



Specialist Quality Mark Standard

Additional Requirements and Definitions for

Support Services

Post Consultation Report

September 2004

A post consultation summary report produced by the Legal Services Commission.

This report is also available on the Legal Services Commission website at www.legalservices.gov.uk

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Introduction

- 1 This is the post-consultation report on the Legal Services Commission's consultation entitled "Specialist Support Quality Mark Standard" issued in January 2004.
- 2 It covers:
 - The background to this report
 - A summary of the responses to the consultation
 - Specific issues raised by consultees and the Commission's intended response to them.
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Background

- 1 In April 2002, the Legal Services Commission published the Specialist Quality Mark Standard (SQM). The SQM is applicable to specialist help services providing advice and legal help on complex matters in specific areas of law and representation where this is permitted. The requirements within the SQM concentrate on services delivered face-to-face at a main site.
- 2 Since the development of the SQM the number of organisations offering Specialist support to professional clients (i.e. their peers) has increased. To ensure that Specialist support services are of a comparable quality to those services delivered by Specialist legal advisers to a lay client in a face-to-face environment a decision was taken to produce a Quality Mark standard. The Quality Mark standard would enable Specialist support services to be quality assured.
- 3 As Specialist support services deal with the professional client rather than the lay client and Specialist support is generally conducted over the telephone, it was felt that a new Quality Mark standard for this service would be necessary. However, when developing the new Quality Mark standard it became clear that a large number of the processes and procedures that a Specialist support service would need in order to deliver a quality service to the professional client were similar to the processes and procedures required to deliver a quality service to its lay clients.
- 4 In January 2004, the LSC published, for consultation, a draft Quality Mark standard specifically for Specialist support services. The majority of respondents to the consultation argued that a new Quality Mark for Specialist support services was not necessary for two main reasons:
 1. The processes and procedure were similar to that of the SQM and;
 2. It was likely that organisations offering Specialist support would already have the Specialist Quality Mark for their face-to-face service. Therefore, it would be easier and more efficient to produce additional requirements and definitions for Specialist support services.
- 5 The LSC agreed with these views and as a result of the consultation has produced a supplement to the SQM entitled, "Specialist Quality Mark Standard, Additional Requirements and Definitions for Support Services". The requirements within this document, which have been directly taken from the consultation document, relate to the differing nature of a Specialist support service as compared to a face to face service for the lay client, and include requirements to have a call handling procedure, and requirements for developing and conducting training for professional clients. An organisation that wishes to obtain the Specialist Quality Mark for its support service must meet the SQM and the additional requirements and definitions for support services.

- 6 The consultation document posed fifteen specific questions. A summary of the responses to these follows.
- 7 The closing date for responses to the consultation was 29th March 2004.
- 8 A list of the respondents is in provided Annex A.

Summary of Responses

- 1 The Legal Services Commission received 8 responses.
- 2 All respondents welcomed the LSC's recognition of the existence the Specialist Support network.
- 3 Four of the eight respondents felt that it would be much simpler to have one specialist standard for all types of specialist work, with additions for different methods of service delivery and suggested that the requirements for Specialist Support should form part of the Specialist Quality Mark Standard.

Specific Consultation Questions

Formatting layout of the document

1. Is the format of the requirements clear?

Four of the eight respondents felt that it would be much simpler to have one specialist standard for all types of specialist work, with additions for different methods of service delivery and suggested that the requirements for Specialist Support should form part of the Specialist Quality Mark Standard (SQM) and felt it would be more efficient to produce a small booklet of supplementary requirements or simply to incorporate the requirements into the Specialist Quality Mark.

The LSC carefully considered these views and agreed that in line with its move towards simplifying the Quality Mark it would be easier and less bureaucratic for the majority of suppliers to obtain a Quality Mark for its Specialist support service if the requirements for this service were additional to that of the SQM. The LSC appreciates that there are many generic requirements which are applicable to all Specialist service delivery methods and that one standard containing generic requirements and supplementary requirements for specific service delivery methods would be easier for supplier, especially if the supplier wanted to obtain the Specialist Quality Mark for more than one service.

As a result the LSC has produced additional requirements and definitions for Specialist support services. A minority of the requirements within the SQM were considered not applicable to a Specialist support service and where this is the case, Annex C of the new document either indicates where an SQM requirement is not applicable or where for the purposes of specialist support the requirement in the SQM has been replaced. The additional requirements will be incorporated into the SQM if and when it is next updated.

Respondents were generally happy with the wording of the document, however one significant change was made regarding the terminology used to describe Specialist support. The terminology used throughout the consultation document was 'one-off advice', 'follow-up', 'supported casework' and 'direct conduct of the case'. Following an evaluation of the Specialist Support Pilot, which was undertaken in July 2004, the terminology was simplified to 'support work' and 'direct conduct of the case.' Support work includes all one-off advice to the professional client and further casework such as assistance in drafting letters or providing advice on government policies and new legal developments (See Guidance at F1.1 (a) of the additional requirements).

One respondent suggested that they would find the standard easier to use if the Guidance followed each individual section.

