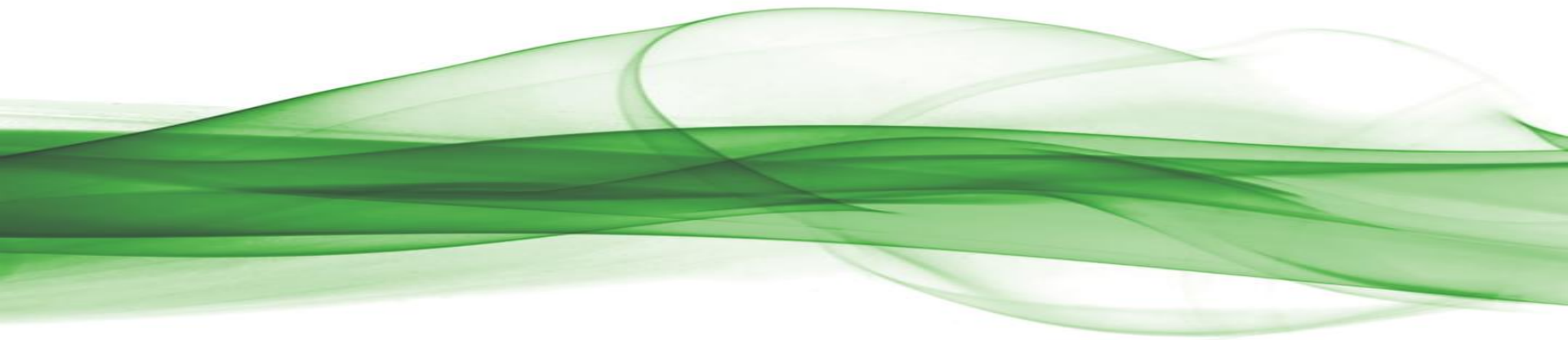


# Criminal Law Roadshows

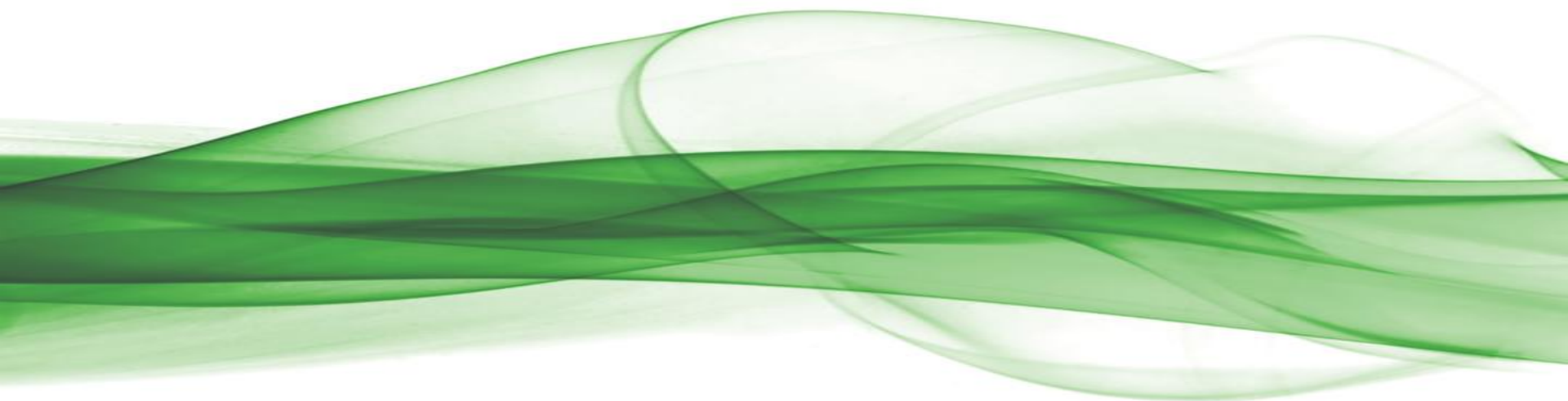
Digital working and competitive  
tendering





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# The Competitive Tendering Proposals



## What are we up against?

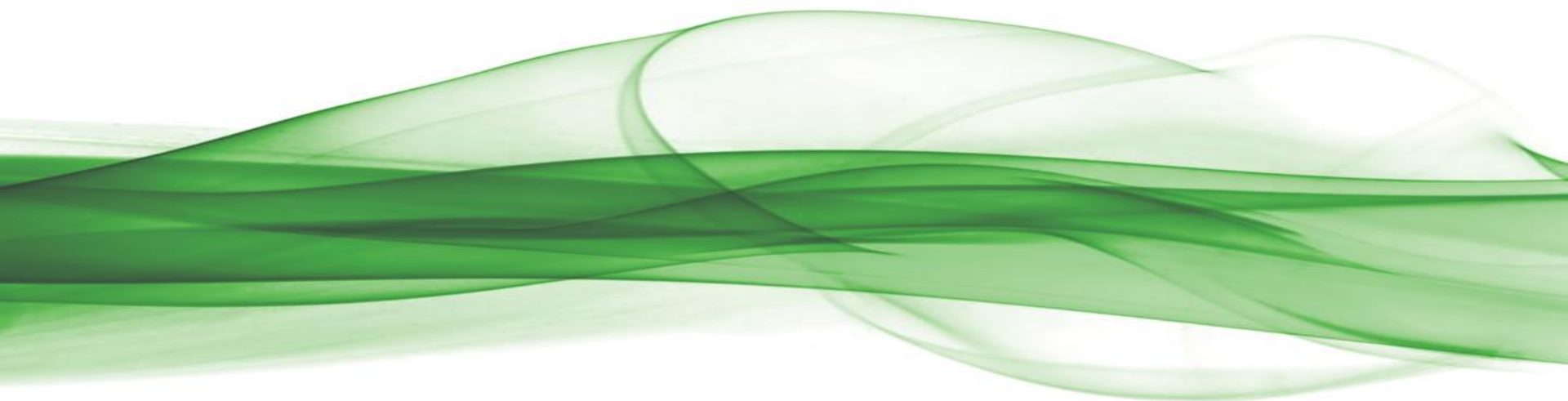
We estimate that the proposals set out in this consultation would, if implemented, deliver savings of some £220 million per annum

