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Independent File Review

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This briefing applies to the Quality Mark
General and Specialist Help Levels

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1 Introduction

- 1.1 The Legal Services Commission's (LSC) requirements for supervision and file review are, together, intended to create a framework on which an organisation can rely to exercise overall control over the quality of advice it gives.
- 1.2 This briefing sets out to clarify the requirements relating to file review at both the General Help and Specialist levels of the Quality Mark and discusses different ways of meeting them.
- 1.3 Where the briefing refers to requirements that apply at the General Help level, these requirements also apply at the General Help with Casework level unless stated otherwise.
- 1.4 The documents referred to in this briefing are:
 - The **Quality Mark standard** (first edition April 2000) ('QMS')
 - The **General Help standard workbook** (first edition April 2000) ('GHW')
 - The **Specialist Quality Mark Standard** (first edition April 2002) ('SQM')
 - The **Specialist Quality Mark Guidance** (first edition April 2002) ('SQM Guidance')
 - The **Legal Aid Franchise Quality Assurance Standard** ('LAFQAS')
- 1.5 The requirements relating to independent file review at General Help level can be found at E2 and E3 of the General Help Quality Mark in the QMS and at E2 of the Specialist Quality Mark. The Specialist Quality Mark replaces both NfP and solicitor versions of LAFQAS.
- 1.6 Organisations with an existing LSC contract will be audited against the SQM from April 30th 2002, although new requirements and existing requirements outlined in List 2 (see Appendix 3 of the SQM) will only be audited from October 2002. Prior to October 2002 failure to comply with any new requirement or List 2 clarifications will be raised as an observation only.
- 1.7 Organisations wishing to apply for an SQM for the first time should use the first edition of the SQM now available from all LSC Regional Offices and on the LSC website www.legalservices.gov.uk.
- 1.8 There are no independent file review requirements at the Information level.
- 1.9 In the General Help standard (QMS page 53) the phrase 'file review' is used interchangeably with 'review of samples of work'. This is to widen the concept of file review beyond just files. The LSC recognises that some organisations operating at General Help level may not have 'files' in the conventional sense. Their advice may be recorded in a Day Book or on a single Initial Record Sheet kept alphabetically in a loose-leaf folder or on a computer. Wherever it is, and whatever format it is in doesn't matter. It is still a record of advice work carried out that, to meet Quality Mark requirements, must be reviewed.
- 1.10 In the SQM, the requirements about file review are written on the assumption that all work done will be casework with a file being opened for most if not all clients.

- 1.11 Throughout this briefing we use the term ‘file review’ to apply to a review of both files and samples of work as appropriate. The LSC refers in some places to ‘independent file review’ and at others to just ‘file review’. This has led some organisations to believe that these are two different concepts, with two different sets of requirements. They are not - they are one and the same.

2 What is independent file review (IFR)?

- 2.1 At both General Help and Specialist levels the aim of independent file review (IFR) is to control the quality of the work done by checking that:
- you have given accurate, complete and appropriate legal advice to the client (sometimes referred to as ‘the substantive review’ in LAFQAS);
 - your organisation’s procedures have been followed correctly when appropriate, eg identifying and recording a key date or identifying and dealing with a conflict of interest (sometimes referred to as ‘the procedural review’ in LAFQAS).
- 2.2 An IFR is a periodic audit of a sample of case files. The whole case is checked (unless reviewed previously, when the case will be reviewed from the date of the last review), rather than just the last entry in the record. The review is done by someone other than the adviser/caseworker carrying out the work. (There are occasions when a self-supervising caseworker or supervisor can review the substantive aspects of a file themselves, see section 7 below).

3 The link between file review and supervision

- 3.1 Supervision aims to support, monitor and improve an individual adviser's performance; file review monitors the quality of advice and progress on work done for individual clients. File review outcomes are used to reach conclusions about the standard of an individual adviser’s work.
- 3.2 Both file review and supervision have a distinct part to play in ensuring that:
- a high quality advice service is provided;
 - staff and volunteers have adequate support and training;
 - adequate records are kept, enabling both the organisation and the LSC to check that quality of service and accuracy of advice are maintained and improved and that errors or unsatisfactory work are dealt with quickly.
- 3.3 File review is a useful tool for identifying inadequacies in the supervision and support being provided to individuals. The outcome of both file review and supervision should feed into individual appraisal.

4 Who manages the file review process?

General Help

- 4.1 You will need someone to be responsible for ensuring the file review process actually happens in the way you planned at the agreed times. In practice, this person is likely to be the supervisor.
- 4.2 At all levels, if reviews are delegated in whole or in part, auditors are likely to pay particular attention to how this process is managed and whether there is an effective 'feedback process to ensure that the supervisor remains aware of the performance given by individuals' (GHW page 43).

Specialist

- 4.3 The SQM requires that: 'the review process is managed by the category supervisor' (E2.2).
- 4.4 The category supervisor must be able to show the auditor how they:
- ensure that file review processes and procedures are followed;
 - are aware of the status of reviews (ie can explain to an auditor where the organisation is up to with the cycle of reviews and what corrective action remains outstanding);
 - are aware of all review findings, including those not carried out by them personally and findings from the periodic monitoring done at the annual review.
- 4.5 In terms of evidence requirements, an auditor will normally expect the category supervisor to be able to have an informed discussion about the above points.

