

Specialist Quality Mark for 2010

Purpose

1. This paper provides a summary of changes made to the SQM to take effect from the start of all LSC contracts issued from 2010.
2. These changes have been discussed with the Quality Working Group.
3. A table of all changes made can be found on page 4 (Annex A).

Introduction

4. The SQM has been reviewed to make it more generic, with critical (legal aid specific requirements) such as the supervisor standards placed into the contract. The transferred requirements have been subject to discussion as part of the consultation on the contract standard terms. The standard has also been updated to reflect changes in terminology and law.
5. The changes have not resulted in the raising or lowering of the standards set by the SQM. We are confident that the level the standard is pitched at is appropriate, and provides effective quality assurance.
6. These changes make the SQM more comparable with external quality management standards (such as Lexcel), whilst ensuring that the LSC retain adequate assurance that providers are fully delivering a quality service to the client. This will allow the LSC to accept appropriate alternative quality standard for legal services providers as a precondition for obtaining an LSC contract.
7. The LSC made a commitment as part of the Quality Working Group to '*work to introduce Lexcel as an optional quality assurance standard as soon as practicable and at the latest by 2013*', making these changes will allow us to implement this sooner than originally intended. We therefore propose to allow Lexcel as an alternative quality standard for 2010 contracts.

Changes to the SQM

8. The headline changes to the content of the standard are:
 - SQM made more generic and less specific to legal aid
 - Like contracts, the SQM will be awarded to a firm, not an office
 - A new E&D standard has been included to reflect developments in this field
9. The following sections of this paper outline the changes and the rationale behind them. The tables in **Annex A** show all changes.

Generic standard for legal advice

10. In order to accept alternative quality standards for the purpose of LSC contracts the SQM needed to become a more generic and less legal aid specific standard. This has been achieved by removing:

- Category specific elements e.g. supervisors standards
 - LSC terminology or references, where appropriate
 - Certain requirements that are already replicated in the LSC contract
11. The category specific supervisors standards are an effective quality assurance tool to ensure that all legal aid supervisors are competent to undertake this critical role. However, they are not suited to a generic quality standard.
 12. As a reflection of the importance of the role they play they will now form part of all legal aid contracts from 2010 onwards and will no longer be retained in the SQM.
 13. Since supervision is an essential part of any organisational standard it will continue to be an integral component of the SQM. The SQM supervision requirements relating to the process of supervision and generic skills will be retained in the standard.
 14. In advance of this change the supervisors 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
 15. No changes have been made to the volume of case involvement requirements. The updated standards will form part of the LSC Contract Specification.
 16. The SQM (or other quality standard if applicable e.g. Lexcel) is a minimum standard. LSC's contracts may introduce a higher standard of obligations than the SQM within similar subject areas - e.g. Equalities and Diversity, and Supervision requirements.

Award of the SQM

17. Historically the SQM has been awarded on an office-by-office basis in line with the LSC contract. In April 2007 the LSC Contract moved contracting from an office basis to a firm wide one. The award of the SQM will also adopt this approach thereby bringing the process in line with the way we contract from 2010 onwards.
18. This change will reduce bureaucracy for providers, as they will only be required to have one set of policies and procedures for the whole of their organisation, which can be assessed by way of one audit.
19. The SQM will now provide assurance only regarding the processes and procedures in place at a provider. Providers will no longer hold an SQM in a category of law.
20. It will be the responsibility of providers to ensure that all their offices delivering legal aid understand and comply with the requirements of the SQM and that they nominate an office to store central records and have a process for sharing this information.
21. If an organisation fails their SQM audit this may result in the LSC removing the SQM from the entire organisation. However, the LSC will continue to act

reasonably and proportionately in deciding when corrective action should be addressed.

22. For the purposes of any LSC contract, a provider awarded a contract on the basis of holding the SQM (or any other quality standard), must continue to hold it for the duration of the contract. If an organisation has their SQM (or any other quality standard) removed this may result in the termination of the contract.
23. Category specific issues (e.g. to do with supervision) will be tackled under the contract standard terms, schedule and specification, and failure to meet these contract requirements may entitle the LSC to take sanctions in respect of that category of law.

Equalities and Diversity

24. The section regarding non-discrimination regarding staff has been replaced with an Equalities and Diversity Policy which sets out requirements that are tailored to the size of the organisation.
25. This change takes into account development in legislation and reflects the likely requirements of public sector funders. For example, the new section D1.3 outlines a system that will enable LSC providers to meet their contractual requirements.
26. The requirements in the LSC contract and now the SQM reflect the LSC's own statutory obligations and also demonstrate our commitment to Equalities and Diversity.

Timing of Changes

27. The new version of the SQM will take effect from the start of LSC contracts in 2010.

Changes to SQM requirements

The tables below outline the sections of the SQM where changes have been made. If a requirement is not listed, no change has been made to the content of that section.

