

Specialist Quality Mark – FAQs

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Changes

1. My firm holds the Quality Mark (SQM and/or MQM) and intends to continue to do so. Do we need to do anything as a result of the 2010 changes to the standards?

The revisions to the standards are quite minor. We have reviewed and updated the SQM and MQM standards to make them more generic and reflect changes in terminology and law. Requirements that are specific to legal aid work have been moved into LSC contracts (e.g. supervisor requirements), to enable the standards to be more easily applicable to non legal aid work.

The most significant change is the revision to the Equality and Diversity requirements, and providers should review their processes to ensure they remain compliant. Providers should familiarise themselves with the updated documents to understand:

- the changes made and what they mean for them
- where requirements have been transferred to the contract

All providers working under the 2010 contract who rely on either the SQM or the MQM as their quality standard must be fully compliant with the new version.

2. Why have changes been made?

The standards were last revised in 2006 and do require periodic updates. We agreed with representative bodies (as part of the Quality Working Group) that we would in future accept Lexcel as an alternative to the SQM, which necessitated some significant revisions. It was important to co-ordinate changes to the standards with the launch of new contracts in 2010 in order to:

- align them with the LSC contract from 2010
- allow us to accept Lexcel as an alternative to the SQM for 2010 onwards
- step towards outsourcing the SQM
- align common requirements between the SQM and the MQM ensuring consistent standards for all LSC contract holders

3. Who were these changes discussed with?

The changes to the SQM were discussed with the Quality Working Group, which included representatives from the Law Society, Advice Services Alliance, Resolution and the Solicitors Regulation Authority. Changes to the MQM were discussed with the Family Mediation Council.

4. My firm does both legal aid and private work. Does the Quality Mark (either SQM or MQM) cover all of the firm or just the legal aid departments and/or offices?

The SQM and MQM now cover the whole firm in respect of its legal aid work rather than individual offices. When purchasing an outsourced SQM audit, firms can choose to have their entire practice (legal aid and private work) covered by the SQM.

5. My firm holds the SQM in housing, welfare benefits and debt. How do the changes affect me?

Providers now no longer hold an SQM in a category of law. The SQM will provide assurance regarding the overall processes and procedures in place at a provider. Category specific requirements relating to Housing, Welfare Benefits and Debt are instead contained in the 2010 standard contract.

6. Do the changes make the standards more difficult to achieve and/or maintain?

The changes do not raise or lower the standards set by the Quality Mark. We are confident that the level the standards are pitched at is appropriate, and provides effective quality assurance.

7. If we open a new office in another procurement area and obtain an allocation of matter starts in that area from 2010

- 1. Do we need to take any steps to obtain the SQM for that branch office?**
- 2. Do we need to be successfully audited as a firm during the period 2010-2013, and that audit would apply to the firm as a whole - including the branch office?**
- 3. Do we need to be re-audited in the SQM to be able to bid for contracts from 2010?**

Within a firm a single, generic SQM accreditation will cover all offices that previously individually held the standard in various categories of law.

The new branch office will have to undergo an audit for the SQM to ensure that it is compliant with the standard as it has not held it in the past.

The firm as a whole will need to be audited against the SQM standard in order to obtain a future LSC contract and this audit will apply to the whole firm including the branch offices.

Providers wishing to obtain future LSC contracts will need to evidence that they have an audited quality standard, either the SQM or Lexcel.

8. Does the SQM checklist need to be submitted with the office manual when tendering for a contract?

The only mandatory item you must provide with your application is your office manual. You may submit your QM1 and any other items relating to the SQM at the same time, but these are not mandatory and your application would not be prejudiced if you chose not to do so.

9. From 2010 will the SQM be applicable to the whole office including branches and in all categories?

From 2010 the SQM will no longer be category specific and within a firm a single, generic SQM will cover all offices that previously individually held the standard in various categories of law.

