Peer Review in Legal and Advice Services

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1 Introduction

1.1 In commissioning this report, Advice Services Alliance (ASA) is seeking both to understand and to contribute to the development and continuing expansion of an important tool for the assessment of advice quality - peer review. ASA understands peer review to be the assessment of the quality of the work of one person by another person seen as capable of carrying out that assessment competently.

1.2 The issue of quality and its development and measurement has been a central concern in the advice and legal sectors for at least a decade. Developments in the past five years have resulted in increasingly detailed quality standards and systems in advice networks and among legal aid providers contracted to the Legal Services Commission (LSC). The development by the LSC of contracting as a basis for legally aided advice provision, and the creation alongside this of the Community Legal Service (CLS) and the CLS Quality Marks, has brought quality assurance and control into the sector to an extent much greater than in the past.

1.3 Quality assurance was originally developed in industry, and is based on the proposition that if the manufacturing process is correctly managed and conducted, the quality of the product will be guaranteed. In the legal and advice sectors, quality assurance monitors the inputs to legal and advice services and the detailed procedures which, taken together, are thought to provide a measure of assurance of advice quality.

1.4 On the one hand a number of the changes brought about in legal and advice services as a result of the adoption of quality standards are seen by many in the sector as representing good practice and supporting improvements in the quality of service. On the other, quality assurance has been criticised by advisers and others both for its perceived inability to measure ‘true quality’, and for the bureaucracy needed to create, maintain and scrutinise advice through a quality standards approach.

1.5 By contrast, peer review is widely accepted as an effective method of directly measuring real service quality, and it is the search for better tools for quality assessment that has been the primary motivation for the adoption of peer review in the legal and advice sectors in the past few years. Networks of advice organisations have been keen to demonstrate the quality of their services through the use of an accepted method of quality assessment. For the LSC, control of legal costs has also been a driver of some of their recent uses of peer review.

1.6 Specific examples of uses of peer review across parts of the sector can be found in the CAB service, the LSC, Shelter and the Money Advice networks. New uses for peer review continue to develop, with more not-for-profit organisations now engaged in pilots to create their own systems, and reviews of more categories of law by the LSC.

1.7 Advice Services Alliance (ASA) has a strong interest in the development of peer review in the legal and advice sectors, and exploring these recent developments is a useful and timely activity which should be of considerable benefit to these sectors.

The report

1.8 The report offers an overview of current developments in peer review within the legal and advice sectors. It sets out the components of peer review, explaining their relevance to its different contexts and the uses now being made of it. Issues raised by the various participants are also examined.
1.9 The report seeks to understand different peer review systems and to highlight their similarities and their differences. No attempt is made to evaluate different systems.

1.10 As a snapshot of current practice, this report is inevitably out-of-date, but should nonetheless provide a route into peer review for those in the sector who are seeking to use it as a quality tool.

For a full account of the research see Appendix 2.
2 Quality in legal and advice services – the background

Quality assurance

2.1 Interest in quality in the legal and advice sectors has grown dramatically in the past two decades. A principal feature of this growth has been the spread of quality assurance frameworks within which legal and advice services are required to operate.

2.2 Growth of quality systems is constrained by funding, and most advice networks have had extremely limited resources for the development of quality systems. It is therefore understandable that growth has taken place where funding is more substantial than in other parts of the legal and advice world.

2.3 Among advice networks, Citizens Advice, Citizens Advice Scotland (CAS) and Shelter have developed organisational standards for their members designed to enable and publicise better quality advice. In the statutory sector, the LSC has devised a body of standards and quality controls as part of contracting within the CLS, with the CLS Quality Marks making a raft of public quality frameworks available to advice providers.

2.4 Self-regulation by advice networks has therefore developed most extensively within the CAB Service and Shelter. Citizens Advice in particular devotes considerable resources to the inspection and audit of its members. This is not to say that all networks have gone down this road, and some – for example Advice UK – have much less substantial requirements for membership, and no detailed regulation. In part this is of course about funding, but it is also about perspectives on regulation, and relations between networks and their members.

2.5 The adoption of quality assurance by legal and advice services has been both welcomed as a route to important improvements in routine practices associated with casework, and criticised as failing to measure real advice quality. The systems necessary to create, maintain and scrutinise advice through quality assurance are also experienced by some practitioners as over-elaborate and excessively time-consuming.

Routine uses of peer review

2.6 Scrutiny by experienced or ‘expert’ advisers has been common practice in the legal and advice sectors for many years. Examples include peer control of access to some Law Society panels, supervision of advice within legal and advice agencies, independent file reviews, and peer review of performance as part of training programmes and practices. Peer review has therefore played a part in a number of fairly routine activities:

- Observation of interviews – known as contemporary review – is used in training.
- Case discussions are used both in supervision and in team learning.
- Presentations of specific cases are commonly used in meetings of teams of providers.
- Examination of case files is used in independent file review.

2.7 The purposes of peer review in these situations may vary. Team discussions of cases focus on learning within the team. Supervision has two roles – to improve staff performance, and to monitor its quality. Independent file reviews monitor advice quality. These purposes are not inherently different from those found in the more systematic uses of peer review that have been developed in recent years.
Peer review systems

2.8 In legal and advice services more explicit, dedicated uses for peer review have also emerged as part of quality audit, in research into quality, and in cost control. There are now a number of different peer review systems aimed at an overall quality assessment of the services provided by a range of legal and advice agencies.

2.9 A number of advice bodies – including Citizens Advice, CAS, Money Advice Trust, Money Advice Scotland and Shelter – have used peer review for research into quality and/or as part of their quality systems. The LSC and the Office of the Immigration Services Commissioner use peer review for audit. The LSC has also undertaken several research projects using peer review as a quality assessment tool, and has developed a role for peer review in the assessment of legal aid costs. Recently, Age Concern England has begun to develop a peer review quality system of its own.

2.10 There is a range of overlapping aims for peer review systems in legal and advice services:
- assessment of service quality;
- improvement of service quality;
- demonstration of quality – both within the organisation and externally;
- gate-keeping for membership of networks or award of LSC contracts;
- the informing and development of policy and practice;
- arbitration of disputes about cost and quality.

Citizens Advice and Citizens Advice Scotland (CAS) membership systems

2.11 Two advice networks (Citizens Advice and CAS) have developed and adopted what they describe as Quality of Advice Assessment (QAA), and have incorporated QAA into their membership review cycles, which assess performance and identify difficulties in service delivery.

2.12 Citizens Advice and CAS use QAA alongside desktop audits (of management and other procedures), as well as audit visits. These system-based uses of QAA act as gate-keeping tools (in principle, a CAB can have its entitlement to membership withdrawn), and underpin improvement plans. Both Citizens Advice and CAS want their uses of QAA to provide objective evidence of quality of advice to external stakeholders. In these two uses, peer review is a tool for assessing, demonstrating and securing quality.

2.13 Securing quality requires action following a review, and for such follow-up activity to be possible a CAB needs to accept the validity of the QAA system, and the judgments made. An understanding of the aims, the process, and the results of QAA on the part of CABx is central to its effectiveness. A common acceptance of the value and validity of the review and its results is critical for subsequent quality improvement.

2.14 Such confidence is promoted within CAS and Citizens Advice through their participatory and decision-making structures. Both have developed their QAA systems through the discussion and adoption across the networks of detailed specifications for each system. The Membership Committee of each body – a Committee of the Board – controls and oversees the process. In addition, during the development phases, participation by CABx was voluntary.

Citizens Advice research into quality

2.15 Citizens Advice has in the past (1988 and 1995) commissioned research into advice quality which has used peer review as part of its methodology. These research
projects sought to assess advice quality across the service, in subjects about which the service had some concerns. Both studies have had important consequences for improving the quality of advice in CABx.

2.16 A study of the quality of housing advice in CABx, carried out in 1988, was one of the stimuli for the creation of the National Homelessness Advice Service, a joint CAB/Shelter service funded by the then Department of the Environment, through which Shelter provides expertise and support to CAB housing advice. This government-funded, large-scale initiative continues today.

A second study – of employment advice in CABx – led to an extensive programme of training and development for employment advice-giving in CABx.

Legal Services Commission research into quality

The LSC has been developing a range of roles for peer review over the past two years. For the most part, the LSC has commissioned external researchers for this work.

Quality and Cost research

2.17 In 1996 the LSC commissioned research which relied partly on peer review, exploring associations between advice quality and LSC funding arrangements in the block contracting pilot (see glossary). This research – published as Quality and Cost (LSC 2002a) – used peer review to address the issues which arose for the Commission in the development of its approaches to funding contracts, and sought to explore any possible relationships between advice quality, remuneration systems and cost control in contracting. Peer review was used alongside mystery shopping and client interviews to provide assessments of advice quality. The results of the research informed LSC policy on the funding of contracts, and provided a number of useful insights into advice quality which influenced subsequent research and policy development.

Research into the quality of work under tolerance

2.18 In 2002 the LSC commissioned research to assess the quality of work done under tolerances (see glossary), using an approach to peer review very similar to that developed for the Quality and Cost research. A prior phase of research into the quality of tolerances work had been undertaken several years earlier, using three different research methods: analysis of case return data (known as SPAN codes) in debt, welfare benefits and housing; a survey of a sample of practitioners who did a fair amount of tolerance work; and some qualitative telephone interviews with practitioners.

2.19 A peer review study of tolerance work in the same three subjects was used to assess the quality of this work and to explore how well the earlier research methods had been able to assess quality. This research role for peer review has provided some evidence of the comparative quality of contracted work and work under tolerance in these three advice subjects, as well as providing insight into the reliability of other methods of quality assessment.

The Wales study

2.20 In 2002 the LSC commissioned a second study using peer review, to assess the ‘legal competence’ of subject supervisors by examining advice quality in circumstances where the Specialist Quality Mark supervisory requirements could not be fully met. This study examined the debt, housing and welfare benefits work of a number of private practice solicitor firms in rural Wales. The peer review system used in the Wales research was almost identical to the system used for the Quality and Cost research.
Family and immigration

2.21 In February and March 2003 LSC researchers recruited peer reviewers competent in the family and immigration categories of law, relying on the same approach to peer review as had been used for earlier research. At the time of writing, no use has been made of these reviewers.