Section	Action	Comments
Foreword and Introduction sections	Updated	
Annex A: Supervisor Standards and Self-declaration Forms.	Removed	Located in contract and will be accessible as a document on the contract pages of the LSC website
Annex B:	Updated Renumbered to Annex A Case classifications removed	
Annex C – Specialist Quality Mark categories	Removed – Categories no longer relevant to the SQM	Category definitions are in the Contract and LSC manual
Annex D	Renumbered – Annex B	
Appendix 2 QM agreement	Updated Removed mention of LSC contract	
Section 16 LSC Regional Offices	Removed	Available on the LSC website.

Requirement Reference	Requirement Description	Action	Reason
A2.1	Providing Service Information	Amended to make less LSC specific	
A2.2	Logo Guidance on Advertising and Promotion	Removed	Covered by the Standard Terms of the LSC contract,
B1.2	A procedure for conducting signposting and referral	Updated	Ref to directory and made less contract specific
B1.3	Maintaining and reviewing referral records and data	Updated	Ref to directory and made less contract specific
B1.4	Ensuring that supplier information is up to date	Updated	Made more generic with regard to CDS caseworkers
C1.3	Organisational standards	Removed	Covered by the Standard Terms of the LSC contract, Not integral to a quality management standard.
C1.4	Status Enquiries	Removed	Covered by the Standard Terms of the LSC contract Not integral to a quality management standard.
C1.5	Independence	Updated	Renumbered to C1.3
C2.2	Financial processes	Updated	Removed mention of LSC funding
C2.5	Professional indemnity insurance	Removed	Covered by the Standard Terms of the LSC contract Not integral to a quality management standard.
D1.3	Key responsibilities in the selection, treatment	Updated	Updated to include Equalities and Diversity standard

Requirement Reference	Requirement Description	Action	Reason
	and behaviour of staff		Added to cover our statutory obligations, reflect contract and demonstrate our commitment to E&D
D3.1	Named category supervisor	Updated Added to LSC contract specification	No longer refers to QM categories now refers to category of law
D3.2	Supervisors' legal competence	Removed Added to LSC contract specification	Category specific requirements removed from SQM
D3.3	Supervisory skills	Updated Added to LSC contract	Renumbered D3.2 Renamed Supervisory skills and Competence Line added: Each supervisor must have appropriate experience of the category supervised Category specific requirements removed
D3.4	Supervisors' legal training	Added to LSC contract	Renumbered D3.3 Remain integral to a quality management standard, but want to be able to enforce through the contract
D3.5	Conditions for Supervision	Added to LSC contract	Renumbered D3.4 Remain integral to a quality management standard, but want to be able to enforce through the contract
D4.1	Case allocation	Added to LSC contract	Remain integral to a quality management standard, but want to be able to enforce through the contract
D4.2	Systems of supervision	Added to LSC contract	
D4.3	Limits of individual competence and referral	Added to LSC contract	
D4.4	Access to reference materials	Updated	Removed ref to annex A
D5.1	Training requirements for casework staff	Updated	Removed ref to LAFQAS

Requirement Reference	Requirement Description	Action	Reason
D5.2	Legal qualification or minimum hours	Updated	Removed specific mention of LSC contract requirements for Imm Accred. Update annex ref to Annex A (following removal of Annex A)
E1.1	File list	Updated	Removed ref to LSC
E2.1	File review processes and procedures	Updated Added to LSC contract	Removed ref to annex A – sup standards Removed ref to tolerance and LSC contract
E2.3	File reviewers	Added to LSC contract	Remain integral to a quality management standard, but want to be able to enforce through the contract
E2.4	Review (and any corrective action) is evident on file	Added to LSC contract	
F1.1	Recording and offering confirmation of basic information	Updated	Removed LSC reference
F2.1	Complex case plans	Updated	Reordered bullet points to put LSC situations last
F2.3	Updating costs information	Added to LSC contract	Remain integral to a quality management standard, but want to be able to enforce through the contract
F2.4	Legal aid eligibility	Removed	Covered in the Contract Spec
F2.5	Responsibility for the client's case	Updated	Renumbered F2.4
F4.1	A confidentiality procedure	Updated	Updated to include ref to client consent for non LSC contract holders
F5.1	Non-discrimination when instructing suppliers	Updated	To reflect change to D1.3

Requirement Reference	Requirement Description	Action	Reason
F5.3	Evaluation of suppliers	Updated	Deleted ref to CDS at start of definition Removed last bullet point
F5.5	Content of instructions	Updated	Deleted ref to CDS at start of definition
G2.1	Client feedback procedure	Updated	Removed last line re client feedback software
G3.1	Appointing a quality representative	Updated	Altered to require 1 quality rep for whole organisation in line with move from office to firm award
G4.1	Having a quality manual	Updated	Removed ref to LSC forms