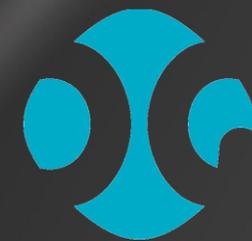


A Guide to Peer Review Immigration



DGLEGAL

22 September 2020

Agenda

- Introduction to the Presenters
- Why and how the Peer Review system was brought in by the LSC
- An overview of the Peer Review process
- What Peer Reviewers look for
- Examples of good & poor practice
- The importance of using high quality template attendance notes & letters (but of course are then tailored to the client's case)
- Questions & Answers

Presenters

David Gilmore

David has provided advice and assistance to hundreds of law firms and other legal organisations. He delivers specialist consultancy and training on a wide range of topics including business management & strategy, tendering, compliance and quality assurance.

Professor Avrom Sherr

Avrom is the principal architect of a system of assessment of legal competence known as Independent Peer Review. Since 2002 this has been used as the system for assessment of the quality of publicly funded work in the UK, ensuring the quality of legal services received by the public, and he leads the operation of this work.

Amie Higgins

Amie is a Senior Solicitor, qualified under the Law Society's Immigration & Asylum Accreditation Scheme (IAAS) as an Advanced Caseworker and Supervisor. As a Consultant and Training Lead for ATLEU, Amie specialises in all aspects of Asylum and Human Rights work, with a specialism in anti-trafficking and modern slavery cases.

Anna Skehan

Anna is the Children and Young Person's specialist solicitor and Head of Legal Practice at the Migrant and Refugee Children's Legal Unit (MiCLU) and is a supervising solicitor on the Kids in Need of Defense UK programme, specialising in applications to register undocumented children with long residence in the UK. Anna also runs and supervises complex immigration and asylum cases for children and young people and has been a consultant Peer Reviewer to the Legal Aid Agency in the Immigration and Asylum category since 2006.

PEER REVIEW AND QUALITY FOR DG LEGAL WEBINARS 2020



Lawyers: The Quality Agenda, 1992

- N.B. Franchising plus already in place
- Reprise: Inputs, Structure, Process, Outcomes
- Peer Review - tried and untried
- Model Clients?
- Triangulation of approach
- Transaction Criteria

Quality and Cost

- 1997-2000
- The Team~
- 100 solicitor firms
- 43 Not-For-Profit
- 142,975 cases - 82,705 completed
- Randomised controlled trial, “gold standard”.
- 4 payment groups:
 - 1.Green Form
 - 2.Fixed sum
 - 3.Fixed no+sum
 - 4.NFP 1100hrs
- *BriefCase*; Peer Review; Model Clients; Client Survey

STRUCTURE

INPUTS

OUTPUTS

PROCESS

STRUCTURE

Library

Education

Qualification

Training

Licensure

INPUTS

Contacts

Experience Property

Knowledge

Equipment

Skill sets

IT

PROCESS

OUTPUTS

Supervision
Management Allocation
STRUCTURE
Library
Education Training Systems
Qualification
Training Licensure
INPUTS
Contacts Experience Property
Knowledge Equipment
Skill sets IT

Supervision
Management Allocation
STRUCTURE
Training Systems

Advice
Fact Gathering Correspondence
PROCESS Client Handling
Strategy Decisions Advocacy
Legal Analysis Performance Practice Management

Sentence
Financial Action
Private Inaction
OUTPUTS
Public Political
Social
Damages

Advice
Fact Gathering Correspondence
PROCESS
Strategy Decisions Advocacy
Legal Analysis Performance Practice Management
Client Handling

