

Peer Review Supporting and Promoting Improvement



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Quality Assessment
of Legal Services



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Advice Services Alliance welcome

- Welcome and Introduction
- Desired outcomes for today's workshop
- Advice Services Alliance's view of Peer Review



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Legal Services Commission welcome

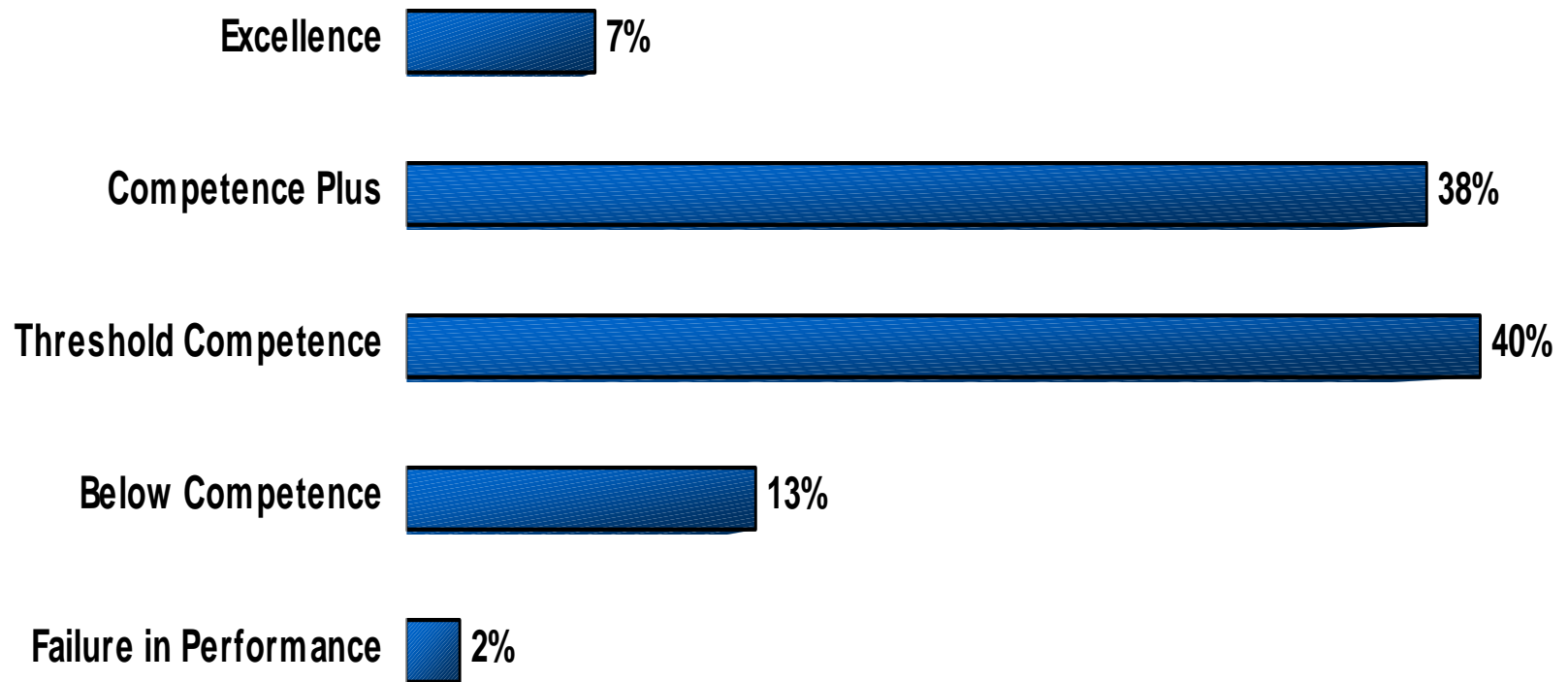
- Preferred Supplier is the future – quality of advice key
- Raising the bar on quality
- 45% of NFP Suppliers are Competence Plus or Above



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Peer Review Ratings for NFPs

All categories





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Purpose of the workshop

- Bringing Peer Review generic findings to life
- Peer reviewers recounting personal experience
- Focussed on improvement
- The difference between Competence Plus and Threshold Competence
- Desire and commitment to improve

Peer Review - A Reviewers Perspective



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Peer Review

The review –

- 15 files, randomly selected.
- Stratified file sample to cover all areas of work conducted by an organisation in that category
- At regional office
- Supplier receives the report within 28 days
- Experienced practitioners trained in peer review framework
- Practitioners who are competence plus or above
- Ongoing training of Peer Reviewers by IALS



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What do peer reviewers look for?

- Review quality of service to clients
- Considers all issues
- Assess individual files
- Form conclusion about overall quality
- Balancing act - some files good others less so
- 'Real world' perspective
- Reason for review unknown



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Peer Review Report

Peer review report focussed on improvement

- Positive Findings
- Major Areas of Concern
- Other Areas of Concern/Areas for Development
- Further Comments
- Suggested Areas for Improvement
- Overall Assessment of the Quality of the work on the files of the supplier reviewed.



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Peer Review Ratings

The ratings describe the work of the supplier, as reviewed by the peer reviewer over a sample of 15 files.

- 1 Excellence**
- 2 Competence Plus**
- 3 Threshold Competence**
- 4 Below Competence**
- 5 Failure in Performance**



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Peer Review Ratings

Ratings of 1, 2 and 3 indicate that a supplier is meeting or exceeding the requirements of Clause 3.2 of the Contract Standard Terms, whilst ratings of 4 and 5 breach this Clause.

Clause 3.2 states:

“You must perform all Contract Work and exercise your Devolved Powers in a timely manner and with all reasonable skill, care and diligence. You must perform your obligations to record and report data accurately.”



