

# One Step Beyond: Key Documents Concerning the Future of Contracting (CLS Support Preferred Supplier Email Bulletin no. 4)

## 1 Introduction

- 1.1 The purpose of this email bulletin is to make you aware of two key documents that have very recently been published.
- 1.2 These documents concern likely changes in the relationship between the Legal Services Commission (LSC) and both solicitor and Not-for-Profit (NfP) organisations.

## 2 The documents

### Lord Carter's Review of Legal Aid Procurement

- 2.1 On 13<sup>th</sup> July 2006 Lord Carter published his final report on the review of legal aid procurement, "Legal Aid: A market-based approach to reform".
- 2.2 Whilst the bulk of the report is about criminal legal aid, the overarching recommendations also concern work done in civil categories of law such as debt, welfare benefits and housing.
- 2.3 "All reforms are directed towards achieving a market-based outcome. A healthy legal services market should be driven by best value competition based on quality, capacity and price. All three of these factors should lead to the restructuring of the supply market." (Paragraph 9, Executive Summary of the report).
- 2.4 The report, which may be downloaded in sections, is available at <http://www.legalaidprocurementreview.gov.uk/publications.htm>.

### Joint DCA/LSC consultation paper

- 2.5 In response to Lord Carter's report, the Department for Constitutional Affairs (DCA) and the LSC has published a joint consultation paper, "Legal Aid: a sustainable future". This document translates the recommendations contained within Lord Carter's report into a number of explicit proposals, many of which will affect and are directly relevant to NfP organisations.
- 2.6 This consultation document:
  - Includes a list of questions for comment on Lord Carter's recommendations for criminal legal aid;
  - Sets out and invites comments on proposals developed by the LSC, together with the Carter Review team, for new remuneration schemes for many areas of legal services provided under the Community Legal Service (civil, family and immigration legal aid);

- Sets out proposals by the LSC for a new Unified Contract that will underpin the introduction of these reforms and the Preferred Supplier scheme;
  - Proposes that all the areas of social welfare law presently covered by the NfP Contract are paid for by fixed fees on a national or regional basis.
- 2.7 The consultation runs from 13<sup>th</sup> July to 12<sup>th</sup> October 2006 – full details on how to respond can be found within the consultation document or on the DCA website at the web address below.
- 2.8 The document itself, which can be downloaded in sections, is available at <http://www.dca.gov.uk/consult/legal-aidsf/sustainable-future.htm>.

### **3 Further information and guidance**

- 3.1 Clearly, both of these documents will have a significant impact on the future of contracted services provided by both solicitor and NfP organisations; not least the 'unification programme' of contracting with both sectors that the LSC proposes and the real challenges this will bring.
- 3.2 The Advice Services Alliance will produce detailed guidance on these documents shortly. Your advice network may also provide you with information.
- 3.3 In the interim, if you would like to discuss any of the issues raised by this email bulletin, please contact the CLS Support consultancy service on **0870 7700 447 Monday to Friday 1pm–4pm** or email [cls.support@asauk.org.uk](mailto:cls.support@asauk.org.uk) any time.