

BSO LEGAL SERVICES (DLS)
INFORMATION PACK FOR APPLICANTS
SPECIALIST PANELS OF JUNIOR COUNSEL

Thank you for your interest in the BSO Legal Services (DLS) Junior Counsel Panels. These notes provide **essential information** for all Applicants: **PLEASE READ THEM CAREFULLY BEFORE COMPLETING THE APPLICATION FORM.**

1. GENERAL BACKGROUND

DLS provides legal services exclusively to public Health and Social Care bodies in Northern Ireland.

Further information regarding DLS and the legal services we provide to our HSC clients can be found on the BSO's website - [Home - Business Services Organisation \(BSO\) Website \(hscni.net\)](http://hscni.net)

2. SPECIALIST PANELS OF JUNIOR COUNSEL

DLS is re-establishing (by means of an open advertisement and application process) its Specialist Panels of Junior Counsel. The new Specialist Panels will be effective from 1st January 2025 for a period of 5 years, although DLS reserves the right to extend this timescale.

For the avoidance of doubt, any Junior Counsel instructed by DLS before 1st January 2025 in any case under DLS' previous formal panel arrangements will remain instructed in that case.

DLS may carry over membership of any of these Specialist Panels (without the need for any further application) to any successor Specialist Panels commencing on 1st January 2030 or thereafter. In that event, DLS will appoint only such additional Counsel to each Specialist Panel as may at that time be necessary to meet business needs.

There will be Specialist Panels for each of the following areas of law:

- Administrative Law and Inherent Jurisdiction
- Commercial Law (including Commercial Litigation and Public Procurement Law)
- Employment Law
- Family Law,
- General Litigation,
- Inquests
- Medical Negligence,
- Mental Health and Mental Capacity Law
- Recovery of Residential Charges/Debt Recovery Work

*Declaratory Orders

Please note, in relation to Declaratory Order applications, DLS may offer briefs to Counsel from any of the following Specialist Panels:

- Family Law
- Medical Negligence
- Administrative Law and Inherent Jurisdiction.

** Public Inquiries

Please note, for Public Inquiries, DLS reserves the right to instruct Counsel from any of the Specialist Panels or from outside of the Specialist Panels.

Property matters – there is no specialist panel specifically for property matters. Junior Counsel will be instructed on a case by case basis.

Junior Counsel will be appointed to each of the above Specialist Panels.

Appointment to any of the Panels cannot be a guarantee that a certain amount of work will be offered to any successful candidate. In exceptional circumstances, DLS reserves the right to appoint a junior counsel from outside of the relevant Specialist Panel(s).

The size of each of the Specialist Panels will be determined by the needs of DLS and its clients. Reserve lists for each Specialist Panel will also be compiled.

In line with DLS' arrangements for the instruction of Senior Counsel, Junior Counsel who attain silk within the 5 year duration of these Specialist Panels may be instructed as Senior Counsel by DLS on a case by case basis.

Eligibility Criteria

In order to be eligible to apply for the Specialist Panels of Junior Counsel, candidates must:

- be a qualified barrister eligible to practise in Northern Ireland at the date of application; **and**
- demonstrate extensive post qualification experience as a barrister in the specialist area(s) of law for which the candidate wishes to apply.
- DLS may consider applications from barristers with less than 5 years experience in the last 7 years, given the specialist nature of the work, it is expected that those with less than 5 years

standing may find it more difficult to satisfy the criteria for selection.

DLS reserves the right to tighten the eligibility criteria, dependent on the volume of applications for any of the specialist panels.

Selection Criteria

(i) Essential

- Experience of both advocacy and advisory work in each of the specialist area(s) of law for which the candidates wishes to apply.
- Appreciation of the special demands required when advising or representing public Health and Social Care bodies.
- Written communication skills/drafting ability to be evidenced by one recent example of written work (EITHER an Opinion OR a Skeleton Argument OR written submissions) and by the completion of the application form.
- An ability to work effectively as part of a team.

(ii) Desirable

- Demonstration of wider commitment to the particular area of law for which the candidate has applied (eg participation in projects, training, writing articles, speaking at conferences, membership of relevant interest groups, etc.).
- Demonstration of experience of contesting actions alone against opposing Senior Counsel.

Maximum number of applications

Due to the specialist nature of these panels and to ensure that appointed Counsel have sufficient capacity for DLS work across different areas, as well as ensuring opportunity for as many suitably experienced counsel as possible, Counsel may apply for a **maximum of three** Specialist Panels.

If any counsel attempts to apply for more than 3 Specialist Panels, only the first 3 of these applications (or the first 3 attachments to any email submission) received by DLS will be considered. **The later applications/attachments will be rejected.**

3. SELECTION

The Selection Panels will appoint to the Specialist Panels of Junior Counsel the barristers who appear to them to be best qualified regardless of ethnic origin, gender, age, marital status, sexual orientation, political affiliation, religion or disability. There will be one Selection Panel for each of the Specialist Panels set out above. Each Selection Panel will include at least one representative from a client organisation.

Applications will be considered on the basis of the information set out in the Application form and submitted written work ONLY.

N.B. DLS does not intend to carry out interviews of candidates, but reserves the right to interview any candidate at its sole discretion as part of this process.