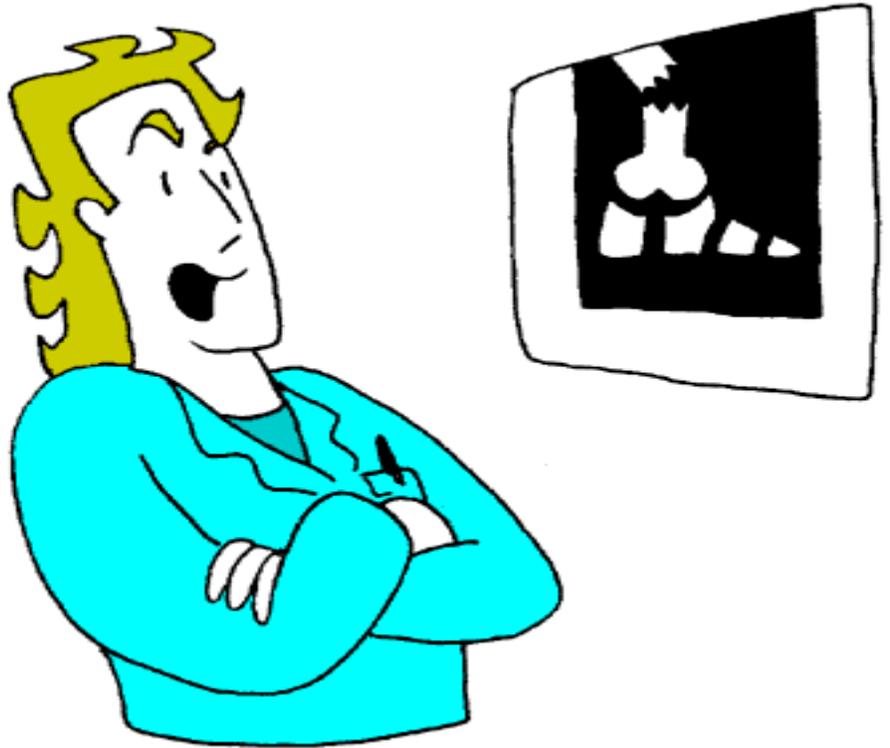


Peer Review in “Quality and Cost”

- Peer Rev. Mark 2
- 718 cases
- 55 contractees
- 5 work areas
- 173 double marked
- 18 PR/ MC cases
- Selection; training; criteria; sample; monitoring.



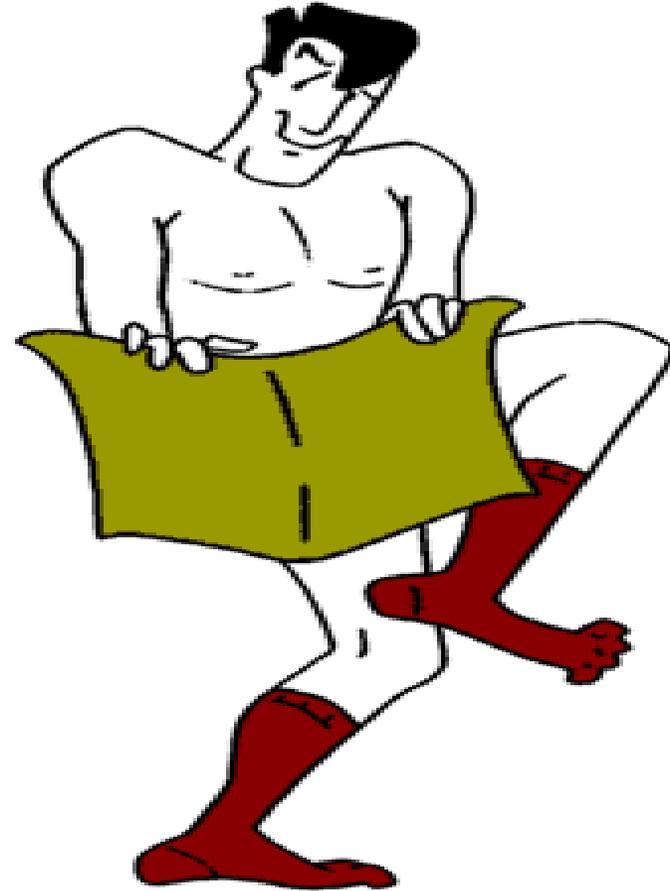
Peer Review cont.



