

## Quality Assurance Joint Working Group

### Minutes

Date: 12 October 2009

Chair: Patrick Reeve (LSC)

Attendees: Shanta Bhavnani (ASA)  
 Avrom Sherr, (IALS)  
 Carol Storer (LAPG)  
 Peter Jones, Geoff Mountjoy, Jennifer Will, Alexia Mawdsley (LSC)  
 Karen Mckay (Resolution)  
 Clare Gilligan (SRA)  
 Richard Miller, Linda Lee, Simon Cliff (TLS)  
 Christopher Volume (MoJ)

Minutes: Grazia Trivedi (LSC)

Apologies: Karen Finlay (MoJ), Wendy Hewstone (TLS), Louise Collins, Stephen Dodds (LSC)

Summary of previous Action Points		By Whom	Deadline
AP1	Ask TLS research team to help with a survey into impact of costs onto providers profitability	RM	By next meeting
AP2	Admin support and formulation of questionnaires for survey	PJ	By next meeting
AP3	Circulate report on outcome of accreditation research	PJ	By next meeting
AP4	Feedback on report	All	By next meeting
AP5	Arrange a meeting between KM and PJ to discuss timetable	GT	By 25 Sep
AP6	Draft of a leaflet on how to select a lawyer	SB	By next meeting
AP7	Obtain group members' availability for next meeting	GT	By 11 Sep

<p><b>Item 1</b></p>	<p>PR welcomed everyone and gave an update on the apologies. Attendees introduced themselves.</p>	
<p><b>Item 2</b></p>	<p><i>Actions arising from the previous meeting</i></p> <p><b>AP1 and AP2:</b> RM said that the Law Society (TLS) research team was already looking at providers' profitability, but the work covered all providers, not just those doing legal aid work. He added profitability in legal aid was a constantly changing scenario. For instance, a consultation on Police Station work was currently taking place and plans were being made for changes to Family Private Law, both of which would have an impact on profitability. RM suggested that, as the chances of success were limited, it wasn't right to commit resources to it. PJ agreed that this work would have to wait.</p> <p><b>AP3 and AP4:</b> AS spoke about the outcome of the research conducted by the Institute of Advanced Legal Studies to establish whether a correlation existed between Accreditation and Peer Review scores. Due to the response rate (21%) from the 215 providers that had been sent the questionnaire, the outcome was inconclusive regarding the main question. The principal finding was that providers doing a larger volume of legal aid work scored higher at peer review. There was a weak negative correlation between proportion of accredited staff and peer review - respondents with a higher proportion delivered worse peer review results. PR concluded that the research outcome was too inconclusive to merit publication. AS said that he could adopt a different approach, and look at the quality of the work advisers that had obtained accreditation deliver compared with non-accredited staff. PR said he would need time to consider this.</p> <p><b>AP6:</b> SB had circulated the draft leaflet on how to select a lawyer. It would need further work if it was to be very useful for legal aid clients.</p> <p><b>AP5:</b> Meetings took place between PJ and CG (SRA), SB (ASA) and KM (Resolution) respectively to discuss: the overlap between SQM and Professional Standards; the impact of SQM outsourcing on NfPs; and the timetable for the SQM outsource. A 'Progress on Questions raised by QWG' paper had been circulated to the group with the agenda, and a summary of two of the discussions. PJ would give an oral update on the meeting with SB when discussing Item 3 on the agenda.</p>	
<p><b>Item 3</b></p>	<p><i>Summary of discussions and consultation since last meeting</i></p> <p>PJ said that the discussion with CG had concluded that the door should be left open to incorporate proposals to remove any overlap identified between the assurance given by professional standards and audited quality standards. A mapping exercise would be carried out to identify any such areas but the key question would be the effectiveness of the monitoring regime for professional standards.</p> <p>At the meeting between PJ and KM the key issue was the likely bunching of audits just before a contract bid round. It was agreed that the SQM outsourcing bid process should ask bidders to show how they would incentivise legal providers to obtain audits early. However, LSC recognised that auditing capacity would need to be greater in the run up to the 2013 bid round to match high demand. KM accepted that the steps LSC proposed to take to address the capacity issue were reasonable.</p> <p>PJ gave an update on the meeting with SB. It was agreed that NfPs should be treated in the same way as other providers. However, SB said that NfPs needed to be given some motivation to go through the new SQM process. Unlike solicitors,</p>	

there was no scope for NfPs to offset quality assurance costs through adherence to a regulatory regime – it remained unclear how NfPs would be regulated in the future, except for those that chose to form Alternative Business Structures (ABSs).