5 Who carries out a file review?

General Help

- 5.1 At General Help level reviews can be 'delegated to another experienced person within the organisation' (QMS E2.5).
- 5.2 Whoever does the review needs to be someone who 'is able to recognise best practice and has an understanding of how that applies to the area of work' (QMS guidance page 53).
- 5.3 If neither the supervisor nor another adviser is in a position to carry out a substantive review, then the review can concentrate on procedural issues alone. Organisations **may** want to arrange for an external review system to be set up in these circumstances, so that advisers are able to benefit from having their legal advice checked by someone with greater expertise than them. It may not be feasible to do this and in any event it is **not** compulsory (GHW page 43).
- 5.4 If a file review is not done by the supervisor then there should be a feedback process to ensure the supervisor gets to know the outcome of the review. Although this is currently

guidance only and not mandatory, it may, subject to consultation, become a requirement in the future.

Points common to both General Help and Specialist levels

- 5.5 A 'procedural review' is the term commonly used to refer to that part of the file review when you check that your organisation's procedures have been followed correctly when appropriate. So, eg part of your procedural review would involve checking that a client's complaint (where there was evidence on the file that a client had complained) was dealt with as set out in the organisation's complaints procedure.
- 5.6 A 'substantive review' is the term commonly used to refer to that part of the file review when you check that the legal advice given to the client is accurate, complete and appropriate.
- 5.7 Some organisations choose to get the substantive and procedural aspects of a file review done by different people. An admin worker can do the procedural review so long as they are familiar with your organisation's procedures and working practices. Equally, a manager who can't do a substantive review may find it useful to do some procedural reviews. This way they obtain a lot of useful management information that they might otherwise miss.
- 5.8 So, for example at General Help with Casework level, any caseworker who meets either the D5.1 or D5.2 casework competence requirements could do the substantive part of a file review while the D4.1 supervisor, manager or admin worker could conduct the procedural review. At Specialist level, the category supervisor could review the legal aspects of the case with the manager or a member of the admin team conducting the procedural review.
- 5.9 Splitting the reviews like this also prevents the experienced caseworker spending too much time on file review when their skills are probably better deployed doing casework for clients.

Specialist

- 5.10 The SQM (E2.3) requires that all reviews are carried out by a 'suitably qualified individual'. This will be one of the category supervisors or the category supervisor (if there is only one) other than where one of the following applies:
- 'A temporary supervisor, meeting the relevant requirement at D3.1, may carry out reviews for short holiday periods and in exceptional circumstances', eg if the category supervisor is off sick.
 - Reviews can be delegated to a deputy supervisor (see D3.1). If they meet the legal competence standard for supervisors at D3.2 you will **not** require the prior authority of your auditor to enable them to conduct reviews, otherwise prior authority is required.
 - Procedural checks can be delegated to other members of staff.
 - Your auditor can give you prior written authority allowing someone else to conduct routine or specific reviews up to a maximum of 50% of files to be reviewed. This could enable your caseworkers to benefit from the particular expertise of someone from outside your organisation, or from a specialist caseworker from another team.

6 Whose files must be reviewed?

6.1 Each adviser or caseworker who gives legal advice as part of a service that is, or wants to be, Quality Marked must have their work independently reviewed.

6.2 Example 1:

An organisation gives generalist welfare benefits, debt and housing advice. It applies for the Quality Mark at General Help with Casework level in welfare benefits and debt. Every adviser doing welfare benefits and debt work must have a sample of their welfare benefit and debt files and one-off enquiries reviewed. The fact that the organisation has applied for the Quality Mark at General Help with Casework level does not mean that advice given at General Help level escapes the need to be reviewed.

If the organisation chooses to ring-fence their Quality Mark application to cover only their welfare benefit and debt work, there will be no need for them to file review their housing work, although they may choose to do this anyway as good practice. In these circumstances their housing advice will not be advertised as a Quality Marked service in the CLS/CDS Directory.

6.3 Example 2:

An organisation provides generalist legal advice in a wide range of subjects. It has the Quality Mark at General Help level covering all these subjects. Each adviser giving legal advice as part of this Quality Marked service must have a sample of their work reviewed. The sample must cover all types of work done by each individual adviser.

6.4 Example 3:

An organisation only carries out specialist housing work. It has an LSC contract that funds some of this work. The LSC contract work is ring-fenced and done to SQM standards. All the contract casework will therefore be subject to the SQM file review requirements. There is no requirement to review the non-LSC funded housing work, although the organisation may choose to do this anyway as good practice. However if the organisation wants to advertise their non-LSC funded service in the CLS Directory as being 'Specialist', this work will also have to be file reviewed as well as meet the other SQM requirements.

Alternatively, the organisation could decide to do their non-contracted work to General Help with Casework standards and apply for the GHQM in addition to the SQM. In these circumstances all caseworkers performing non-contracted work will have that work reviewed following the requirements of the General Help level of the QMS.

6.5 Example 4:

An organisation has a Specialist Quality Mark in debt and welfare benefits, General Help with Casework in housing and employment, and General Help in all other areas it advises in. Debt and welfare benefits advice is offered both at Specialist level as well as General Help level. The organisation does **not** have an LSC contract. All specialist debt and welfare benefits work will be reviewed to SQM standards. All other work will be reviewed to GHQM standards.

6.6 Example 5:

An organisation has a team of five generalist welfare benefits advisers, all contributing to a joint caseload. No individual adviser has their own files. It has a Quality Mark at General Help with Casework level. The team's work will need to be reviewed to GHQM standards. It is likely to be more useful to review the team's files as a whole rather than reviewing that part of a case dealt with by an individual adviser. However, the review record will need to show that all advisers have had their work reviewed at suitable intervals as well as the review outcome for each individual.

6.7 The application of the different requirements at General Help and Specialist levels will be evident from, eg the choice of person to review a specialist's files (there are different requirements about this in the SQM and the GHQM).