- Reliability:
 - of instrument
 - of reviewers
 - ditto inter se
 - rating contractees
- Conclude:
 - Double mark
 - Whole Org. only

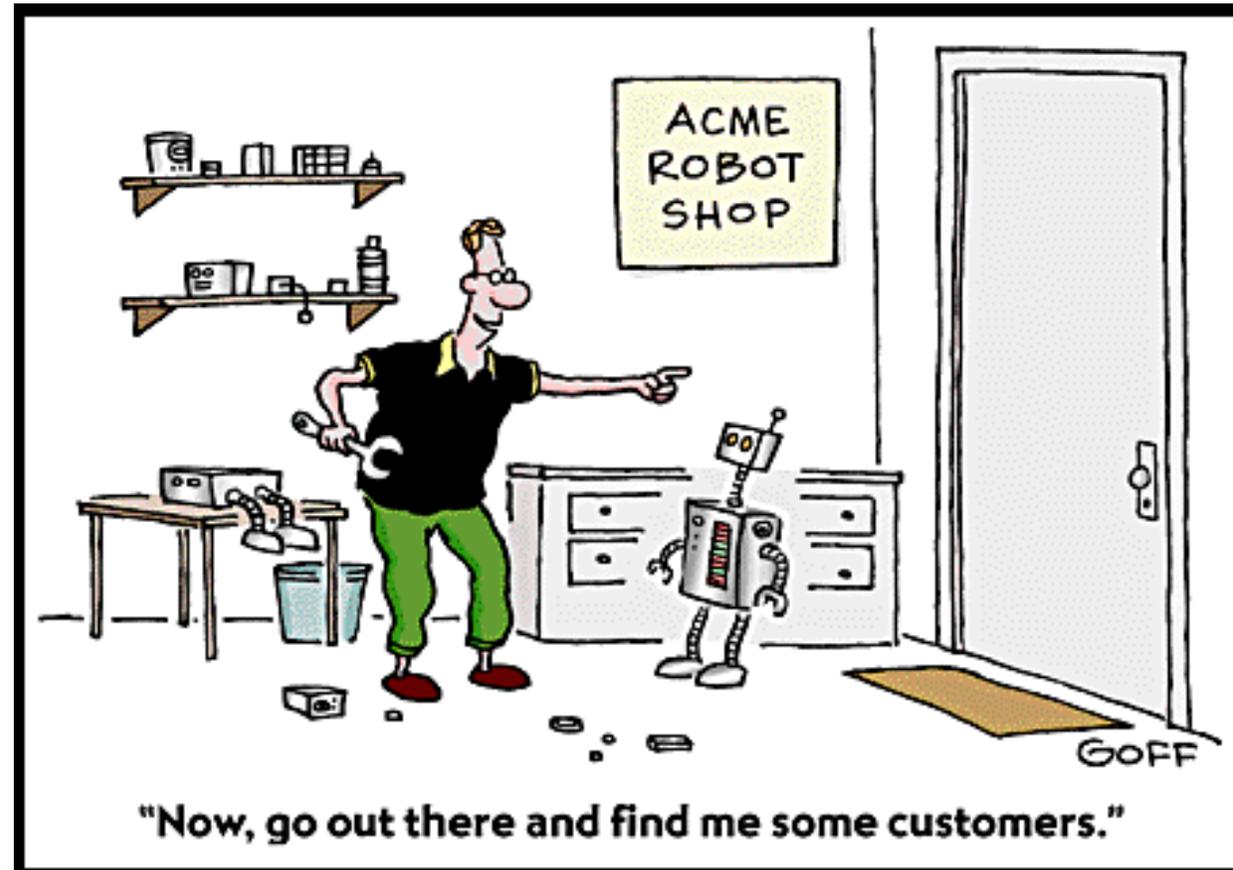
Peer Review results (ii)

- ❑ Solicitor vs NFP
- ❑ + financial results
- ❑ Time per case
- ❑ 3 peer reviewers
- ❑ Cases <99 days
- ❑ PI and Housing
- ❑ Region (L' pool)



Model Clients and Peer Review

- 45 visits (1/3)
- Groups, regions, work categories
- Service: access, quality of advice+ immediate follow-up
- 1 visit, 1 adviser
- Debt, employment, housing. PI.



