

Managing for the Future – Planning for the New Normal

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Offices – what the civil contract specification says

Offices

2.33 For the purposes of the Permanent Presence requirements set out at Paragraphs 2.34 to 2.35, an Office must be a building which is suitable to cater for the needs of your Clients and personnel, enabling you to satisfy all relevant Health and Safety legislation, the Quality Standards and Service Standards of this Contract and to protect Client confidentiality and comply with the requirements of Good Industry Practice. An Office must have waiting facilities and at least one private interview room which allows Client confidentiality to be protected. An Office must be a secure location suitable for the storage of Client files, have the appropriate equipment to deliver services and be suitable to undertake work to progress a Client’s case. Hotels, vehicles and other temporary or movable locations do not count as Offices for these purposes (although such temporary arrangements may form part of authorised Outreach Services under Paragraph 2.38). An Office must have good access for Clients.

Permanent Presence

2.34 To provide a Permanent Presence you must have a permanent (i.e. continuously occupied by you) Office in the Procurement Area. In any Category for which you are required to provide a Permanent Presence, the majority of services authorised for that Category under any Schedule issued to that Office must be accessed from that Office. The Office must be open and physically accessible to Clients and/or members of the public for at least 7 hours between 8am and 8pm every day from Monday to Friday (excluding Bank Holidays, religious holidays and any unavoidable temporary closures). You must be able to arrange appointments for Clients and to provide face-to-face legal advice in any Category of Law for which you are required to provide a Permanent Presence on all days that the Office is open. Where an Office is shared, we must be satisfied that it is clear to Clients at all times which organisation they are dealing with.

2.35 Whenever the Office is open Clients must be able to contact a person at the Office by telephone to arrange appointments and, where appropriate, receive advice in

emergency cases. Out of hours, Clients who telephone must be able to access information about opening hours and who to contact in an emergency.

Part-Time Presence

2.36 To provide a Part-Time Presence you must have an Office in the Procurement Area but this does not need to be continuously occupied. The Office must be open and physically accessible to Clients and/or members of the public on a regular weekly basis for at least one full day or two half days per week (subject to unavoidable temporary closures). You must be able to arrange appointments for Clients and to provide face-to-face legal advice in any Category of Law for which you are required to provide a Part-Time Presence on any day that the Office is open. Where an Office is shared, we must be satisfied that it is clear to Clients at all times which organisation a Client is dealing with.

2.37 To support your Part-Time Presence, Clients must be able to contact you by telephone and speak to a person in your organisation every day from Monday to Friday (excluding Bank Holidays and religious holidays) during normal Business Hours to arrange appointments and, where appropriate, receive advice in emergency cases. This telephone number may be for an Office outside the Procurement Area but the cost of the call to the Client must be below the cost of a Premium Rate Number. Out of hours, Clients who telephone must be able to access information about opening hours and who to contact in an emergency.

Providing legal help to clients remotely

The LAA's contingency response says:

'We understand in the current situation it may not be possible to meet clients in person. Your well-being and that of your clients is important to us.'

You can use up to 25% of your Controlled Work matter starts using remote methods of communication, without seeing the client. Note that you will need to make an appropriate ID check as well as obtaining evidence of means and a client signature if you advise a client by remote means ([Civil Contract Specification 2018](#) para 3.18).

Offices – what the crime specification says

Individual Office requirements

2.44 Each of your Offices (of which you must have at least one) must:

- (a) satisfy any professional requirements of your regulator and be registered as appropriate;
- (b) provide you with a constant right of access at any point during Business Hours;
- (c) be open and accessible to Clients, prospective Clients and other interested parties during normal Business Hours on each Business Day and be permanently staffed by a representative of your organisation (who need not be directly employed by you) for the purpose of arranging appointments and other meetings and where appropriate arranging advice in emergency cases;
- (d) be able to arrange Client appointments during Business Hours (subject to personnel availability);
- (e) contain suitable facilities to interview Clients, witnesses and any other persons in a private interview room;

(f) contain sufficient infrastructure to enable you to deliver Contract Work; and
(g) meet any relevant health and safety standards, quality standards, service standards together with additional standards set out in this Contract.
Storage of confidential information.

