

JRS CDS & CLS FILE REVIEW (QUALITY CONTROL) FORM GUIDANCE

Guidance on what each section of the File Review form means, and what to look for on file

THE FILE REVIEW PROCESS CONTAINS TWO PARTS:

(1) PROCEDURAL

(2) SUBSTANTIVE

BOTH parts MUST be completed:

(1) PROCEDURAL REVIEW:

This review can be undertaken by anyone who can demonstrate that they are familiar with the requisite SQM and Contract requirements. Ideally this should always be an independent reviewer.

CDS FORM ONLY:

- Do not forget to circle the class of work being reviewed at the top of page 1 (this is required because you need to demonstrate that all classes of work undertaken by each Fee-Earner are sampled).
- You also need to enter client details where prompted (including file number and UFN etc) and the details of reviewer and Fee-Earner being reviewed. The form should also be dated to show which month's review is being undertaken. You should also circle whether the review is a paper or face-to-face review (NB 50% of reviews should be face-to-face)

CLS FORM ONLY:

- Where prompted, record client name, file number, the reviewer's and Fee-Earner's initials, the date of the review and the category being reviewed. For Family, you should specify the type of case being reviewed (i.e. contact, divorce, ancillary relief etc) in order to demonstrate that all types of work undertaken by the Fee-Earner are being covered over the course of the year.

FILE OPENING:

- **FILE IDENTIFICATION:** Does the file have a unique file reference number to ensure that it can be traced/located?
- **OPENING FORM COMPLETE:** Has the standard file opening form the firm uses been completed in full, with all necessary details to enable the file to be opened on the computer system and for conflict checks to be undertaken? Have all the necessary client details been recorded?
- **(CLS FORM ONLY) NMRF COMPLETE:** Has the new matter report form been completed?
- **CONFLICT CHECK:** as above- have all necessary conflict checks been undertaken, recorded and dated?
- **KEY FORMS USED:** have all the standardised forms adopted by the firm and referred to in their office manual been used?
- **FILE ORDERLY:** is the file in good order and easy to follow, with no loose papers etc?
- **KEY DATE TO FILE AND BACK-UP:** Have all key dates (including all court date) been recorded prominently to file and recorded also in the central diary system?

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INITIAL INSTRUCTIONS:

- **INSTRUCTIONS RECORDED:** have full client specific instructions been recorded to file?
- **ADVICE RECORDED:** has all advice provided been recorded to file? Is this sufficient for Peer Review purposes?
- **ACTION AGREED:** have the next steps to be undertaken by both the client and the Fee-Earner been clearly recorded to file?
- **FUNDING ADVICE RECORDED:** has the advice about the level of funding provided been recorded, including details of additional funding that may become available?
- **CLIENT CARE LETTER:** has a compliant standardised client care letter gone out, at the earliest opportunity, confirming that last 4 points (in detail) in writing? If a copy of the initial attendance note has been sent then this complies.
- **CDS/RULE 15 INFORMATION SENT:** does the letter comply with rule 15, detailing name and status of Fee-Earner and including details of the firm's complaints procedure?
- **WILLINGNESS TO ACT:** has this been confirmed too? In circumstances where the firm cannot act, has this been fully explained?
- **STATUS OF FILE CLEAR (CROWN COURT & CLS FORMS ONLY):** could another Fee-Earner pick up the file and establish quickly and easily what advice had been given and what the next required action is?

REMINDER DATES:

- **B/F DATE SCHEDULED:** has a BROUGHT-FORWARD date been diarised to ensure that the file does not become inactive? Are all dates on which action is required entered into a diary too?

FILE MANAGEMENT:

- **UNDERTAKING:** if an undertaking has been made, has this been clearly recorded to file and on the central register?
- **COMPLAINT:** if a complaint has been made, has this been dealt with in accordance with the office manual procedure (and as detailed within the client care letter) and also has all necessary correspondence been copied to the central register?
- **TIME RECORDING:** have all activities (letters, calls etc) been time recorded on file?
- **RUNNING RECORD OF COSTS:** has the time recording been entered on to the computer system at the correct rates to create an accurate running record of costs, including disbursements etc?

CASE PROGRESS:

- **GENERAL CLIENT UPDATE:** has the client been written to in relation to all key developments as and when they happen?
- **SIX MONTH COST UPDATE:** where applicable, has the standard cost update letter been sent to the client, detailing costs to date, confirming or revising the original cost estimate, and reminding the client about the effects of the statutory charge?