Model Clients Results

- Access difficulties: -
 - initial contact -
 - appointments -
 - advice -
 - advice system

- Quality via MC/PR: -
 - incomplete
 - cf: MC & PR
 - inaccurate
 - impractical
 - woolly
 - confusing contradictory
 - inappropriate

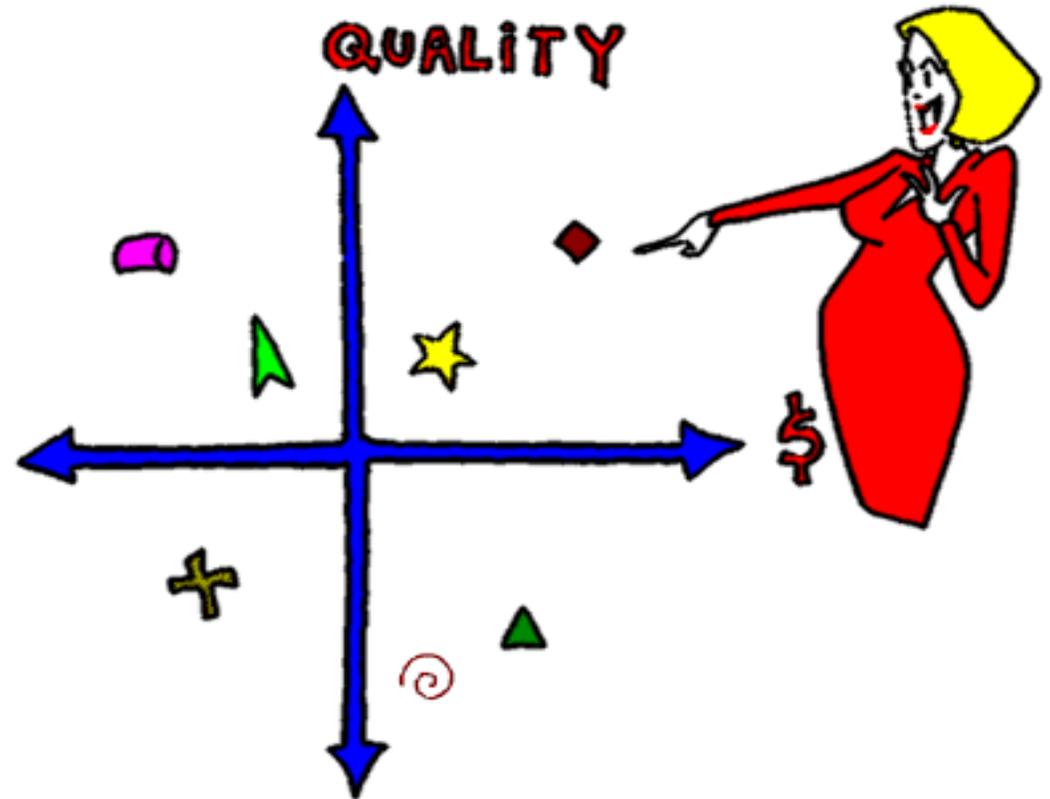
Model clients - example

Model client: “The adviser showed an impressive level of concern for my job security, understanding that I could not afford to lose my job. Made a point of telling me that it can be quite common for part time women workers to encounter unfair bosses because they know how much they need the job and think that they will be able to get away with it (i.e. treating them unfairly). Overall he was very helpful, reassuring and personal...”

