



Ministry of
JUSTICE

Legal aid lawyers' services:

Ensuring the quality of legal aid lawyers' services conform to international principles concerning the role of lawyers

Hugh Barrett

Director of Legal Aid Commissioning and Strategy



Legal Aid
Agency

The justice system- an overview



The justice system in England and Wales is an **adversarial system**- each side is responsible for putting forward their own case; collecting evidence, interviewing witnesses and retaining experts. Juries and Judges make decisions based on the evidence.

The parties in the justice system include:

Government Departments



The prosecutors (the Crown Prosecution Service)



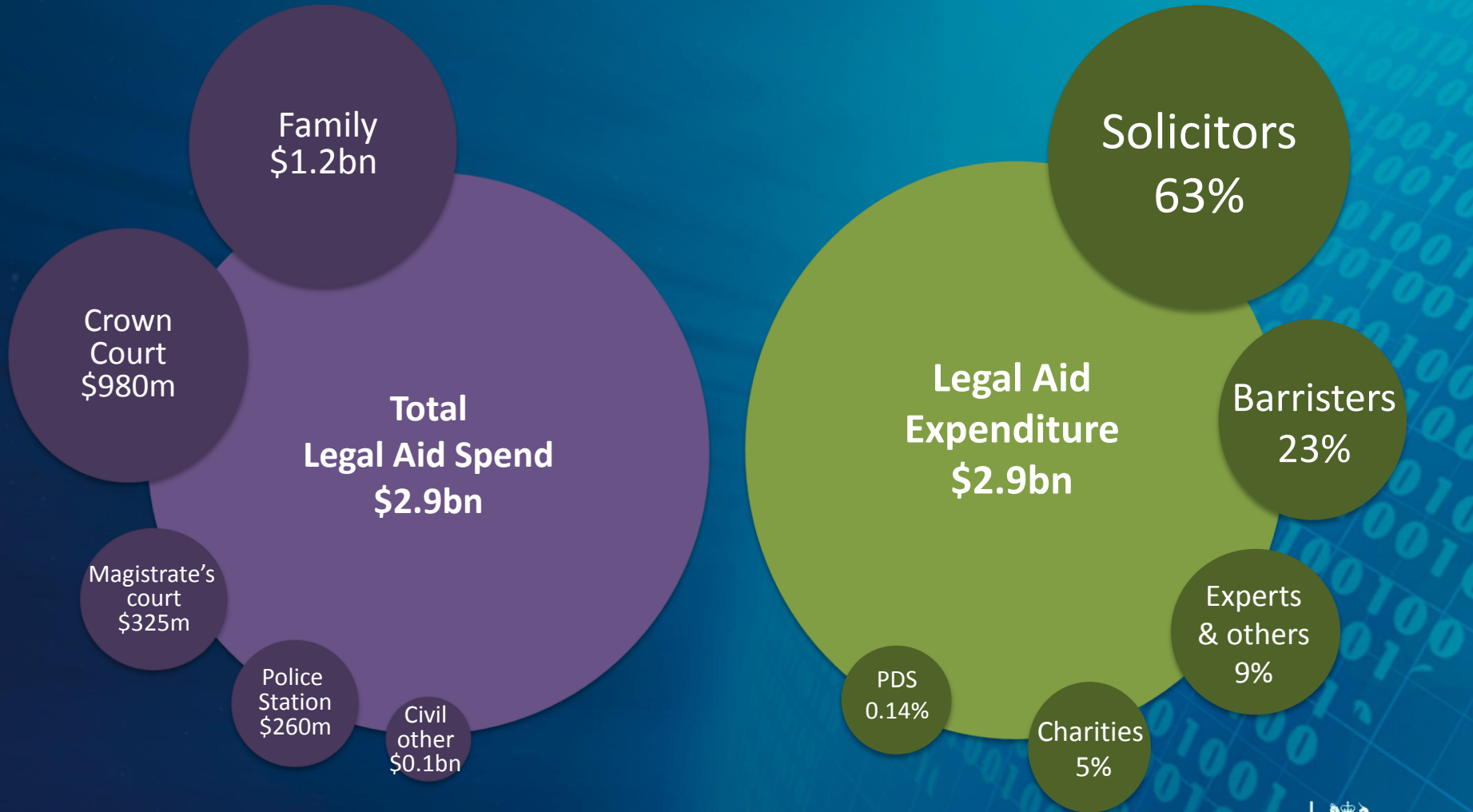
Public Authorities



Clients



The majority of Legal Aid cases are undertaken by the private market



Legal aid is 7% of the overall legal services market which is valued at \$48bn.

