

FRU

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Free Representation Unit



Invitation to Tender

For

“Research into user requirements for free representation in social security appeal tribunals post Covid 19”

Funded by the Decent Living Standards Programme of the Trust For London



Trust
for London

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For

“Research into user requirements for free representation in social security appeal tribunals post Covid 19”

V2.0 (07 December 2023)

1. Research methodology design
2. Research project delivery
3. Research findings report

Closing Date: Noon on 26/01/2024

Contact Details

All queries to:

David Abbott, Free Representation Unit

10-11 Gray's Inn Square, Gray's Inn, London

Email: chief.exec@thefru.org.uk

PART A - INTRODUCTION

1. BACKGROUND

The Free Representation Unit (FRU), a registered charity, has two key goals – (i) to provide free legal representation for the public in defined legal areas (employment tribunals, benefit appeals, criminal injury compensation) and (ii) to provide training, education and advocacy experience for junior lawyers. We work with referral agencies (typically advice agencies including CABx) to source cases (over 250 a year) and support and engage over 200 junior lawyers a year in cases. FRU legal officers train and supervise law students and trainee lawyers to represent clients, pro bono, in tribunals.

FRU accepts referrals for hearings in Social Security and Employment Tribunals where Tribunal hearings are imminent. FRU offers full legal representation including casework, case preparation, settlement advice and tribunal advocacy.

All social security tribunal referrals must be made by an agency that subscribes to FRU on an annual basis. The referral agency gathers key documents and information from the client and submits them to FRU via an online referral form. Because our capacity is variable no guarantee can be given that any one case referred, will be taken on for representation. This model was adopted because FRU doesn't have the resources to liaise directly with all potential clients to gather the key information or documents. The referral agency is expected to maintain liaison with the client up until the point at which a volunteer representative is found and FRU can formally accept the case. If no representative is found the referral agency informs the client and can work with the client to identify any other source of representation or give information or advice about how to approach the tribunal hearing.

We have approximately 9 staff and a turnover of approximately £475k. Up to 100 volunteers are active at any one time.

2. THE PROJECT

In 2023 FRU received a grant award for 3 years from Trust for London (TFL). The grant was provided under TFL's Decent Living Standards Programme. The funded project has a number of workstreams including the recruitment of additional legal officers to expand our capacity to represent clients, updating our website to provide a better service to clients and stakeholders and conducting research into current and future demand for representation in social security tribunal hearings.

In terms of the research project, we want to conduct research into the reasons why social security case referrals to FRU have significantly reduced and continue to remain low following Covid-19. We have spoken to some of the other agencies offering social security tribunal representation and they report the same pattern: a large and sustained reduction in cases being referred. By way of example, FRU had 1324 new cases were referred in the financial year to April 2019, compared to only 200 new cases in the year to April 2022. That

is a drop of 85%. While there are some anecdotal suggestions as to the cause, there is no hard research.

While there are some new providers of representation in our geographical area, applications to the tribunal have steadily recovered and we don't believe the need has significantly reduced: certainly not the extent reflected by our experience.

We want our research to identify the barriers for clients seeking representation and, to a lesser extent, advice about social security tribunals. We envisage that the research will include undertaking surveys and conducting interviews with a range of clients and staff from our existing referral agencies, as well as sister agencies operating in the field. We have an existing network of contacts. We will commission an experienced researcher to design and deliver the methodology required in order to gather sufficient evidence to form the basis of the report, from which they will be able to draw some reliable conclusions. The report needs to be completed within an agreed timetable of six months, from commissioning to delivery of a report of findings.

We hope to identify the reasons behind the drop off in referral activity to FRU and other agencies, and to implement measures to remove identified barriers to referral, in order to increase the number of referrals to FRU. This may include introducing a self-referral pathway if the evidence from the report shows that it would be desirable, and we are open to any other suggestions the report might identify.

In terms of wider use and dissemination, we will want to share our learning with advice, legal pro bono networks and the academic and public sectors, for information purposes and to assist stakeholders to design better and more integrated services. This is because we suspect there are some systemic issues affecting the sector more widely. We will disseminate our findings widely, including via a seminar and report, to ensure that the whole sector can adapt their services.

We are seeking a **value for money supplier** who will provide proportionate research into recent demand for advice and representation in social security hearings and write findings up in a report intended for a non-academic audience. Our aim is to **understand why referrals have fallen and use the research to identify actions FRU can take to increase them.**

We envisage the following elements to the research:

1. Use the FRU case management system (Salesforce) to produce comparison data for the year before Covid (2018 - 19) and for 2022 - 23. The data will include the monthly social security case referrals covering source, type of benefit/appeal and complexity, as well as referral agency activity.
2. Review Ministry of Justice (MoJ) quarterly tribunal data for the period 2019 - 2023 to identify patterns in tribunal caseload (receipts/disposals/cases outstanding/benefit/appeal type)
3. Devise, issue and analyse a set of questionnaires to send to current FRU referral agencies, as well as a small sample of potential agencies who have not worked with us in the past, to find out what kinds of services they are providing, any changes in

their provision in terms of numbers or mode of delivery, and any barriers or concerns about making referrals.

