



Minutes of the Quality Working Group held on 26th June 2008

Present:

Simon Cliff (Law Society)

Rodney Warren, (Law Society)

Linda Lee (Law Society)

Clare Gilligan (SRA),

Shanta Bhavnani (ASA),

Avrom Sherr (IALS),

David Emmerson (Resolution)

Jill Saville, LSC

Jane Pinnell, LSC

Nathalie Pedley, LSC

Jayne Elliott LSC

Frances Clements (LSC)

Jennifer Will (LSC)

Action

1. Apologies

Warren Seddon (MoJ)

2. Matters arising

Previous Minutes and Action Points

SC welcomed all to the meeting.

Key documents distributed to all;

- Draft workplan
- IALS/LSC response to TLS peer review concerns
- File Sampling for peer review
- Accreditation paper
- Peer review statistics

The previous minutes were reviewed and agreed

Previous action points		Who	Cleared/ Notes
1	Amend previous minutes regarding code of conduct	JW	✓
2	Circulate summary of SRA accreditation schemes	CG	✓
3	Circulate SRA mapping of tools including code of conduct	CG	To follow
4	Amended Collaborative statement circulated to the group	JW	✓
5	LSC quality paper updated to include accreditation	JW	To follow
6	Draft definitions of professional service and professional standards for matrix	JP/JW	To follow
7	Send examples regarding the confusion of quality of advice with efficient service concerns to AS	RW	To follow
8	Circulate paper addressing TLS peer review concerns	AS/JP	✓
9	Circulate draft working plan	JP/SC	✓

10	Circulate meeting dates for agreement	JW	✓
11	Contact OISC regarding work of the group	JW	✓

Notes on previous action points

Re AP3 – SRA mapping is still underway so further information is not available at present.

Re AP5/6- These documents have now been circulated.

Re AP7- RW reported that TLS are collating information on peer review concerns for AS. This will form a discreet piece of work between AS and TLS. The group will be updated on progress at the next meeting.

Re AP10 – LL queried the meeting dates and times and asked for consideration to be given to practitioners who have to give up free earning time to attend. Evening meetings/Video Conferencing were raised as options. The dates will be reviewed to maximise attendance. NP added that she was looking at scheduling the different working groups on the same day. Consideration could be given to making the meetings later eg. 4:30pm and the use of video conferencing facilities

3. Work plan

JW outlined the main areas of the workplan and key dates.

RW suggested that for positive presentational reasons that it be emphasised that following the publication of the December 08 report there will be a 2 week break for the Christmas Holidays followed by a 6 week consultation period on the findings.

CG requested clarification of whether the 'Deliverables' sought is quality assurance rather quality assessment although the former may naturally include the latter.

SB queried the dates regarding agreeing the internal agreement on quality framework as ASA will need to consult with their membership. This concern was also echoed by TLS and SRA.

NP raised the issue about outputs from the group that would need to be included in the 2009 consultation on the new LSC contract. SB said that the group should be realistic about what was achievable by 2010 as there was no point including things in the consultation that would not be available. For example, it will not be possible for all providers to achieve Lexcel by 2010.

It was suggested by RW that the work strand regarding the handover of quality assurance was put on hold until the early autumn due to the complexity of the desired outcome and ongoing discussions between SRA and TLS. It was agreed that an update on progress of discussions would be a standing agenda item.

JS said that when work plan is approved that the agendas for future meetings be mapped against it. The workplan will be reviewed and the comments of the group reflected. LL asked that the format of the

plan was made more readable. JP confirmed that we would be improving the document with visuals such as a Gantt chart.

4. Peer Review

4.1 Response to TLS concerns on peer review

JP asked if there were any queries regarding the peer review paper.

RW reported that there were still one or 2 specific issues to be looked at which would be progressed outside the meeting between AS and TLS. One such concern was that the collegiate nature of peer reviewers could have the effect of ramping up standards. AS agreed that he would add a response to this to the paper. RW and AS will update at the next meeting the progress of discussions. AP4 and 5.

JS said that the TOR asked the group to review the peer review process to ensure the professions confidence in it. The papers produced have started to address this. As an output to these discussions should the group be aiming to put together a paper that explores the issues, highlights agreements and reached conclusions regarding peer review?

RW stated that this work was to ensure that quality measures including peer review are thought by the profession to be worthwhile and appropriate. RW agreed that the issues of principle had been dealt with in the paper and that the work with AS will be to look at specific areas. At the conclusion of this work an overall view would be possible.

LL queried the appropriateness of the way peer reviewers saw their role and was concerned that standard setting was being conducted by a relatively small number of people. Peer Review should be to monitor compliance with the LSC contract not to bring up the level of quality.

AS stated that peer reviewers saw their role as raising quality which was a positive thing for the profession, as they are not looking to remove people from the system. DE added that from a firm's perspective the peer review reports were beneficial as it can help to identify where improvements can be made.

LL also expressed concern that there is still confusion about where the cut off for passing or failing peer review lies. JP confirmed that providers are required to obtain a peer review rating of Threshold Competence (3) or above to satisfy the quality requirements for entry to BVT.

SB queried whether peer review would identify cherry picking of cases. AS confirmed that peer review wouldn't do this. JS added that there is a KPI that identifies this issue.

4.2 Peer Review Statistics

FC explained the peer review statistics, which outline confirmed peer review results and the activity of peer reviewers over the last 12 months. The results indicate a headline declining number of Below Competence (4) and Failure in Performance (5). FC added that it would be useful for the group to see the movement of ratings as a

result of the representations process and will provide it for the next meeting.

AS also provided IALS statistics, which developed the picture further. He stated that the statistics should be looked at with care and required an understanding of the reasons for the peer reviews, which may skew the profile. FC added that peer reviews over the last year have been targeted in particular areas such as BVT crime and VHCC.

AS highlighted that benchmarking activity was necessary to create a clear picture of the levels of quality in a category. SB added that there is a particular need for benchmarking in small categories such as community care given the LSC's direction with Social Welfare Law bundles. FC stated that the civil plan for this financial year is to maintain the panels.

LL queried the differences between categories with regard to the spread of results and the consistency between panels. AS stated that the reasons for differences could be due to bias in the sample created by differing levels of activity in certain areas of law and the reasons for the review. This is why benchmarking is important as it helps give a clear picture. AS to look at consistency between the categories of law.

JE offered the group the opportunity to visit the peer review team to clarify any other questions regarding the operation of peer review.

4.3 Peer Review File Sampling Paper

RW asked if the process was similar to CCA. JP clarified that it was more specific and looked at a stratified file sample.

RW asked whether practitioners have ever challenged the sample after the peer review result. FC stated that to her knowledge there had been no challenges. JP added that providers are asked at the outset if they believe the sample is representative and they can also challenge the representativeness of the file sample during the representations. If there are concerns a new sample can be generated.

5. Peer Review Update

It was agreed that this item be moved to the agenda at the next meeting

6. KPI

KPI's are not in the working groups remit however Karen Stevens from the contracting team will attend future meetings in order to capture any links between the group and KPI's.

NP stated that KPI's in the current contract would not change as a result of the unified contract agreement. LL queried whether if both TLS and LSC agreed changes could be made to the contract e.g. KPI's. NP will clarify the unified contract judgement on this point.

7. Date of Next Meeting

24th July 2008

2 - 4 pm