PJ said that the door was open if the advice sector had suggestions as to how organisations could use their existing standards to permit them to be passported through parts of the SQM. SB said that she would be meeting with the Legal Services Board (LSB) the following week to discuss their attitude to NfP regulation, and would consider what other options there were for NfPs.

#### *SQM outsourcing timeline*

RM was concerned that outsourcing the SQM in 2010 would limit the SQM's capability to respond to the introduction of Alternative Business Structures from 2011. The changes to the market would mean the LSC could not define what it wanted from the contract through its lifetime. Once the audit process was finalised in a contract, only very limited changes and adjustments could be made. CG suggested that a market analysis could be useful to help create a robust system. SRA was carrying out related research and would have the results in 2010. PJ said that he expected that the SQM could be applied to most organisations without substantial changes. Additional controls, such as the supervisors' requirements that take three years to achieve, would limit the take-up of LSC contracts by ABSs in the early stages. CG also said that the LSB would publish a paper on quality assessment structure by the end of the year. RM said that because there were so many unknowns, decisions should be delayed. PJ said that plans would go ahead taking account of all that was known based on the current situation. A delay would simply reduce the time available to implement SQM outsourcing, increasing the risk of a bottleneck in audits. JW said that changes to outsourcing plans could be made till the end of May, when the contract would have to be finalised.

#### *Involving providers*

The LSC had sought the direct involvement of providers through the Provider Reference Groups (PRG) who last met in June and July. At the meetings providers were asked to give feedback on a summary of the proposed SQM changes and quality reform proposals. Their comments expressed differing views: some were supportive and others were not, with some concern expressed relating to the cost of the audits. The points raised by providers, together with LSC responses would be circulated at the next round of PRG meetings in November and further comments would be sought. SB asked where details of these meetings could be found and JW said they were available on the LSC website, see for example:

[http://www.legalservices.gov.uk/aboutus/our\\_regional\\_network/south/news\\_events\\_8122.asp?page=1](http://www.legalservices.gov.uk/aboutus/our_regional_network/south/news_events_8122.asp?page=1)

<p><b>Item 4</b></p>	<p><i>Accreditation reimbursement Proposals</i></p> <p>AM said that the LSC's current level of contribution towards providers' accreditation costs could not be sustained and asked the group for their views on how the allocation of funds could be prioritised. Expenditure on accreditation for all schemes was £0.5m in a typical year; if re-accreditation was introduced in 2010 for crime and immigration, the amount spent would more than double. AM stressed that it was difficult to give a precise projection of costs because it depended on many factors.</p> <p>The group asked how much was spent on the Training Contract Grants scheme. It was £3.6 million a year for 150 trainees. LL was of the opinion that accreditation reimbursement helped more people for a lower cost and consequently was of greater benefit to legal aid. She also felt that the expenditure on each trainee was very high. SB said that NfPs should be given a priority for reimbursements. AS suggested that priority be given to NfPs and ethnic minority (BME) providers. CS was of the opinion that with the large number of paralegals available to firms, the value of trainees was much diminished, hence the weakness of the case for expenditure on Training Contract Grants. KM felt that the Training Grants scheme was worthy of the investment it currently received. She suggested that accreditation contributions should continue for Mental Health, Children and Domestic Abuse accreditation, as these were areas of law with especially vulnerable clients. KM felt that providers sought accreditation as a kind of quality mark. She said it would be wrong to take money away from one scheme (training grants) to be used in another (accreditation). It would be better to prioritise where the money should be allocated within each scheme.</p> <p>AM asked whether it would be acceptable to re-accredit on knowledge only and not skills. LL wasn't in favour of this. SB suggested waiting longer than 3 years for re-accreditation. LL said that the Law Society was about to contact 1,700 providers that needed re-accreditation across all categories. If changes to the process were proposed, they would have to be decided quickly. PJ said that an LSC decision regarding its preferred approach to accreditation and which panels it would reimburse in future would be taken as soon as possible, but that might not be until early 2010. LL asked whether it was advisable not to proceed with re-accreditation. PR said that the LSC was committed to contribute towards accreditation costs until the 2010 contract, so there was no reason to delay.</p>	<p>AP1-LSC</p>
<p><b>Item 5</b></p>	<p><i>Enabling clients choice</i></p> <p>JW informed the group that efforts were being made to engage stakeholder participation in the development of ideas around client feedback. The aim was to interact with clients directly to identify barriers and improve how the LSC and providers delivered services. This was a new approach for the LSC.</p> <p>Consumer choice was high on the political and regulatory agenda as well as the LSC's. It was something the LSC would be challenged to look at more closely. JW said that activity would be focused around three strands:</p> <ul style="list-style-type: none"> <li>• Education of clients – e.g. leaflets</li> <li>• Research into needs – Client Narrative Pilot</li> <li>• Client feedback</li> </ul> <p><i>The Client Narrative Pilot</i></p> <p>The three-month Client Narrative Pilot had been set up to collect and assess the</p>	

