

### LSC'S APPROACH TO QUALITY

#### Purpose

1. This paper outlines the LSC's current approach to quality assurance within the context of legal aid reform and the objectives of the joint LSC/Law Society quality working party.
2. The quality assurance mechanisms that we use (or plan to) are as follows:
  - Peer Review
  - Specialist Quality Mark (SQM)
  - File Assessment Quality (FAQ)
  - Quality monitoring (e.g. Quality Profiles)
  - Quality Assurance for Advocates
  - Improving Quality Initiatives
3. SRA, the Law Society, BSB and individual network bodies also monitor/assess the quality of legal services/individual technical competence through methods such as the Accreditation and quality standards such as Lexcel.
4. There are also quality standards in the Not For Profit sector such as those of Citizens Advice and Shelter.

#### What we need from quality assurance

5. We need a single integrated quality assurance (QA) framework for the profession, regulators and LSC that satisfies the objectives of the joint LSC/Law Society quality working party.
6. Our view is that, in practice this using the full range of Quality Assurance mechanisms (not just LSC tools) that meet our needs; thereby reducing instances of direct intervention currently experienced by providers and avoiding additional or duplication of controls. We want to identify and describe the minimum standards we want providers to meet and the ways they can demonstrate they have met them e.g.:
  - Compliance with a recognised quality standard
  - Evidence of provision of good quality of advice
  - Evidence of technical competence (e.g. accreditation)
  - Evidence of professional services
  - Compliance with KPI on outcomes
7. We need a quality assurance framework to include an independent direct assessment of the quality of advice. For our purposes we require a system, like Peer Review, that directly measures quality. In the short term it is difficult to envisage an alternative to peer review though we do not discount the possibility that in the future peer review could be superseded. Particularly if competence based accreditation schemes/panels such as Resolution, The Law Society Family Panel, CLAS, IAAS etc are extended across all legal aid categories **and** include an element of direct quality measurement on real client cases. This coupled with accreditation at supervisory levels (covering skills and technical legal competence) may deliver the outputs we require.

### **Accreditation**

8. Robust and objective accreditation schemes play an important role in improving and assuring quality.
9. It is our intention to utilise accreditation schemes as a requirement to deliver legal aid of a particular type or category of law. We would want to see accreditation across all legal aid categories.
10. Effective supervision is key to driving ever-improving standards of services. We would like there to be objective criteria for assessment of supervisors within each category of law for the purposes of accreditation, including how best to evidence experience and expertise in the process of supervision (as opposed to the technical skill of the supervisor). We have confirmed the views expressed here in response to SRA's consultation on accreditation earlier this year.

### **How we plan to use peer review**

11. The current roll-out of peer review is linked to the planned implementation of best value tendering. It is the current intention that all providers will receive a peer review to ensure they have attained an acceptable level of quality before being allowed to bid on price. This is the process that is currently underway for crime providers, but is, of course, subject to future consultation on BVT.
12. For civil organisations, BVT will not commence before 2013. Therefore full roll-out of Peer Review is expected to start from 2011 (allowing for the 3-year shelf-life of Peer Review). In the meantime, we will continue to use peer review as a measure of quality of advice and representation being provided to clients. We will carry out reviews on a random or targeted basis. It is envisaged that Peer Review activity will remain at fairly low levels for civil, until reviews are required for BVT purposes.

### **How we plan to use the other LSC quality tools**

13. **SQM** - All legal aid providers hold a quality management standard, currently this is the SQM, however many requirements of the SQM are also found in Lexcel. We envisage working to identify the comparability of quality standards such as Lexcel with the SQM, with a view to identifying one common standard, managed and maintained by the profession. As part of this we will look at ensuring inclusion of NfP agencies as they are doing the same work under the same contract and should be subject to the same level of standards.
14. **File Assessment Quality (FAQ)** – for low value contracts (under £50K) to be used as a gateway quality assessment for BVT. Potentially there is value in it being used by the profession as a self-assessment mechanism or as a Quality Assurance tool by the regulators. However FAQ was developed specifically for contractual purposes so may be of limited value to the profession.
15. **Quality Monitoring** – Quality Monitoring is incorporated into our remote monitoring systems, also known as Quality Profiles. These are of particular value to Relationship Managers for managing contracts. We will be reviewing the indicators and data parameters this summer.
- 16 **Quality Assurance of the Bar**- The Quality Assurance for Advocates (QAA) project is wholly outside of the review. This leaves the element relating to the Quality Mark for the Bar (QMB). We aim to develop a similar solution outlined for the SQM, i.e. work to make BARMARK match our needs. We will work in collaboration with the Bar Standards Board regarding this.

17 **Family Mediation Quality Mark (MQM)** - the main quality tool in place for Family Mediation contract holders. Any framework will consider the appropriate mechanisms to continue to assure their quality.

### **Improving quality**

18 We are committed to use the wealth of information emerging from peer review to share with the profession with a view to meeting our commitment to improving quality generally across the entire supply base. We are currently doing this with the 'Improving Quality' guides and workshops.