Peer reviewers: “Although very clearly empathetic, this adviser does not really know enough about the law to be using legal aid money. A good example of touchy feely advice.”(PR4)

Quality interrelating

- Clients
- Model Clients
- Peer Review of MC
- Outcome Measures: -
+financial result
- Case profiles, e.g.:
 - court
 - disability
 - adversarial



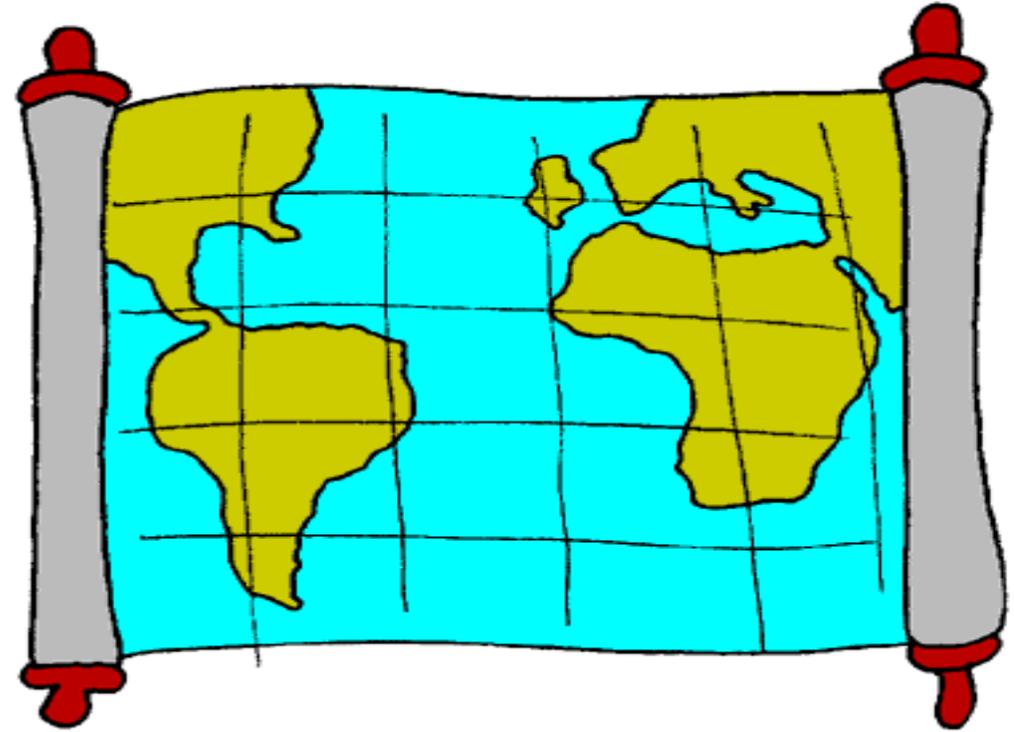
Quality futures



- Peer Review: -two track:
 1. Random
 2. Targeted
- -sensitive implementation
- Cf: -Cost
 - TCs
 -
- Compliance

Peer Review in Operation

- Selection
- Training
- Criteria
- Sample
- Monitoring
- 1. Random



2. Targeted

Peer Review- Became Used for:

- Tolerance
- Model Clients
- Welsh Pilot
- Preference
- Concordance
- Summary Reports
- Analysis
- Support and Target
- “Certificated” work
- All Family
- All civil areas
- Crime
- P R P R
- Consistency
- Trial
- Preferred Supplier

The Civil Criteria



The Gradings



- 1 = Excellence
- 2 = Competence Plus
- 3 = Competence
- 4 = Below Competence
- 5 = Failure in performance

Please circle one only

1 2 3 4 5

1 2 3 4 5

1 2 3 4 5

1 2 3 4 5 N/A

1 2 3 4 5 N/A

Y N

Further Comments

A. Communication with the Client:

1. How well does the adviser appear to have understood the client's problem
2. How effective were the adviser's communication and client-handling skills?
3. How effective were the adviser's fact and information – gathering skills?
4. How effectively was the client informed of:
 - a) the merits (or not) of the claim, and
 - b) all developments?

B. The advice:

1. How legally correct was the advice given?
2. How appropriate was the advice to the client's instructions?
3. How comprehensive was the advice? (For Family, see below)
4. Was the advice given in time/at the right time?

