

Summary and Introduction

1. The Access to Justice Act 1999 introduced the Community Legal Service (CLS) and the Criminal Defence Service (CDS). The Quality Mark (QM) is the name given to the quality assurance standards underpinning the quality of work undertaken by all organisations of the CLS and CDS entitled to display the CLS and CDS logos.
2. This document outlines the quality requirements for Quality Mark for the Bar. Development of the Quality Mark for the Bar was undertaken by a working group including representatives from: the Lord Chancellor's Department, the LSC, the Bar Council, the Crown Prosecution Service, Chambers' and Barristers' representatives, and other providers and stakeholders in the field. The working group, established in May 2000, considered the Bar Council's Code of Conduct, BARMARK and the Specialist Quality Mark, and subsequently the group visited several chambers in order to ensure that the standard was appropriate for the profession. In common with the development process for all Quality Mark standards, the LSC's objective has been to work in partnership with the Bar to ensure that the final standard commands wide support amongst the profession and its clients. Following the consultation the group was extended to include representation from the Institute of Barristers Clerks and the Legal Practice Management Association.

Format

3. There are six sections in this document covering:
 - The Legal Services Commission
 - The Quality Mark and an overview of the Quality Framework
 - The Application Process
 - The Audit Process
 - The Quality Mark for the Bar and Guidance to the Requirements
 - Representation
4. The Quality Mark for the Bar has been structured to make a clear distinction between Requirements, Definitions and Guidance:
 - Requirements – These are the mandatory requirements which Chambers must meet in order to be granted a Quality Mark, or for an existing Quality Mark to continue.
 - Definitions– These define and expand on the requirements and are mandatory.
 - Guidance – For each process, procedure or activity, background information and further explanation together with suggested solutions and cover some of the methods employed by auditors to find evidence.
5. Any Chambers applying for the Quality Mark for the Bar will need to meet the requirements and definitions set out in this document in section 5.

6. The guidance has been created to provide further detailed explanation, suggest ways in which the requirements can be met (but other ways of achieving the requirements will be accepted at audit), and generally provides information about how auditors seek evidence of compliance with the requirements (auditor guidance). Again, how auditors seek evidence should not be taken as a substitute for the requirements themselves. The information is provided simply to increase general understanding of the Quality Mark for the Bar as a whole.

Implementation

7. The implementation process will take place as follows:
 - Applications will be accepted from a date to be agreed. Audits will be scheduled to begin within two months of receipt of satisfactory applications. Please refer to section 3, “The Application Process” and section 4, “The Auditing Process”.
 - Those holding the Bar Council Quality Standard, BARMARK, will automatically be passported into the Quality Mark for the Bar, upon undertaking to meet the additional requirements within 12 months of the application.

Audit

8. A central feature of the Quality Mark family of standards is that they are all audited by the LSC. The Quality Mark for the Bar will become one of this family of standards and will be audited by the LSC. The auditing process will mirror that which is already in place for the Specialist Quality Mark. Details of the auditing process can be found in section 4 of this standard.

Reviews and Appeals

9. A review and appeal process is to be agreed with the Bar Council and will be available from the LSC upon request. Key elements are :
 - The appeal body to comprise of one representative from the LSC and a nominee from the Bar
 - In the event of lack of unanimity the matter to be referred to a second appeal body comprising one representative from the LSC, a nominee from the Bar and a representative from the organisation auditing BARMARK, currently British Standards Institute
 - In the event of lack of unanimity at the second hearing the matter to be decided by majority

Certification

10. Certification to any one of the family of Quality Mark allows the organisation to display the CLS logo. The CLS is a government initiative introduced in April 2000 under the Access to Justice Act (1999). Further details can be found in section 1.

Ongoing Developments

11. The Quality Mark for the Bar is primarily a management standard for Chambers, which seeks to set an acceptable level of service but does not test the quality of advice. A steering group comprising representatives of the Bar Council, the Crown Prosecution Service, the Lord Chancellor's Department and the LSC, the Institute of Barristers Clerks and the Legal Practice Management Association, together with Chambers' representatives, will oversee the ongoing development process.
12. The LSC supports the inclusion of the CPS in the steering group and recognises their contribution, but also recognises concerns raised by the Bar that the inclusion of the CPS may have an impact on criminal defence work. The LSC views it as perfectly reasonable to incorporate standards required by clients where these are known particularly when the client is a major funder and a public body. However the LSC positively supports the assertion that there is a distinction between the CPS and the LSC/CDS and will ensure that safeguards are in place to alleviate potential conflict between defence and prosecution work in chambers.