Legal Services Commission costs disputes

Peer review of costs in immigration cases

2.22 The London Region of the LSC began using peer review to assess costs in some immigration cases in 2001, in the face of the rising cost to the LSC of immigration advice and a rising number of complaints from clients. Most immigration practice is in London, even after the recent dispersal of asylum seekers, and peer review of costs has become a permanent part of the audit work of the London Region. The use of peer review achieves savings of several millions of pounds in the legal aid fees paid to immigration practitioners every year.

Peer review of costs in welfare benefits cases

2.23 In 2002 the LSC carried out a peer review of welfare benefits case files in Liverpool which were the subject of costs disputes. The peer reviewer was able to advise on costs in each individual case, and to provide a report to the LSC offering an analysis of the factors which had contributed to the original disputes. As a result of this peer review exercise, the costs disputes between the Commission and some of its suppliers of welfare benefits advice were resolved. The Liverpool research also provided the LSC with insights into how well its costs assessment processes and guidance documents were working.

Shelter

2.24 Shelter developed a Quality of Advice Assessment (QAA) tool in the late 1990s, and incorporated QAA into its regular and planned audits of Housing Aid Centres. QAA is conducted through peer review, and the role is similar to that taken in CABx – assessing, demonstrating (especially externally) and securing quality; but it differs in some ways because Shelter is not primarily a membership network.

2.25 Shelter has relationships with two kinds of Housing Aid Centre: Shelter HACs, which are directly managed by Shelter and are part of Shelter itself; and self-managed independent housing aid centres, which are associates of Shelter (and in most cases also members of Advice UK), and whose membership is conditional on the adoption of specific policies and practices, in return for which Shelter provides a range of systems and supports.

2.26 There may therefore be differences in what QAA can achieve within Shelter – depending on whether a housing aid centre is part of Shelter or is independent. Overall, however, QAA has a gate-keeping function, as well as an employer function. The principal aims of service improvement and the provision of evidence to external stakeholders are very much the same as in CABx.

Money Advice Scotland (MAS) and Money Advice Trust (MAT)

2.27 Both MAS and MAT are national bodies to which money advice organisations of all kinds can affiliate. They exist primarily to support and promote the development of money advice services, and are membership organisations. However, their membership requirements are limited to a commitment to general quality standards developed in collaboration with the membership. Neither organisation audits or controls its members. Membership is voluntary and is drawn from many different kinds of advice agency. It may include any agency which employs a money adviser–
CABx, independent money advice centres, local authority money advice services, and so on.

2.28 In the past two years MAS and MAT have separately commissioned research into the quality of money advice in their member organisations, with several aims: developing a better understanding of the factors which contribute to good quality money advice; setting out proposals for improvement based on these findings; and doing all of this publicly, to demonstrate quality externally (MAS 2002; MAT 2000). As a direct measure of advice quality, peer review was an essential part of the research methods of both organisations, alongside mystery shopping and client interviews.

The Office of the Immigration Services Commissioner (OISC) audits

2.29 The OISC uses peer review in its regulation of immigration advisers. Currently this regulation is implemented through a quality assurance-based system of desktop audits and audit visits, which examine the systems and competences of agencies that employ immigration advisers. Peer review plays a relatively minor role, but one which OISC is seeking to expand.

2.30 Peer review is used in two circumstances. OISC in-house auditors known as caseworkers, some of whom are solicitors with immigration experience, may review case files as part of an audit visit. OISC also has a team of external consultants who are all immigration solicitors, who will be asked to peer review the case files of immigration advisers if OISC has identified any problems in the course of the audit. In these cases the consultant will visit with a member of the OISC’s in-house casework team.

2.31 In OISC, peer review is used primarily as a gate-keeping tool, but also serves to complement other quality assessment tools. The judgments of the consultants are advisory to OISC staff, giving peer review a different role from that of arbitration, identified in the case of LSC costs disputes.
3  Peer review similarities and differences

This section compares how different peer review systems work in practice.

Different types of peer reviewer

3.1 Among the examples in this study, there are six main elements which contribute to the profiles of peer reviewers:
- experience as an adviser;
- experience of advice subjects;
- experience of assessment, supervision, management and training;
- working in a specific network or sector;
- professional qualifications;
- acknowledged expertise – a reputation.

3.2 Whilst there is broad agreement that experience of advice work is necessary in order to judge advice quality and that supervisory, management or training experience enables a reviewer to make valid general assessments of the work of others, there are some differences in understanding as to who qualifies as a ‘peer’.

Citizens Advice quality of advice assessors

3.3 Citizens Advice quality of advice assessors are required to be generalist advice practitioners with current knowledge, skills and experience. Citizens Advice has sought to recruit assessors for its QAA from outside as well as from within the CAB service, as yet without succeeding in appointing any external assessors. Assessors recruited from outside the CAB service would need to develop their understanding of the CAB approach to advice delivery.

3.4 Citizens Advice assessors review all of the generalist advice of the CAB, including the work of specialist advisers who are contributing to generalist advice – but not the specialist work of specialist advisers.

3.5 Citizens Advice assessors derive their legitimacy from their recent advice experience, in whatever context it was gained – a measure of ‘profession’ (voluntary or salaried) and expertise, rather than understanding of the CAB. Service assessors are not required to continue to work as advisers, although they may do so on a part-time basis.

3.6 Citizens Advice assessors may have greater expertise or experience in some subjects, but overall they are not required to have similar or greater experience than – or a role identical to – that of the advisers whom they review.

Citizens Advice research peer reviewers

3.7 In its research into employment and housing advice quality, Citizens Advice used a sole peer reviewer – a highly experienced solicitor with knowledge and experience of the CAB. The core requirement appears to have been for a recognised expert well known in the CAB service.

CAS quality of advice assessors

3.8 CAS requires its quality of advice assessors to have current and ongoing CAB advice experience: reviewers must continue to work in a CAB as advisers. The ideal profile of a peer reviewer for CAS includes strong experience of CAB advice work, plus senior roles such as management, supervision, file review, training and tutoring. However, in practice CAS has had difficulties recruiting to meet this profile. CAS assessors review all CAB advice and advisers, but are not required to have experience or a role identical to that of the advisers whom they review.
3.9 A CAS reviewer may be a volunteer adviser, or may be salaried, and may have a special subject, or work as a generalist adviser. For these generalist peer reviewers, reviewing a generalist service, experience of specific advice subjects is not central. Their legitimacy derives from their experience within and understanding of the service as a whole, not from any job title or subject expertise.

3.10 CAS verifies the work of its peer review team with a second stage. The verification panel is chaired by an independent solicitor, and composed of experienced CAB advisers and managers. Other than the Chair, the members of this second review group are all experienced advisers in the CAB service. The Chair selects a sample of cases which are re-assessed by the panel to ensure the standard of the assessors’ findings.

**LSC peer reviewers**

3.11 LSC researchers have recruited peer reviewers for research purposes on several occasions. In these instances recruitment has been of solicitors with specific experience of the subjects included in the reviews, and with supervisory or management experience.

3.12 The peer reviewers recruited by the LSC researchers were required to be solicitors – members of a specific profession. The reasons for this, set out in the Quality and Cost report, are that the sorts of standardised training and accreditation systems that exist for solicitors have no parallels in the non-solicitor advice sector. As a result, the researchers had no yardsticks for recruitment of non-solicitor peer reviewers.

3.13 LSC researchers sought reviewers capable of carrying out reviews in both the not-for-profit and the private sectors, and recruitment of solicitors with experience of both sectors answered concerns about possible differences in approach to advice provision between sectors and between different types of adviser.

3.14 In the Wales research, not-for-profit experience was not a requirement, as the review is of solicitors’ firms only. However, recruitment took place from both solicitors’ firms and advice agencies, and in fact 70% of those recruited had not-for-profit experience. The same group of reviewers was used for the tolerances reviews.

3.15 For peer review of costs, the LSC has used solicitors who are recognised experts in the relevant subject, both as consultants and as employees in-house. In this case, there was a very strong emphasis on recruitment only of the best and most experienced solicitors – recognised experts.

**MAS & MAT peer reviewers**

3.16 Researchers for the MAS and MAT recruited experienced money advisers from a range of advice organisations, from a list provided by the money advice networks involved in and supporting the research. These were ‘expert’ reviewers, whose experience and skills as money advisers were expected to be the same as or greater than those of the reviewed advisers.

3.17 In both studies, peer review of money advice took place in a variety of agencies – some generalist, some specialist – and reviewed the work of a range of advisers, including the work of both generalists and specialists.

3.18 Researchers were concerned to recruit from a range of different money advice backgrounds, and were successful in this.

**Shelter peer reviewers**

3.19 Shelter’s reviewers are both in-house and external, with an emphasis placed on a combination of the two. Current reviewers include experienced Shelter ex-housing advisers now working in the Shelter quality team, occasionally members of the
Shelter legal team, and an external private practice housing solicitor. Reviewers all have supervisory experience in housing advice, and the current external reviewer provides training for Shelter advisers, formerly having worked in the not-for-profit sector, and thus knowing Shelter well.

3.20 Shelter reviewers are known and respected by Shelter HACs. Reviewer legitimacy is provided partly by the use of expert individuals familiar to housing advisers. This is possible both because some HACs are run by Shelter, and because Shelter is a relatively small network.

**OISC peer reviewers**

3.21 OISC reviewers are consultants who are recognised experts in immigration law and advice. They are used only occasionally, accompanying OISC casework staff to specialist-level agencies to review case records. The OISC model is broadly that of the specialist or expert reviewer.