4. APPLICATION FORM AND SUPPORTING DOCUMENTATION

All applications must be typed.

The application form must be completed using font; Arial, Font size: 12.

The original formatting of the application form must not be altered in any way and you must not exceed the space provided in any area of the form. Any additional information which exceeds this space will not be submitted to the Selection Panel.

Applicants must complete all Sections of the form.

Applicants must e-mail the completed application form with attachments to the following address:-

dlsconsepanel@hscni.net

The applications must be returned by the closing date and time set out below.

Applications will be acknowledged by e-mail.

5. EQUAL OPPORTUNITIES MONITORING FORM

The Equality Monitoring Form constitutes an important element of the Application. Therefore, applicants must ensure they complete and return the Monitoring Form, along with their Application Form.

6. REFERENCE PRO FORMA

In the Application Form Applicants must identify two professional referees of choice, eg instructing solicitors, barristers, members of the judiciary. The choice of referees is important. Referees who can comment with authority on an Applicant's abilities as an advocate will be most helpful to the Selection Panel.

Where no reference is received by the closing date for references, the application cannot proceed and will be rejected.

Where only one completed reference is received by the closing date for references, the application can proceed, but marks will be deducted by the Selection Panel to reflect that one of the required references is missing.

All references must be received by **5pm on Fri 22nd Nov**; it is the Applicant's responsibility to ensure references are submitted to DLS by that deadline. These **references will form an integral part of the selection process.**

7. CLOSING DATE FOR APPLICATION

Please download and complete the Application Form and Equality Monitoring form, complete and return both forms to dlsconsepanel@hscni.net by Friday 15th Nov at 5pm

8. FURTHER INFORMATION

Queries should be addressed in the first instance to dlsconsepanel@hscni.net

9. TERMS AND CONDITIONS

DLS Terms and Conditions for Counsel are set out in the Schedule to this Information Pack.

October 2024

**BSO Legal Services (DLS) Terms and Conditions for
Counsel**

General Terms and Conditions for all Counsel Instructed by DLS

The following are the terms and conditions for all Counsel instructed by DLS.

Supplemental terms and conditions for

- Administrative Law and Inherent Jurisdiction
 - Commercial Law (including Commercial Litigation and Public Procurement Law)
 - Employment Law
 - Family Law,
 - General Litigation,
 - Inquests
 - Medical Negligence,
 - Mental Health and Mental Capacity Law
 - Recovery of Residential Charges/Debt Recovery Work
- are attached. Please see Appendices 1- 9

Senior counsel

Please note that whilst DLS has Specialist Panels for Junior Counsel and a General Junior Counsel Bank, there is no panel for Senior Counsel.

Senior Counsel will be instructed on a case by case basis and where instructed, will be required to comply with the terms and conditions set out below.

1. Quality of Service

All Counsel must provide a high-quality service to DLS clients. This includes requirements such as responsiveness, compliance with instructions, client satisfaction and prioritising HSC clients' work. DLS will seek feedback from clients on the quality of service they receive from Counsel and will act on it.

2. Responsiveness

It is essential to the efficient running of DLS and the overall quality of legal service provided to our clients that Counsel are responsive and adhere to agreed timeframes for ongoing work. Counsel must provide written advices, directions and/or opinions promptly and in accordance with timescales specified by instructing solicitors in individual cases. If Counsel is unable to respond to their instructing solicitor within a reasonable or agreed timeframe, they must keep the solicitor advised as appropriate.

3. Performance

DLS will monitor and review the performance of all Counsel on a regular basis.

In the event of performance falling short of expected standards (including but not limited to the standards set out in the Bar Code of Conduct), DLS reserves the right to initiate a formal procedure, which may ultimately result in removal from the DLS Specialist Panels of Junior Counsel Panel and/or the DLS General Junior Counsel Bank. If DLS were to initiate such a procedure, Counsel would be notified in writing and given an opportunity to make representations.

In the event of the performance of Senior Counsel falling short of expected standards, DLS reserves the right to withdraw instructions and not instruct that Counsel in future cases.

4. Information Governance

Counsel must comply with all legal obligations in respect of information governance including the duty of confidentiality, the security of personal and commercial data, and compliance with the provisions of applicable data protection legislation.

Counsel must sign a Data Sharing Agreement prior to receipt of any instructions from DLS.

5. Electronic Briefs

DLS will provide electronic briefs only. Electronic briefs will be furnished via encrypted email or the Egress secure file sharing system, or by other secure platforms, such as SharePoint, which enable the secure electronic sharing of documents.

6. Volume of Work

Appointment to any of the DLS Specialist Panels of Junior Counsel or the DLS General Junior Counsel Bank cannot be a guarantee that a certain amount of work will be offered to any successful candidate.

There is no panel for Senior Counsel, rather Senior Counsel will be instructed on an individual case basis.

7. Acceptance of Briefs

Once appointed to a Specialist Panel, there is an expectation that Counsel will accept the briefs offered. Where a panel Counsel refuses to accept briefs without valid reason, DLS reserves the right to take appropriate action, including the removal of that Counsel from the relevant Panel.

8. Return of Briefs

DLS and its clients expect that, once Counsel has been instructed in a case, she/he will continue in that action until its conclusion. When Counsel returns a brief to DLS without valid reason, DLS reserves the right to take appropriate action including the removal of panel Counsel from the relevant Specialist Panel, or, in the case of Senior Counsel, not to instruct that Counsel in future cases.