1. The Legal Services Commission

1. The Legal Services Commission (LSC) replaced the Legal Aid Board on 1 April 2000. This change reflected the substantial development of the role previously undertaken by the Legal Aid Board. The LSC administers the Criminal Defence Service (CDS) fund – previously Criminal Legal Aid, and the Community Legal Service (CLS) fund – a controlled budget available only for clients meeting defined eligibility criteria. The LSC is mandated by the Access to Justice Act 1999 to identify the need for legal services generally and plan what can be done towards satisfying that need. The necessary legal services will be identified and provided, not by the LSC alone, but in co-operation with others, funders and suppliers alike. The Act specifically states that the LSC should “facilitate the planning by other authorities, bodies and persons of what can be done by them to meet that need by the use of any resources available to them.”

1.1 The Criminal Defence Service (CDS)

2. The CDS, launched in April 2001, replaced the Criminal Legal Aid scheme and is the responsibility of the LSC. The CDS has a separate budget from the CLS and is a distinct scheme. This separation reflects the fact that the two schemes are responsible for providing different types of service in very different types of case, and that each scheme has its own objectives and priorities.

1.2 The Community Legal Service (CLS)

3. The CLS, launched in April 2000, aims to improve access for the public to quality information, advice and legal services through local networks of quality-assured services supported by co-ordinated funding, based on an assessment of local need.
4. The CLS is working to achieve its aims in three ways (see sections 1.3, 1.4 and 1.5).

1.3 Community Legal Service Partnerships

5. Community Legal Service Partnerships (CLSPs) seek to achieve better co-ordination of services through local partnerships between the LSC, Local Authorities, and other funders of advice and information services together with the service providers, including those in the voluntary and public sectors and solicitors. Partnerships undertake analysis of the local need for legal information and help against current provision, and work towards a better balance between funding, service provision and local need. In this way, future services will be planned with the aim of improving both the quality and the accessibility of legal information and help.

1.4 The Quality Mark

6. This is the quality standard for all legal information, advice and specialist legal services. The Quality Mark for the Bar is described in this document. Entitlement to display the CLS logo is achieved following certification to any one of the Quality Mark standards.

1.5 Communication

7. The CLS/CDS Directory provides information on Quality Marked suppliers in England and Wales, including the level of service and categories of work they provide. Copies of the Directory can be found in many local organisations and facilities including libraries, courts, benefits agencies, prisons, etc. The CLS website (www.justask.org.uk) enables the public to find out more about the CLS, in addition to providing online access to the CLS/CDS Directory of service providers. The LSC provides a Call Centre (0845 6081122) where members of the public can obtain details of CLS and CDS suppliers.
8. The CLS is not limited to organisations receiving public funding. It is considerably broader in concept and can encompass any organisation or individual, whether receiving public funds or charging fees, that provides a legal service and meets the Quality Mark standard. Section 4 (2) of the Access to Justice Act describes the services that can be accepted for assessment. These are:

'The provision of general information about the law and legal system and the availability of legal services.

The provision of help by the giving of advice as to how the law applies in particular circumstances.

The provision of help in preventing, or settling or otherwise resolving, disputes about legal rights and duties.

The provision of help in enforcing decisions by which such disputes are resolved.

The provision of help in relation to legal proceedings not relating to disputes.'
(Source: Access to Justice Act 1999)

1.6 The Legal Services Commission's Role

9. The LSC's role is to:
 - (a) Work in partnership with providers of legal services to develop and review appropriate quality assurance standards for all members and potential members of the CLS and CDS
 - (b) Assist, where possible, in helping Chambers meet the Quality Mark standards through workshops, user groups and external support networks
 - (c) Seek confirmation, by a process of auditing, that the requirements set out in the Quality Mark standards are in place and are being maintained by organisations forming part of the CLS and CDS
 - (d) Act in good faith and as a responsible public body required to discharge its functions under the Act.
10. The LSC will assess and monitor the impact of the requirements in the standard to ensure that it does not unintentionally exclude or discriminate against (on the grounds of race, disability, sexual orientation, gender, religion or language) any set of Chambers providing services under the Quality Mark.

1.7 Auditor Confidentiality

11. Employees' terms and conditions of employment with the Legal Services Commission provide that they are subject to Section 20 of the Access to Justice Act 1999, and Section 38 of the Legal Aid Act 1988, which obliges employees not to disclose to any unauthorised person any information furnished to the LSC in connection with the case of a person seeking or receiving advice, assistance or representation.
12. In addition, employees undertake that during their employment and thereafter they will not (except in the proper course of their employment, or as required by law) directly or indirectly use or divulge to any unauthorised person any secret or confidential information concerning any third party (including any Quality Marked organisations or their clients). The LSC has an obligation not to disclose such information and employees undertake that they use their best endeavours to prevent any unauthorised publication or disclosure of such information.

