

*Community
Legal Service*



The Specialist Quality Mark Standard

Post Consultation Summary Report

November 2005 Amendment

*Criminal
Defence Service*



legal services
COMMISSION

Introduction

In July 2005 a consultation paper outlining amendments to the Community Legal Services Specialist Quality Mark, covering the crime category only, was published. The consultation period closed on the 19th of August 2005. The changes will come into effect on 14th November 2005.

The Specialist Quality Mar amendments follow the outcome of completed consultations to the General Criminal Contract:

- **Police Station Representatives and Solicitors Attending the Police Station, published November 2004.**
- **Amendments to General Criminal and General Civil Contracts Consultation, published April 2005.**

The purpose of the Specialist Quality Mark changes (including the July 2005 consultation) is to ensure consistency between the contract and the Specialist Quality Mark.

This report summarises the responses to consultation and the Commissions reply. It also includes the finalised amendments.

**Clare Powell-Evans
Supplier Development Group
Legal Services Commission
85 Gray's Inn Road
London
WC1X 8TX**

DX: 450 London

clare.powell-evans@legalservices.gov.uk

The logo for the Legal Services Commission features the words "legal services" in a green, lowercase, sans-serif font. Below this, the word "COMMISSION" is written in a smaller, red, uppercase, sans-serif font. A green curved line arches over the word "COMMISSION".
**Supplier Development Group
85 Gray's Inn Road
LONDON
WC1X 8TX
Tel: 020 7759 0000
www.legalservices.gov.uk**

Summary of Responses

D4.2 – Systems of Supervision

The third bullet point details the system for supervision and the need for supervision and test dates to be registered within seven days.

It was suggested that this amendment left no room for flexibility if the supervisor is unavailable to record these dates, due circumstance outside their control, including holidays and sickness. In response it was felt that this issue would be better dealt with by audit, rather than adding further guidance.

List of Respondents

The Law Society

Contents

1. D4.2 Systems of Supervision
2. D5.1 Training requirements for casework staff
3. D5.2 Legal qualifications or minimum hours
4. Annex A Supervisor Standard & Declaration Form SUPP (CRI-1)
5. Annex A Supervisor Standard & Declaration Form SUPP (CRI-2)
6. Annex A Supervisor Standard & Declaration Form SUPP (CRI-3)

D4: Operation of the Supervisory Role

Requirements:

D4.2 Systems of supervision

D4.2 Effective systems of supervision exist that are tailored to the skills and competence of individual members of staff.

Definitions:

The definitions below qualify the requirement and are mandatory where the word “must” appears.

Where the sentence or paragraph begins with the word “Note”, it contains information to help you (see also the separate Guidance document) and is not mandatory.

For clarification, in D4, the term “staff” applies to all caseworkers (including any non-designated crime fee-earners used by members of the CDS) and to all supervisors, including any who are also partners/managers working in that part of your service for which you are seeking or want to maintain the Specialist Quality Mark.

D4.2 Systems of supervision

- Arrangements for supervision **must** be tailored to each member of staff according to their knowledge, skills and experience.
- Supervisors **must** be able to demonstrate control over the quality of work produced by the staff they supervise (including work that has been the subject of a Transaction Criteria audit), and **must** demonstrate how they ensure that staff skills and knowledge are being developed continuously through supervision.
- When supervising a probationary police station representative the supervising solicitor **must** document the relevant dates for the representative and how supervision will operate. The relevant dates are the date of registration, 6-month deadline, 12-month deadline, pass dates and the dates of any suspension, voluntary or otherwise where applicable. The dates at which a further test needs to be passed at 6 months and all tests within 12 months must be documented within 7 days of the representative’s inclusion on the register.
- *Note* that there is provision for deputy supervisors (see definition at D3.1) to conduct some case supervision. Where this happens, the auditor may require evidence that delegation has been properly managed and that the permanent supervisor has continued to retain overall responsibility at all times.

D5: Individual Competence

Requirements:

D5.1 Training requirements for casework staff
--

D5.1 Training records show that, in each 12-month period, every casework member of staff receives a minimum of six hours' training, of which 50% (or 100% for crime caseworkers) relates directly to the relevant category of law.