9. Conduct

Counsel must behave professionally at all times and must not act in any way that may bring into disrepute the reputation of DLS or its clients. In the event of failure to comply with this condition DLS reserves the right to take appropriate action, including the removal of Counsel from the relevant Specialist Panel of Junior Counsel or General Junior Counsel Bank, or in the case of Senior Counsel, not to instruct that Counsel in future cases.

10. Consultations/Attendances

Our clients are geographically spread across NI and, in light of new methods of working, DLS will seek to use video conferencing where appropriate for consultations with Counsel, witnesses and experts. Where a consultation is held in person, DLS will endeavour to hold these at DLS offices to save costs and for the convenience of our clients.

11. Fees

Arrangements for payment of fees – during the lifetime of the DLS Specialist Panels of Junior Counsel & DLS General Junior Counsel Bank, DLS intends to introduce arrangements for the payment of fees via electronic means such as BACS transfer. Counsel instructed by DLS will be expected to co-operate in setting up the relevant arrangements for electronic payments, including responding promptly to any relevant communications.

(a) Fees in general litigation (employers and public/occupiers liability) cases will be paid at the rate of the applicable scale where appropriate (eg County Court scales, Comerton scales).

(b) Fees for Medical negligence cases will also be paid at the full rate of the applicable scale, subject to (d) below.

(c) Fees for Commercial Law cases (including Commercial Litigation, Public Procurement Law and Public Procurement Litigation) and Recovery of Residential Charges/Debt Recovery Work will be paid at an hourly rate of £145 (for Junior) and £240 (for Senior) and, unless otherwise agreed on a case by case basis and where appropriate, fees for specific items of work will be paid at the rate of the applicable scale.

(d) No uplifts will be granted in any cases, including Medical Negligence and Commercial actions.

(e) Where the value of a case exceeds the highest figure in the Comerton scale, fees will be paid in accordance with the figures outlined below:

	Fees Pre Jan 2025	Fees from Jan 2025
Up to £ 600,000	£16,255	£20,320
Up to £ 700,000	£17,825	£22,280
Up to £ 800,000	£19,075	£23,845
Up to £ 900,000	£20,480	£25,600
Up to £1,000,000	£21,670	£27,090
Up to £2,000,000	£32,510	£40,640
Over £2,000,000	£50,000	£62,500

(f) For employment cases before the Industrial Tribunals or the Fair Employment Tribunal the maximum Brief Fee will be £5,000, with a maximum daily refresher of £990. Other fees will be in accordance with the Practice Direction for High Court Cases. Brief Fees will normally be set in advance by the Instructing Solicitor.

Where Counsel is instructed to represent DLS clients in a Judicial Mediation (or non Judicial Mediation), the first day of mediation will be encompassed within the Brief Fee. Where the case proceeds to a full hearing following Judicial Mediation, the fee for the first day of the hearing will be a refresher fee.

All other matters not included in the brief fee such as attendance at preliminary hearings including Case Management Preliminary Hearings, Ground Rules Hearings and Consultations will be paid at an hourly rate of £145 (for Junior) and £240 (for Senior)

- (g) Fees for Family Law cases will be paid at a rate no higher than Legal Aid rates.
- (h) Fees for Judicial Review cases will be paid at an hourly rate of £145 (for Junior) and £240 (for Senior).
- (i) Fees for inquests will be paid at an hourly rate of £145 (for Junior) and £240 (for Senior). Preliminary Hearings will be paid at a rate of £250 per hearing.
- (j) **Fees beyond those referred to above will only be paid in cases which are wholly exceptional. That exceptionality may be the result of their complexity or duration or some other reason. However, the fact that they are for example medical negligence, commercial or employment cases (including discrimination) does not of itself make them wholly exceptional as these cases can all be by their nature long running, high value, emotive or tragic matters which can be very complex, technical, involve a huge amount of documentation and can necessitate uninterrupted personal attention for certain periods. By definition, therefore, there will be few cases which will be regarded as wholly exceptional.**

(i) Brief fees will normally include;

- Initial reading of papers
- Legal research
- Initial advices
- Meetings of the legal team
- Meetings with experts
- Drafting pleadings including notices and replies
- Preparation of examination in chief and for cross examination including review of evidence
- Skeleton arguments
- Lists of authorities
- Written submissions
- Taking judgment
- After trial consultations
- Preparation of terms of settlement and drafting Orders
- Settling witness statements
- Provision of post case report and lessons learnt
- Statement of expectation

(j) Refresher

This is a fee paid to Counsel for the second and each subsequent day on which they attend a trial. It does not include any element of preparation and

is paid only for time spent in Court either at hearing or in work in furtherance of the case such as negotiations or discussions with opposing Counsel.

Refresher fees will be limited to an absolute maximum daily fee of £1500.00.

(k) Travel

Where Counsel has travelled to Court or to client premises in the course of their work for DLS, travel/mileage expenses will be paid in line with the rates applicable in County Court cases.