- Transforming Legal Aid



The Law Society

# The Ministry's proposals



## Key features

- Contracts largely based on CJS areas
- Firms have to cover entire CJS area
- LAA decides number of firms per area
- Firms bid for one equal share of the work
- Maximum bid is current rates minus 17.5%
- All own client work is abolished
- Crown Court advocacy not included

# Payment structures

- Police station - block contract
- Magistrates Court - single fixed fee
- Crown Court under 500 PPE - fixed fee
- Crown Court over 500 PPE - current scheme against which firm bids a discount
- VHCCs - not included in tender but subject to 30% cut in fees

# Timetable

- Consultation closes 4<sup>th</sup> June 2013
- PQQ takes place October-November 2013
- ITT stage takes place in February-March 2014
- Contracts awarded June 2014
- New contracts start September 2014



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# The Law Society's position



# The Law Society's position

- We believe the Government's proposal cannot work for three key reasons
  - It is economically unviable for every sector of the profession and for new entrants
  - The timeframe is unachievable
  - Abolishing own client work is potentially unlawful under LASPO

# The regulatory position

- When you are considering your approach, you must consider Principle 8, which requires sound financial management
- Your COLP's and COFA's reporting obligations may be triggered if you submit a bid which threatens the financial stability of your firm
- If a firm felt it could not submit a bid without breaching this Principle, it would be contrary to your professional and regulatory obligations to do so.

## So now what?

- We cannot see any way of avoiding cuts
- Scope cuts would be problematic in ECHR terms and are opposed by the profession
- So what changes will provide the best prospect of at least some of the profession being able to survive?

# Key questions - the Government proposals

- What guarantees of certainty would the Government have to make for any form of tendering to work?
- What if the Government offers to make changes, eg to contract length, volumes, timescale, the cap?
- What prevents you from providing services across the whole CJS area as proposed?
- Do you see any potential benefits in a model under which another firm provides all the back office functions, handles LAA submissions, VAT returns etc, and leaves you free to get on with casework?

# Key questions - alternatives

- Is there any alternative means for the MoJ to achieve savings other than a big administrative cut?
- Should there be consolidation by means of quality and service criteria?
- Should there be a minimum contract size?

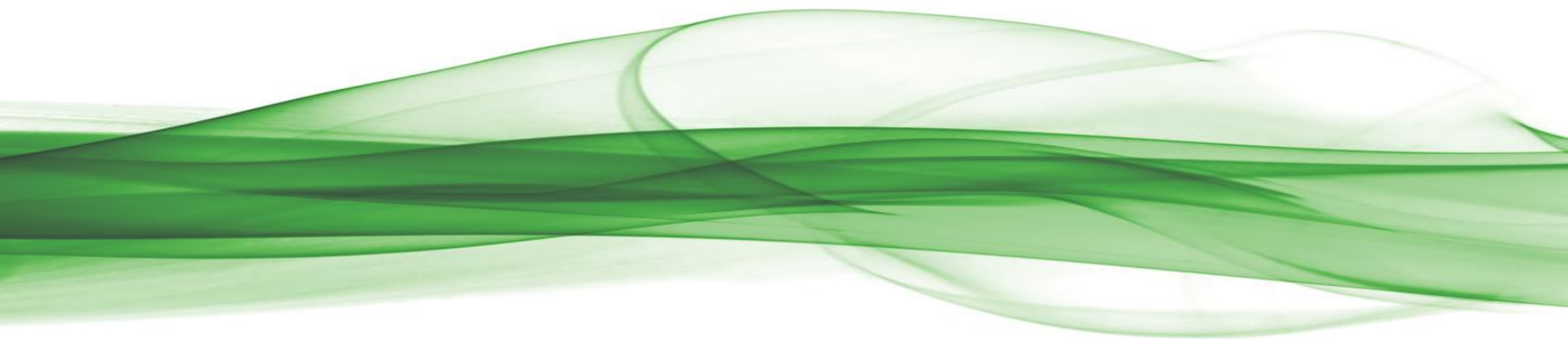
## Key questions - alternatives

- Should the link between duty slots and the number of duty solicitors be broken, and if so how?
- Are there other sources of income for Government, such as making legal aid a loan, or firms via top-up fees?
- Are there measures we should be asking for that would improve your cashflow?



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# Over to you



*supporting solicitors*