Definitions:

The definitions below qualify the requirement and are mandatory where the word “must” appears. Where the sentence or paragraph begins with the word “Note”, it contains information to help you (see also the separate Guidance document) and is not mandatory.

Members of the CDS (with the Specialist Quality Mark in Crime) should note that D5.1 applies as a mandatory requirement only to designated caseworkers and all police station representatives, designated and non-designated. You can include non-designated members of staff who carry out casework (identifying them as such) if you wish.

D5.1 does not cover supervisors (see instead D3.4 for supervisors’ training requirements).

D5.1 Training requirements for caseworkers

- All training should qualify for CPD hours (i.e. be CPD-accredited or approved by an IIP organisation), and any training that does not **must** be justified on the following grounds:
 - o CPD-qualifying training was not available (usually owing to geographical location or subject matter).
 - o CPD-qualifying training was not desirable (usually because an individual in your organisation is qualified to deliver training in the subject area or because training that was more appropriate to your needs was available from a non-CPD accredited source).
- To qualify towards the hours required, courses that are not CPD accredited (including in-house courses and seminars) **must** meet the following requirements:
 - o Sessions last at least 30 minutes and a record of the title and purpose are made where sessions last between 30 minutes and one hour.
 - o Supporting course material is available for all courses lasting longer than one hour.
- Non-interactive training (e.g. correspondence courses or training by video) should qualify for CPD hours and **must** include a documented discussion with the supervisor (and ideally with other caseworkers) of the issues raised (or review of exercises completed).
- *Note* that although the previous LAFQAS (Legal Aid Franchise Quality Assurance Standard) requirements concerning awareness of welfare benefits (in all categories) and of family mediation (in the Family category) are not replicated in the SQM (Specialist Quality Mark) standard, you may need to justify not providing training where it continues to be relevant to caseworkers’ competence (see Guidance).
- *Note* that where an individual has been absent for a period in excess of three months (e.g. owing to sickness or maternity leave), requirement D5.1 is suspended for the period of absence.

D5: Individual Competence

Requirements:

D5.2 Legal qualification or minimum hours

D5.2 All caseworkers have a professional legal qualification or conduct a minimum of 12 hours' casework per week (or equivalent).

Definitions:

The definitions below qualify the requirement and are mandatory where the word “must” appears

Where the sentence or paragraph begins with the word “Note”, it contains information to help you (see also the separate Guidance document) and is not mandatory.

D5.2 Legal qualification or minimum hours
--

- *Note* that caseworkers falling into one of the individual categories from 1-16, listed in Annex B, qualify as having a ‘professional legal qualification’.
- *Note* where there are panels or accreditation schemes in a category of law e.g. Law Society panel or Immigration & Asylum Accreditation Scheme, caseworkers are encouraged to become members of these schemes, as they provide clear evidence of the competence of the individual. Membership of the Immigration & Asylum Accreditation Scheme is compulsory for work funded by a CLS General Civil Contract.
- *Note* that there is no need to document anything further as long as it is clear from existing records that each caseworker either falls within one of the individual categories from 1-15, in Annex B, or that for non-immigration/asylum caseworkers that they conduct at least 12 hours’ (or equivalent) casework per week (e.g. from your staff summary at A1.1, an employment contract or an individual’s training record). The documentation required for immigration/asylum caseworkers (category 16) is specified below.
- Qualified solicitors or barristers working as caseworkers, but no longer holding themselves out as solicitors or barristers, can be treated as having a professional legal qualification for a maximum of five years after they last practised. Following this they **must** demonstrate individual competence by conducting a minimum of 12 hours’ casework per week (or equivalent) instead.
- *Note* that for the purpose of meeting the minimum number of hours, ‘casework’ can include any case involvement as defined in the relevant supervisor standard and Self-Declaration Form (at Annex A), as well as time being trained or supervised, but not time spent in ordinary (non-legal) team meetings.
- All qualifying casework **must** be subject to supervision that meets the requirements at D4.
- Where professional legal qualification is only by virtue of panel membership or other periodically assessed accreditation (including for duty solicitors and police station representatives) the individual **must** be able to demonstrate that they continue to meet the relevant requirement in the intervening period if asked to do so.
- Immigration & Asylum Accredited Caseworkers (at all levels)
- Immigration & Asylum caseworkers must provide a current accreditation certificate issued by the LSC, to be able to carry out work under an LSC General Civil Contract. Certificates will expire 3 years after the issue date. Certificates must be supplied to confirm that the caseworker is able to undertake work in this area of law.
- Immigration & Asylum Probationers
- Immigration & Asylum Probationers (i.e. a caseworker who has registered with the LSC for the Immigration and Asylum Accreditation Scheme but who has not completed the accreditation process, excluding suspended or barred representatives) **must** register with the LSC and have attained accredited status with the Law Society’s assessment organisation within 12 months of this date or they will not be allowed to perform any publicly funded work in immigration under an LSC General Civil Contract until they have achieved accreditation. Probationers must provide evidence that they have registered with the LSC **and** within 3 months from this date have passed the Multiple Choice Test. Probationers who have not passed this test within 3 months must not undertake any publicly funded work until they have passed the test. (Please refer to the accreditation scheme Competence Standards and Work Restrictions document).