**Training and supporting peer reviewers**

3.22 Most peer reviewers undergo some training after recruitment, although in general this is not substantial. Training is primarily about understanding the different review guidance frameworks that some reviewers are required to use (see below). These frameworks are tools for the promotion of consistency and transparency. The promotion of consistency is in itself also a training goal.

3.23 Citizens Advice and CAS train assessors in the use of their QAA frameworks. In Citizens Advice, reviewers also attend team meetings, shadow each other, and take part in case conferences, and the QAA team meets monthly to discuss policy, practice and operational issues (including any issues which arise in carrying out reviews), and the support needs of reviewers. CAS has developed the skills of its reviewers over time, with piloted joint reviews and formal sessions. CAS sees training in the use of its QAA model as a critical factor in developing good reviewers. CAS is also currently developing ‘double’ review exercises to enable assessors to develop their skills and improve the checking of consistency between reviewers.

3.24 LSC researchers run a two-day training course for reviewers, which introduces the framework for reviews, and can at the same time test and modify it through the exercises reviewers undertake during training. LSC peer reviewers who work on costs issues do not use guidance frameworks developed by others, and do not therefore need to undergo training in their use. Researchers for MAS and MAT held a single training day in the use of their guidance framework.

**A common method of peer review**

3.25 In current developments of systems for peer review in legal and advice services, a cluster of methods is used:

- case file scrutiny;
- document review to compile a profile of the agency;
- interviews with managers and supervisors;
- document review of casework systems;
- discussion with caseworkers.

Of these, peer review is implemented overwhelmingly through case file scrutiny, and most other reviewer activities are minor, featuring only as supports to this main activity.

3.26 In examining case files, there is a common primary focus on the examination of the technical quality of advice. Citizens Advice and CAS use notions of professional practice and technical practice to explain what their QAA is intended to measure.
Professional practice (which is thought not to be assessable by peer review) is described by Citizens Advice as the process of advice giving, and by CAS as those matters which are about how the client is dealt with, their needs, and so on. Technical practice (which is what peer review is thought to assess) is the technical content of the advice given.

3.27 Similarly, Shelter assesses what it describes as technical quality of advice. The MAS and MAT studies assessed the technical quality of the work, and whether this was appropriate for clients and their circumstances.

3.28 In the Quality and Cost research, LSC took a wider view, examining the quality of work in individual cases, the allocation of work within and across cases, and the management of the work and the contracts in general. Peer reviewers were used to perform two functions in addition to studying the quality of advice given: assess the contract management arrangements, and how work was allocated within agencies. The aim of these assessments was to ascertain whether the contract had necessitated any change in organisation and management. Reviewers were used as information-gatherers rather than evaluators in these additional areas.

3.29 Subsequent LSC uses of peer reviewers – in the tolerances and Wales studies, and in the welfare benefits and immigration uses – have focused solely on either the quality of the work done or on the decisions on costs in specific cases.

**Different starting points – the relevance of understanding the agency**

3.30 Some review systems include an initial engagement with the agency under review. This occurred in both CAB systems, and to a lesser extent in the money advice research and in the case of Shelter.

3.31 In the CAB approach, the assessor begins with a trawl and study of documents relevant to the CAB under review. Typically, these include enquiry and client statistics, annual reports, and so on, and are used to inform file selection and the assessment. This approach allows for the possibility of different assessments depending on the capabilities and resources of the agency concerned.

3.32 The character of the service provided by the CAB is discussed with the manager as part of this initial stage. The assessors thus compose for themselves a picture of the CAB and its work. This is a careful activity which involves preparation in advance of review visits, and up to two hours discussing and selecting the sample of cases. CAB assessors may also have brief discussions with advisers to clarify the detail of a specific case under review, although this is neither central nor required.

3.33 MAT and MAS reviewers performed similar tasks, although with much less engagement with agency managers, and less detailed profiling of the agency. Shelter reviewers are familiar with the operations of Shelter HACs, and the process of selection of case files, although organised to reflect the balance of cases in the agency, does not require more than brief discussion, and is not time-consuming.

3.34 LSC peer reviewers now have no direct contact with reviewed agencies – reviews are conducted at LSC premises, with samples of files selected by the LSC itself. Past research exercises did involve visits and a degree of engagement, but this was seen as incidental to the peer review of case files.

**Guidance frameworks**

3.35 Some of these peer review systems have in common a reliance on developed frameworks of review criteria to guide the work of reviewers, and scoring systems which include a combination of numerical scales and some qualitative assessment. The table below shows the criteria used by the LSC and Citizens Advice. The other systems have similar criteria which are listed in full in Appendix 3.
LSC research criteria | Citizens Advice criteria
---|---
Communication | Diagnosis
The advice | Information collection
The work/assistance | Appropriateness to the person, the problem and the local circumstances
Overall score | Signposting and referral
| Accurate and complete evidence
| Case management
| Overall effectiveness

3.36 The uses made of peer review by the LSC for costs assessment are different: the costs reviews do not have a guidance framework developed by others. Instead, the approaches used have been guided by the existing costs assessment processes and reviewer judgment.

3.37 OISC caseworkers carry out file quality reviews of each adviser, using a set of quality indicators which are still being developed.

**Review criteria – similarities and differences**

3.38 Reviews by means of a set list of criteria promote consistency among reviewers, and facilitate scrutiny of the validity of what reviewers do with files, enabling others to check and monitor their work. A framework also demonstrates validity to external stakeholders. The headline criteria in different systems are similar.

3.39 The provenance of assessment frameworks varies, but many have common features, and it seems likely that they have developed in something of a virtuous circle. For example, the CAS system used as its starting point the Citizens Advice system, and the MAS system was modified from the MAT system, in the light of Citizens Advice developments. It is also sensible to assume that the range of possible criteria is in itself quite limited, and that similarities may simply reflect this fact. Most frameworks have evolved through use, and are continuing to do so as experience is accrued.

3.40 Guidance for peer review of costs has no dedicated framework in the sense described above. The approach to costs review has either been a matter for the reviewer to decide, or the reviewers rely on an existing costs audit framework and make judgments about each action recorded on the file.

3.41 Despite similarities between headline criteria, considerable variation can be found in the detail of these frameworks, which varies from one or two pages to seven or eight. Both CAB frameworks are longer than the others, and the LSC’s research framework is the shortest.

3.42 Elaboration is not in terms of advice subject – these are not re-modelled transaction criteria (see glossary), although at one time CAS was using this terminology – but relates to how to understand and apply the criteria to the evidence on the file.

3.43 CAS and Citizens Advice frameworks follow the ‘CAB advice process’ in some detail, and peer reviewers are asked to track this process carefully throughout a case file. A key consequence of this is that CAB assessors are likely to spend more time on case file reviews than other assessors, with Citizens Advice assessors spending the most time, partly because Citizens Advice applies the framework to each topic within a file, often producing more than one review per file.

3.44 The language used also varies. The LSC research framework uses language drawn from solicitor quality systems, while others use language current in the not-for-profit sector.
Scores, scales and explanations

3.45 In different forms, all of the current frameworks include systems for attaching scores to assessments of performance. Each therefore offers the possibility of results which are to some extent quantifiable. In the case of LSC costs reviews, the results are amounts of money, not scores.

3.46 With the exception of CAS and LSC costs reviews, all current systems rely on assessment scales that produce a score for each criterion in each individual file reviewed, and that are capable of aggregation for overall scores of several kinds. In all cases this is done at the time of the review, not later.

3.47 To varying degrees, these scores may be accompanied by a reviewer note explaining how a score was arrived at, and by separate qualitative descriptions of the work; but qualitative outputs are less common than numerical scores.

3.48 Scores are divided into bands forming an assessment scale. A score (including percentages) on the assessment scale is given for each criterion in the assessment framework, and a mean score is worked out for each case file. The mean scores for each file reviewed may in turn produce an overall mean score for all of the files examined – a ‘grading’ mark on a scale for the work overall. Such scales are very similar:

- excellent-good – minimum acceptable – poor – very poor (MAS);
- very good – good – pass – poor – very poor – poor: can’t assess (CA);

3.49 The LSC research approach also uses a number of yes/no questions, such as ‘Was the advice given at the right time?’ The language used by LSC researchers differs, but the approaches are very similar.

3.50 CAS experimented initially with scores, but now prefers to use a single option of ‘compliance – non-compliance’.

3.51 Qualitative assessments are sometimes required in the form of written commentaries against each criterion, giving a basis for understanding the thinking behind the scoring, and therefore of the rationale for intended service improvement. In the Citizens Advice system, in particular, these form a substantial part of the assessors’ work, and account for a significant amount of time spent on assessment.

3.52 Some agencies have adopted additional ways of using scores. MAS and MAT explicitly sought a quantitative measure of advice quality which would allow comparisons to be made between peer review results and the results of other methods used to measure an agency’s performance. In the LSC research, scores for advice quality were used as variables to establish possible correlations between quality and other factors, such as the effect of funding arrangements on performance. Scores also allowed LSC researchers to examine the scoring behaviour of individual reviewers as part of the assessment of the reliability of the scoring framework.

3.53 The Citizens Advice QAA involves production of a report of 16–20 pages on the assessment and its results. This adds considerably to the time the reviewer spends working on the review of a bureau. Although CAS does not produce such a report, the calculations required of peer reviewers to produce overall scores for CABx under review are time-consuming.
Double marking

3.54 LSC peer review uses some double marking of reviewed cases, in order to ensure consistency between reviewers. CAS also uses double marking, carried out by a ‘Verification Panel’, one of whom is from outside the CAB service. Citizens Advice sees the potential value of such a panel and is now considering how to put in place a system external to the quality team, to check the work of its assessors.

Sampling case files

3.55 In all of the peer review systems, a sample of case files is selected for assessment. All systems include a random element, and all seek to avoid selection of files by the agency under review.

3.56 Two selection methods can be identified. The first is characterised by direct selection by the reviewer, from either the case filing systems or a list of cases provided by the agency. The second, used by the LSC, includes selection from the regular case returns from contracted suppliers. Selection may be of a single subject, or of a cross-section of subjects, depending on the character of the peer review system.