Private practices firms



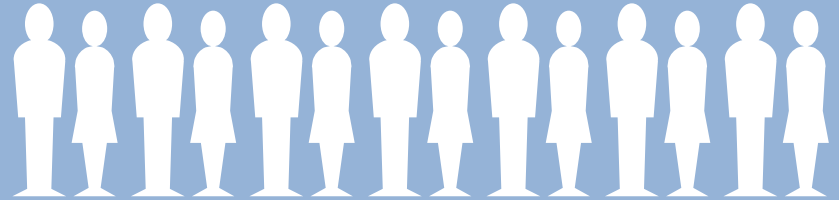
10,102

Private practice firms
registered in England & Wales



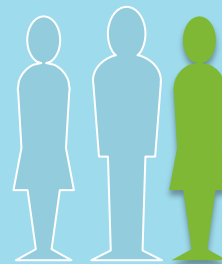
1 in 3 do some legal aid work

Barristers



12,674

self employed barristers
in England & Wales



1 in 3 do criminal law work

How does the LAA select reliable and quality legal aid lawyers?



Legal Aid Agency

The LAA advertises contracts for tender

- Applicants are invited to apply online



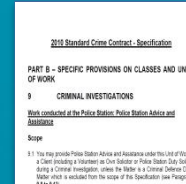
Applicants tender for a contract

- Applicants apply for a contract



Contract Award

- Successful applicants that meet the criteria are awarded a contract



Summary of current contracts

- We currently have 2938 contract holders
- Contracts last for 3-5 years
- The average contract value is [?]

Barristers are selected by solicitors

Legal aid contracts are awarded on quality not price



How does the LAA effectively monitor legal aid lawyers services? Contract Management

Key Performance Indicators



Measures providers performance and allows contract managers to identify areas of concern e.g. proportion of successful outcomes in civil cases

Auditing



Control mechanism to check providers files for consistency and ensure contract compliance e.g. ensure contract holders hold recognised quality marks.

Peer review



Independent lawyers review the quality of advice provided by legal aid lawyers.

Quality Assurance- Peer Review



Peer review is an independent quality assessment tool – it was developed by the Institute of Advanced Legal Studies

Peer review is undertaken either on the basis of a random sample or on a targeted basis.



Peer reviewers are experienced legal aid practitioners.

They assess a random sample of a providers case files using a standard criteria and ratings system



Peer reviewers award ratings based on the quality of advice and legal work.

The quality of advice is assessed on a 1-5 rating with 1 being excellent and 5 being failure in performance



If a provider receives a 4 or 5 a further review will be conducted if the rating is not improved- this could have an impact on the contract

Quality Controls

	Family		Crime		Other Civil	
	Solicitors	Barristers	Solicitors	Barristers	Solicitors	Barristers
Supervisor Standards	✓	✗	✓	✗	✓	✗
Recognised Quality Standards	✓	✗	✓	✗	✓	✗
Peer Review	✓	✗	✓	✗	✓	✗

Quality Assurance Scheme for Advocates (QASA)



Since 2010 it has been led by the regulators – Bar Standards Board, Solicitors Regulation Authority and CILEX Professional Standards.

Legal Services Board provides oversight.



First scheme designed to systematically assure the quality of advocates appearing in criminal courts in England and Wales. Judges will complete evaluations and will be able to raise any concerns about the quality of an advocate with the relevant regulator.



Advocates will be accredited at levels 1-4 via judicial assessment. Advocates at level 1 can undertake magistrates court cases and advocates at level 4 can undertake the most serious Crown Court cases.

Providers promote themselves based on quality and reputation

Client Choice and quality

- Clients are able to select which legal aid lawyer they would like to represent them.
- Solicitors promote themselves based on quality and reputation
- We do not pay more for quality service but a solicitor who provides a high quality service is more likely to get a contract and likely to get more clients.



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