss the proposals for Barking and Dagenham. This section outlines the questions raised on the day. Where questions asked covered similar ground these have been amalgamated. Answers have either been provided below or can be found in the previous sections of this document.

Where possible additional information has been given in order to clarify answers provided on the day.

A. At present it does not feel like suppliers are included in the development process for this service – how will you ensure this happens as it moves forward?

The provider event (held on the 30th October) was the first opportunity for providers to input to the development of the service. As we move forward further briefings and consultations with providers will be undertaken. We would welcome any comments or feedback providers have – please discuss these with your LSC Account Manager or send them to us using the e-mail address detailed at Question 7.

Further information can be found at Question 14.

B. What is the timeline and planning process for the development of the Community Legal Advice Centre in Barking and Dagenham?

The first steps will be to establish the funding to be committed by Barking and Dagenham Council and then to begin a process of identifying the needs within the borough. This will inform the service specification which will be produced and made available to providers for comment. Further information can be found at Question 14.

We aim for the Centre to be operational from April 2009. To achieve this a 3 month tender process will be undertaken in the summer of 2008. Evaluation of the bids will follow and then award of contract to the successful bidder. If possible, we would aim to give the successful bidder 8 to 12 weeks between the date the contract is signed and when the service must start.

C. Will the Local Authority be undertaking a review of what it provides and funds?

Barking and Dagenham Council has undertaken various reviews, especially within Adult Services, prior to beginning discussions with the LSC. Reviewing and collating baseline information with regard to providers and funding will continue as part of the work to develop a Community Legal Advice Centre.

D. Is it correct to develop an integrated service as opposed to putting funding into existing suppliers to ensure their sustainability?

We are committed to working with existing providers; however it is essential that we don't just look at the situation from the perspective of the provider. There are significant gaps in current services that need to be met, and this process provides an opportunity to design and specify a service based on the needs of clients. We believe that integrated services are the best way to meet client needs.

We would encourage existing providers to contribute to the development of the Centre and to bid for the contract. Our aim is to ensure that the contract awarded in Barking and Dagenham is of a size that will offer sustainability to the successful applicant.

E. There are organisations carrying out holistic work, at the lower level, that are not funded by the Legal Services Commission, will these organisations be lost in this process or will they have a role to play?

The LSC is only able to fund organisations to deliver specialist level legal advice. However we believe that by combining our civil legal aid funding with funding for general advice services provided by Barking and Dagenham Council we can commission a service that will better meet client needs. It will pick up problems at an earlier stage and will often stop them from becoming complex.

We recognise that small niche organisations have an important part to play in delivering accessible services. However we are not in the position to be able to contract with each organisation separately. We would hope that some of these organisations could become part of a Centre service, either on a sub contractual basis or through closely working with the Centre to ensure access to priority clients. We would expect the Centre provider to work closely with those organisations that do not provide legal advice or provide advice services funded through other mechanisms.

F. Where will the services of the Community Legal Advice Centre be provided from? And will home visits be allowed?

The Centre will be located in Barking and Dagenham; however services do not need to be delivered from a single location. Where services will be provided from will be informed by the needs analysis and existing services used by priority client groups – the service should be delivered in ways that are most accessible to the client. The need for home visits will be informed by the needs analysis however it will be down to individual bidders to consider whether this is an approach that they want to adopt as part of their service delivery plans.

Further information can be found at Question 21.

G. How will you ensure that services are delivered to the different priority clients groups? And how will you ensure that they are delivered in a way that is suited to the client?

Often it is the most vulnerable in society who do not access the services they require, including legal advice. One of the aims of the Community Legal Advice Centre will be to target these groups and ensure that they receive the advice they need.

Through the process of needs analysis and stakeholder feedback Barking and Dagenham's priority client groups will be identified. These will be incorporated into the service specification and it will be a requirement of the contract that the successful bidder targets delivery for these groups. Bidders will be expected to outline how they propose to do this in their applications.

Further information can be found at Question 12.

H. What is the position in terms of conflict of interest?

With regard to family advice, only 20% of family work in Barking and Dagenham will be carried out by the Centre. Stand-alone family contract holders will undertake the remaining 80% outside of the Centre. This will ensure that clients have the option of going to an alternative firm if conflict of interest issues arise.

A conflict of interest in SWL is much less likely to occur than in family, however if it did there would be other options available; for example the telephone advice service, CLA Direct, or other SWL providers in neighbouring boroughs, as a last resort. Additionally, some stand alone family providers may also have the capacity, for the time being, to perform some SWL work under tolerance.

We will monitor this issue closely through our contract management and look to support suppliers to ensure they don't break any rules.

I. If my organisation was successful in the tender process and awarded the contract for the Community Legal Advice Centre would TUPE apply?

For answer see Question 25.

J. What will be the situation with regards to professional indemnity insurance, in relation to the Community Legal Advice Centre?

To a certain extent this will depend on the structure and delivery approach of the successful bidder. However, any organisation delivering advice, as part of the Community Legal Advice Centre, would need to have professional indemnity insurance.

K. What elements of the funding will be VAT-able? And how will VAT be dealt with when sub-contracting is involved?

The LSC is currently seeking advice regarding VAT issues. Further information will therefore be added to this document once known.

L. Can providers outside of the Borough be part of the Community Legal Advice Centre in Barking and Dagenham? How many Community Legal Advice Services can they be part of?

Yes, providers from outside of Barking and Dagenham can be part of the Centre if they are successful in bidding for the Centre contract.

Organisations do not currently have to have premises or, indeed, be operating within Barking and Dagenham to bid. However they will have to meet all the criteria including those concerning accessibility of services and operational start-dates.

We have not set a limit on the number of services a single provider could be involved with; however we will keep this under review.

M. Are you developing Community Legal Advice Services in other London Boroughs?

Some London Boroughs were approached two or three years ago; Lewisham decided at that time not to go for the service. Haringey were undertaking a review of their grant-funded services regarding grants that concluded in July 2007. They are now looking at how to take the agenda forward. A number of other authorities have been approached by the LSC to obtain a more detailed understanding of how the Community Legal Advice service approach might fit in with their advice service strategies.

N. Barking and Dagenham were not included in the recent 2007 Civil Bid Round, why was this?

London Suppliers delivered 112,00 New Matter Starts (NMS) across the Region during 2006/07; of this 2000 NMS were delivered by Barking and Dagenham suppliers, of which there are 7. The recent bid round was designed to meet otherwise unmet need. A decision was made not to carry out a bid round in B & D because of the move towards joint commissioning with the Council.