C. The work/assistance

1. If no other work was carried out, was this appropriate?
2. If any further fact-finding work was carried out
 - a) how appropriate and
 - b) how efficiently executed was the work?
3. If any other work was carried out
 - a) how appropriate and
 - b) how efficiently executed was the work?
4. How effective in working towards what the client reasonably wanted/needed was any further work carried out?
5. If no disbursements were incurred was this appropriate?

6. How appropriate were any disbursements incurred
7. Where this is necessary did the adviser consider/advise on/act on an effective referral?
8. Throughout the file how effectively did the organisation use resources?
9. Did the adviser or their work in any way prejudice the client?
10. If yes, provide details.

B.3 Family

- a) How comprehensive was the advice in relation to divorce?
- b) How comprehensive was the advice in relation to children?
- c) How comprehensive was the advice in relation to ancillary relief?
- d) How comprehensive was the advice in relation to injunction?
- e) How comprehensive was the advice overall?

Overall mark

1 2 3 4 5

Please detail any further necessary comments.

Criteria Guidance for each discipline

- Specific guidance written for reviewers by reviewers.

What Peer Reviewers look for – Part 1

- The LAA's 'Improving Your Quality' Guide was written by Peer Reviewers and sets out an overview of what we are looking for:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/568425/immigration-asylum-improving-guide.pdf
- Overall, we are looking to see whether you are providing competent representation and have 'added value' through your involvement

What Peer Reviewers look for – Part 2

What does 'competent representation' mean?

- Providing good quality, comprehensive and correct legal advice
- Acting on client's instructions and in their best interests
- Ensuring that you provide advice on all relevant matters in a manner that your client is able to understand
- Preparing your client's case to a standard that has the best chance of obtaining the outcome that your client reasonably wants

What Peer Reviewers look for – Part 3

What does 'adding value' mean?

- Have you increased your client's understanding of the process in a meaningful way?
- Have you assisted your client to participate in the process to the best of their ability?
- Have you increased the quality of the evidence provided to the Home Office in support of the application?
- Have you used your skills and knowledge to put your client's case forward in the most advantageous way for them?

How do you demonstrate that you have added value?

- Ensure that your file is an accurate reflection of all of the work you have done
- Use templates and standard documents as a starting point and not an end in themselves
- Communicate with your client in a way that is meaningful for them, not a box-ticking exercise for you
- Evidence that you adapt your approach to the needs of each particular client
- Engage with the SSHD and any correspondence received in an active manner that progresses the case effectively

How do Peer Reviewers undertake the review?

- Review the first 12 files in the sample
- Treat each file separately and provide a rating for the file
- Consider the sample as a whole and provide an overall rating of the work on the provider
- Draft a report to explain the rating given by reference to examples of each issue raised

Examples of good and poor practice – The Positives!

- Detailed Advice Provided & Confirmed in Writing
- Case Progressed in a Timely Manner
- Possible Corroborative Evidence Discussed With Client & Obtained
- Advantages and Disadvantages of Witness Statements discussed with Client
- Full Analysis of Evidence
- Strong Legal Representations Put Forward on Client's Behalf
- Appropriate Referrals made in a Timely Manner

Examples of good and poor practice – The Negatives!

- Overuse of Standard Documents
- Lack of Documented Advice on Supporting Evidence / Lack of Supporting Evidence
- Insufficient Merits Advice
- Witness Statements
- Legal Representations after Interview

Examples of good and poor practice – The Negatives!

- Detailed Advice on Status at End of Case
- Missing Deadlines
- Failure to critically analyse evidence
- Failure to Identify Legal Issues / Risk Factors
- No Evidence of File Review

The importance of using high quality template attendance notes & letters

- Useful prompt
- Useful learning tool
- Saves time typing
- **MUST** be appropriately amended for each client
- **MUST** be regularly checked and updated

Useful Guidance

The LAA's 'Improving Your Quality' Guide was written by Peer Reviewers and sets out an overview of what we are looking for:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/568425/migration-asylum-improving-guide.pdf

Any Questions?

Thanks for watching!

David Gilmore | Director

M: 07779 713 886

T: 01509 214 999

E: david@dglegal.co.uk