Specialist Quality Mark Guidance

D5.2 Legal qualification or minimum hours

For police station representatives

All police station representatives need to be able, if asked, to demonstrate ongoing compliance with the Police Station Register Arrangements 2001. This applies equally to designated and non-designated police station representatives.



**SUPERVISOR STANDARD AND
SELF DECLARATION FORM**

- Use for **Crime** only
- You should photocopy this page as required and submit a completed copy (one form for each supervisor) with your Specialist Quality Mark application

You only need to complete this document when applying for a Crime Specialist Quality Mark and using this route as a supervisor standard, or when prompted to do so by your regional office

ROUTE 1 – DUTY SOLICITOR ROUTE

Details of organisation/supervisor applying		
Organisation's name: Organisation's supplier number: Supervisor's name: Offices supervised:		
D3.2a Legal Competence Standard for Supervisors		
i)	Areas of Knowledge	Give date of admittance and provide documentary proof of membership
a)	Current Police Station Duty Solicitor <i>and</i> Current Court Duty Solicitor <i>or</i>	Where you are a Police Station Duty Solicitor, give your 4 - digit Duty Solicitor Call Centre PIN: _____
b)	Current Police Station Duty Solicitor <i>and 6 examples of magistrates' court representation and advocacy under a Representation Order¹ (Give each UFN on an attached sheet)</i> <i>or</i>	Where you are a Court Duty Solicitor, tick below: <input type="checkbox"/>
c)	Current Court Duty Solicitor <i>and</i> Holder of the Police Station Qualification (PSQ), part of the Criminal Litigation Accreditation Scheme (CLAS)	Please give date of qualification: _____

	Other Requirements (as detailed in the standard)	Details
D4.5	Updating Legal Information Please summarise how you become aware of changes in legislation and case law (as required at D4.5). If you rely on subscription to a specialist journal you should provide the title(s).	
Declaration		
I declare that the information provided is accurate to the best of my knowledge. Signed:..... Dated:..... <i>(signed and dated by the supervisor named above)</i>		

Notes:

The supervisor **must** meet these requirements at the time of submitting this form and continue to do so in any 12- month period thereafter. Supervisors and the Commission’s account management staff should refer to the Specialist Quality Mark Standard D3 (requirements and definitions) for guidance.