**Supplemental Terms and Conditions for Specialist
Panels of Junior counsel**

Appendix 1

**Supplemental Terms and Conditions for the Administrative
Law and Inherent Jurisdiction Panel**

These Terms and Conditions are supplemental to and must be read in conjunction with the general Terms and Conditions for DLS counsel panel as set out in the Information for Applicants.

1. Acknowledgement: Counsel must acknowledge receipt of papers within 3 working days unless notified that the case is urgent in which case it is essential that acknowledgement is by return confirming whether or not counsel can accept instructions in the case.
2. Initial Advices: Unless expressly stated by the instructing Solicitor that a more urgent response is required, initial advices should be provided within 14 days dealing with the legal issues, proofs/evidence required for the hearing and provide clear directions aimed at ensuring the case is ready to proceed. Further counsel may be asked to draft or advise on the response to the pre action protocol letter it is essential that this is dealt with promptly and in compliance with the relevant time limits or time available.
3. Responsiveness: Counsel is expected to provide written advices, directions and/or opinions, respond to emails and phone calls promptly and in accordance with timescales specified by instructing solicitors in individual cases.
4. Case references: Counsel must include the DLS reference on all correspondence.
5. Knowledge sharing: Counsel are encouraged to share useful articles and judgements with DLS for circulation. This is always well received by clients particularly if you can highlight any novel, unusual or particularly important cases/new practices so that other teams, Trusts and DLS solicitors can learn from them.
6. Consultations/attendances: many clients are based outside Belfast. There is an increasing trend for telephone/ video conferencing and both are available at DLS offices for use in consultations. Due to the restrictions on DLS' resources and the volume of consultations, DLS seeks counsel's cooperation to hold these at DLS offices to save costs and for the convenience of our clients and to use remote consultations where this is practicable.
7. Experts: should it be necessary to engage an independent expert if any issues arise with an expert this should be communicated to the solicitor with carriage of the file or to the Assistant Chief Legal Adviser where appropriate.

8. Arranging cover: in exceptional cases, if you cannot attend a hearing you are expected to assist with arranging appropriate cover from Counsel on our panel. Please obtain agreement from the solicitor in advance of arranging cover, identifying the Counsel who is to assist.
9. Passing papers: should any issue arise preventing you from dealing with a review or hearing or continuing in a case, you are expected to assist DLS by liaising with the new counsel instructed, ensuring papers and instructions are transferred in a prompt and orderly fashion.
10. Post review reports: you are expected to forward to the instructing solicitor and their administrative staff an email within 3 working days of a review/hearing.
11. Post case reports: on conclusion of the case you are required to produce a post case report setting out any issues arising from the case and 'lessons learned' which will be shared with the clients and may also be shared within DLS. This should be provided no later than the date on which your fee note is submitted.
12. Fee notes: you are required to submit fee notes within 30 days of a case concluding. Fee notes are often approved by senior Trust staff who have not had day to day carriage of the case. Therefore, they need some basic information to assist them in processing/approving fees. All fee notes need to include a brief summary regarding what the case was about, how long it ran and in which court; any unusual/complicating factors and the final decision. The clearer the fee note is the more likely it will be approved quickly.
13. Case papers: at the conclusion of a case, unless requested otherwise, counsel will normally be required to destroy all case papers received from DLS via the Bar Library secure destruction arrangements.
14. Senior Counsel: There is an expectation that most cases will conclude with Junior Counsel alone. If you are recommending Senior Counsel in a case you must provide written advices giving reasons for this which must include why you are not able to deal with the case yourself, this will then be for the consideration of the client Trust's Assistant Director and for DLS Assistant Chief Legal Advisor. Do not approach any KC directly without the prior written authority of the instructing solicitor and Trust.

15. BACs Payment: Counsel's fee's will be paid via BACs and counsel must co-operate with DLS in relation to its payment process.

Appendix 2

Supplemental Terms and Conditions for Commercial Law and Public Procurement Law Panel

These Terms and Conditions are supplemental to and must be read in conjunction with the General Terms and Conditions for DLS Counsel as set out above.

1. Acknowledgement: Counsel must acknowledge receipt of papers within 3 working days.
2. Initial Advices: Unless expressly stated by the instructing Solicitor that a more urgent response is required, initial advices should be provided within 21 days dealing with

(where relevant) liability, causation, quantum, instruction of experts (and any other specific issues as set out by the instructing Solicitor) and provide clear directions.

3. Quantum: DLS is required to provide up-to-date financial reserves which assist our clients in financial planning. It is essential that Counsel assist this process by providing timely best estimates in all cases for damages. Counsel must provide provisional advices on quantum at the outset, even where there is limited evidence available. These advices must be updated throughout the case when new information becomes available.
4. Responsiveness: Counsel is expected to provide written advices, directions and/or opinions, respond to emails and phone calls promptly and in accordance with timescales specified by instructing solicitors in individual cases.
5. Reference: Counsel must include the DLS reference on all correspondence.
6. Knowledge sharing: Counsel are encouraged to share useful articles and judgements with DLS for circulation, and are invited to provide talks, discussions or similar training on topics relevant to this area of law.
7. Experts: DLS use a wide range of experts, for example, in the field of construction, design, insolvency and engineering etc. Should issues arise with an expert this should be communicated to the Solicitor with carriage of the file or to the Assistant Chief Legal Adviser where appropriate..
8. County Court/High Court: Junior Counsel are expected to accept papers for County Court as well as High Court jurisdiction.
9. Passing papers: Should any issue arise preventing Counsel from dealing with a hearing or continuing in a case, Counsel must notify the instructing solicitor as soon as practicable and to assist DLS by liaising with the new counsel instructed, ensuring papers and instructions are transferred in an orderly fashion.
10. Post review reports: Counsel must forward to the instructing solicitor and their support staff an email within 2 working days of a mention/hearing.