4. Map the provision of larger scale representation services across London and engage with a selected sample group of them to include their experience in the research and better understand the extent of service provision, and any gaps, across London. We would like to understand their experience from 2020, how they are adapting their services, how their clients are reaching them and any barriers they are experiencing
5. Devise, issue and analyse a questionnaire to be sent to a sample of FRU social security clients. The purpose would be to understand why and how people seek free legal representation and to understand any factors that helped or hindered their journey to gaining a representative.
6. Undertake some limited desk research into the drivers of the number and type of cases likely in the future mainly around DWP and HMCTS plans and working practices. Flag any changes in process or policy affecting either organisation that may affect future need.
7. Write up these findings in a report, draw conclusions as to the likely demand for free legal representation in social security tribunals over the next 2 - 3 years, identify any barriers to cases being referred to FRU.

We would encourage you to suggest alternatives to the above proposals if you feel these will deliver better value for our organisation. We would welcome advice on the mix of qualitative and quantitative research required to achieve our objectives. This is not academic research in a strict sense, and we do not mandate any particular model of analysis.

The report must be available to inform decision making about our future service by **02/09/2024**.

Exceptions

- The research will not examine demand for representation in employment tribunal hearings.
- The research will not examine demand for representation in the Upper Tier Tribunal.

Please note this ITT has been sent to a range of potential suppliers and advertised for general applications on the FRU website and through social media.

The intellectual property of the data generated, research findings and research report remains with FRU.

PART B – HOW THE ITT WILL RUN

3. WHAT WE NEED FROM YOU

- A proposal which includes:
 - General and specific information¹ about your organisation including:

¹ This information will be kept strictly confidential by the shortlisting panel and interview panel. Please ensure you provide full information as requested as failure to do so complicates our decision making process.

- number of years of business,
- number of voluntary or justice sector clients,
- number of researchers,
- details of any similar or comparable projects that you have undertaken
- A method statement that shows how your proposed methodology and timing addresses our situation, key issues and objectives.
- Estimated costs for the project, detailed by budget line.
- We would expect the selected supplier to start work very soon after interview.
- An outline implementation plan with dates and intended resources, lead times for the project to commence and what support you will require from FRU.
- Any additional recommendations you have based on the information we have provided.
- Any exceptions or key risks
- Confirmation of your availability for interview on 08/02/2024 with any time preference. We will do our best to accommodate this. If you are not available on this date but would like to apply please contact David Abbott.
- We welcome comments on the suggested project. Please feel free to comment and suggest appropriate alternatives to the proposed procurement and plan if you see fit.

Please do not rely on any knowledge we may already have about you. All suppliers will be judged entirely on the merit of their proposal for this ITT prior to interview.

4. BUDGET

The indicative budget is £6000. In your application please provide a breakdown of the costs of you bid, detailed by budget line.

5. INTERVIEW DATE AND LOCATION

Interviews will be held at:

Free Representation Unit
 10/11 Gray's Inn Square,
 Gray's Inn,
 London, WC1R 5JD or by Teams or Zoom call.

On 08/02/2024. Please indicate your availability for the date with your submission.

The panel will most likely be David Abbott, Emma Baldwin and a third person with relevant knowledge who will confirmed before the interview.

6. INDICATIVE TIMETABLE

Invitation to tender released	12/12/2023
Deadline for tenders	26/01/2024
Interview date(s)	08/02/2024
Contracts signed	Week commencing 12/02/2024.

	During this process, start date for research to be agreed, but no later than 04/03/2024.
Report delivered Implementation complete	Within 6 months on the start of the project, and no later than 02/09/2024.

7. GENERAL QUERIES AND CONTACT DETAILS

Please address queries to **David Abbott** via email ONLY to chief.exec@thefru.org.uk. We will reply as soon as possible.

8. SELECTION PROCESS

Subject to a suitable proposal, shortlisted companies will be invited for interview. This will give you the opportunity to fully explain your proposal to us.

The decision will be made by scoring bidders against the following framework

- Quality - Method statement 50%
- Price – Price 10%
- Experience - Demonstrable knowledge of Access to Justice issues including CVs of main participants 40%

The successful company will be notified once a decision has been made (preferred supplier status) and confirmed once verification of references and a full due diligence has been completed.

9. CLOSING DATE

Please respond to this ITT **NO LATER THAN 12.00 NOON ON 26/01/2024.**

An electronic copy of your proposal should be sent BY EMAIL by the above deadline to:

- **David Abbott**, FRU - chief.exec@thefru.org.uk