7 Does a supervisor's work need to be reviewed and if so by whom?

General Help

7.1 At General Help level, the requirements say no more than that the review must be done by 'another experienced person'. This should be someone who knows about the area(s) of work done by the supervisor. If there is no such person, then the review can be done by any other member of staff concentrating on procedural issues only. Again you **may** want to set up an external review system, eg by asking an experienced adviser from another local organisation like a Law Centre to carry out the substantive review, having set up appropriate safeguards regarding conflicts of interest and confidentiality. However, it may not be feasible to do this and in any event it is **not** compulsory (GHW page 43).

Points common to both General Help and Specialist levels

7.2 Although supervisors can be self-supervising at both General Help and Specialist levels their casework must be independently reviewed by another person (subject to the exceptions discussed at paragraphs 7.1 above and 7.7 below in circumstances where there is no one to carry out the substantive review).

Specialist

7.3 If you have more than one person meeting the qualifying standards for supervisors in a particular category then each of them can independently review the other's files.

7.4 If you have just one supervisor in a category, their files can be reviewed by a deputy supervisor who meets the relevant legal competence part of the supervisor standard (D3.2).

7.5 If your deputy supervisor doesn't meet D3.2, then you will need to get prior authority from your auditor to enable them to conduct the review.

7.6 If the supervisor is either the sole or only experienced caseworker in the category, then they can review the legal content of their own files. They should delegate the procedural review to any other member of staff who is familiar with the organisation's casework

procedures. As at present, there is nothing to prevent supervisors from different organisations reviewing each other's work and such an arrangement could bring about a useful exchange of good practice.

8 How many files have to be reviewed and how often?

General Help

- 8.1 At General Help level, 'the number of cases and frequency of review are described according to each person's experience and quality of work. This will need to be justifiable to an auditor' (QMS E2.2).

Points common to both General Help and Specialist levels

- 8.2 There is no fixed requirement at either level. Each organisation has to decide for itself the size and frequency of sampling appropriate for each individual adviser given their workload, experience and the level of overall supervision they get. You may also want to take into account the outcome of previous reviews when deciding number and frequency. For new or inexperienced members of staff you will probably start by reviewing more work than you anticipate having to, eg in six months time.
- 8.3 At both the General Help and Specialist levels of the Quality Mark it is necessary to review a sample of any one-off or short pieces of advice as well as ongoing casework. (The NACAB guidance paper on Independent File Reviews referred to at paragraph 19.1 below explains the position for Citizens Advice Bureaux in more detail.)
- 8.4 When writing your procedure, you can specify the interval between reviews in general terms, such as monthly or quarterly. This gives you some flexibility over the precise day in the month when you carry out file reviews. If you are more specific and, for example, commit yourself to doing reviews on the last Friday of each month and then in practice have to postpone doing them until the following Monday because something urgent crops up, the LSC may raise this at audit. However, a short postponement would not cause a problem at audit as long as there was no significant delay, ie a missed month.
- 8.5 You need to consider how many files your advisers have, how long they last and how complex they are. If they tend to have lots of quick, short files you will probably need to audit a greater number than if they have fewer, more substantial ones. We suggest you avoid committing yourself to reviewing a percentage of files - caseloads grow and before you know it, you will be facing an unmanageable task!

Specialist

- 8.6 The SQM requires that for each casework member of staff: 'the number of cases to be reviewed in each category of work, and the frequency and method of review (unless all reviews are file content only), has been documented and can be demonstrated to have been determined according to their experience, expertise and quality of work (subject to any minimum requirements in Annex A)' (E2.1 (a)).
- 8.7 Where specialists work as a team and no individual has their own files on which they alone work, there must be a procedure in place to ensure that everyone's work is reviewed, although it is up to the organisation to decide how.

8.8 Additionally:

- ‘You **must** document the number of files to be reviewed and the frequency and (where other than file content only, eg face-to-face) the method(s) of review for each casework member of staff (to whom cases have been allocated), and
- you **must** be able to justify these to the auditor on the basis of their experience, expertise and on any findings that have implications for the quality of their work (eg previous file reviews)’

8.9 It will not ordinarily be possible to justify file reviews that are less frequent than every three months.

8.10 If you are applying for a Specialist Quality Mark that is **not** linked to LSC funding, you **must** apply these requirements to all the work you seek to have Quality Marked at Specialist level and listed in the CLS/CDS Directory.

8.11 If you have an LSC contract, once the SQM replaces LAFQAS on 30 April 2002, as a minimum you need only apply these requirements to LSC funded cases. This would mean that the non-LSC funded part of your specialist service would not be Quality Marked or advertised in the CLS/CDS Directory. You would have to consider the implications of this for your own individual organisation before taking any such decision. Alternatively, you might want to think of applying to have your non-contracted work badged at GHQM level. This gets the work Quality Marked, but at a level that is less demanding and resource-intensive.

9 How do we choose files to review?

General Help

9.1 At General Help level, the guidance suggests that you should choose files for review at random: ‘You should also tell us how you randomly select files for review. This should be done to represent the different types, subjects and levels of work for each adviser’ (GHW page 41). Although this is currently guidance only and not mandatory, it may, subject to consultation, become a requirement in the future.

9.2 File review is a much more useful exercise if you ensure that you review a reasonable cross-section of the different types of work done by each adviser. You may also want to monitor some kinds of cases more closely than others, eg where concerns were raised about a particular file at the last review.

Specialist

9.3 The requirements set out in the SQM are more specific than under LAFQAS. The idea of random selection disappears, to be replaced by requirements that reflect current good practice.