11. Post case reports: Counsel must produce a post case report within 30 days (or any other period as agreed with the instructing Solicitor) of a case concluding setting out any issues arising from the case and 'lessons learned' which will be shared with the clients. In addition, the post-case report should include the grounds for settlement (if appropriate), the strengths and weaknesses of the case, and any on-going legal risks associated with the subject matter of the case. Fees will not be paid until the post case report has been received by DLS..
12. Fee note: Counsel must submit fee notes within 30 days of a case concluding, unless the instructing solicitor has requested a shorter time period.
13. Records: Counsel must keep appropriate time records of all work carried out, including in respect of drafting necessary pleadings, advices, preparation time, attendances at consultations and Court.
14. Case papers: At the conclusion of a case, unless requested otherwise or where adherence with legal or regulatory requirements requires otherwise, counsel will normally be required to destroy all case papers received from DLS via the Bar Library of Northern Ireland secure destruction arrangements.
15. Senior Counsel: If Counsel is recommending the instruction Senior Counsel in a case you must provide written advices giving reasons for this for the client's consideration. You must not approach any Senior Counsel directly without the prior authority of the instructing solicitor and client.

Appendix 3

Supplemental Terms and Conditions for Employment Law Panel

These Terms and Conditions are supplemental to and must be read in conjunction with the General Terms and Conditions for DLS Counsel as set out above.

1. In all cases, initial advices on liability and quantum are required within 21 days of receipt of papers.
2. Briefing of Counsel: In employment cases, Counsel are often briefed in tribunal cases shortly before hearing and after completion of most or all interlocutory matters.

However, when instructed at an earlier stage, counsel will be expected to appear at CMPHs on behalf of HSC clients and to advise and provide directions as required in relation to interlocutory matters and preparation for hearing.

3. Passing papers: once counsel has accepted papers in a case, it is expected that counsel will appear at the hearing, save in exceptional circumstances which could not have been foreseen when the brief was accepted. In such cases, counsel must inform the instructing solicitor of the difficulty at the earliest opportunity. If required, Junior Counsel may be asked by the DLS solicitor to pass papers to another member of the DLS Specialist Employment Law Panel.
4. Consultations: While many consultations now take place virtually, Counsel may be required from time to time to attend at client's premises or DLS premises to consult with multiple witnesses in preparation for a contested hearing.
5. Responsiveness: Counsel must respond to emails and phone calls from instructing solicitors or support staff promptly and in accordance with the timescales specified by instructing solicitors in individual cases.
6. DLS Case reference: the DLS case reference must be included in all correspondence with DLS.
7. Knowledge sharing: panel counsel are encouraged to share articles, decisions etc which may be of interest to DLS and its clients and counsel may be asked from time to time to assist in providing relevant employment law training to clients.
8. Post case reports: these are required in all cases and must be submitted along with the fee note. Fees will not be paid until the post case report has been received by DLS.
9. Fee notes: must be submitted within 30 days of the case concluding.
10. Case papers: at the conclusion of a case, unless requested otherwise, counsel will normally be required to destroy all case papers received from DLS via the Bar Library secure destruction arrangements.

11. Senior counsel: Senior Counsel will only be engaged in employment cases in exceptional circumstances, such as, for example, a case which may set a significant precedent for HSC employers or a substantial multiple or group claim. Junior counsel must be prepared to appear on behalf of HSC clients at all stages of a case, including before the Court of Appeal

Appendix 4

Supplemental Terms and Conditions for Family Law Panel

These Terms and Conditions are supplemental to and must be read in conjunction with the General Terms and Conditions for DLS Counsel as set out above.

1. Consultations: These must be arranged so that the instructing solicitor can attend. Use telephone/ video conferencing where possible.
2. Reviews: Counsel should stand down Social Worker attendance from routine reviews whenever possible provided Counsel has adequate prior instructions. Counsel must send instructing solicitor and their support staff an email within 3 working days of a mention/hearing. A brief summary of the

salient points is sufficient. These are routinely forwarded directly to the social worker involved in the case. Counsel must include the DLS reference on all correspondence. Emails should be copied to both the solicitor with carriage of the case and their Legal Assistant/support team.

