

Clarification Notice and Questions and Responses 1

In connection with the Information Notice on the Application Process for the State Claims Agency Senior Counsel Panels

28 August 2026

QUESTIONS AND RESPONSES

- Q1. Given that counsel anticipated to be called to the Inner Bar before December 2026 are eligible to apply, are instances where the applicant has acted as lead counsel, albeit as junior counsel, considered relevant claims for the purpose of section 2.2 of the application form?
- A1. The application form asks that Counsel demonstrate a track record of acting on behalf of defendants in employers' liability, public liability and property damage claims (GIS) and/or clinical negligence claims (CIS) and that they demonstrate the requisite skills and experience to provide the legal services required by the State Claims Agency. It is a matter for Counsel to choose the examples, which may include instances where the applicant acted as Junior Counsel, that they feel best demonstrate the required skills and experience as appropriate to the panels for which they are applying.
- Q2. Inclusion of Junior Counsel Case: Can an applicant who became a Senior Counsel in October 2025 rely in Part A 2.2 on a relevant precedent case, where their involvement occurred as a Junior Counsel one year prior to their appointment as Senior Counsel?
- A2. Please see response to query no. 1 above.
- Q3. Impact on Scoring: If such a case is relied on by an applicant as a relevant case in Part A 2.2, will it be accepted, but with a reduction/discount in marks? Or will the case be marked (in the circumstances) as fully equivalent to a case where the applicant acted as Senior Counsel.
- A3. Applicants' attention is drawn to section 7 'Application Award Process' of the 'Information Notice on the Application Process for the State Claims Agency Senior Counsel Panels' which states:
- "In making a decision whether to appoint an applicant to any panel that they have submitted an application for, the SCA will consider a number of factors including; the requisite skill and experience demonstrated by the applicant in the application Part A; the fees proposed in Part B; and the number and quality of applicants for that panel. Applicants must receive a minimum score of 50% for Part A of their application before Part B of their application will be considered. The SCA reserves the right to appoint additional qualified applicants to the panels above the number indicated in sections 2 and 3 of this document, thereby increasing the proposed size of the panel, in circumstances where the SCA deems the quality of applications received for that panel is of such high quality to merit increasing the proposed size of that panel."

CLARIFICATION

Please note, it was brought to our attention that users experienced an issue when inputting figures into Column C of the Part B: Clinical Indemnity Scheme Tendered Fees spreadsheet and Part B: General Indemnity Scheme Tendered Fees spreadsheet. The issue has since been rectified and updated spreadsheets are now available on the SCA website.

END 28.08.26