9.4 You will need to demonstrate that, for each casework member of staff, the sample of work reviewed is representative of their overall caseload (E2.1 (b)).

9.5 You **must** be able to demonstrate that the files selected for review reflect the range of work conducted by each individual over the period of a year (E2.1 (b) Definitions).

- 9.6 Essentially this is about the need to take account of the breadth of someone's caseload when selecting files for review. If they do possession, disrepair and homelessness cases and you only ever review the first two case types, you are not complying with this requirement.

10 Who decides which files are reviewed?

- 10.1 There is a clear emphasis at both General Help and Specialist levels on the importance of an **independent** review of files. 'The selection of files would normally be done by the reviewer rather than the adviser, to ensure independence' (GHW page 41). The LSC will expect it to be the reviewer rather than the adviser/caseworker who selects files for review.

11 Do file reviews have to be conducted in a face-to-face session with the caseworker?

- 11.1 No (with the exception, in the crime category only, of the requirement in the SQM for 50% face-to-face reviews). It is far too time-consuming and ties up two people for the duration of the session. However, you may want to have a short follow-up session to allow both the reviewer and caseworker to raise concerns or comment on any particular issues that have arisen in the review. This is discussed in more detail at section 16 below.

12 Methods of file review

General Help

- 12.1 At this level it is up to each organisation to decide how to carry out file reviews. However, the LSC suggests that 'developing a checklist is a good way to undertake file review' (GHW page 40).

Points common to both General Help and Specialist levels

- 12.2 It is quite common for some organisations to check that all advice given each day is correct. A daily case-sheet check is not the same thing as file review because it only checks the quality of the advice given to the client that day, and often consists of skim-reading the last entry on a file or case-sheet. File review involves reading the case from start to finish (or from the date it was last reviewed, where appropriate), checking not only the quality of advice but also of case recording and the proper application of advice/casework practice and procedures.
- 12.3 Why use a checklist?
- It is the best way to make sure that nothing gets forgotten.
 - It is the only way to ensure consistency in how each file is reviewed.
 - Asking the same questions in each file review will help you spot that, eg an individual adviser repeatedly has a particular problem; there is a common need for training on particular aspects of law or legal procedure; whether administrative systems are being consistently followed.

- You can audit all your procedural systems to check if they are used when they should be and correctly eg Complaints, Referrals and File Management.
- Consider using the file review to check that the case-recording on the file is full enough to make passing any future Transaction Criteria audit straightforward. If you iron out any case-recording problems early on, this should reduce the need for frantic file-checking the day before an audit.
- If you have an LSC contract, there are various contract requirements you may wish to monitor via file review, eg the application of the Sufficient Benefit Test, time-recording requirements.
- Using a checklist for each review makes it very easy to meet the requirement at General Help level that you keep a central record of file reviews (QMS E2.3). Having completed the checklist, you simply photocopy it; file one copy on the case file and the other on a central file. At Specialist level it is not mandatory to keep a central record if you retain the copy record on an individual adviser's personal file instead.
- A checklist can help you improve practice. For example, it may become apparent that a particular procedure is not being followed properly or consistently across the organisation. By raising this at the next team meeting or supervision session you should be able to find out whether this has been caused by a simple misunderstanding about what is required, or indicates an area of unmet training need.

Specialist

- 12.4 The requirements set out in the SQM are more specific than in LAFQAS. They require that: 'a comprehensive record of findings is produced for each file review' (E2.5).
- 12.5 'Records **must** provide all the following detail for each file review:
- 12.6 Key file review information, including:
- file reference
 - date of review
 - Quality Mark category (or case classification)
 - caseworker and reviewer identification
 - method (where it may be other than file content only)
- 12.7 A note which confirms that each of the following has been checked and found satisfactory or details of any adverse findings in respect of:
- quality of legal advice given
 - action proposed or taken
 - adherence to organisational procedures
- 12.8 Evidence about corrective action (ie was it required or was a training need identified, and in either case, a summary of the problem or scope for improvement, the action proposed and subsequent confirmation of completion).' (SQM E2.5 Definitions)
- 12.9 Many organisations that until recently have been meeting LAFQAS will already be recording most of this information on their file review record and will just need to check that it includes the above headings.

13 Will I need to use different file review checklists depending on the level of the work being reviewed?

- 13.1 Not necessarily. In practice you may want to use the same checklist for all levels of work and just leave out any sections that are not relevant to the particular file being reviewed. Alternatively, you may prefer to have one shorter checklist list to use when reviewing work at General Help and General Help with Casework levels, and another for Specialist levels.
- 13.2 The real difference comes with work performed under an LSC contract, when there will be additional items to review to ensure contract compliance, eg time-recording, completion of the CW1, reporting arrangements, disbursements, application of the Sufficient Benefit Test.
- 13.3 If you are doing both contracted and non-contracted Specialist work, you will probably want to devise a checklist that clearly designates those areas for review that you only need to check on contracted work.

14 Do we need to keep a record of the file review on the client's file?

General Help

- 14.1 The General Help standard requires that 'a record of the file review is retained on the case file' (QMS E2.3). This means that the LSC will want to see a note on the case-file to the effect that the review has been done and cross-referenced to the central record. It is not necessary for the review outcome to be retained on the file itself.

Points common to both General and Specialist Help levels

- 14.2 At both General Help and Specialist levels of the Quality Mark you must keep a record of the file review on the client's file.
- 14.3 Some organisations prefer to keep the outcome of a file review confidential, ie so that the client whose file it is does not see it. This is fine. It is **not** necessary to keep a copy of the outcome of a file review, eg a completed file review checklist on the client's file. As long as the file refers to the fact a review has been done, identifies the reviewer (eg by initials) and details any corrective action to be taken and the date by which it must be completed, this amounts to 'a record of the file review' and will be acceptable to auditors. Your file note might read: '5.7.01: File reviewed by RJ - No corrective action required.'