3. Directions: DLS operate and are funded on a business model whereby discrete teams of support staff work within specific areas, for example, drafting and trial bundles. There is extremely limited capacity to take on any additional tasks. Please check with the instructing solicitor before agreeing that DLS will undertake any unusual directions beyond providing the routine discovery of the Trust's own records and the normal Trial Bundle (provided the Trust is the Applicant). In particular please note that DLS cannot accept receipt of any original medical records.
Experts. In some Trusts, Resource Panels rather than the social work team make decisions about the use of experts. If you are involved in a joint instruction, please note that DLS can never take on the lead role if there is any legal aid funding from another party. Some experts are now requiring payment up front. These create difficulties for the DLS Legal Payments team, so Counsel must check that clients are clear that they can discharge this before agreeing.
4. Passing papers/getting cover. If Counsel cannot attend a review or hearing it is your responsibility to arrange appropriate cover (and if necessary payment) to alternative counsel. In the first instance, cover should be sought from Junior Counsel on our Specialist Family Law panel. DLS cannot arrange cover for you, but DLS can give you a list of our Counsel who are in a particular court on a certain day and contact details for the rest of the relevant panel. Counsel must let DLS know who is covering your case.
5. Freeing for Adoption applications: there is a requirement that the Statement of Facts will be drafted and submitted to DLS within 28 days of receipt of the final Appendix 4 report.
6. Fee notes: Fee notes must be submitted within 30 days of a case concluding. DLS fees in family law cases are linked to what Legal Aid will approve as set out in the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015, so there is sometimes a delay in payment while the legal aid position is clarified. Fee notes are often approved by Senior Trust staff who have not had day to day carriage of the case. Therefore, basic information is required to assist these Senior Staff in processing/approving fees. All fee notes must include a brief summary regarding what the case was about, how long it ran and in which court; any unusual or

complicating factors, and the final decision. The clearer a fee note is, the more likely it will be approved quickly.

7. Senior Counsel. It is expected that most cases will conclude with Junior Counsel alone. If Counsel is recommending the instruction of Senior Counsel in a case, a written report giving reasons for this must be provided for consideration by the Trust's Assistant Direct and for the Assistant Chief Legal Adviser in DLS. Do not approach any Senior Counsel directly without the prior authority of the instructing solicitor and Trust.
8. Knowledge transfer. Panel Counsel are encouraged to highlight any novel, unusual or particularly important cases/new practices so that other DLS solicitors can learn from them.

Appendix 5

Supplemental Terms and Conditions for the General Litigation Panel

These Terms and Conditions are supplemental to and must be read in conjunction with the general Terms and Conditions for DLS counsel panel as set out in the Information for Applicants.

Please note that this panel covers all General Litigation work in both County Court and High Court.

1. Acknowledgement: Counsel must acknowledge receipt of papers within 3 working days

2. Initial Advices; Unless expressly stated by the instructing Solicitor that a more urgent response is required, initial advices should be provided within 21 days dealing with liability, causation, quantum, instruction of experts and provide clear directions.
3. Quantum; DLS is required to provide up-to-date financial reserves which assist our clients in financial planning. Counsel must assist this process by providing timely 'best estimates' in all cases for general damages and special losses. Counsel must provide provisional advices on quantum at the outset, even where there is limited evidence available. These advices must be updated throughout the case when new information becomes available.
4. Responsiveness; Counsel must provide written advices, directions and/or opinions, respond to emails and phone calls promptly and in accordance with timescales specified by instructing solicitors in individual cases.
5. Reference; Counsel must include the DLS reference on all correspondence.
6. Knowledge sharing; Panel Counsel are encouraged to share useful articles and judgements with DLS for circulation. This is very useful and is always well received by clients.
7. Consultations: While many consultations now take place virtually, Counsel may be required from time to time to attend at client's premises or DLS premises to consult with multiple witnesses in preparation for a contested hearing.
8. Experts; DLS use a wide range of experts in the field of medicine, nursing, midwifery, accountancy, engineering etc. Should issues arise with an expert this should be communicated to the instructing Solicitor or to the Assistant Chief Legal Adviser where appropriate.
9. Arranging cover; In exceptional cases, if Counsel cannot attend a review you must arrange appropriate cover from an alternative Counsel on our panel. Counsel must obtain agreement from the Solicitor in advance of arranging cover, identifying the alternative Counsel who is to assist.
10. County Court/High Court; Counsel must accept Briefs in the County Court, if offered, as well as High Court jurisdiction.

11. Passing papers; should any issue arise preventing Counsel from dealing with a hearing or continuing in a case, you must assist DLS by liaising with the new counsel instructed, ensuring papers and instructions are transferred in an orderly fashion.
12. Post review reports: Counsel must send an email to the instructing solicitor and their Legal Assistant/support staff an email within 3 working days of a mention/hearing.
13. Post case reports; Counsel must produce a post case report setting out any issues arising from the case and 'lessons learned' which will be shared with the clients. Fee notes will not be processed for payment until the post case report has been received.
14. Fee notes; Counsel must submit fee notes within 30 days of a case concluding.
15. Case papers; at the conclusion of a case, unless requested otherwise, Counsel will normally be required to destroy all case papers received from DLS via the Bar Library secure destruction arrangements.
16. Senior Counsel; DLS expects the vast majority of cases to be concluded with Junior counsel alone. If Counsel is recommending Senior Counsel in a case you must provide detailed written advices giving reasons for this for the client's consideration.

Appendix 6 Supplemental Terms and Conditions for the Inquests Panel

These Terms and Conditions are supplemental to and must be read in conjunction with the general Terms and Conditions for DLS Counsel as set out above.

1. Acknowledgement: Counsel must acknowledge receipt of instructions and agree to their acceptance within 5 working days.