3.57 Most peer review systems relied on recently closed cases – from the preceding year – with the exception of the MAS research, which selected a mix of closed and open cases. Numbers of cases selected varied, but a target of 20 case files from one agency is common, although the MAS research selected only 15, while the LSC research sampled even fewer. Clearly, the number of cases selected will depend on the number of cases available.

3.58 In CAS, MAS/MAT, Citizens Advice and Shelter, cases were generally selected to reflect a quota of subjects or types of case, and a mix of advisers, within a single subject category, with the intention of achieving a balance reflecting the overall work of the agency. Files were drawn directly from storage by the reviewer on the premises, or from lists provided by the agency prior to the review visit.

3.59 CAS and Citizens Advice devoted most effort to achieving the right sampling balance, in a process which took up to two hours – partly due to the complexity of such a task in a generalist and multi-adviser agency, and partly due to the networks’ concern to ensure a selection of files that would be seen as fair.

3.60 In the LSC Quality and Cost research, sample numbers varied, depending on the numbers of files in the agency concerned. For example, if there were five cases, all would be reviewed; if there were 100, then 15–20 would be reviewed. LSC costs reviews of immigration files sample 20 cases from each supplier.

Which advice work is reviewed?

3.61 Peer review takes place in solicitors’ firms, in specialist advice agencies, and in generalist advice agencies. Some current peer review is of single advice subjects – both in specialist and generalist agencies – and some is of multiple subjects.

Single subject reviews

3.62 Reviews of single advice subjects are the norm for LSC, Shelter, and in the MAS and MAT research. Reviews of single subjects are usually carried out by specialist reviewers. In the case of LSC suppliers with more than one contract, more than one subject may be reviewed, with each review typically being carried out by a different reviewer.

Generalist reviews

3.63 Reviews of a range of advice subjects take place within the CAB service, and are carried out by experienced CAB assessors who may be specialists in some subjects, but clearly not in all.
On the whole, Citizens Advice and CAS record all enquiries raised by a client in one case file. So within one file it would not be unusual to find enquiries on different subject areas – such as housing, debt and welfare benefits – known as ‘topics’ in the Citizens Advice quality literature. Citizens Advice and CAS have different approaches to case file review. In CAS, the whole file is reviewed, whereas in Citizens Advice several different topics may be reviewed separately for a single file. CAS’s decision to review whole files was motivated primarily by concern about the time taken to review each topic discretely.

**Reviewing different advisers**

All current peer review systems review the work done by the agency, not the work of named advisers, although within the CLS Quality Marks advisers must meet certain requirements before they can advise on specific subjects.

**Cases run by more than one adviser**

In CAB advice, different advisers are likely to work on the same case file for much of the generalist work. In practice, therefore, review of a case file will often mean review of the work of more than one adviser.

**CAB reviews of the work of specialist advisers**

There are some salient differences between CAS reviews and Citizens Advice reviews, in that the latter do not review the specialist subject work of specialist advisers, but only their contribution to generalist advice; whereas CAS assessors review the work of all advisers, including the specialist work of specialist advisers.

This difference is partly a result of LSC contracting in England and Wales, where CABx have a much greater number of specialists, some of whom are funded under LSC contracts. In many CABx, legal aid contracted work is ring-fenced, and not part of the QAA. This makes the exclusion of specialists doing specialist work feasible, because it is organisationally separate. It also avoids adding to the requirements placed on specialists by the LSC quality systems.

**On-site/off-site reviews**

Reviews have been conducted at least partly on-site in many of the review systems studied. Where this occurs, examination of case files may be completed on-site, or begun on-site and finished elsewhere, depending on the time this task takes.

CAB, LSC Quality and Cost, MAS/MAT, and Shelter reviews were all carried out partly on-site. Some LSC Quality and Cost reviews were completed off-site, and CAS and Citizens Advice reviews tended to start on-site, but were usually completed off-site at a later point, with copies of files for review taken to make this possible. More recently, LSC has been carrying out reviews at LSC Regional Offices, primarily as a means of reducing the time taken.

In their current form, CAS, Shelter and Citizens Advice reviews could not be carried out entirely off-site, even where this is desired, primarily because the reviews are part of wider systematic audit processes, requiring different degrees of engagement with member agencies. Reviewer visits and discussions are therefore part of the assessment, and promote transparency and acceptance of the review and its results. On-site reviews also allow for some feedback to take place in the course of review visits.

Off-site reviews are likely to be less time-consuming than reviews conducted on-site. There are two practical reasons for this: reduced travelling time and no necessity for file selection on the day. Off-site reviews can ensure anonymity, and can therefore offer reassurance about the objectivity of the reviewer. However, the anonymity of
the process may not suit all agencies, and may also inhibit acceptance of the validity of the process.

**Contacts between reviewer and reviewed**

3.73 The amount and type of contact between reviewers and those being reviewed varied in several ways. If there was any contact at all, it rarely amounted to more than a single discussion with service managers, an occasional question, and perhaps a brief verbal feedback session.

3.74 In some peer review systems – notably CAS and Citizens Advice – some reviewers seem to actively seek to convey the relevance of their experience to agencies, reassuring them by seeking to show their competence. But often agencies already knew of reviewers by reputation, and were aware of their skills.

3.75 In other systems there was no active presentation of experience. In general this did not seem to make a difference to adviser attitudes in agencies where on-site reviews had taken place. A lack of explanation was, however, experienced as a partial obstacle to effective review in a few instances. Some agencies commented that reviewers had not understood how a filing system worked, or had not sampled files which reflected their work, and as a result had made errors in their final judgments.

3.76 Off-site reviews do not involve personal contact, although information about an agency may be conveyed by other means.

**Confidentiality and trust**

3.77 Confidentiality of results is viewed as indispensable to all peer review systems. Without some measure of confidentiality, the trust essential for participation would not be sustainable. In taking part in peer review, agencies are exposing the quality of their work to relatively unknown outsiders.

3.78 Confidentiality is implemented in three ways. Citizens Advice, CAS and Shelter all emphasise the need for strictly defined limits on who has access to results – only those involved in the review will see them. Research models used by the LSC for *Quality and Cost*, and by MAS/MAT, take a different approach, in that the participating agencies are not identified, having the primary role of sources of research data, rather than being assessed individually. Finally, the LSC contracts peer review to external researchers, and takes the view that the requirements of confidentiality are thus secured.

3.79 However, confidentiality is inevitably limited in peer review systems where the purpose is gate-keeping. If potential results include the withdrawal of membership or of a contract, confidentiality is constrained because this could result in public recognition that an agency has not done well in the review. This tension is inherent and largely unresolvable.

3.80 Confidentiality therefore normally requires that the specific results of peer review for any one agency are not revealed. However, if a review reveals quality issues serious enough to warrant removal of membership or contract termination, then the fact that a poor result was obtained will become public knowledge.

**Feedback**

3.81 Citizens Advice, CAS and Shelter all provide feedback to reviewed agencies as part of the overall audit process. In CABx, feedback is given to the chair of the CAB committee and the CAB manager. In Shelter, feedback goes to the HAC manager. All three originally offered limited informal feedback on the day but the CAS membership committee has now discontinued this practice, as part of a drive towards consistency.
3.82 These three systems provide a report to each reviewed agency, which therefore has the option of double-checking each review, as indeed some do. CAS provides a short summary of the results of all case reviews, plus a summary of each review. These documents include observations about the assessments, which enable each CAB to check and comment. Citizens Advice provides a detailed report on the CAB, with 16 or more pages of commentary on any issues arising. Shelter provides feedback in the form of scores, and a short report summarising strengths and weaknesses, and identifying areas for improvement. This practice falls somewhere between the CAS and Citizens Advice approaches.

3.83 Feedback is much less common and extensive when peer review is used as a research tool, when service improvement is not an objective. In the MAS/MAT system, a table of results was provided to participating agencies. Most LSC peer review has provided no feedback, although in the case of the Wales research, at the time of writing, the LSC was about to provide feedback to firms who were reviewed.

**Variations in time taken**

**Time spent reviewing an agency**

3.84 Peer review of the work of a given agency can take from one to six days. Typical periods of time spent are:

- MAS: 2 days;
- CAS: 3–4 days;
- Citizens Advice: 5–6 days;
- Shelter: 2 days;
- LSC research: 1–2 days;
- LSC costs in immigration: 4–5 days.

3.85 Variations in time taken to review an agency are attributable to the nature of the review itself. Although (with the exception of costs reviews) criteria for review are broadly similar, a number of factors combine to create such variations, including the complexity of case selection and of the processes reflected in the criteria; the detail with which reviewers are expected to record the review; the speed at which the reviewer works; and the travelling time involved in on-site reviews.

3.86 In addition, the CAS and Citizens Advice ‘CAB advice process’ approach requires reviewers to check each file by following the CAB-recommended advice processes, occasioning substantial checking of detail, including, for example, the correct use of the CAB Information Service.

3.87 A further time issue arises for CAB reviews when ‘non-expert’ reviewers are used. Again, this is attributable to the CAB model of advice, and ‘non-specialists’ will need to check the accuracy and completeness of advice, the options pursued, and so on, using the standard information resources provided by the service. By contrast, it will be much more common that an experienced specialist will recognise whether advice is accurate and complete and whether relevant options have been considered and acted on.

3.88 Finally, a review which includes an emphasis on feedback for improvement will require stages and aspects not included in audit-only reviews. There is still an element of choice in this: although CAS and Citizens Advice share the same aims, Citizens Advice has opted for a substantial report to be drafted and sent to the CAB, as a primary route to service improvement, whereas CAS provides only a summary of case assessments.
3.89 The longer times required for LSC cost cases reviews are attributable to the fact that the review assesses and calculates costs in great detail, as well as making an overall assessment of the quality of advice in the firm.