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Peer Review Ratings

- Full ratings descriptions '**Independent Peer Review - Final Process**' paper
- Following slides discuss some of the ratings indicators



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Threshold Competence (3)

Some Indicators of Threshold Competence in the standard of work include:

- Advice and work is adequate but not always extensive and may not deal with other linked issues other than the presenting issue
- Adequate but limited communication with the client
- Instructions are appropriately recorded
- Refer friend/family test



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Competence Plus (2)

Some indicators of Competence Plus in the standard of work include:

- Tailored advice and work
- Clients are advised correctly and in full
- Added value
- Proactive stance

Some big differences between (3) and (2)

- Tailored advice
- Proactive approach



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Excellence (1)

Some indicators of Excellence in the standard of work include:

- All issues progressed comprehensively, appropriately and efficiently
- Excellent use of tactics and strategies
- Fully proactive approach
- Fully individualised approach throughout the file



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Below Competence (4)

Some indicators of Below Competence include:

- Errors in law and/or procedure
- Information is not recorded or reported accurately
- Communication with the client is **sometimes** of poor quality
- Advice and other work is inadequate
- **Some** cases are not being conducted with reasonable skill, care and diligence
- Delays in progressing matters
- Lack of holistic approach



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Failure in Performance (5)

Substantially below the standard which clients are reasonably entitled to expect from a solicitor

Some Indicators of Failure in Performance include:

- Consistently incorrect advice and/or procedure
- Detrimental service to clients, or no meaningful service at all, or there is a service that leads to potential prejudice for the client
- Communication with clients is often of poor quality
- Cases in general are not being conducted with reasonable skill, care and diligence



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Peer Review Ratings

- Each firm is unlikely to have all the indicators in one ratings category
- Take other factors into account such as use of effective supervision within the department
- Emphasis on any trends and patterns identified and key findings extracted from individual files
- Not simply an average of the scores on individual files
- Representations process



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Peer Review Ratings

What makes a supplier get a Competence Plus (2) instead of a Threshold Competence (3)?

What makes a supplier get a Below Competence (4) instead of a Threshold Competence (3)?



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Employment - Assessing Quality

Example Reports

Issues

Q and A



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Peer Review Example Reports

- **Competence Plus example report**
 - Bulk of observations are in the “Positive Findings” section
 - Technical ability is only part of the picture
 - Clients are at the centre of the process
 - Good communication
 - Motivated to obtain good results
 - Limited negative issues/no major issues
 - Tone of the report is positive



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Peer Review Example Reports

- **Below Competence example report**
 - Bulk of observations are in the “Major Areas of Concern/Other Areas of Concern” section
 - Technical issues
 - Communication issues
 - Limited advice
 - Causes of action not pursued
 - Balance of the report critical



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Peer Review Recurring Issues

Below Competence

- Failure to give adequate tailored advice on the legal basis of the claim and its prospects and keep that advice updated
 - Insufficient explanation of the relevant causes of action
 - Insufficient explanation of weaknesses in the case
 - Insufficient explanation of prospects
 - Excess reliance on standard letters or standard paragraphs



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Peer Review Recurring Issues

Below Competence

- Failure to advise at an early stage and in clear terms of the date of the expiry of the Tribunal deadline
 - Persistent failure to give any advice at all
 - Advice given at a late stage
 - No specific deadline date identified
 - No advice on impact of Statutory Grievance Procedure
 - Failure to remind of deadline prior to closing file



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Peer Review Issues

Below Competence

- Omitting causes of action from advice and/or Tribunal claims
 - Failure to deal with discrimination claims
 - Failure to consider holiday pay, notice pay and unpaid wages
 - Failure to consider written particulars
 - No advice on why a particular claim is not being pursued



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Peer Review Issues

Below Competence

- Failure to give correct advice
 - Technically incorrect advice
 - Unbalanced or prematurely negative advice



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Peer Review Recurring Issues

Below Competence

- Failure to give adequate advice on the pros and cons of accepting an offer of settlement
 - Insufficient advice on the up to date position on the case
 - Insufficient advice on the up to date position on prospects
 - Insufficient advice on quantum
 - No confirmation of the advice/instructions in writing



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Peer Review Issues

Competence Plus

- Full tailored and up-to-date advice
 - Apply the law to the facts of the case
 - Straightforward language
 - Explain the legal basis of the claims
 - Advise on prospects
 - Technically correct advice
 - Advise on tribunal dates



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Peer Review Issues

Competence Plus

- All claims advised upon all claims and all viable claims pursued
 - Claims other than the presenting claim are appropriately addressed
 - The reasons/instructions for not pursuing possible claims are properly explained to the client



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Peer Review Issues

Competence Plus

- Proper advice on the pros and cons of settlement
 - Sufficient information is provided to the client to allow a properly informed decision to be made about the acceptance or rejection of an offer of settlement
 - Advice is confirmed in writing as appropriate



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Peer Review Issues

Competence Plus

- Appropriate use of procedure and tactics
 - Questionnaires
 - Further and Better Particulars
 - Written Answers
 - Disclosure
 - Witness Orders
 - Costs



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Peer Review Issues

Competence Plus

- Proactive and willing to engage with the other side
 - Approach shows a desire to “get stuck in” and try and deal with the client’s problem
 - Willingness to fight the client’s corner
 - Efforts made to develop and advance the case



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What will help you to improve your quality?

- Supervision/file review
- Standard legal and procedural advice
- Training and file allocation
- Initial instructions and advice
- Checklists



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Summary

- Peer review is about Quality
- Client at the forefront
- Independent
- Conducted by Peers



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Any questions?