2. Responsiveness: Counsel is expected to provide written advices, directions and/or opinions, respond to emails and phone calls promptly and in accordance with timescales specified by instructing solicitors in individual cases.
3. Post review reports: Counsel must forward to the instructing solicitor and the DLS Inquests team email account an email within 2 working days of a preliminary hearing.
4. Post hearing de-brief: Counsel must make themselves available for any post hearing de-briefs required by Trust staff or management
5. Post case reports: Counsel must produce a post case report within 30 days (or any other period as agreed with the instructing Solicitor) of a case concluding setting out any issues arising from the case and 'lessons learned' which will be shared with the clients. In addition, the post-case report should include the and any on-going legal risks associated with the subject matter of the case. Fees will not be paid until the post case report has been received by DLS..
6. Fee note: Counsel must submit fee notes within 30 days of a case concluding, unless the instructing solicitor has requested a shorter time period.
7. Records: Counsel must keep appropriate time records of all work carried out, including in respect of drafting necessary pleadings, advices, preparation time, attendances at consultations and Court.
8. Case papers: At the conclusion of a case, unless requested otherwise or where adherence with legal or regulatory requirements requires otherwise, counsel will normally be required to destroy all case papers received from DLS via the Bar Library of Northern Ireland secure destruction arrangements.
9. Knowledge sharing: Counsel are encouraged to share useful articles and judgements with DLS for circulation, and are invited to provide talks, discussions or similar training on topics relevant to this area of law.
10. Passing papers: Should any issue arise preventing Counsel from dealing with a hearing or continuing in a case, Counsel must notify the instructing solicitor as soon as practicable and assist DLS by liaising with the new counsel instructed, ensuring papers and instructions are transferred in an orderly fashion.
11. Senior Counsel: If Counsel is recommending the instruction Senior Counsel in a case you must provide written advices giving reasons for this for the client's consideration. You must not approach any Senior Counsel directly without the prior authority of the instructing solicitor and client.

Appendix 7

Supplemental Terms and Conditions for Medical Negligence Panel

These Terms and Conditions are supplemental to and must be read in conjunction with the General Terms and Conditions for DLS Counsel as set out above.

16. Acknowledgement: Counsel must acknowledge receipt of papers within 3 working days

17. Initial Advices; Unless expressly stated by the instructing Solicitor that a more urgent response is required, initial advices should be provided within 21 days dealing with liability, causation, quantum, instruction of experts and provide clear directions.
18. Quantum; DLS is required to provide up-to-date financial reserves which assist our clients in financial planning. It is essential that Counsel assist this process by providing timely best estimates in all cases for general damages and special losses. Counsel must provide provisional advices on quantum at the outset, even where there is limited evidence available. These advices must be updated throughout the case when new information becomes available.
19. Responsiveness; Counsel must to provide written advices, directions and/or opinions, respond to emails and phone calls promptly and in accordance with timescales specified by instructing solicitors in individual cases.
20. Reference; Counsel must include the DLS reference on all correspondence.
21. Knowledge sharing; Counsel are encouraged to share useful articles and judgements with DLS for circulation. This is incredibly useful and is always well received by clients.
22. Experts; DLS use a wide range of experts in the field of medicine, nursing, midwifery, accountancy, engineering etc. Should issues arise with an expert this should be communicated to the Solicitor with carriage of the file or to the Assistant Chief Legal Adviser where appropriate.
23. Arranging cover; In exceptional cases, if you cannot attend a review you are expected to assist with arranging appropriate cover from Junior Counsel on the relevant panel. Agreement should be obtained from the Solicitor in advance of arranging cover, identifying the Counsel who is to assist. Where Senior Counsel requires to arrange cover, agreement to the proposed alternative Senior Counsel should also be obtained from the Solicitor in advance of arranging cover.
24. County Court/High Court; Junior Counsel are expected to accept papers for County Court as well as High Court jurisdiction.
25. Passing papers; should any issue arise preventing you from dealing with a hearing or continuing in a case, Counsel must

assist DLS by liaising with the new counsel instructed, ensuring papers and instructions are transferred in an orderly fashion.

26. Post review reports: Counsel must send to the instructing solicitor and their admin. staff an email within 3 working days of a mention/hearing.
27. Post case reports; Counsel must produce a post case report setting out any issues arising from the case and 'lessons learned' which will be shared with the clients.
28. Fee notes; Counsel must submit fee notes within 30 days of a case concluding.
29. In cases involving a PPO, counsel will be expected to attend a PPO Handover Meeting with the Trust clients within 4 weeks of settlement.
30. Case papers; at the conclusion of a case, unless requested otherwise, counsel will normally be required to destroy all case papers received from DLS via the Bar Library secure destruction arrangements.
31. Senior Counsel; if you are recommending Senior Counsel in a case you must provide written advices giving reasons for this for the client's consideration.

Appendix 8

Supplemental Terms and Conditions for the Mental Capacity Law and Mental Health Law Panel

These Terms and Conditions are supplemental to and must be read in conjunction with the general Terms and Conditions for DLS counsel panel as set out in the Information for Applicants.