**Single file review times**

3.90 Peer review times may also be measured in terms of time taken to review a single file. These also show considerable variation, not only between systems but also between subjects and reviewers.

- MAS: 15 files in 1 day
- CAS: 20 files in 1–2 days
- Citizens Advice: 20 files in 2–3 days
- Shelter: 20 files in 1–2 days
- LSC research: averages 15 per day, but may be less depending on size of file and/or category of law
- LSC immigration costs: 3-5 files per day

3.91 Some LSC research reviewers completed more than 20 files in a day, others less, with differences attributable to subject, file size, and the speed of the reviewer. Broadly speaking, specialist reviewers seem able to work more quickly than those following the CAB advice process. This is not the case with LSC immigration costs reviews, where the detail of the review process is such that it takes longer, even though reviewers are subject specialists.
4 Debates within peer review

This section explores some of the issues that arise when deciding how peer review should be conducted.

Who counts as a peer?

4.1 One of the central issues for any peer review system is who can legitimately peer review the work of advisers. There appear to be different understandings of what a peer reviewer is, with at least two types identifiable, and a further division within one of these.

4.2 Peer reviewers for the LSC, MAS/MAT, OISC and Shelter are specialist advisers in specific areas of law. This means that they will usually be at least as experienced and skilled as those whose work they are reviewing, and probably more so. LSC costs reviewers are leading practitioners in their fields. In CABx, peer reviewers (known as assessors) are generalist advisers, and may be reviewing the work of staff with similar or more experience as advisers. It is therefore possible for CAB assessors to have less skills and experience in some subjects than the advisers whose work they are reviewing.

4.3 There is also one important difference between the Citizens Advice and the CAS specification of an assessor: Citizens Advice seeks to recruit across the advice sector, whereas CAS requires reviewers to be experienced CAB advisers.

Permanent and casual reviewers

4.4 In legal and advice services, peer reviewers are contracted both for specific exercises of fairly short duration – several days of review work – or over longer periods and sometimes on a permanent basis. Longer-term contracting may allow time for improvement in review skills, whereas short-term contracts cannot. But with some longer-term contracts reviewers have ceased to be practitioners, and the extent to which they can retain their role as peer reviewers is an important issue.

4.5 Recruiting and retaining peer reviewers for short periods for research projects has proved relatively easy. The various research exercises – notably by MAS/MAT and the LSC– have had no difficulty in recruiting, and in these cases reviewers have been paid a fee on a consultancy basis, performing a small number of reviews and remaining in employment as advisers.

4.6 In its immigration reviews, the LSC approach is quite different from that of the research-based LSC peer reviews. Immigration reviews are carried out by a mix of LSC-employed solicitors and a panel of consultants who are leading immigration practitioners. LSC immigration peer review is also a permanent feature of the work of the London Region of LSC, rather than a specific research-based exercise, and the relationship with consultant reviewers is longer-term.

4.7 LSC-employed reviewers are no longer practitioners, but seek to stay up to date on law and practice through routine and frequent discussions about reviews with the consultant reviewers. As with other uses of permanent employed peer reviewers, there is an awareness that over time this distance from practice becomes a difficulty to be addressed.

4.8 Citizens Advice and CAS have created longer-term roles for their assessors. Initially, Citizens Advice intended that assessors would be part-time consultants, but following legal advice on employment status, assessors are now employed either full or part-time within the quality team. Citizens Advice also intended to require assessors to continue to work as advisers, but concluded that this was unenforceable, and assessors are now provided with resources which help keep their knowledge up-to-
date – including the Electronic Information System, the Adviser magazine, and access to the Specialist Support Unit. A QAA evaluation in 2002 recommended enhancement of the mechanisms to ensure that assessors are kept up to date with technical and professional practice – one suggested route being assessor involvement in second-tier advice-giving (Citizens Advice 2002).

4.9 Shelter uses both permanent and casual staff to carry out its peer reviews. The assessments are carried out by staff in the quality team, and occasionally the legal team, and a contracted external reviewer who is paid a fee at a daily rate. Roughly one third of reviews are carried out by this single external reviewer, who has been carrying out contracted reviews for several years – a relationship probably somewhat different from the LSC research approach, which has so far contracted for very short-term peer review exercises.

4.10 As with Citizens Advice, Shelter quality team staff are no longer practitioners, and although they are kept up to date through training and through regular contacts with their legal team colleagues, their increasing distance from practice, and whether and how they can continue as peer reviewers are matters of concern. By contrast, Shelter legal team staff, and the external reviewer, are current practitioners.

4.11 CAS employs part-time assessors as casual employees on a daily rate. CAS intended initially to contract with reviewers on a self-employed basis, but having taken legal advice that their status would in practice be that of employees, opted for their current approach. Because CAS assessors are part-time and carry out reviews only occasionally, CAS has been able to sustain its requirement for assessors to work as CAB advisers.

While this deals with the issue of staying up-to-date, it leaves CAS with a relatively restricted pool of reviewers from which to recruit – a likely factor in CAS’s difficulties in recruiting peer reviewers to its ideal specification.

4.12 The strength of short-term reviewers who continue as advisers is that they are embedded in practice. By contrast, reviewers employed long-term will over time become part of the reviewing structure. While steps can be taken to mitigate this, it is unavoidable. On the other hand, peer reviewers employed for short-term uses are unlikely to be able to develop much beyond an initial period, and any failings in review practice are unlikely to be remediable.

4.13 A comment from several reviewers – that after completing several dozen file reviews over several weeks, it can become boring – is also relevant to this issue. Where reviews consist exclusively of assessment of a sample of files without an on-site visit, the experience is likely to be much less diverse or interesting than a site-based review. Of course, many reviewers may not wish to engage in an assessment of an agency in a more direct sense. How many reviews can or should a reviewer undertake before becoming stale, and needing to rest? Reviewer morale and the relation of this to competence need careful monitoring.

4.14 Contracting of reviewers raises the issue of reviewer independence. Permanent employment is more likely to produce a shift in reviewer perspectives over time – towards their roles as team members and as employees, sharing the aims and values of the employer.

4.15 Both the LSC and MAS/MAT have acknowledged this difficulty by recruiting research teams to carry out their peer review exercises. Of course, motivations are likely to be different, in that LSC is a substantial funder of legal and advice services, whereas MAS and MAT are loose networks. LSC explains its use of researchers by stating that it is a model which promotes confidentiality and objectivity. MAS/MAT had both concerns – over who could do the job – and over the acceptance by stakeholders of reviews and other research methods as valid.
Recruitment shortages

4.16 A general shortage of specialist advice workers in the not-for-profit sector has been a matter of concern for some time. It is probably too early to say whether experienced not-for-profit advisers with the relevant subject experience will be available in sufficient numbers to sustain the expansion of peer review in the sector.

4.17 It seems likely that for certain advice subjects which are very much minority activities both in the solicitor and not-for-profit sectors, it could be difficult to find suitable reviewers with specialist experience. Education or community care advice specialists are likely, for example, to be few in number for both solicitor and non-solicitor peer review. By contrast, recruitment of generalist advisers for the peer review of generalist advice work offers a broader personnel base than review of individual subjects.

4.18 Such shortages do not currently affect numbers in review systems that have recruited for research purposes. Advertisements for LSC peer reviewers have attracted considerable interest, with sufficient applications to provide an appropriate cohort for most subjects, and researchers for MAS have commented that there were, if anything, too many reviewers doing too few reviews.

Agencies and reviewers – anonymity and influence

4.19 At the time of this research, the progress and character of LSC reviews meant that no LSC-reviewed agencies could be interviewed, and these issues were raised only in the other examples studied.

4.20 In systems where no on-site visit takes place, the reviewer’s anonymity is assured. In all other cases, personal contact must carry some sort of risk of bias. However, when it was raised in this study, neither reviewers nor reviewed considered that personal knowledge of each other would be an obstacle to carrying out a review. For example, some reviewer/reviewee pairs had taken part in working groups and committees, and attended events such as training courses together.

4.21 Where reservations about knowledge of reviewers were occasionally expressed by reviewed agencies, these were about overlaps between the work of their own agency and that of the reviewer’s own agency. There was a clear sense that these working relations could impede an independent review, and that future working relations could be influenced detrimentally.

4.22 For larger organisations such as Citizens Advice, keeping a degree of distance between reviewer and reviewed is less likely to present problems than in a small network. Similarly, in recruiting solicitor reviewers, the LSC for the most part selects from a large pool of candidates (contracted solicitors), although larger in some categories of law than in others, depending on how many contracts are let. This issue also attracted comment in the development of the LSC Wales study. Researchers could see benefits in reviewer knowledge of the geographical area under review, as a route to understanding Welsh rural issues, but also saw a risk in reviewers having personal knowledge of reviewed agencies.

4.23 It remains hard to assess the value of anonymity and the potential for influence or bias stemming from a situation in which a reviewer knows either the individual or the organisation under review.

Balancing judgments and review frameworks

4.24 The exercise of professional judgment in the area of legal advice through peer review is still relatively new and unexplored. Review frameworks have sought to minimise variations in reviewer assessments by guiding the work of reviewers trained
in the use of common criteria and common scoring and reporting mechanisms. These frameworks are designed to achieve transparency as well as consistency.

4.25 An exception is LSC costs reviews, where reliance on reviewer judgment is the main element, with guidance playing a minimal role. In immigration costs reviews, close working relationships, regular discussions, and some second reviews take the place of aspects of the frameworks which guide other peer review systems.

4.26 In the context of such frameworks, what role can there be for the application by reviewers of individual expertise or judgment in carrying out a review? Do frameworks restrict the capacity to make judgments, especially of specialist reviewers, to the extent that they are prevented from exercising their skills meaningfully?

4.27 The extent to which the use of judgment is explicit within different systems varies. It is reasonable to assume that the more elaborate and detailed the guidance, the less the role for individual judgment. The brevity of LSC research guidance to reviewers places considerable weight on the individual reviewer’s judgment, whereas in CABx the judgment element is strongly shaped by the CAB advice process model used in the QAA. In LSC immigration costs reviews, reviewers’ judgment is the only new element in the process, and is in this sense the only basis for the decisions made in the review.