2.45 Every Office which is used for the storage of confidential information such as Client files must be secure and meet Data Protection Legislation, Legal Aid Legislation and your professional obligations.

Shared and serviced Offices

2.46 Where you operate an Office in a shared building such as another legal services provider's premises or in a serviced office arrangement you must have a right of access to the Office at all times during Business Hours for the purpose of providing face-to-face legal services at that Office. Any breach of this Paragraph is a Fundamental Breach and we may serve a notice on you terminating your Contract; Contacting your Office(s)

2.47 During Business Hours Clients or prospective Clients who telephone must be able to arrange appointments and other meetings and where appropriate arranging advice in emergency cases.

2.48 During non-Business Hours Clients or prospective Clients who telephone must be able to access information about opening hours and who to contact in an emergency. This may be by use of a voice mail message system.

2.49 You may operate a single or central contact number regardless of the number of Offices you maintain.

2.50 You may not use premium rate numbers.

2.51 You must be contactable (through a reasonable medium) at any time by the DSCC for the purpose of notification of Own Client matters or receipt of instructions.

Excluded Arrangements

2.52 The following locations do not constitute an Office for the purposes of this Contract:

- (a) hotels;
- (b) vehicles;
- (c) residential property;
- (d) virtual offices or any such similar arrangement whereby all communication (written, electronic or by telephone) is referred to another location;
- (e) serviced premises, shared premises or similar where you do not have exclusive use of a designated space meeting the requirements of Paragraph 2.44; or
- (f) serviced premises, shared premises or similar which are not staffed by a representative of your organisation (whether employed by you or not) who is able to arrange appointments and other meetings and where appropriate arranging advice in emergency cases.

[LAA Covid contingency arrangements](#)

LAA's general approach as at 18 March (first published) The LAA do not expect you to consult your contract manager when you are taking reasonable action to balance supporting your clients with wider Government advice, and no reasonable action you take to

appropriately protect the health and safety of your staff in line with Government advice will result in contract action by your contract manager.

If you have to close your office, you need to notify your Contract Manager, explain how closure will affect service delivery, how you will deal with urgent matters and ensure that work is supervised. If your Contract Manager is not available, you can contact the LAA's Customer Service Team on Twitter @LAAHelpTeam (this is not appropriate for client case queries).

In February the LAA [updated text](#) regarding supervisory and office arrangements. They confirmed the Covid arrangements will remain in place allowing greater flexibility than the contract requirements. This was due to expire at the end of January 2021. The LAA has indicated further guidance will be forthcoming shortly, when they have analysed responses to the recent survey.

'Office and supervisory arrangements

We confirmed that current arrangements on supervision and office requirements would remain in place until 31 January 2021.

We recognise that the current circumstances mean that you may still be unable to fully comply with the supervision and office requirements, under the terms of your contract, while also following government advice and maintaining the wellbeing of staff and clients.

We continue to review the situation with this in mind but consider that we all now have a better understanding of how we can best manage the circumstances of the pandemic, including but not limited to, operating within lockdown restrictions. Therefore, we're coming to a position where we will soon be able to provide further guidance and clarity in this area.

In the meantime, the current arrangements shall remain in place. However we remind you that if you are unable to meet contractual supervisory and/or office requirements as a result of the COVID-19 outbreak and/or following wider government advice, you must contact your contract manager as soon as possible.

You should continue to document evidence on how you have been and continue to comply with supervision and office requirements in line with your contractual obligations and professional standards where applicable.'

Supervision

If a Supervisor is not available, the [Standard Civil Contract Specification 2018](#) (para 2.24) [Standard Crime Specification 2017](#) (para 2.27) states that if your Supervisor is unable to work for up to six weeks, you can appoint someone else internally, even if they do not meet the full Supervisor requirements. If the situation is likely to go on for more than six weeks, you need to get authorisation from your Contract Manager.