

CRIMINAL QUALITY ASSURANCE

Tom Murray

Director of Legal Services and Applications

Kingsley Thomas

Manager of Criminal Legal Assistance

The Scottish Legal Aid Board

Legal Aid Conference 8 November 2008

Criminal Quality Assurance Scheme

- Implementation
- Criminal QA Committee
- Peer review process
- Peer review criteria
- The next steps
- Timescales

Implementation

- **Part IVa of Legal Aid (Scotland) Act 1986**
- **Part of existing compliance regime**
- **Compliance with Code of Conduct**
- **Improving standards of advice and representation**
- **Assistance to solicitors**

Criminal QA Committee (1)

- **Similar to Civil QA Committee**
- **Committee of SLAB**
- **9 members**
 - **3 SLAB**
 - **3 Lay**
 - **3 Law Society**

Criminal QA Committee (2)

- **Convener – legally qualified Board member**
- **50% members legally qualified**
- **Recruit, interview and appoint peer reviewers**
- **Consider peer review reports**

Peer Review Process (1)

- Routine review
- Three year cycle
- Off site review of files
- Compliance records updated on outcome

Peer Review Process (2)

- **Extended review**
- **Carried out at solicitors' premises**
- **Opportunity to make representations**
- **Link to compliance record**

Peer Review Process (3)

- **Final review**
- **Carried out on site**
- **At least 2 reviewers**
- **Report to QA Committee & Board**
- **De registration**
- **Appeal to Court of Session**

Peer Review Process (4)

- **Special review**
- **Instructed by QA Committee**
- **Carried out on site**

Peer Review Criteria (1)

- Joint Working Group with Law Society
- File review system
- Review quality of work for client, not to ensure that file is well maintained
- Based on evidence contained in case file
- Review against set criteria
- Based on PDSO reviews

Peer Review Criteria (2)

- Marking Scale
 - **Below requirements**
 - **Meets requirements**
 - **Exceeds requirements**
 - **Cannot assess/not enough info**
 - **Not applicable**
- File Score (1 – 5)
- Reasonable Competence

Peer Review Criteria (3)

- Summary Criminal
- Solemn Criminal
- Criminal Appeals

Summary Review Criteria

- Initial interview
- Application for bail
- Preliminary pleas
- Guilty pleas
- Not guilty pleas
- Crown disclosure
- Pre trial/Intermediate diets
- Trial preparation
- Outcomes
- Legal Aid
- Overall mark

Solemn Review Criteria

- Initial meetings
- Application for bail
- Preparation
- Crown disclosure
- Post service of indictment
- Pre trial
- Preparation/conduct of trial/Section 76 indictment
- Outcomes
- Legal Aid
- Overall score

Criminal Appeals Criteria

- Taking instructions on appeal
- Preparation and drafting
- Interim Liberation
- Leave to Appeal
- Sift process
- Preparation/conduct of appeal
- Appeal outcome
- Legal Aid
- Overall score

The Next Steps

- QA Committee now appointed including Lay members
- Agree final criteria
- Pilot criteria
- Advertise/recruit/train Peer Reviewers
- Review criteria with reviewers
- Commence reviews

Timescales

- Criminal QA Committee – First meeting
Nov 2008
- Advertising for Peer Reviewers – Nov 08
- Appoint Peer reviewers – Dec 08
- Train Peer reviewers – Jan/Mar 09
- Commence reviews – Mar/April 09

Criminal Quality Assurance Scheme

Any questions?