1. Examples must be cases undertaken (i.e. completed) within the 12 months immediately prior to the Specialist Quality Mark application

SUPP(CRI-2)

*Criminal
Defence Service*



**SUPERVISOR STANDARD AND
SELF DECLARATION FORM**

- Use for **Crime** only
- You should photocopy this page as required and submit a completed copy (one form for each supervisor) with your Specialist Quality Mark application

You only need to complete this document when applying for a Crime Specialist Quality Mark and using this route as a supervisor standard, or when prompted to do so by your regional office

ROUTE 2 – DUTY SOLICITOR EQUIVALENT ROUTE

Details of organisation/supervisor applying		
Organisation's name: Organisation's supplier number: Supervisor's name: Offices supervised:		
D3.2a Legal Competence Standard for Supervisors		
i)	Areas of Knowledge (undertaken in the previous 12 months)	
a)	Have you held a current non-conditional practising certificate for the previous three years¹	Yes / No
b)	Police Station Qualification (PSQ) Have achieved the PSQ, part of the Criminal Litigation Accreditation Scheme (CLAS)?	Please give date of qualification _____

c)	20 examples of magistrates' court representation and advocacy under a Representation Order A maximum of 10 of these 20 examples may be claims for Category 1 proceedings ² These examples must be undertaken with the previous 12 months	UFN: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12.
-----------	---	--

		13. 14. 15. 16. 17. 18. 19. 20.
	Other Requirements (as detailed in the standard)	Details
D4.5	Updating Legal Information Please summarise how you become aware of changes in legislation and case law (as required at D4.5). If you rely on subscription to a specialist journal you should provide the title(s).	
Declaration		
I declare that the information provided is accurate to the best of my knowledge.		
Signed:		
Dated: <i>signed and dated by the supervisor named above</i>		

Notes:

The supervisor **must** meet these requirements at the time of submitting this form and continue to do so in any 12- month period thereafter. Supervisors and the Commission's account management staff should refer to the Specialist Quality Mark D3 (requirements and definitions) for guidance.

1. In some circumstances a conditional practising certificate may be acceptable. You should provide full details.
2. Category 1 proceedings are defined in the General Criminal Contract, Contract Specification, Part E, paragraph 3.5.

SUPP(CRI-3)

*Criminal
Defence Service*



**SUPERVISOR STANDARD AND
SELF DECLARATION FORM**

- Use for Crime only
- You should photocopy this page as required and submit a completed copy (one form for each supervisor) with your Specialist Quality Mark application

You only need to complete this document when applying for a Crime Specialist Quality Mark and using this route as a supervisor standard, or when prompted to do so by your regional office

ROUTE 3 – 350 HOUR CASEWORK ROUTE

Details of organisation/supervisor applying		
Organisation's name: Organisation's supplier number: Supervisor's name: Offices supervised:		
D3.2a Legal Competence Standard for Supervisors		
i)	Areas of Knowledge (undertaken in the previous 12 months)	
a)	Have you held a non-conditional practising certificate for the previous three years? ¹	Yes / No
b)	Police Station Qualification (PSQ) Have achieved the PSQ, part of the Criminal Litigation Accreditation Scheme (CLAS)?	Please give date of qualification _____
c)	6 examples of magistrates' court representation and advocacy under a representation Order A maximum of 2 of these 6 examples may be claims for Category 1 proceedings. ²	UFN: 1. 2. 3. 4. 5. 6.

ii)	Case Involvement (at 350 hours in the previous 12 months)	Minimum/Maximum hours allowed	Hours completed in the previous 12 months
a)	Direct (personal) casework. This may include Direct (documented) supervision.	Minimum 350 hours	
Other Requirements (as detailed in the standard)			Details
D4.5	Updating Legal Information Please summarise how you become aware of changes in legislation and case law (as required at D4.5). If you rely on subscription to a specialist journal you should provide the title(s).		
Declaration			
I declare that the information provided is accurate to the best of my knowledge. Signed:..... Dated:..... <i>signed and dated by the supervisor named above</i>			

Notes:

The supervisor **must** meet these requirements at the time of submitting this form and continue to do so in any 12- month period thereafter. Supervisors and the Commission's account management staff should refer to the Specialist Quality Mark D3 (requirements and definitions) for guidance.

1. In some circumstances a conditional practising certificate may be acceptable. You should provide full details.
2. Category 1 proceedings are defined in the General Criminal Contract, Contract Specification, Part E, paragraph 3.5.