Specialist

- 14.4 The SQM is phrased differently and is a little more specific:
- 'Conduct of a file review (and details of any corrective action to be taken) is evident from the case file' (E2.4)
 - 'Files that have been reviewed **must** contain a note that, as a minimum, confirms the date of review and the identification of the reviewer. Where corrective action was identified the note must also include details of the action to be taken and the time-

scale within which it **must** be completed. It may also be appropriate to identify the person whose work is being reviewed where more than one person has conducted work on the file' (E2.4 Definitions).

15 Do we need to keep a central record of file reviews?

General Help

- 15.1 Yes. The General Help standard requires that: 'a record of the file review.... is stored centrally' (QMS E2.3).

Specialist

- 15.2 Not necessarily. The SQM is more flexible about where records can be kept, allowing them either to be collected centrally or on each adviser's personal file. 'Records must be kept together (centrally and/or on the individual's personal files)' (E2.5 Definitions).
- 15.3 If you already meet LAFQAS requirements, there is no need to change unless you wish to move to a situation where review records are kept on personal files. As establishing individual competence becomes more important, you may want to do this anyway.

16 Do we have to communicate review findings to each individual adviser?

General Help

- 16.1 The General Help standard requires that 'results of independent reviews are fed back to the individual by the supervisor' (QMS E3.1). In addition: 'a summary of information from reviews is used in giving feedback to individuals within their appraisal' (QMS E3.2).

Points common to both General Help and Specialist levels

- 16.2 It is important to communicate review outcomes to staff so that they are made aware of their performance and, where necessary, given specific ideas on how to improve or correct it.
- 16.3 You may want to communicate outcomes on paper, as part of a supervision session or a mix of the two. However you do this, it needs to be done promptly to minimise any anxiety the adviser may be feeling, and to ensure that any necessary corrective action is done as soon as possible. Feedback from file reviews should also be included as part of an individual's annual appraisal.

Specialist

- 16.4 The SQM is explicit that organisations must have documented procedures that ensure that: 'review findings are communicated in accordance with a (written) procedure' (E2.1(c)).

- 16.5 The SQM also requires that:
- ‘Your procedure **must** outline how the individual is to become aware that a file has been reviewed, how the review findings (including any corrective action identified) will be communicated, and within what timescales.’
 - ‘You may want to have different processes and/or timescales for reviews in which corrective action is identified, as opposed to those where it is not’ (E2.1 (c) Definitions).
- 16.6 Many organisations currently meeting LAFQAS will have procedures that already cover the points now made more explicit in the SQM. Just check your current procedure against the revised requirements and make any minor adjustments as necessary.

17 Corrective action

General Help

- 17.1 The General Help standard requires that: ‘Systems are in place to ensure corrective action, identified at file review, is done’ (QMS E2.4). There is no need for these ‘systems’ to be documented as part of an organisation’s file review procedure unless the organisation chooses to do so.
- 17.2 Guidance in the GHW suggests that corrective action should be taken as soon as possible, and that the action to be taken and the date by which it should be completed should be recorded. It also suggests that there should also be a mechanism to check that the corrective action has been completed.

Points common to both General Help and Specialist levels

- 17.3 File review involves identifying any problems either in understanding and following procedures or with the accuracy and appropriateness of the legal advice given to the client. A reviewer may wish to comment on aspects of the case that could be dealt with better next time (where corrective action is not necessarily appropriate on this occasion) or ask for something very specific to be done to correct an omission or error. Any corrective action required should be noted on the review record.
- 17.4 At audit you can expect the LSC to check whether you have carried out file reviews according to your own procedure, and where you have identified the need for corrective action, whether it has been done.
- 17.5 It is possible that a reviewer may identify a potential claim against an organisation’s professional indemnity insurance. In these circumstances, the reviewer should seek advice from their manager about the appropriate next step.
- 17.6 You may decide that the level of supervision offered to a particular individual should be reconsidered or additional training offered as a result of file review findings.

Specialist

- 17.7 The SQM contains broadly similar requirements to LAFQAS but is phrased more explicitly with greater emphasis on the need to carry out any necessary corrective action promptly.

- 17.8 It requires that for each casework member of staff: 'corrective action is completed within a reasonable timescale and to the satisfaction of the reviewer in accordance with a (written) procedure' (E2.1 (d)).
- 17.9 'Your procedure **must** set out the process you use to ensure that corrective action has been completed to the satisfaction of the reviewer, and within the timescale agreed (and that the timescale for completion and for review of corrective action can be justified to the auditor in terms of the significance of error, the risk posed to you, the client or a funder, and the urgency required).'

18 Annual review of file reviews

General Help

- 18.1 The General Help standard requires that: 'reviews of the central record are undertaken at least annually to identify any potential organisational improvements' (QMS E3.3). In addition there is also a requirement that: 'results of the central review are used to inform the review of service performance undertaken every 12 months' (QMS E3.4).
- 18.2 The purpose of this annual review is twofold:
- Does it give you any ideas for improvements you can make to your organisation?
 - Does it tell you anything that may be useful when you review your service performance over the last twelve months? For example, do the review outcomes help you identify the service levels that your staff are competent to undertake? This in turn may have implications for your next recruitment exercise.

The 'review of service performance' referred to is part of the service strategy/plan review required at A1.2 of the General Help standard.