4.28 Most reviewers felt that they were reliant on judgment for their assessments. There was a mixed picture in CABx, with some assessors uncertain about the balance between frameworks and individual judgment, and others clear that their expertise was critical. In Shelter, MAS/MAT and LSC there were no such hesitations.

4.29 As more peer reviews are carried out over time, it is probable that disagreements will emerge about what is and is not good quality work in any specific case. In some cases, differences may be quite sharp. In the past, for example, money advisers have disagreed sharply about how to provide the best service to clients. Disagreements between peers may be, at least in part, based on different approaches to, or models of, ‘good advice’.

Can peer reviewers be consistent?

4.30 The consistency of reviews conducted by individual peer reviewers is a major issue for all of the systems in this study. As we have already seen, in most cases the guarantee of the quality of the reviewers themselves stems from the recruitment and induction process, and the quality of a particular review is further ensured by the adoption of standardised review frameworks. In following a framework, each reviewer is encouraged to judge the same facets of advice quality, and with more transparency than would be the case if a review consisted only of a personal opinion about a case. These factors greatly increase the level of consistency between reviews.

4.31 Current systems also provide some evidence for the consistency of reviewer scoring. The use of double-marking in LSC research offers some support for the expectation that trained reviewers using a common set of criteria for assessment and scoring will reach similar conclusions. In the Quality and Cost research, consistency was monitored by double-marking a proportion of files, and also by examining the variation of marking across assessors. The 45 mystery shopping visits to agencies in the research were also assessed by each of the five reviewers, providing a further basis for assessing consistency. The marking of individual files by different reviewers showed some variation, but the overall marking of a set of files provided a fairly consistent average mark from the different reviewers.
4.32 Evaluations of assessments by MAS and Citizens Advice researchers also tend to show consistency between reviewer judgments across a sample of case files. As with LSC double-marking, consistency seemed to apply less to individual cases, where there might be considerable variation, and more to entire groups of cases from a single agency.

How valid is case file review?

4.33 Case file review is by far the most common form of external peer review in the sector. It consists almost entirely of the review of case files – usually recently closed, but occasionally still active. As a review method it is widely accepted by researchers, networks, and advisers as a valid approach to peer review of advice quality.

4.34 Case file review enables cases to be examined from start to finish, giving this approach an edge over contemporaneous methods (see below). Further, case file review is seen as time-efficient and controllable, in ways which contemporary review is thought not to be. Case file review can be used for audit and gate-keeping (see glossary), for service improvement, and to demonstrate quality to the wider world.

4.35 Case file review is less capable of scrutinising non-technical aspects of advice quality. How well and appropriately a client was treated, and how appropriate advice and advocacy were for a particular client, are not readily assessed from written records. While reviewers clearly felt that they were able to give an overall assessment of a case from a file, these were the areas about which they had most doubts.

4.36 Case file review is only possible in agencies which keep well organised and accessible case records. This implies a degree of well resourced administrative and quality systems in the agency. Is it possible that there are advice agencies that provide high quality advice, but do not have well organised case files, and who could not therefore benefit from this form of external peer review? It may be that contemporary observation and discussion are better suited to such agencies. It may also be argued, however, that good record-keeping is a hallmark of a quality service.

4.37 Reviewers, researchers and agencies tended to accept that case file examination has its limitations as a peer review method, and is not a perfect measure of quality. Some advisers expressed the view that case-recording and possibly case-management skills were what was assessed by this method. It is self-evident that case records show whether good recording is done. It is also fairly obvious that aspects of a case such as non-written interactions with the client and with third parties will be less easy to assess from a written record than, say, the technical accuracy of advice.

4.38 But reviewers also tended to believe that good case recording is a proximate indicator of advice quality, and a valid focus for the application of their judgments about quality. Most reviewers with whom this was discussed felt that they were able, in examining a sample of files, to get an overview of quality within an agency. Reviewers’ hesitations about scoring against specific criteria, or on a particular file, were overcome by this sense of a valid overall assessment.

What is the role of other methods of peer review?

4.39 Case file review is the principal method used in legal advice sector peer review systems. From other sectors it can be seen that there are at least two other ways in which peer review can be implemented. These are not always distinct or separate:

- contemporary review of work being done, as it takes place;
- discussions based around current examples of work being done.
Contemporary review

4.40 While contemporary review is common in advice services as a tool for the training of advisers, agencies are generally reluctant for it to be carried out by external peers. Interest in these techniques was shown only by reviewers and advisers with experience of NVQ/SVQ assessments (see Glossary).

4.41 The most common objection to contemporary review was the problem of maintaining client confidentiality; the second was the allegedly unrepresentative nature of the observation period – a snapshot, not a whole case review; and the third was the amount of time thought necessary to achieve a solid view of performance by observation. By contrast, a small number of advisers and reviewers have found the observation practices of competence-based (see glossary) standards assessment enlightening, and of great value as assessment tools.

It is probably true that observation is relatively time-consuming. However, reviews of a sample of case files can take up to six days in Citizens Advice.

Review by discussion

4.42 Discussions with advisers about specific cases are routine within agencies, as part of supervision and independent file review. However, there was little interest in this method of review on the part of either peer reviewers or advisers.

Are case file samples adequate?

4.43 A number of issues have been raised by the reliance on a sample of files from an agency as the principal evidence of advice quality. Across the different systems, five issues have been raised:

- sample size – is the sample ‘representative’?
- sample size in subjects with few cases;
- certain types of case – complex, one-off etc. – may not be adequately reflected in a sample;
- the work of only some advisers may be included;
- the exclusion of specialist advice.

4.44 The most common concern for reviewed agencies was the number of cases sampled, and the extent to which these could be confidently accepted as ‘representative’ of the work of the agency. Perhaps unsurprisingly, agencies unhappy with their results have been more likely to criticise the sample than those who did well – both sample size and sample coverage of advisers and subjects have been cited as evidence that poor results are not typical of the overall quality of advice within an agency. In generalist agencies, with a range of subjects and advisers, there will of course be a more complex set of differences to reflect in any sample.

4.45 Peer reviewers reviewing specific agencies share the view that the greater the number and the wider the range of cases they review, the better and more reliable will be the picture built of the work of an agency. This is essentially a qualitative judgment, founded on advice experience. The exact number of cases is not seen by reviewers as important, but reviewers generally felt that 15 to 20 cases would be likely to provide an effective overview. It is difficult to comment on this strictly in relation to ‘representativeness’; such small numbers of files may or may not be representative, depending on how many subjects are included, and what other factors – such as the adviser and type of problem – are used in selecting the sample. For example, a single-subject review of 20 files in an agency which deals with 100 each year is a good size sample.
4.46 Peer reviewers also seem aware that when they review one or two cases in a subject on which the agency does little work, they may not be achieving a balanced judgment about the agency’s work in that subject.

**Is scoring a valid tool for assessment?**

4.47 Numbers are useful, but can also have their drawbacks. This applies to their use in peer review assessment as much as in other practices. An agency with a high ‘score’ will quickly let everyone know that they achieved, say, ‘85%’, and will also assume that they are better than a ‘75%’ agency. Indeed, CAS no longer uses scores, because of this problem within a relatively small network.

4.48 The advantages of scoring lie in its capability to offer measures which can be examined for their validity, and which can be aggregated and compared with other scores, producing consistent and replicable quality measures. Scores for quality also permit researchers to use them as quantitative data in analysing relations between peer-reviewed quality and other quality results – deriving, for example, from mystery shopping or outcomes assessment. Researchers can also examine the scoring behaviour of individual reviewers, as part of the assessment of reliability and consistency.

4.49 But many reviewers found themselves uncertain about what mark to give in many instances, and some were uncomfortable with the scoring approach. This contrasted with the relative confidence expressed by reviewers that they were getting a good picture of agency quality from the broad sample of files examined. The devil, it seems, is in the detail and the nuance of scoring.

4.50 Some peer review systems are a conscious mix of scores and qualitative judgments, although there is much variation. But by balancing the two, organisations hope to ensure that reviewers are able to score and comment effectively, and that scores can be better understood when they are supported by reasons. This was much less true of the LSC system, where reviewers expressed the most dissatisfaction with scoring as a valid assessment measure.

4.51 Consistency in scoring has already been commented on. Other studies of scoring are limited, but helpful, and give indications that scores are potentially valid. In 2002 a Citizens Advice evaluation of its QAA included assessment of the usefulness and validity of scoring. The issue that researchers investigated was whether an overall score can adequately reflect the relative quality of advice between different CABx, and/or the actual quality of advice within an individual CAB. For example, is it possible that, in a scoring system based on averages, there is a risk of over-estimating the quality of advice? Could an average score mask important quality differences, since in theory a CAB scoring predominantly in the ‘pass’ band can have the same overall score as a CAB scoring mainly in the ‘good/very good’ band.

4.52 Detailed study of the disaggregated scores of CABx found this to be rare – ‘fully compliant’ CABx tended to achieve consistently higher proportions of ‘good/very good’ scores than those that were ‘conditionally compliant’. A higher overall assessment did reflect higher scores in the detail of the assessment.

4.53 Scoring has definite strengths, but more needs to be done to ensure that a score is truly reflective of a reviewer’s judgments. There is a risk that scoring systems will become entrenched as accepted practices without the testing and assessment of other approaches to measurement. Despite the Citizens Advice research findings, there must be concern about the use of aggregated and mean scores as indicators of quality.
Should peer review allow for different ‘models’ of good advice?

The issue of what constitutes good quality advice is important for some peer review systems, but has been raised only peripherally in others.