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SERVICE OF OTHERS:

- **APPROVED:** has any expert/Counsel that you have instructed on the case been included as an approved Expert in your Central Register and been assessed against your selection criteria as required by the SQM?
- **CLIENT CONSULTATION:** where possible, has the client been consulted about the choice of expert? Some clients may have experienced some Counsel before and have preferences.
- **CLEAR INSTRUCTIONS:** has the Expert been provided with full instructions about what is required of them and how this will be paid for? EG a detailed Brief or letter to Medical Expert highlighting the type of report required.

END OF CASE:

- **CLOSE OF CASE LETTER:** has a compliant close of case letter been sent out at the conclusion of the case, confirming outcome, returning any original documents to client etc?

CONTRACT COMPLIANCE:

- **APPLICATION FORM COMPLETE:** have all necessary funding forms (Legal Help, CDS1, 2 or 3, CLSAPPI & MEANSI etc) been completed properly?
- **PROOF OF MEANS:** Has the requisite proof of means been obtained for the full computation period (the whole month prior to the date on the form)? For Crime, is it clear that an attempt to get this proof has been made at least (NB If over 2 hours work has been done, this must be obtained in any event)
- **(CLS FORM ONLY) OTHER FUNDING CONSIDERED:** i.e. would it be possible to apply for a certificate?
- **MATTER ENDED:** have any of the contract rules been triggered that means the matter has technically ended (i.e. 3 months without instructions)? Or has the matter concluded in any event and needs billing?
- **REFERRAL NEEDED:** are there any issues that the client needs help with that should be referred either internally or to another supplier? Or has the matter gone beyond the competence of the Fee-Earner dealing? NB The referral would need to be logged in the central register.
- **(CRIME CDS FORM ONLY) MATTER/CASE ISSUES:** Are there any other matters that will need linking to the file being reviewed? i.e. do the series of matters rules apply?
- **SBT MET:** Sufficient Benefit Test- would a private paying client of moderate means want to continue to pursue the matter?
- **ALL WORK JUSTIFIED:** are the times recorded to file justified given the recorded detail of the work undertaken and is this an allowable item? As an example, has any legal research been claimed? If so, it would only be an allowable claim if it relates to a novel or developing area of law in accordance with contract rules.
- **(CRIME CDS FORM ONLY) WORK CLASS:** is the work being undertaken within the correct class of work?

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- **(CRIME CDS FORM ONLY) PST: Performance Standards, or Police Station Times-** has the Fee-Earner recorded the times of the first call received to notify the firm that the client is custody and then the time that first contact (either in person or on the phone) has been made with the client? This needs to be within 45 minutes. You are also required to attend the police station in good time prior to an interview to obtain necessary disclosure and instructions.
- **(CLS FORM ONLY) DEVOLVED POWERS CORRECT:** is there a note on file where devolved powers have been used and has this been done correctly using the correct codes etc?
- **(CLS FORM ONLY) MATTER START REPORTED:** has this matter been reported to the LSC?
- **(CLS FORM ONLY) SPAN CODES CORRECT:** Have correct codes been used when (and if) the matter has been billed and reported on form CMRF?

IS CORRECTIVE ACTION REQUIRED?

NO - Quality Control completed:

Only when **both the procedural and Substantive* checks** have been undertaken, if no action is required then you have finished this review.

* The full assessment against the Peer Review Criteria must always be undertaken (and this has to be done by the category Supervisor or someone meeting the Supervisor standard (i.e. for Crime a Duty Solicitor, or for Family, a Panel Member)

YES – Complete remainder of form:

Complete the bottom of the page to provide the reasonable timescale that the action must be completed within and then ensure that the Fee-Earner signs the form to show that this has been done and that the Supervising Reviewer then signs this off as satisfactory.

(2) SUBSTANTIVE REVIEW:

The next part of the form is an assessment of the file against the actual Peer Review criteria, which must be undertaken by the Supervisor of the category being reviewed (see above), even if this means that a supervisor is self-reviewing. The procedural review can always be delegated in these circumstances (see above)

The questions are self-explanatory, but the Supervisor should familiarise themselves with the level(s) of details required to achieve the relevant ratings.