Specialist

- 18.3 The SQM contains broadly similar requirements to those previously in LAFQAS, but is much more emphatic about the need to take action where a negative trend is identified.
- 18.4 It requires that: 'records of file reviews are monitored at least annually, with action taken to improve performance where negative trends are identified' (E2.6).
- 18.5 'As a minimum you **must** show that all records are reviewed at least once a year to identify recurring or emerging trends in performance' (E2.6 Definitions).
- 18.6 This annual review aims to identify whether any particular trends or patterns are evident over the year. These may relate to the way your organisation interprets a particular procedure in practice or to individual performance.
- 18.7 It provides another way of identifying gaps and inconsistencies in working practices as well as positive improvements, eg you may find that there are fewer errors of a serious nature than the year before.

- 18.8 Your response may be, eg to review and rewrite part of a procedure, put on an in-house training session on a misunderstood area of law or how to incorporate a particular procedure into day-to-day working practice.

19 Useful guidance

- 19.1 For Citizens Advice Bureaux, NACAB's Audit Services Team has produced "Guidance on Independent File Reviews" (Version 1.0 December 2001). This guidance is relevant to meeting the standard at General Help level and can be found on www.bmis.org.uk. The pro-forma checklist from this paper is appended to this briefing.
- 19.2 NACAB has also produced the "Community Legal Service Quality Manual Kit" (designed to comply with the CLS QM General Help standard) and the "Office Manual Kit" (designed to comply with LAFQAS). Both these manuals contain materials on Independent File Review.
- 19.3 Shelter's "Quality Standards 2001" has guidance on IFRs at page 51.
- 19.4 Age Concern published "Meeting the Quality Mark: A Guide to Complying with the Community Legal Service Requirements" in September 2000. It contains a sample procedure at page 49 and an IFR Case Management assessment checklist at page 79.
- 19.5 FIAC has a briefing on Independent File Review in "Achieving Excellence" at page 185. It contains a sample procedure.

Appendix 1: Examples of file review procedures and checklists

Attached is a sample file review procedure and checklist in day-to-day use in an organisation with the Quality Mark.

This procedure has been provided by Taunton Housing Aid Centre. In addition, CLS Support has devised a sample procedure for use at General Help level.

We would like to thank Taunton Housing Aid Centre for its permission to reproduce this procedure. We have included it to help you avoid re-inventing the wheel when you come to draw up or review your own procedures.

However, it is important not to assume that procedures from another organisation will transfer directly into your own with satisfactory results. Whilst it is tempting to think that if a procedure has passed an LSC audit for one organisation, copying it will produce the same result for you, you may end up committing yourself to a procedure that is simply not appropriate for your organisation.

So, we suggest you use the sample procedures to get an idea of:

- the 'look' of the document - layout, use of standard forms etc;
- new ideas for good practice;
- other organisation's working practices and how they have documented them;
- whether it might be useful to follow those (or similar) working practices in your own organisation.

CLS Support's sample File Review procedure for use at General Help & General Help with Casework level

File review procedure

The purpose of independent file review is to check the quality of advice given to clients and ensure that members of staff are following case management procedures correctly.

1. Who will review files?

Sarah will review housing, consumer and employment files/enquiry records. Dexter will review welfare benefits and debt files/enquiry records. If one of them is absent, the other can carry out reviews on their behalf.

2. How will files be reviewed?

The reviewer will review files/enquiry records using the attached checklist.

A copy of the completed checklist will be attached to the enquiry record or file. A second copy will be stored in the blue file in the Centre Manager's office. This is the central file for file reviews.

3. How many files will be reviewed?

Files/enquiry records will be selected at random, subject to the need to achieve a representative sample across the different areas individual members of staff advise in.

The reviewer will decide the appropriate balance between case files and enquiry records to be reviewed for each individual member of staff.

New members of staff will have 6 files/enquiry records reviewed per month for at least 3 months after their start date. The number and frequency of file reviews for other members of staff will be decided by their supervisor, subject to a minimum of 3 files or 6 enquiry records (or a reasonable balance between the two) per quarter. In making this decision, supervisors will take into account the following factors:

- the experience and performance of the member of staff
- how long they have been at BAA
- the number and complexity of their files/enquiry records

The supervisor will monitor the number/frequency of reviews to ensure that they reflect the support needs of each individual and outcomes of previous reviews.

4. Corrective action

If a file/record requires corrective action the reviewer will detail this in Section 2 of the checklist and give a deadline for completion. The reviewer will give a copy of the checklist to the member of staff who needs to take corrective action as soon as possible after the review has been done. When the corrective action has been completed, the member of staff must initial and date the file review checklist and return it to the central record.

If corrective action has to be completed in less than a month because of external deadlines, the reviewer will diarise the deadline and check the matter is in hand/completed as appropriate.

The reviewer will check the central record monthly to ensure all required corrective action has been completed.

5. Feedback

Supervisors will discuss file review outcomes with individual members of staff. Feedback from file review will also be given to members of staff at their annual appraisal.

6. Monitoring

The Centre Manager will review the central record annually to identify any emerging trends or need for organisational improvement. This review will be fed into the annual service review.

File Review Checklist

Adviser:	Date of review: Reviewed by:
Casework category (if applicable):	File reference:

Section 1

Issue to be reviewed	Yes/ No N/A	Comment
Client details recorded?		
Client consent to audit obtained?		
Details of enquiry/problem recorded?		
Accurate/complete advice recorded?		
Appropriate action recorded?		
Key dates recorded and observed?		
Case files/records orderly?		
Conflict of interest: (a) correctly identified? (b) dealt with appropriately?		
Early referral appropriate?		
Written information/advice sent to client where necessary?		
Case progress appropriate, recorded and client advised?		