4.54 The strongest concern about advice models was expressed in relation to the CAS and Citizens Advice QAA systems. QAA seeks to measure quality in the context of the resources and capacities of each CAB under review, and reviewers were sensitive to the potential for different legitimate approaches to the provision of a good service. In the CAB service there is a clear model of a quality service which allows for different good quality practices in different agencies and different circumstances. These CAB advice levels are a basis for assessment, and the assessor is asked to decide at which CAB level a particular topic is being assessed.

4.55 At its simplest, a poorly resourced CAB would be expected to provide a different level of service than would a well resourced bureau. An agency with few resources might achieve a middling score if a topic were dealt with at CAB level 1 or 2. Indeed, attempts by a CAB with limited resources to pursue complex casework would be likely to be seen as inadvisable.

4.56 In money advice, differences of view about good practice can be quite fraught. Although there is something like an accepted approach to money advice, there is nonetheless disagreement, some of which emerged in the course of the research. Some of the points made were technical – relating to referrals to insolvency practitioners, for example; but others were more to do with understanding what the client might want, or even what is in the client’s longer-term, rather than immediate, interests. Is it possible, for example, that clients whose debts are processed by a money adviser now, find that, after a year, they are not happy with the consequences of the advice received?

4.57 These nuances relating to advice quality were absent in discussions with subject-specialist reviewers working for the LSC. The notion of tailoring judgment to the character of an agency was neither understood nor thought to be of any value. A stronger view – that the advice must be correct – was much more common, although of course, in setting out different versions of ‘good advice’, a criterion of ‘correctness’ would also have to be applied.

4.58 These are difficult issues about which experienced advisers might well disagree, and where there is clearly a notable difference between the CAS/Citizens Advice approach and others. This may be partly a result of different perspectives between generalist and specialist services – but this is not clear at present.

4.59 By its nature, peer review opens up the possibility of providing more information about real advice quality, forming the basis of more informed debates about models of good advice. In extending peer review and increasing its value, it would be useful to further explore proposals for different versions of good quality advice. This might apply, for example, to what can be expected under tolerances work for the LSC, as against contracted provision; or to what can be expected from different ‘levels’ of the CLS quality marks. Engagement between those who believe that such distinctions are valid and those who do not might also prove fruitful in developing ideas.

Varied models could be developed around, for example:

- the resources of the agency (what they are equipped to do);
- the availability of local alternative sources of advice (whether there is someone else better equipped, to whom it is more advisable to refer);
- local circumstances in each case (the policies and practices of local authorities, for example).
Is there a role for appeals?

4.60 Uses of peer review do not appear to include rights of appeal against assessments, although agencies which are assessed as below par are very likely to expect a right of appeal. Appeal is most likely to have relevance when the consequences of a poor assessment are serious for an agency. Immigration costs reviews include a formal appeal process in the same way as other costs disputes between the LSC and its suppliers.

4.61 There is recognition by the LSC that some sort of appeal process will be needed if such serious consequences for agencies are to apply in the future. The LSC has consulted on proposals that LSC Regional Directors may hear appeals in the future (LSC 2002a).

4.62 However, it is hard to see how an appeal against a peer review assessment could take any form other than a repeat of the review itself by a different reviewer. In immigration costs cases, the peer review team at the LSC has not lost an appeal in more than two years of operation. In the welfare benefits peer reviews, the peer reviewer was recruited to be a type of final appeal stage, by re-reviewing the files as a subject expert.
5 How much does peer review cost?

5.1 Peer review costs have several elements, and different systems have different ways of funding reviews. Most operate contracts with peer reviewers on a daily basis while some have in-house reviewers. Others use a mix of the two. Development and management of systems have also been carried out in-house or through contracting with researchers. Some systems have used both approaches.

5.2 Because of the limited information about costs available at present, the discussions below rely on those instances where direct costs are known, or can be reasonably estimated. Broadly speaking, real costs are likely to be higher than the relatively undeveloped scales set out here. Figures are either provided or confirmed by the relevant organisations.

Outline costs of different systems

Citizens Advice

5.3 Citizens Advice developed peer review by commissioning researchers who devised and helped pilot the QAA. The same researchers were commissioned to evaluate the pilot of the QAA in 2002. Citizens Advice now employs a team of eight salaried full-time-equivalent peer reviewers within the quality team. With on-costs, management fees and so on, costs are estimated by Citizens Advice at £32,000 per reviewer. Reviews take around six days, and Citizens Advice currently estimates that 26 assessments should be made per year by a full-time assessor. This gives a cost per review of £1,230.

Researcher costs for development of the system are not known.

Citizens Advice Scotland

5.4 Although it has not been possible to confirm with CAS the outline costs set out here, these figures, offered by CAS peer reviewers, provide a starting point for understanding how CAS is funding peer review.

5.5 CAS reviewers are paid a daily rate, based on a public sector salary of around £19,000, (plus, say, 10% for NI etc – a total of £21,000). This would amount to fee payment of £100 a day, assuming 200+ days’ work if full-time. CAS reviews take up to four days, giving an estimated direct review cost of £400, plus travel and other expenses. CAB committee members are not salaried, and their development role is likely to be of minimal direct cost. Costs of the verification panel, CAS quality team staff time and other development costs are not known. It is understood that CAS has found the costs of travel and subsistence especially difficult – journey distances and overnight accommodation are both cost issues.

LSC

5.6 LSC research peer reviewers are solicitors, contracted at an advertised daily rate of £360 a day, typically for 7 to 15 days work, with travel and subsistence costs including overnight accommodation if necessary.

5.7 Reviewers attend two days of training, for which fees and expenses are also paid. Numbers of files reviewed per day can vary between 8 and 20, but LSC reports an average of 15 files per day for reviews of housing, debt and welfare benefits. However, the LSC also envisages that for some other areas – family and immigration law, for example, where the files are larger – this number will be lower.

5.8 It typically takes one or two days to review an agency’s files, but as some of the files have to be cross-checked (in the Wales pilot all were cross-checked as part of the verification of the review), the cost of carrying out a peer review is not simply one or
two days’ fees plus expenses. The administration and implementation of reviews takes place at LSC Regional Offices, in order to minimise costs.

5.9 Once reviewers have been recruited and trained, the current LSC cost estimate for one review (one area of law in one supplier) is £1,000 on average. This includes the reviewer’s fees, and travel and subsistence expenses, plus the data processing and analysis costs.

Researcher costs are not known, and are not included in these figures.

5.10 LSC costs reviewers are solicitors. For immigration reviews, London Region employs three solicitor reviewers, two of whom are immigration solicitors, and has a team of six or seven external consultants paid at legal aid rates. The time taken to complete the review of one firm seems to be around 6 days. If this were carried out by a consultant, the direct costs can be calculated broadly as £2,100. In-house reviewers also carry out reviews as part of their role, but it is not possible to assess costs of these reviews.

5.11 Costs of employing the in-house review team also have some bearing on the costs of reviews, although the LSC has not calculated the unit cost of reviews overall. A relevant issue for these reviews is the costs savings – estimated at several million pounds a year.

MAS

5.12 In the MAS research, reviewers were freelancers on a daily fee of £150, plus travelling expenses, which in one or two cases were fairly substantial. Reviews took two days in all, producing a cost of £300 plus expenses per review.

5.13 The research used a number of methods, only one of which was peer review. These methods were not costed separately, and the costs of the peer review element of the research project itself are not known.

Shelter

5.14 Shelter review costs are made up of the fees and expenses paid to the external housing solicitor reviewer, plus the time of the quality or legal team staff. The external reviewer is paid £330 a day, plus expenses. A single HAC review consists of a one-day visit, either by Shelter staff or by the external reviewer, and an additional amount of time, estimated by Shelter as one further day, to draft and complete the report.

5.15 Shelter assesses the cost of a single review at £600 to £650, which allows for staff or external reviewer time and overheads. Of the 22 reviews done each year, 6 are by the external reviewer, and an annual sum of £2000 is budgeted for external reviewer costs.

Is peer review expensive?

5.16 The cost of the different uses of peer review in the sector is relatively simple to estimate at the point of delivery. The issue of whether peer review is expensive is more complex, and depends both on how it compares in terms of cost with other quality systems, and what benefits it brings in comparison with them.

5.17 Although there is no single answer to this question, there are some obvious instances of peer review offering a quick and relatively cheap route to quality assessment.

CABx and Shelter

5.18 CABx and Shelter have integrated their peer review system into the routines of quality audit, making it a component of a wider assessment. Although it is early days for peer review in general among these advice bodies, there are debates about peer
review as a replacement for some audit tasks, making the possibility of cost savings real.

5.19 Shelter spends much less reviewer time on a review than either of the CAB systems, partly because of the single subject of Shelter’s advice, and partly because of the use of expert reviewers.

5.20 Direct costs of peer review derive from the payment of advice workers, who are not highly paid, in comparison with solicitors. However, CAS takes four days and Citizens Advice six days to complete a review, and although this is not expensive for CABx, it is likely to be so for other not-for-profit advice groups.

5.21 Citizens Advice has been spending much more on quality assurance, including audit, in recent years, and a willingness to spend significant amounts of time and money on peer review is seen by CABx as part of a commitment to ensuring and demonstrating real quality.

5.22 A further reason why review costs are not felt to be excessive in the CAB service is perhaps because it receives significant funding from local and central government. Although peer review is therefore affordable for Citizens Advice, it is thus unlikely to prove so for other advice networks, at least in the relatively time-consuming form in which it is used by Citizens Advice.

LSC

5.23 Research-based peer review has traditionally been considered to be expensive by the LSC, for three reasons. First, with over 10,000 category-specific contracts (many civil contracts cover several categories), it is not practical or cost-effective to review them all. Second, a principle of the review system is that peer reviewers are experienced practitioners, and are therefore engaged on a consultancy basis to enable them to continue in practice – an arrangement which is viewed by LSC as more expensive than employing staff. Third, carrying out peer reviews of suppliers does not enable the LSC to reduce auditing-staff costs, as contract management and compliance still need to be carried out.