1.8 CLS/CDS Logos

13. There are separate logos for the CLS and CDS, which suppliers may use according to guidelines published separately (see Appendix 1).

*Community
Legal Service*



*Criminal
Defence Service*



14. The CDS logo has been developed to indicate a specialism in criminal defence work. It is important that only Chambers which are specialists in criminal defence work display the CDS logo. A Chambers which displays the CDS logo is expected to:
 - Have a member of Chambers who regularly advises on aspects of criminal defence work;
 - Have a member who regularly represents defendants in the Crown Court.

1.9 Further Guidance and Information

15. Information relevant to Chambers is contained in a variety of publications, including the LSC newsletters Focus, Quality Mark News and CLSP News.
16. The use of other media, including e-mail, electronic data interchange (EDI) and the Internet is being developed. The LSC website: www.legalservices.gov.uk incorporates updates on changes to LSC regulations and documentation.

1.10 Evaluation

17. The LSC seeks to consult regularly with all Quality Marked Chambers. This consultation will take place in a number of ways: regional meetings,

questionnaires issued at audit visits, correspondence and, when appropriate, via specially convened group discussion sessions. All documents for consultation are published on the LSC website.

18. We actively seek comments and feedback on our own performance to help us to improve our own processes in order to provide the best possible service to all Chambers within the CLS and CDS.

2. The Quality Mark

1. The Quality Mark is the quality standard for legal information, advice and specialist legal services. It comprises a set of standards designed to ensure that a service is well run and has its own quality control mechanisms that assure the quality of the information that the service provides.
2. There are three essential elements to the scheme:
 - (a) The specification of standards of quality assurance that the Legal Services Commission (LSC) expects suppliers to meet.
 - (b) Audits by the LSC (or bodies authorised by the LSC) to ensure that standards are being achieved and maintained.
 - (c) Continuous improvement in the service offered by suppliers of legal services to their clients.
3. Experience of quality assurance to date enables both suppliers and the LSC to see opportunities for improvement, not only in terms of the quality assurance standards themselves, but also in the way that they are interpreted for the benefit of clients, Quality Mark providers, taxpayers and funders.

2.1 Quality Mark Structure

4. Continuous improvement is an integral part of quality assurance. The quality criteria will evolve and develop over time and the LSC will work in conjunction with a wide variety of organisations from the legal sector to achieve this. Due notice will be given to all suppliers of any changes to be made.
5. The standards cover seven key quality areas, known as the Quality Mark Framework:
 - (a) **Access to Service:** Planning the service, making others aware of the service and non-discrimination.
 - (b) **Seamless Service:** Referral to other agencies where appropriate.
 - (c) **Running the Organisation:** The roles and responsibilities of key staff, and financial management.
 - (d) **People Management:** Equal opportunities for staff; training and development.
 - (e) **Running the Service:** Case management.
 - (f) **Meeting Clients' Needs:** Providing information to clients, confidentiality, privacy and fair treatment.
 - (g) **Commitment to Quality:** Complaints, other user feedback and maintaining quality procedures.

2.2 Benefits of Achieving the Quality Mark

6. The experience of franchised solicitors and NfP agencies over the past six years has shown that the implementation of improved management and administration systems, as required by the Quality Mark, brings numerous benefits in terms of increased efficiency and improved use of resources. These benefits include:
 - (a) **Improved risk management:** Effective risk management can reduce the likelihood of insurance claims. Research conducted by the insurance industry has identified the that main causes for claims arise from poor administration and managerial control.
 - (b) **Improved client care:** Where effective client care procedures are in place, the risk of complaints from clients is greatly reduced. A large number of complaints from clients are due to misunderstandings caused by insufficient or incorrect information provided to the client.
 - (c) **Efficient management practices and reduced costs:** Having effective management systems leads to a reduction in administrative failures, preventing wasted costs and poor service to clients.
 - (d) **Effective deployment of resources:** Where effective training, assessment and support are provided, staff motivation and morale are improved, and each staff member is able to contribute to the running of Chambers to the best of their ability.
 - (e) **Increased client confidence:** As the CLS and CDS develop, public recognition of the respective Quality Mark logos will develop, resulting in clients choosing to access CLS and CDS members for information or help.