Case outcome recorded and client advised?		
Complaints: (a) any made? (b) If yes, response appropriate?		
Evaluation of external service		

Section 2

Corrective action required	Deadline	Date completed/ initials

13 INDEPENDENT FILE REVIEW

In addition to checking cases through regular supervision, the manager/supervisor is responsible for carrying out independent file reviews (IFR).

13.1 Procedure for independent file review

A random sample of a minimum of three cases is reviewed by the supervisor every eight weeks. If it is appropriate, an increased number of cases is reviewed according to the caseworker's level of knowledge and experience. The cases chosen should include a recently opened case, one that has been open for some time and a closed case.

New and inexperienced caseworkers have a higher proportion of their cases reviewed.

A random sample of a minimum of 3 cases are reviewed.

Additional cases are reviewed to ensure that the review includes one from each of the following categories:

- Homelessness
- Landlord possession action
- Landlord/tenant - other
- Disrepair

The files reviewed should also include one from each of the following tenures:

- Owner occupier
- Secure tenant
- Assured tenant (social landlord)
- Assured shorthold tenant (private landlord)

Where files on any of the above areas are not available for review at the initial independent file review, they are included in subsequent reviews. Cases in the above categories are included in reviews until the caseworker has demonstrated that they are competent in the particular category area.

The files are examined by the supervisor using the independent file review record form.

A date for any corrective action required is agreed between supervisor and caseworker taking into account the significance of the error, the risk posed to the service user, to Shelter of the Legal Aid Board if appropriate. The caseworker must notify the supervisor once the action has been completed.

The number of cases and categories to be included in future reviews will be decided at casework supervision, but a minimum of 3 random cases must always be included.

13.2

Content

The following aspects of casework are covered during independent file review:

- File management, including:
 - Key dates
 - Information recording
 - Correspondence
 - Time-recording
- Conflict of interest
- Recording client's requirements
- Advice given
- Action taken
- Further action required
- Information to client
- Referrals/use of experts
- Closing procedures

Full details of aspects covered are contained in the Independent File Review form.

13.3 Record of files reviewed

The supervisor completes a record of files reviewed and discusses any matters arising or action to be taken with the caseworker. The supervisor will ensure that any action required has been completed satisfactorily within the specified time. The supervisor records that each file/case has been checked by initialling and dating the case sheet.

The IFR record form is kept in a central file held by the supervisor which is located in the admin filing cabinet. A copy is also kept in the case file.

13.4 File review of supervisor's cases

A review of three random cases of the supervisor is carried out in the same way as above at least every 12 weeks by the HAC Manager (if supervisor is not also manager) or appropriate regional office staff, Housing Aid Information Team or Legal Services Team or another appropriate person nominated by the regional manager such as another HAC manager.

A record of the files reviewed is held at the HAC and is kept as specified in 13.3.

13.5 Periodic Review

IFR record forms are reviewed annually to identify any emerging trends. A record of this review is kept in the central IFR file.

INDEPENDENT FILE REVIEW REGISTER

CASEWORKER:

SUMMARY OF CASES	Case reference numbers and date reviewed			
Homelessness				
Landlord Possession Action				
Landlord Tenant - Other				
Disrepair				
Owner Occupier				
Secure tenant				
Assured Tenant (social landlord)				
Assured shorthold tenant (private landlord)				

List of cases reviewed			
Reference number	Date reviewed	Date for corrective action	Date completed

Getting further help

Network contacts

Management Helpline DIAL UK St Catherine's Hospital Tickhill Road, Balby Doncaster DN4 8QN 01302 310123	James Kenrick Youth Access 1a Taylors Yard Alderbrook Road London SW12 8AD 020 8772 9900
John Mulligan Federation of Information and Advice Services 4 Deans Court St Paul's Churchyard London EC4V 5AA 020 7489 1800	National Association of Citizens Advice Bureaux Myddelton House 115-123 Pentonville Road London N1 9LZ Bureau Management Consultancy Line 0845 120 2035 CLS Consultancy Line 020 7833 7046/7134
Law Centres Federation 18-19 Warren Street London W1P 5DB 020 7387 8570	Tricia Euston Shelter 3 rd Floor, Ludgate Chambers Ludgate Hill Leeds LS2 7HZ 0113 2455030
JJ Costello Shelter Cymru 25 Walter Road Swansea SA1 5NN 01792 469400	John Edwards Age Concern England 1268 London Road London SW16 4ER 020 8765 7468

Legal Services Commission contacts

You can also contact your regional LSC office. If you aren't sure which area you are in, any regional office should be able to direct you to the one for your area. For queries about the Quality Mark **only**, you can email the LSC at sdg.issues@legalservices.gov.uk.

