

*Community  
Legal Service*



# **The Specialist Quality Mark Standard**

## **Consultation Pack**

July 2005 Amendment

legal services  
COMMISSION

*Criminal  
Defence Service*



## Introduction

Following the consultations “Police Station Representatives and Solicitors Attending the Police Station” and “Amendments to General Criminal Contracts April 2005” please find following the proposed changes we intend to make to the Specialist Quality Mark Standard.

The consultation period will close on the 19<sup>th</sup> of August 2005, which enables the Legal Services Commission to give the appropriate notice for the introduction from October 2005 of the changes to requirements D4.2, D5.1 and D5.2. The proposed changes to Annex A, Supervisor Standards and Declaration Forms, are planned to take effect from October 2006.

In accordance with our obligations under the Freedom of Information Act 2000, your name and response to this consultation paper may be published. If you would like your name or response to be kept confidential, please indicate why when you submit a response, so that we can justify partial disclosure if challenged under the Freedom of Information Act. In any event, confidential responses could still be disclosed in a summarised or anonymised format.

All responses should be sent to:

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## **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 liP organisation), and any training that does not **must** be justified on of the following grounds:
  - CPD-qualifying training was not available (usually owing to geographical location or subject matter).
  - 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:
  - 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.
  - 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 1-17, listed in Annex B, qualify as having a ‘professional legal qualification’.
- *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 1-17, in Annex B, or 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).
- 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.

## 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.

**SUPP(CRI-1)**

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**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**

<b>Details of organisation/supervisor applying</b>		
Organisation's name: ..... Organisation's supplier number: ..... Supervisor's name: ..... Offices supervised: ..... ..... .....		
<b>D3.2a Legal Competence Standard for Supervisors</b>		
<b>i)</b>	<b>Areas of Knowledge</b>	<b>Give date of admittance and provide documentary proof of membership</b>
a)	<b>Current Police Station Duty Solicitor</b> <i>and</i> <b>Current Court Duty Solicitor</b> <i>or</i>	Where you are a Police Station Duty Solicitor, give your 4 - digit Duty Solicitor Call Centre PIN:  _____
b)	<b>Current Police Station Duty Solicitor</b> <i>and 6 examples of magistrates' court representation and advocacy under a Representation Order<sup>1</sup> (Give each UFN on an attached sheet)</i> <i>or</i>	Where you are a Court Duty Solicitor, tick below:  <input type="checkbox"/>
c)	<b>Current Court Duty Solicitor</b> <i>and</i> <b>Holder of the Police Station Qualification (PSQ), part of the Criminal Litigation Accreditation Scheme (CLAS)</b>	Where you are a PSQ holder please give date of qualification.  _____

	Other Requirements (as detailed in the standard)	Details
<b>D4.5</b>	<b>Updating Legal Information</b> 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).	
<b>Declaration</b>		
<p><b>I declare that the information provided is accurate to the best of my knowledge.</b></p> 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.

**SUPP(CRI-2)**

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**SUPERVISOR STANDARD AND  
SELF DECLARATION FORM**

- Use for **Crime** only
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**ROUTE 2 – DUTY SOLICITOR EQUIVALENT ROUTE**

<b>Details of organisation/supervisor applying</b>		
Organisation's name: .....		
Organisation's supplier number: .....		
Supervisor's name: .....		
Offices supervised: .....		
.....		
.....		
<b>D3.2a Legal Competence Standard for Supervisors</b>		
<b>i)</b>	<b>Areas of Knowledge (undertaken in the previous 12 months)</b>	
<b>a)</b>	<b>Have you held a current non-conditional practising certificate for the previous three years<sup>1</sup></b>	<b>Yes / No</b>
<b>b)</b>	<b>Police Station Qualification (PSQ) Have achieved the PSQ, part of the Criminal Litigation Accreditation Scheme (CLAS)?</b>	Please give date of qualification _____

<b>c)</b>	<p><b>20 examples of magistrates' court representation and advocacy under a Representation Order</b></p> <p>A maximum of 10 of these 20 examples may be claims for Category 1 proceedings<sup>2</sup></p> <p>These examples <b>must</b> be undertaken with the previous 12 months</p>	<p><b>UFN:</b></p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p>
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		7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20.
	<b>Other Requirements (as detailed in the standard)</b>	<b>Details</b>
<b>D4.5</b>	<b>Updating Legal Information</b> 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).	
<b>Declaration</b>		
<b>I declare that the information provided is accurate to the best of my knowledge.</b>		
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)

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### 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		
<b>i)</b>	<b>Areas of Knowledge (undertaken in the previous 12 months)</b>	
<b>a)</b>	<b>Have you held a non-conditional practising certificate for the previous three years? <sup>1</sup></b>	<b>Yes / No</b>
<b>b)</b>	<b>Police Station Qualification (PSQ)</b> Have achieved the PSQ, part of the Criminal Litigation Accreditation Scheme (CLAS)?	Please give date of qualification _____
<b>c)</b>	<b>6 examples of magistrates' court representation and advocacy under a representation Order</b> A maximum of 2 of these 6 examples may be claims for Category 1 proceedings. <sup>2</sup>	<b>UFN:</b> 1. 2. 3. 4. 5. 6.

<b>ii)</b>	<b>Case Involvement (at 350 hours in the previous 12 months)</b>	<b>Minimum/Maximum hours allowed</b>	<b>Hours completed in the previous 12 months</b>
a)	Direct (personal) casework. This may include Direct (documented) supervision.	Minimum 350 hours	
	<b>Other Requirements (as detailed in the standard)</b>	<b>Details</b>	
<b>D4.5</b>	<b>Updating Legal Information</b> 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).		
<b>Declaration</b>			
<b>I declare that the information provided is accurate to the best of my knowledge.</b>			
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.

