

08/10/2008



Minutes of the Quality Working Group held on 17 September 2008

Present:

Avrom Sherr (Institute of Advanced Legal Studies)

Linda Lee (Law Society)

Simon Cliff (Law Society)

Rodney Warren (Law Society)

Shanta Bhavnani (ASA),

Julie Swan (SRA),

Jill Saville (LSC)

Jane Pinnell (LSC)

Karen Stevens (LSC)

Steven Dodds (LSC)

Natalie Pedley (LSC)

Stephen Jones (MoJ)

Patrick Reeve (LSC)

Minutes: Grazia Trivedi

Action

1. Apologies

Richard Miller (Law Society)
Warren Seldon (MoJ)
Karen Mackay (Resolution)
Jacqui Jackson (Resolution)
Dave Emerson (Resolution)
Jayne Elliott (LSC)
Jennifer Will (LSC)
Vanessa Bailey (LSC)
Clare Gilligan (SRA)
Wendy Hewstone (TLS)

2. Matters arising

Previous Minutes and Action Points
RW welcomed all to the meeting

Key documents distributed to all:

- Peer Review revised Process Paper
- Peer review process - List of changes
- Process paper – Key changes
- Specialist Quality Mark Update for the QWP

The previous action points were reviewed

Action Points		By Who m	When
AP1	Draft report headings to be circulated	JP	17 Sep
AP2	A list of providers' concerns about peer review	KM / RW	19 August
AP3	SQM reviewed for supervisor standards and against LEXCEL	JP	11 Sep
AP4	Find the old report on SQM	SB / RM	asap
AP5	Process to be developed to capture data on accreditation	JE/SD	

3 Peer review update

RW. On collating providers' concerns about peer review, it proved impossible to provide empirical evidence to substantiate the way providers feel about it. A large number of vague comments were received which highlighted the perceived notion amongst providers that peer review is bad. The issue should not be forced at this point.

RM, SC, JP and JS met the previous week and discussed different ideas about ways to approach the issue of gathering information about peer reviews and providing an opportunity to feed back providers' experiences.

RW suggested a questionnaire to be sent to providers who had had a peer review. JS noted that a questionnaire required a long time scale before yielding a result, in view of the fact that the QWG report is due out in October. It was the aim of the QWG to produce a report that showed the group had achieved something. RW suggested that the report should contain a historic review and that a feedback questionnaire was part of continuing plans to find ways of improving things. This would demonstrate that providers are being listened to. AS expressed some scepticism about this idea because in previous such undertakings only about 12% of providers responded. LL suggested to call providers directly though AS thought this too expensive. RW proposed that LSC provides names of peer reviewed firms and TLS would take care of the feedback. AS suggested that an independent body would be more trusted to do this type of survey. NP added that providers are unlikely to want more paperwork to do at a time when they already have much to deal with. A very simple, one page questionnaire would suffice.

It was agreed that a smaller group is formed to explore the approaches to achieving an effective feedback mechanism. It was proposed the group would include TLS, ASA, IALS and the LSC.

AP1:
TLS, ASA,
IALS, LSC

RW asked whether a correlation can be found between accreditation and peer review. LL said that accreditation refers to the performance of the individual and peer review to the performance of the firm. She believed that providers should not be burdened with more quality checks. JuliaS added that a lower peer review could be a reflection of a firm's poor environment and practice on a good fee earner. LL said that peer review was necessary when accreditation wasn't available for certain category of law such as Education and Employment. SB believed that a report should be obtained on the likely reasons why a firm gets a good peer review, such as who in the firm is accredited, the category of law, what practice model is in place.

JP proposed that a smaller group meet separately to consider how this should be taken forward. The group to include representatives from SRA, TLS, ASA, IALS and the LSC.

AP2:
SRA, TLS,
ASA, IALS,
LSC

Updated Process

TLS have specific concerns, about lack of representations against category 3 findings. The reference to representations in the footnote to paragraph, par 5.3 is inadequate and only deals with situations where there are adverse consequences for the contract. There can also be adverse non contractual consequences if e.g. results are published and, can also affect marketing ability. TLS feels that there is unfairness when not being able to make representations on a peer review score of 3.

RW voiced concern about giving firms only 14 days to produce files and asked everyone to consider giving firms a 21 days notice period instead, for next meeting. FC pointed out that the time is needed due to tight schedules. AS added that providers would not like to be asked too long in advance for files. RW added that providers resented having their files sent back late. AS said that peer review takes a long time depending on circumstances. LL said that one should look at how good intentions are mismatched and the group should work together to improve things.

AP3:
All

SD and FC to look at some of the wording in the revised process paper, particularly in relation to the 14 day deadline for providing file.

AP4:
SD, FC

AS confirmed a process was in place where fraud was identified.

SC raised the issues of confidentiality and security created by the possibility of peer reviews being carried out at the reviewer's office or home. SD said that in view of recent problems of security breaches these proposals had now been withdrawn.

4 Quality Management Systems (SQM/Lexcel)

JP circulated the document on 11 Sep. The purpose of the review is to make the document easier to read and to remove repetitions, comparable to Lexcel. JP asked if it was ok to contact the various representative bodies in order to liaise with them in this work and to retain transparency throughout. The reviewed document should be ready by November and will be linked to the consultation that is planned for January 2009.

JP would find out how many firms have the SQM but do not have a contract.

AP5:
JP

6 Matrix

JP reminded the group of the purpose of the Matrix, which is to set out clearly the assurance and assessment tools that currently look at quality in some way. This may assist the group to see how in the longer term, the development of a quality assurance/assessment system can include the use of these various tools. JP agreed to circulate a copy of the Matrix to the group again for next meeting.

AP6 JP

7 Ownership of Quality

JS said that this needed to be in the report as it was in the TOR. LL said that the profession will not take on the cost of quality assessment. LL will provide the words to appear in the report with regards to ownership of quality

AP7 LL

8 Regulation

There was some confusion as to why this item was on the agenda. TLS were not aware of any discussions and therefore had nothing to report.

9 Civil Specification for 2010

PR updated the group on the consultation paper for the 2010 contracts.

PR was asked to provide an update on the progress made by next meeting. **AP8 PR**

- 8. Date of Next Meeting**
 Wednesday, 15 October
 Time 14.00 – 16.00
 LSC’s offices at 4 Abbey Orchard Street, SW1P 2BS

Summary of actions points

	Action Points	By Whom	By When
AP1	Form a sub-group to explore the approaches to achieving an effective feedback mechanism	TLS, ASA, IALS, LSC	2 October
AP2	Set up a sub-group to look into reasons why a firm gets a good peer review	SRA, TLS, ASA, IALS, LSC	2 October
AP3	Think about whether providers should have 21 days to send files for peer review	All	2 October
AP4	Revise some of the wording in the new Peer Review process especially in relation to the 14 days notice to produce files	SD, FC	15 October
AP5	Find out how many firms have an SQM	JP	2 October
AP6	Circulate a copy of the Matrix for next meeting	JP	2 October
AP7	Provide the words to appear in the report with regards ownership of quality	LL	2 October
AP8	Update on the progress made by Civil Policy on the Civil Specification 2010	PR	ongoing