The LSC agreed and where guidance is appropriate it now follows the definition.

2 Do you agree that the definitions sufficiently define the requirements?

Respondents found that in the majority of instances, the definitions were clear and helpful. However, there were a couple of instances where respondents felt the definition was not always clear. The main example related to the need of a Specialist support service to conduct signposting and referral.

The LSC has clarified this by adding guidance giving examples of when a support service might need to signpost. In addition a note has been added to the definition of B1.2 stating that referrals only apply where the organisation has direct conduct of the case.

Section A: Access to Service

3 Should an answerphone message be compulsory?

All respondents to this question agreed that an answerphone message should be compulsory. Two of the respondents felt that it was important that the message should inform the caller of the services opening hours, but other information should be at the discretion on the service. One organisation suggested there should be the facility to leave messages.

The LSC agreed with these comments, but felt it was not necessary to make it a requirement for organisations to have a facility to leave messages. However, it was felt that those organisations that do allow messages to be left must state the intended response time and ensure that the response time is not more than three working days. This information has been added to the definition at A2.1.

Section B: Seamless Service

4 Do you agree with the arrangement for signposting and referral, in particular maintaining records of signposting professional clients?

Three of the respondents agreed with this requirement. Two of the respondents felt that keeping records of signposting professional clients was “overly bureaucratic and burdensome.”

The LSC considered these responses and concluded that in order to improve the Specialist support service for professional clients in the future it was important that the LSC was made aware of gaps in the service and that the requirement to record where a professional client could not be signposted should be kept by the organisation on a central record.

Section C: Running the Organisation

5 Do you agree with the call-handling requirements?

All respondents agreed with the call-handling requirements. One respondent recommended that further guidance was required on how to monitor and review the call-handling system for those organisations that did not have a technological monitoring system.

The guidance to C3.2 'Monitoring and reviewing your call-handling system' was extended slightly to include one example of how an organisation might monitor their system, through a user satisfaction questionnaire. The LSC hopes that this example makes it clear that this requirement can be met without having an expensive technological system.

6 Are the requirements for a backup system for information and communications technology (ICT) failure appropriate?

No significant concerns were raised with regard to these requirements and in general the organisations welcomed the LSC's acceptance that organisations will not have to demonstrate that they continue to provide the same level of service whilst suffering an ICT failure.

Section D: People Management

7 Do you agree that the telephone skills training at induction is adequate?

Generally respondents agreed with the telephone skills training, although three organisations felt that telephone skills training at induction should be put forward in "a less mandatory manner" particularly as this is often a competency that a good Specialist support service would test during selection and recruitment.

The LSC considered these comments and has therefore added a 'note' to the definition of this requirement (D2.1) that says, "Note where an assessment of the above telephone skills form part of the competencies that the organisation test during the selection and recruitment of staff, the above assessment will not be necessary. However, it will be expected that any required training or development is agreed at the induction."

8 Do you agree that systems for supervision are adequate?

All respondents felt the systems for supervision were adequate. The following comments were received:

"The Specialist support advice should be of the highest quality possible, and the provision for advisers to equal the level of SQM supervisors and for there to be a co-ordinator with at least two years supervisory experience would seem to fulfil this."

"We greatly welcome this section and the guidance given. We welcome its recognition of the supervisory requirements of a second tier agency."

9 Do you agree with the individual category specific competency requirements detailed in the Specialist support adviser standard and self-declaration forms in Annex A.?

The majority of respondents agreed with the requirements giving the following comments:

“...the requirements for Specialist support advisers should equate to those for SQM supervisors. Ongoing casework is essential to ensure awareness of current best practice”

“We welcome the extension of means of meeting this requirement and again feel that it recognises the variety of work that second tier advisers are engaged in and means by which they update and develop their knowledge....we welcome the extension of the legal qualificationand would suggest that this makes a great deal of sense and covers both solicitor and non-solicitor Specialist support advisers”

Respondents felt that the requirements should equate to those of the SQM Supervisor standards. The consultation version allowed Specialist support advisers 12 months to meet the Skills/Procedure/Knowledge requirements. In view of the fact the Specialist support advisers should be considered as ‘the experts in their field’, this option has been removed and Specialist Support Advisers are expected to meet the full standard on application.

Minor amendments were made to the subject specific categories where respondents felt that the examples were not applicable to Specialist support.

10 Do you agree that the co-ordinator should meet the specialist support adviser category specific competencies in full?

Four of the six respondents who commented on this question welcomed the co-ordinator position and felt that the co-ordinator should not meet the category specific competencies in full. The following comments were received:

“We greatly welcome the introduction of this role and its definition and guidance given. We welcome the recognition of the supervisory and management requirements of a second tier agency.”

“We would argue that it is not necessary as E2.1 clearly limits the undertaking file review to a member of the team who meets the Specialist support adviser competencies in full. So that the file review procedures could be undertaken by the Co-ordinator if they met the Specialist support adviser competences or delegated to someone who did. Again we would argue and support that the suggested wording of D3.1 teamed with E2.1 allows for exactly this situation.”