London Regional Office 29/37 Red Lion Street London WC1R 4PP 020 7759 1500	North Western Regional Office 2nd Floor, Elisabeth House 16 St Peter Square Manchester M2 3DA 0161 244 5000
South Eastern Regional Office 3rd/4th Floor Invicta House Trafalgar House Brighton BN1 4FR 01273 878800	North Eastern Regional Office Eagle Star House Fenkle Street Newcastle NE1 5RU 0191 244 5800
Southern Regional Office 80 King's Road Reading RG1 4LT 0118 955 8600	Yorkshire & Humberside Regional Office City House New Station Road Leeds LS1 4JS 0113 390 7300
South Western Regional Office 33/35 Queens Square Bristol BS1 4LU 0117 302 3000	East Midlands Regional Office Fothergill House 16 King Street Nottingham NG1 2AS 0115 908 4200
Wales Regional Office Marland House Central Square Cardiff CF1 1PF 029 2064 7100	Eastern Regional Office 62-68 Hills Road Cambridge CB2 1LA 01223 417800
West Midlands Regional Office City Centre Podium 5 Hill Street Birmingham B5 4UD 0121 665 4700	Merseyside Regional Office Cavern Walks 8 Mathew Street Liverpool L2 6RE 0151 242 5200

Project Manager: Jim Fearnley
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community legal service
Support

Advice Services Alliance
4 Deans Court
St Paul's Churchyard
London EC4V 5AA

www.asauk.org.uk
Fax: 020 7248 3367

Telephone and email consultancy

Consultancy line: 0870 7700 447

Email: cls.support@asauk.org.uk

The line will be open at the following times:

Monday	3 pm – 5 pm
Tuesday	10 am – 12 pm
Wednesday	10 am – 12 pm
Thursday	10 am – 12 pm

Consultancy will be provided to individual agencies on issues relating to Quality Mark and Community Legal Service Partnerships. We will be able to advise agencies that have applied, or are considering applying for the Quality Mark, with the focus being on issues relating to the General Help level and above. We will also be able to advise on CLS General Civil Contracts. Our intention is to tailor our support as closely as possible to the nature and requirements of individual agencies.

The consultancy line is staffed by the project advisers, who will answer enquiries at first contact wherever possible. Where further research needs to be carried out in order to answer an enquiry, callers will be informed when they are likely to receive a reply and will be contacted at that time for an update if a full response is still not possible. The project advisers will aim to send any further written information to enquirers within five working days.

Training and Seminars

CLS Support provides training and seminars on both Quality Mark and contracting issues. For further information, including details of costs, please either contact us on the consultancy line or log on to our website.

Briefings

Our current programme of briefings is listed on the following page. Quality Mark briefings will deal with requirements at all Quality Mark levels to which the briefing topic relates. The order of priority of briefings is subject to consultation with subscribers – please complete and return the attached briefings feedback form to give us your views.

The LSC has agreed to subsidise the cost of briefings initially. Currently therefore, briefings will be free to Not-for-Profit organisations who are members of the major advice networks, while private solicitors, non-networked organisations and local authorities will be required to pay a subscription fee.

Email and Internet

You can also send your enquiries by email. A project adviser will respond to you within five working days. We request that you include a contact telephone number with your enquiry so we can call you back to obtain further information if necessary.

The ASA website includes a What's New page with Quality Mark and contracting updates, access to electronic versions of a limited number of our briefings, and details of our current training courses.

Briefings

Series 1: The Quality Mark

1	Introduction to the Quality Mark
2	Client Feedback
3	Independent File Review
	<i>Conflict of Interest</i>
	<i>Signposting and referral</i>
	<i>The service strategy/business plan</i>
	<i>Sample procedures at General Help level</i>
	<i>Comments, Compliments and Complaints</i>
	<i>File Management</i>
	<i>Case Management</i>
	<i>Services of Others</i>
	<i>Information Provision</i>

Series 2: The General Civil Contract

1	Separate matters and Work that can count against contracts
2	Contract reporting arrangements – SPAN
3	Changes to Eligibility
	<i>Disbursements</i>
	<i>LSC Funding and VAT</i>
	<i>The Contract</i>
	<i>Employing a solicitor for the first time</i>

Series 3: Community Legal Service Partnerships

	<i>Introduction to Community Legal Service Partnerships</i>
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Please note that the titles in italics are not yet published. Both the running order and the titles themselves are subject to alteration. We aim to respond to the changing priorities and needs of our readers as identified from any feedback received. We will also take into account any new developments in the Quality Mark.

Franchising Support Project Briefings

A limited number of the following briefings published by the Franchising Support Project are still available. When current stocks run out, they will not be reprinted, as they will be superseded by the CLS Support briefings listed above.

Not for Profit Sector Briefings – all of these are correct as at date published

- No. 7 The Contract Rules**
- No. 9 General Civil Contract: the Framework – The Access to Justice Act 1999
- No. 10 Funding Code and Other Levels of Service

New Agency (Phase Two Pilot) Briefings – although out of date these still contain relevant points

- No. 22 Designating contract work and time recording**
- No. 24 The Contract**
- No. 26 Survey Findings: the transition to block contracting and BriefCase

** These briefings are only applicable to agencies that have, or are applying for, the Specialist Help Quality Mark*

*** These briefings are only applicable to agencies who have, or are applying for, a CLS fund contract*

BRIEFING FEEDBACK SHEET
CLS Support Project Quality Mark Briefing No. 3



Please let us have your views on this briefing and whether there are other aspects of the Quality Mark , General Civil Contracts or the Community Legal Service on which you would like more briefings. Feedback from your organisation will help us make future briefings as relevant and easy to follow as possible.

Did you find this briefing helpful?.....
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Do you have suggestions for any changes that might have made it more useful to you?
If yes, please specify:

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Were there issues that you expected to be covered in this briefing and about which you want to know more? If yes, please say what these are:

.....
.....
.....

Are there other aspects of the Quality Mark, General Civil Contracts or the Community Legal Service on which future briefings would be useful?
If yes, please list below in order of importance:

.....
.....
.....

Your name:..... Tel:

Email:.....

Name/address of your agency:

Please return to: Advice Services Alliance, CLS Support Project, 4 Deans Court, St Paul's Churchyard, London EC4V 5AA or email cls.support@asauk.org.uk subject line "Quality Mark Briefing No.3 Feedback"