	<p>public's experiences of legal services. Clients would be asked to tell their stories from start to finish, covering questions such as how easy had it been to get access to legal aid, how did they go about choosing a provider, did the outcome meet with their expectations, and so on. The pilot could be accessed in different languages and providers would be informed of this initiative. An online tool had been set up at <a href="http://www.legalserviceshaveyoursay.org.uk">www.legalserviceshaveyoursay.org.uk</a> to collect the feedback with a paper alternative also available. The group agreed to view the site and send any feedback to the LSC.</p> <p>LL asked why the LSC was spending money when funds were very tight. She felt money would be better spent on accreditation. Furthermore LL believed that clients' feedback was influenced by irrelevant factors such as the way the legal adviser spoke to them, e.g. in a brusque or pleasant manner, not by quality of advice. PR said that this research would help uncover the issues that affected people's ability and willingness to access to the justice system.</p> <p>AS thought the study would be interesting and the information could be used for training purposes. He added that to make this investigation more meaningful it should be related to other research. JW said that it would be linked to work done by the Legal Services Research Centre. PR said that the stories of immigration, mental health and domestic violence clients would give a particularly useful insight. LL felt that the remit of the pilot was too wide. GM said that in the past feedback had been obtained through SQM audits but this system had been overly bureaucratic and unsatisfactory. JW thought the SQM auditing process could be looked into as an opportunity for getting direct client feedback. LL believed that feedback would only be given as a result of very bad or very good experiences, making it unreliable. RM added that procurement decisions could not be made based on the outcome of this pilot and predicted that the cost of any rollout would escalate considerably. PR said that the cost of the Client Narrative was entirely separate from accreditation funding. JW would look into past research on access to legal aid services to check for comparable information about clients' perceptions and outlook and feedback to the group.</p> <p>JW asked for volunteers to present their views at the next QWG meeting regarding what client feedback would be most beneficial in a quality assurance context. JW said that this would be an opportunity for members to shape this work before any firm views were in place. No volunteers came forward. AS suggested that feedback should be sought as soon after the client's experience as possible because details of it would quickly be forgotten. He also said that providers knew how to manipulate clients into believing they had received a good service even when this wasn't the case. LL said that a positive and pleasant experience did not necessarily equate to a good job being done for the client.</p> <p>PR said that the SRA had plans for a gateway survey. CG said that she would take away what had been discussed at this meeting and decide what to do next so as to ensure there was no duplication between the LSC's and SRA's work.</p>	<p>AP2- All</p> <p>AP3- JW</p>
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<b>Item 6</b>	<p><i>Update on Quality Assurance for Advocates</i></p> <p>CG briefed the group on the Quality Assurance for Advocates (QAA) scheme, which arose from Lord Carter's recommendation in 2006 that a quality standard be developed initially for criminal advocates and ultimately to cover all advocate in all cases. .</p> <p>The Regulators (SRA, Bar Standards Board and Ilex Professional Standards) were working together with LSC, MoJ and the judiciary to develop common standards for advocates and would consult at the end of 2009. The LSC would publish its consultation on proposals for how it would use the scheme in February 2010.</p> <p>LL said that it had to be decided what a competent advocate was. CG said that within QAA the competency of an advocate would be evaluated in the context of the complexity of the work they were doing. RM said that the Law Society had very little training to offer to advocates and that efforts would be made to improve on what was available. CS said that numerous factors put into question the ways in which standards used to be assessed.</p>	
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<b>Item 7</b>	<p><i>AOB</i></p> <p>It was agreed that the next meeting would take place in January 2010. PR invited the group to contribute ideas for agenda items. RM requested that the agenda be circulated one month in advance to give attendees enough time to do this. LL requested that the group be kept updated regarding progress in the interval until the next meeting.</p>	AP4- GT
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<b>Summary of action points</b>			
AP1	To make clear the LSC's view on accreditation	LSC	Jan 09
AP2	Feedback to the LSC on Client Narrative Pilot link	All	Jan 09
AP3	Feedback on prior research covering access to justice issues	JW	Jan 09
AP4	Organise next meeting for January 2010.	GT	Nov 09

### **Details of next meeting**

**Date: Wednesday, 20<sup>th</sup> January**

**Time: 2.00pm - 4.00pm**

**Venue: Room 3C, Abbey Orchard Street**