“No. We think it may be difficult for a person to satisfy the managerial skills as well as the on-going legal competences set out at D5.3.....we are pleased that the standard makes it clear that there is flexibility to allow for situations where the co-ordinator does not have to be the one conducting the file review and that there is flexibility to allow for situations where the co-ordinator may

have the experience and skills to quality check advice in addition to managing the process”

The following comments were received arguing that the Co-ordinator should meet the category specific competencies in full:

“The co-ordinator should meet the Specialist support adviser category specific competencies in full as the co-ordinator is responsible for allocation of cases and for demonstrating how materials are kept up to date and made available to staff .The co-ordinator must also manage the peer review process, recommend corrective action, and ensure it is seen through.”

“We feel the role of the co-ordinator is ambiguous....we feel that the introduction of an additional level of responsibility does not serve any useful purpose that is not already met within the SQM and only serves to confuse responsibilities.”

The LSC carefully considered all views and concluded that the co-ordinator should not meet the full category specific requirements, because the role of the co-ordinator allows organisations to be more flexibility over how the service is run and this means the advisers can spend more time giving advice rather than dealing with administration. Additionally the co-ordinator is unlikely to have direct contact with the professional client and therefore would be unlikely to have direct impact on the advice given. There is nothing to stop an organisation however, having a Specialist support adviser as the Co-ordinator.

Section E: Running the Service

11 Do you agree with the file review process and procedures?

No specific issues were raised with regard to file review.

Section F: Meeting Clients' Needs

12 Do you agree with the requirements for one-off advice, supported casework and direct casework?

(Please see question 1 that explains the changes in the above terminology.)
Five of the eight organisations were concerned at the amount of time it would take to offer to give written confirmation of one-off advice.

The LSC recognises the time it takes to record and confirm one-off advice but believes that in order to ensure a high quality service, where the advice given will eventually impact upon the lay client, the offer of confirmation of advice to the professional client must always be available particularly when the reason that a profession client calls a Specialist support service is because they are unsure of a matter and/or the action to take. The requirement does not expect confirmation to be in the form of a formal letter and accepts e-mail, fax or a contemporaneous duplicate copy of the key information taken and advice given.

13 Do you agree with the requirements for training development and delivery?

All respondents generally agreed with the requirements for training development and delivery.

Guidance

14 Did you find the guidance valuable?

All respondents to this question said that they found the guidance useful.

Supplementary Question

15 Do you think this standard would be appropriate for suppliers offering a support service to general advice organisations?

Respondents felt that the current Specialist support service is tailored to the professional client and standards should not be lowered.

Equal Opportunities Impact Assessment

No organisation commented directly on the Equal Opportunities Impact Assessment, however, verbal feedback from one organisation raised the concern that they did not foresee any small organisation being able to meet the requirements (i.e. those with just one or two caseworkers).

The LSC acknowledges that it will be more difficult for smaller or organisations to meet the requirements than for larger organisations. However, the LSC feels that this is justified because accessible services are a prime concern of the Community Legal Service (CLS) and an organisation should only be awarded the Specialist Quality Mark if they can provide a dedicated service that allows them to be able to respond to a client within three working days (see A2.1). The LSC recognises that for small organisations this will be difficult as court, appeal hearings etc. will make it impossible for this to be achieved. However, the LSC believes that the ability of the client to access a service and be given a timely response to be a priority.

A revised equal opportunities impact assessment statement is given below:

The ‘Specialist Quality Mark Standard, Additional Requirements and Definitions for Support Services’, will have a small differential impact on different groups in society, but will have a positive impact on the legal profession’s ability to obtain access to quality assured legal support. All members of the legal profession who require professional legal support will have the choice to contact an organisation with the SQM and be confident that the organisation’s procedures have been quality assured. It is hoped that the long-term impact of Specialist support is that the standard of advice received by the lay client will be of a higher quality.

It has been acknowledged by the Legal Services Commission that small firms with one or two caseworkers will have more difficulty meeting the requirements than larger firms because small firms may find it difficult to operate a regular service, consequently this may have an impact on black, minority, ethnic (BME) legal advisers because the LSC has previously found a larger majority BME legal advisers work in small organisations than large. Therefore, there is the potential that these requirements may have an adverse impact on BME firms. The LSC believes this differential to be justified because accessibility is a prime concern of the Community Legal Service (CLS) and an organisation should only be awarded the Specialist Quality Mark if they can provide a timely service to the client.

All services applying for their Specialist support service to be quality marked will receive an equal opportunities monitoring form in order to comply with RRA2000. The LSC will monitor the impact of the new requirements for adverse impacts on suppliers from different groups in society.

Appendix A – Respondents

Advice Services Alliance

Citizens Advice, North Region Money Advice Support Unit

Citizens Advice, Specialist Support Unit

Child Poverty Action Group (CPAG)

Shelter

Surrey Law Centre

Surrey Welfare Rights Unit

Law Society

The Commission is grateful to all respondents for taking the time to reply to this consultation.