

Peer Review



Independent
Quality Assessment
of Legal Services



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What is it?

- Now the L.S.C.'s preferred method for assessing providers of publicly funded legal services.
- Unlike audit based methods previously relied upon, it is carried out not by the L.S.C. but by fellow practitioners, and is focused entirely on determining the quality of the service provided to the client.



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Who are we?

- Currently about seventy Crime Peer Reviewers.
- Experienced, senior, active members of the Criminal Defence Service whose own work has been Peer Reviewed as Competence Plus or Excellence.
- All been through a selection and training process aimed at identifying those able to make reliable and consistent judgements on the quality of the service provided by their Peers.



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Who are we? Continued...

- Independent of the Legal Services Commission. Responsibility for selection, supervision and training lies with the Institute of Advanced Legal Studies – (I.A.L.S) – at the University of London.
- All facets of the Criminal Defence community represented, from provincial sole practitioners to members of large multi- office city firms.



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Who are we? Continued...

- Only common thread is the ability to do the job.
- Consistency and competency issues kept under review by I.A.L.S.



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What do we do?

- 20 closed claims selected by L.S.C. Only targeted so as to ensure a representative file sample (i.e. a selection of Police Station, Standard, Non- Standard and Crown Court work) – otherwise random.
- Supplier sends those files to L.S.C.
- Peer reviewer working from I.A.L.S. or an Area Office reviews the work on first 15 reviewable files against 22 separate criteria which were agreed by original Peer Reviewers working with I.A.L.S and representatives from the Law Society and other practitioner groups as being core indicators of quality (some files are not suitable for review, e.g. when transferred out early on during a stage).



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Criteria

A. The File

1. How effective is the composition of the file?
2. How appropriate is the level of information recorded:
 - a) At investigation stage?
 - b) Post charge?
3. How appropriate was the management of the case throughout?



Criteria Continued...

B. Communication

1. How appropriate were the lawyer's communication and client-handling skills?
2. How appropriately was the client informed of:
 - a) The merits (or not) of their defence/case?
 - b) All developments (including conclusion)?
3. How appropriate was the lawyer's communication with others, including the Crown Prosecution Service (CPS), defence counsel etc.?
4. How timely was all communication?



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Criteria Continued...

C. Information and fact-gathering

1. How effective was the lawyer in seeking relevant information from the client?
2. How effective was the lawyer in seeking relevant information from the police and/or prosecution:
 - a) At investigation stage?
 - b) Post charge?
3. How effective was the lawyer in seeking relevant information *from others*?



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Criteria Continued...

D. Advice and assistance

1. How good was the advice?
2. a) How appropriate was advice on plea?
b) If (at any stage) the client was advised to plead guilty, was the timing of the advice:
(i) too early? (ii) appropriate? (iii) too late?
3. How appropriate was advice on appeal?



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Criteria Continued...

E. The work/assistance

1. Was all work done that should reasonably have been done?
If No, specify
2. How effective was the work done in achieving the client's (reasonable) objectives?
3. What was the impact of the lawyer on:
 - a) Bail?
 - b) Mode/venue?
 - c) The process?
 - d) What convicted of, or not
 - e) Sentence?
4. Was the client prejudiced in any way by the work done or not done. If Yes, specify.



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Criteria Continued...

F. Efficiency

1. How efficiently was the work carried out?
2. Throughout the file, how effectively did the organisation use resources (including experts)?
3. Were any disbursements incurred appropriate?



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Criteria Continued...

G. General

1. Where ethical issues arise, were they dealt with appropriately?

2. **Overall mark:**
 - a) **At Investigation Stage**
 - b) **At Magistrates' Court Stage**
 - c) **At Crown Court Stage**

3. **Overall mark for the file**



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What do we do? Continued...

- Reviewer prepares Report setting out Positive Findings, Major Concerns, Other Concerns and Suggestions, and provisionally rates the supplier as either
 - 1) Excellence
 - 2) Competence Plus
 - 3) Threshold Competence
 - 4) Below Competence
 - 5) Failure in Performance



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Descriptions of Ratings

Excellence (1)

Indicators of Excellence in the standard of work include:

- Clients' instructions are fully and appropriately recorded.
- Communication, advice and other work are tailored to each individual client's circumstances.
- Clients are all advised correctly and in full.
- All issues are progressed comprehensively, appropriately and efficiently.
- There is a demonstration of in-depth knowledge and appreciation of the wider context.
- There is excellent use of tactics and strategies, demonstrating skill and expertise, in an attempt to ensure the best outcomes for clients.
- The provider adds value to their cases, taking a fully proactive approach.
- There are no areas for major improvement.



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Descriptions of Ratings Continued...

Competence Plus (2)

Indicators of Competence Plus in the standard of work include:

- Clients' instructions are appropriately recorded.
- Advice and work is tailored to individual client's circumstances.
- Clients are advised correctly and in full.
- Issues are progressed comprehensively, appropriately and efficiently.
- Tactics and strategies are employed to achieve the best outcomes for clients.
- The provider adds value to cases and takes a proactive approach.



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of Legal Services

Descriptions of Ratings Continued...

Threshold Competence (3)

Indicators of Threshold Competence in the standard of work include:

- Clients' instructions are appropriately recorded.
- There is adequate but limited communication with the client.
- The advice and work is adequate although it may not always be extensive and may not deal with other linked issues other than the presenting issue.
- There may be areas that the provider will need to address in order to progress towards Competence Plus (2) or Excellence (1).



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Descriptions of Ratings Continued...

Below Competence (4)

Indicators of Below Competence in the standard of work include:

- Information is not being recorded or reported accurately.
- Communication with the client is sometimes of poor quality.
- The advice and other work is inadequate.
- Some cases are not being conducted with reasonable skill, care and diligence.
- The timeliness of the communication, the advice or other work is sometimes inadequate.
- There are lapses below the required standard.



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Descriptions of Ratings Continued...

Failure in Performance (5)

Indicators of Failure in Performance in the standard of work include:

- Information is not being recorded or reported accurately.
- Communication with clients is often of poor quality.
- Cases in general are not being conducted with reasonable skill, care and diligence.
- The timeliness of the communication, the advice or work is often inadequate.
- There is a detrimental service to clients, or there is no meaningful service at all, or there is a service that leads to potential prejudice for the client.



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What do we do? Continued...

- Provisional Report is validated by more senior Reviewer.
- Report sent to Supplier and files returned.



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What if you think we've got it wrong?

- All reports provisionally rated 4 or 5 sent to supplier, who then has an informal opportunity to comment on the draft Report.
- Original Reviewer together with second Reviewer reconsiders provisional report in light of the supplier's comments, and makes any changes that are justified.



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Form Rep 1 B

REP1B FORM

*Please complete and return to
representations@legalservices.gov.uk*

Supplier's Name:

Account Number:

Category Reviewed:

Date of Review:

This form works best when submitted electronically. If you have a paper copy and would like an electronic copy, please email at representations@legalservices.gov.uk

Please write any representations that you wish to make under the corresponding heading to which the comments appear on the Peer Review report.

Are you satisfied that the Peer Review process as set out in the process document was adhered to? Yes / No (If no, please comment below.)

The document can be found at the link below.

http://www.legalservices.gov.uk/docs/civil_contracting/Independent_Peer_Review_Process1105.pdf

Major Areas of Concern



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What if you think we've got it wrong? Continued...

- Original reviewer and second Reviewer deliver a formal response.



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End of Process.

Process is complete.