



## **Criminal Defence Service Briefing for Software Suppliers**

**April 2005**

The following briefing is provided to update software suppliers on changes that the Legal Services Commission intend to make which may require changes to existing software.

### **CDS Direct Pilot**

The Commission has issued consultation papers on the above pilot in May and September 2004. Since the second paper was issued the Commission has made a concession to enable an £8.00 (plus VAT) Telephone Acceptance Fee to be claimed by suppliers for matters which are referred by CDS Direct.

The Law Society has raised some new concerns regarding the operation of CDS Direct at a late stage in our planning. The Commission and The Law Society have agreed to discuss these issues further and, as a result, the implementation date of 2 May 2005 may slip by a short period.

A further update will be provided once the arrangements for implementation are confirmed.

### **Police Station Representatives and Solicitors attending the Police Station**

The above consultation paper was published on 15 November 2004 with the consultation period closing on 10 January 2005.

The Commission has decided not to proceed, at the present time, with the proposal that payment to a supplier for work undertaken by a freelance accredited representative be treated as a disbursement and capped at 50% of the hourly rates.

It is not anticipated that the changes that the Commission will be proceeding with will have any impact on IT systems. A copy of the outcome of this consultation is available on our website.

### **General Criminal Contract Amendments – April 2005**

The Commission began consultation in December 2004 on amendments to the General Criminal Contract to be implemented in April 2005. These were primarily to support the introduction of the CDS Direct pilot and other changes arising from the recent consultation on police station attendances.

Due to the slight delay in the implementation of the CDS Direct pilot the Commission has, to avoid disruption and confusion for practitioners, decided to delay the implementation of all planned Contract Amendments (and subsequent changes to guidance) until a date is confirmed for the introduction of the pilot.

With the exception of the Telephone Acceptance Fee referred to above it is not anticipated that any of the Contract amendments will have an impact on IT systems.

## **Changes to Claim Codes**

### *New Claim Codes from 31 May 2005*

The Commission and the Department for Constitutional Affairs are undertaking a review of funding for anti-social behaviour orders. To support this work it has been necessary to introduce two new claim codes which should be used for all relevant work reported after 31 May 2005.

#### 2Q - Magistrates' court Advocacy Assistance relating to anti-social behaviour orders

This claim code should be used for proceedings under sections 1 and 1D of the Crime and Disorder Act 1998 relating to an anti-social behaviour order (including an application to vary or discharge such an order). Claim code 2C will have previously been used for these claims. 2C should continue to be used for all other magistrates' court advocacy assistance.

#### 2R - Crown Court Advocacy Assistance relating to anti-social behaviour orders

This claim code should be used for appeals under section 4 of the Crime and Disorder Act 1998 against an anti-social behaviour order. Claim code 2H will have previously been used for these claims. 2H should continue to be used for all other Crown Court Advocacy Assistance.

Note: Offence and outcome codes are not required for claims made under either of the above claim codes.

### *Withdrawn Claim Codes from 31 May 2005*

The following claim codes became obsolete following changes introduced on 17 May 2004.

#### 2A - Criminal Proceedings - Freestanding Advice and Assistance

#### 2B - Criminal Proceedings - Early Hearing (including Advice and Assistance where given)

Only claims relating to work undertaken prior to 17 May 2004 can be claimed under these claim codes. All such claims should have already been submitted and therefore these claim codes will be withdrawn from 31 May 2005. Process Centres will reject any claims with a 2A or 2B claim code submitted after this date.

## **Other Changes**

With effect from 30 April 2005 changes will be implemented to the following:

- Criminal Bills Assessment Manual
- Duty Solicitor Manual
- Duty Solicitor Arrangements 2001
- Police Station Register Arrangements

Details of these changes can be found on our website but it is not anticipated that the changes will have any impacts on IT systems.

## **Common Claiming Errors**

### ***Outcome Codes***

The revised outcome codes which were introduced in May 2004 do not appear to be used by all suppliers. It is essential that the correct outcome codes are used as these are used to produce Quality Profiles.

Note: outcome codes are required for Criminal Investigations and some Criminal Proceedings (2E, 2F and 2G claim codes) claims only.

### ***Pre-order Cover Claims***

This is a new type of claim introduced from 17 May 2004 which is submitted under claim code 2P.

Pre-Order Cover claims are capped at a level equivalent to one hour at preparation rates. A number of claims have been submitted against this claim code which exceed this amount. The maximum claim that may be submitted against this code are as follows:

National	£49.70 (excluding VAT)	£58.40 (including VAT)
London	£52.55 (excluding VAT)	£61.75 (including VAT)

### ***Rules for Claiming Criminal Investigation Cases***

Since the introduction of CPS Statutory Charging it appears that some suppliers are submitting claims in the Criminal Investigations Class where there is still an outstanding bail back in the matter. This is in breach of the General Criminal Contract (Part A, 2.4.2(c)) unless it is known that further work will not be undertaken.

### ***Court Duty Solicitor Claims***

Claim code 2D is used for all court duty solicitor claims. For each 2D claim submitted on form CDS 6 a date concluded is required. The date concluded must be the date on which the court duty solicitor session took place.

Further information on all of the areas covered in this briefing can be found on the Commissions website at [www.legalservices.gov.uk](http://www.legalservices.gov.uk)

If you have any specific questions concerning the content of this briefing please contact Maryvonne Islip at [maryvonne.islip@legalservices.gov.uk](mailto:maryvonne.islip@legalservices.gov.uk)