1. Acknowledgement: Counsel must acknowledge receipt of papers within 3 working days unless notified that the case is urgent in which case it is essential that acknowledgement is by return.
2. Initial Advices: Unless expressly stated by the instructing Solicitor that a more urgent response is required, initial advices should be provided within 14 days dealing with the legal issues, proofs/evidence required for the hearing and provide clear directions aimed at ensuring the case is ready to proceed.
3. Responsiveness: Counsel is expected to provide written advices, directions and/or opinions, respond to emails and phone calls promptly and in accordance with timescales specified by instructing solicitors in individual cases.
4. Case references: Counsel must include the DLS reference on all correspondence.
5. Knowledge sharing: Counsel are encouraged to share useful articles and judgements with DLS for circulation. This is always well received by clients particularly if you can highlight any novel, unusual or particularly important cases/new practices so that other teams, Trusts and DLS solicitors can learn from them.
6. Consultations/attendances: many clients are based outside Belfast. There is an increasing trend for telephone/ video conferencing and both are available at DLS offices for use in consultations. Due to the restrictions on DLS' resources and the volume of consultations, DLS seeks counsel's cooperation to hold these at DLS offices to save costs and for the convenience of our clients and to use remote consultations where this is practicable.
7. Experts: should it be necessary to engage an independent expert if any issues arise with an expert this should be communicated to the solicitor with carriage of the file or to the Assistant Chief Legal Adviser where appropriate.
8. Arranging cover: in exceptional cases, if you cannot attend a hearing you are expected to assist with arranging appropriate cover from Counsel on our panel. Please obtain agreement from the solicitor in advance of arranging cover, identifying the Counsel who is to assist.

9. Review Tribunal/County Court/High Court: Counsel are expected to accept papers for Review Tribunal or County Court, if offered, as well as in the High Court jurisdiction.
10. Passing papers: should any issue arise preventing you from dealing with a hearing or continuing in a case, you are expected to assist DLS by liaising with the new counsel instructed, ensuring papers and instructions are transferred in a prompt and orderly fashion.
11. Post review reports: you are expected to forward to the instructing solicitor and their administrative staff an email within 3 working days of a review/hearing.
12. Post case reports: you are required to produce a post case report setting out any issues arising from the case and 'lessons learned' which will be shared with the clients and may also be shared within DLS. This should be provided no later than the date on which your fee note is submitted.
13. Fee notes: you are required to submit fee notes within 30 days of a case concluding. Fee notes are often approved by senior Trust staff who have not had day to day carriage of the case. Therefore, they need some basic information to assist them in processing/approving fees. All fee notes need to include a brief line or two regarding what the case was about, how long it ran and in which court; any unusual/complicating factors and the final decision. The clearer the fee note is the more likely it will be approved quickly.
14. Case papers: at the conclusion of a case, unless requested otherwise, counsel will normally be required to destroy all case papers received from DLS via the Bar Library secure destruction arrangements.
15. Senior Counsel: There is an expectation that most cases will conclude with Junior Counsel alone. If you are recommending Senior Counsel in a case you must provide written advices giving reasons for this which must include why you are not able to deal with the case yourself, this will then be for the consideration of the client Trust's Assistant Director and for DLS Assistant Chief Legal Advisor. Do not approach any KC directly without the prior written authority of the instructing solicitor and Trust.

Appendix 9

Supplemental Terms and Conditions for the Recovery of Residential Charges/Debt Recovery Work Panel

This work involves providing legal advice and representation on all matters relating to the recovery of residential care charges, patient charges and overpayments by HSC bodies. In particular, it involves providing advice in relation to financial assessments for clients in Residential and Nursing home fees in line with legislative and Departmental guidance.

In doing so, support is provided to Trusts in fulfilling their statutory duties in respect of those vulnerable adults who lack capacity to look after their financial affairs and includes submissions to and attendance before the Master of the Office of Care and Protection.

In providing such support, it is often necessary to provide advice and representation across a number of legal specialities such as litigation, probate, property and chancery matters, insolvency, mental capacity, elder abuse and deprivation of assets.

These Terms and Conditions are supplemental to and must be read in conjunction with the general Terms and Conditions for DLS Counsel as set out above.

1. Acknowledgement: Counsel must acknowledge receipt of papers within 3 working days
2. Initial Advices; Unless expressly stated by the instructing Solicitor that a more urgent response is required, initial advices must be provided within 21 days.
3. Responsiveness; Counsel must provide written advices, directions and/or opinions, respond to emails and phone calls promptly and in accordance with timescales specified by instructing solicitors in individual cases.
4. Reference; Counsel must include the DLS reference on all correspondence.
5. Knowledge sharing; Counsel are encouraged to share useful articles and judgements with DLS for circulation. This is very useful and is always well received by clients.
6. Passing papers; should any issue arise preventing Counsel from dealing with a hearing or continuing in a case, you must assist DLS by liaising with the new counsel instructed, ensuring papers and instructions are transferred in an orderly fashion.
7. Post case report: At the conclusion of the case, Counsel must provide a post case report providing a summary of the issues in the case and particularly any learning which should be considered by the client. Fee notes will not be paid until the post case report has been provided.
8. Fee notes; you must submit fee notes within 30 days of a case concluding.
9. Case papers; at the conclusion of a case, unless requested otherwise, counsel will normally be required to destroy all case papers received from DLS via the Bar Library secure destruction arrangements.

10. Senior Counsel; if Counsel is recommending Senior Counsel in a case, you must provide detailed written advices giving reasons for this for the client's consideration.