Should new branch offices be opened, or if an existing office didn't previously hold the SQM, this office will need to be audited against the standard in order to be allowed to do work under the contract.

Choice of Quality Standards

10. My firm holds the SQM and Lexcel. Which do I need for my LSC contract?

Providers must hold a Quality Standard for the purposes of their LSC 2010 contract. This can be either the SQM or Lexcel.

11. My firm currently holds the SQM. Can I withdraw from the SQM and obtain Lexcel instead?

Under the 2010 contract, you must maintain the standard that you declared that you held when you submitted your tender.

12. My firm holds the MQM and the SQM. Do I need to continue to have both?

Yes. There are significant differences between the two standards, which mean that we cannot allow one standard to be substituted for the other. However where there are identical requirements (e.g. D1.3) one policy would satisfy both standards.

Supervisors standards

13. Where are the category specific supervisors' legal competence standards now if they are not in the SQM? Do we still need to meet them?

The supervisor legal competence standards now form part of the contract specification. All providers will be required to have supervisors that meet the relevant standards for the categories of law they conduct under the LSC contract.

14. Have the category specific supervisor legal competence standards changed? If so, when will we see the changed standards?

The supervisor legal competence standards have been reviewed and changes made for 2010 to:

- Ensure case types required reflect current legislation, contract requirements and the work practitioners are likely to conduct.
- Reflect the services that the LSC want to buy

No changes have been to the case involvement requirements (typically 350 hours). The updated standards were published as part of the contract for 2010 in advance of the tendering process and can be found in the contract Specification.

15 Where can the Word version of the Civil Supervisors Standard Application/ Declaration forms be obtained from?

Supervisors' forms can be found on the LSC website on the tendering page:

<http://www.legalservices.gov.uk/civil/8758.asp>

16. I have been asked to be an SQM supervisor for my firm. What are the requirements?

Supervisor standards are now contract requirements, rather than SQM requirements. To become a supervisor you must meet the requirements of the 2010 contract, in particular section 2 outlined in the document titled: Specification 2010 Part A- 15 Feb 10.

Specification Crime Isc>CDS>Crime Contracts>2010 Standard Crime Contract>Specification
Specification Civil: Isc>CLS>Civil Contracts>2010 Standard Civil Contract>Specification

17. The Supervisor Housing Standard and Declaration Form states the following:

ii) a) "Representation (at appeals tribunal, review boards or at court) – 3 examples in Possession cases and 1 example in Housing Benefit case or 1 example of a Homelessness or Housing Disrepair case."

Please confirm whether the instruction of Counsel would suffice, where a detailed brief is provided to Counsel with substantive analysis being undertaken and demonstrated.

No. Where we ask for representation, we are actually asking for experience of giving representation at the court or tribunal.

SQM Certificates

18. Can I have a replacement SQM certificate as ours shows an old address?

We do not issue SQM certificates because holding a contract with the LSC is proof that the provider meets the standard. The [SQM Delivery Partnership](#) will issue certificates to those organizations that obtain the standard following an audit after 15 February 2011

Logos

19. I am a contract holder, but I rely on Lexcel as my quality standard. Can I display the CLS Logo?

Any provider that holds a 2010 Standard Contract may display the CLS or CDS logo as appropriate to the work they conduct, whichever standard they rely on. Non-contracted SQM holders may also display the CLS logo.

Doing contract work

20. The Unified Contract gave civil providers certain rights or powers if they held the SQM or had a Supervisor in the relevant category of law. Having a Supervisor and the Full SQM, gave the devolved power (subject to guidance) to grant, refuse or amend an emergency certificate in the category (Specification, 4.5). Having a Supervisor and passing at least a prelim audit for the SQM conferred the right to apply for a certificate in Exclusive categories of law. How does this work now that the SQM is not category specific?

From 2010, the position is simplified. Any provider that has a Schedule Authorisation in a particular civil category has all of the rights and powers that used to flow from holding the SQM and/or having a Supervisor in the category.