5.24 As the LSC cannot afford to peer review all of its suppliers in all categories, audit is still needed. The LSC is currently seeking to develop new, simplified audit processes, including triggers and indicators of potentially low quality which would then signal the need for peer review. This is akin to the approach currently used by the OISC.

5.25 LSC costs reviews are treated differently, primarily because the review process contributes to important savings in expenditure which far outweigh the costs of the service to the LSC London Region.

One-off peer reviews

5.26 One-off peer reviews have been part of some of the research exercises discussed in this report. With a number of ways of conducting reviews now available, it should be possible for single agencies – solicitor firms and advice agencies – to contract with a peer reviewer (specialist or generalist, as appropriate) and assess their own service quality. This would be likely to cost up to £1,000 and could include a qualitative feedback discussion with the reviewer. It seems probable that more single agencies, and possibly groups, will undertake such exercises in the immediate future.

Peer review and quality assurance audits

5.27 The LSC believes that it cannot afford to use peer review routinely, partly because it is seen as costly in comparison with employee-implemented audits.

Is it possible to say how the cost of peer review compares with the costs of other quality tests and audits? Organisations which use peer review routinely face different
cost profiles from those which use it intermittently or casually. Using peer reviewers for research projects is a cost which is containable for a specific exercise at a specific time; such costs can be controlled easily. But using peer review regularly, as a normal part of quality assessment, presents different cost issues, and its probable longer-term costs remain unknown.

Peer review cost-effectiveness

5.28 Perhaps the most important advantage of peer review is its capacity to measure real service quality. Despite some reservations about its development, everyone involved believes that it does measure service quality effectively: however much it costs, it does the job. In the case of the LSC immigration costs assessment, the savings are so great that doubts about cost-effectiveness are barely considered.

5.29 Is it too strong to suggest that quality assurance has a fairly low probability of delivering quality? When more work has been done comparing peer review results and QA assessments, more will be known about this. Early indications are that, for example, passing an LSC audit is no guarantee of quality. Indeed, in the review of costs in Liverpool, most of the findings were in favour of the suppliers, in the face of contrary judgments by the ‘normal’ assessment processes. This suggests that money spent on quality assurance may not be fully justifiable.

5.30 The issue of whether quality assurance offers value in terms of quality achieved is likely to be raised more frequently in the immediate future. Peer review is seen by the LSC as unaffordable partly because it has to run alongside quality assurance audits. It seems that the LSC position is based on the current situation, rather than on what could be done to guarantee quality.
6 Conclusion

6.1 Peer review is a valuable tool for the measurement of advice quality in legal and advice services. Unlike approaches to quality that focus on procedures and their implementation as bases of evidence, peer review has the potential to examine directly the real quality of advice work.

The three peer review ‘models’

6.2 The various legal and advice sector peer review systems have similarities and differences, and these have been described in detail.

6.3 Aside from the many differences of detail and emphasis, there are also three broadly distinct approaches which can be tentatively described as ‘models’: the Citizens Advice and CAS approach; the MAS/MAT, OISC and LSC research approach; and the LSC costs control approach. Shelter’s approach straddles all three of these models, having elements of each.

CAS and Citizens Advice

6.4 It is not the case that CAS and Citizens Advice have identical systems, but that they share two key features which, taken together, set them apart from other approaches. These two features are:

- the CAB QAA assessor;
- the CAB advice process.

6.5 Citizens Advice and CAS recruit QAA assessors who understand how the CAB service approaches advice. CAB assessors review all advice subjects, which in practice means that assessors carry out reviews in subjects in which they are generalist advisers.

6.6 Citizens Advice and CAS use the CAB advice process as the basis for peer review – a model of advice-giving well specified within the CAB service, and whose purpose is to promote a quality service from a range of advisers within the service. In carrying out a review, QAA assessors in effect retrace the advisers’ steps, checking each feature and task, and the way in which it has been included in the case record. One important consequence of this approach is that the time taken to carry out a file review is much longer than in other systems.

6.7 The advantages to CABx are that the assessors understand CABx, can make judgments about a complex multi-subject service with some confidence, and can feed back to a reviewed CAB using the language and norms of the service. The potential disadvantages are the absence of a clear external element in peer review, and the time taken to complete a single review.

6.8 Shelter shares aspects of the CAB approach, in that some reviewers are Shelter staff.

The subject specialist model

6.9 There is one important feature which distinguishes the approaches to peer review adopted by the LSC research approach, and by MAS/MAT, OISC and Shelter. Peer reviewers in these organisations are typically specialists in the subject they are reviewing. The criteria for reviewer recruitment vary, but the shared character of reviewers is a measure of ‘expert’ status. If more than one subject is under review, more than one reviewer will be used.

6.10 The main consequence of this is shorter review times – between one and two days for a full sample of files from a single agency for a single subject. However, use of specialist reviewers outside of single-subject reviews – especially in generalist
agencies - may present two difficulties. The first is doubt about the ability of specialists to understand and assess the work of non-specialists. The second is that review of a spectrum of subjects might require contracting with several reviewers, adding considerably to time and cost.

**The leading expert model**

6.11 This is the model used by the LSC’s peer reviewers for review of costs, and also to some extent by Shelter. What distinguishes it from the other subject-specialist model is first that the reviewers are leading specialists, not simply subject specialists, and second that there are no intermediaries (especially, there are no researchers) standing between them and the reviews they carry out. In particular, LSC costs reviewers made their own decisions about the guidance and review processes most appropriate to their task, and developed their methods jointly over time.

**Choices in devising a peer review system**

6.12 The research for this report has identified and separated the core elements of a peer review system for legal and advice services. In Chapter Four there is a discussion of the issues arising out of a comparison of existing peer review systems. In developing the uses of peer review, agencies will need to make choices about each of these.

6.13 In particular, agencies will need to decide whether to engage subject specialist peer reviewers for one-off reviews or to incorporate peer review into a wider system for the assessment of quality.

6.14 The development of new peer review systems must follow a process incorporating a decision as to the purpose of the review. That purpose may be to audit services, improve services or demonstrate service quality. Once the purpose has been determined, decisions must be made about who is the most appropriate reviewer and what is the most appropriate method of review to meet that purpose. The decision about method of review will encompass whether file review is used and the extent to which the currently less favoured methods of contemporary review and review by discussion are incorporated. There must also be a decision about the extent to which the reviewer scores work against fixed criteria.

6.15 Any consequences of a peer review need to be clear from the start. The weakest aspect of most systems is in their feedback component, and effort should be made both to specify the form of feedback and to be clear about the consequences. Funding and arranging peer review without including a strong element of feedback seems wasteful of the skills of the reviewers, as well as being a costly lost opportunity.

**Questions for the future**

**What are the practical consequences of peer review?**

6.16 At the time of this study, little was known about changes in agency practices resulting from the experience of a peer review or from feedback from it. This is partly because substantial feedback is still not very common. There is some research evidence about consequences within Citizens Advice, but it has not yet been published at the time of writing this report.

The consequences of peer review for quality will need to be tracked in order to be better understood in the future, if peer review is to continue to develop.

**How can we harness these new insights into advice quality?**

6.17 What peer review makes possible is a much more informed insight into what is being done by advisers, and how this matches the experience and expectations of reviewers and clients. Such judgments are often subtle and require sensitivity, and limiting peer review chiefly to a system using scoring could inhibit this development.
How peer reviews test other quality systems

6.18 Peer review has begun to provide some evidence about the value of quality assurance mechanisms, beginning a process which may eventually lead to many of these mechanisms being phased out.

The need to work with peer review in new ways

6.19 Peer review by case file dominates the legal and advice sector, and there is a risk that, despite the limited uses of peer review to date, an orthodoxy will emerge which will prevent an improved and wider range of uses from being developed. Some of the key aspects of a quality service are less than effectively explored by peer review, and other review methods – notably contemporary review and discussions with advisers – need to be experimented with in the immediate future.

Peer review and benchmarks

6.20 Because peer review can assess quality of advice, in the future it should offer the opportunity to develop benchmarks for performance, after a larger number of reviews has been carried out. Agencies could then be categorised, and the scores of any agency set against benchmarks in terms of agency type, advice subject, and so on.

What about costs?

6.21 Peer review can be cost-effective, and will probably begin to replace many aspects of quality assurance audit in the immediate future. How much the review currently costs, and whether and how costs can be reduced are issues that will require further research and discussion.

6.22 Peer review by ‘expert’ reviewers is clearly relatively quick, and should be simple to administer. While the more elaborate systems developed in-house by CAS and Citizens Advice are probably not replicable by other not-for-profit organisations, the use of casual expert reviewers almost certainly is.

6.23 Some advice networks are developing their own approaches to peer review, and these will further advance understanding of costs and of ways of minimising them without loss of quality.
Glossary

advisers is the generic term used for solicitors in private practice and in not-for-profit agencies and for advice workers in the not-for-profit sector.

agencies is the generic term used for CABx, Shelter HACs, Age Concern organisations, money advice agencies and solicitor firms.

block contracting pilot During the 1990s, the Legal Aid Board (the Legal Services Commission’s predecessor body) ran a number of pilots to test new ways of funding and/or delivering legal aid services. This included piloting block contracting of advice and assistance work. In one pilot, solicitors firms were paid a fixed sum to deliver a specified number or "block" of case starts. In a parallel pilot, not-for-profit agencies were paid to deliver "blocks" of casework hours, in multiples of 1100 hours per annum. The latter approach continues to provide the basis for funding current not-for-profit legal aid contracts.

Community Legal Service is a government initiative to develop the coordination and planning of legal and advice services by the addition of CLS partnerships, the CLS Quality Mark and the Just Ask website.

competences are statements which describe the skills, knowledge and experience a worker needs to be able to do their work.

gate-keeping In this report gate-keeping relates to processes of assessment used to control access to funding, LSC contracts, and membership of advice networks.

the legal and advice sectors is used in this report to describe both solicitor firms and not-for-profit advice agencies who advise clients free of charge.

legal and advice work is used in this report to describe the client work done within the legal and advice sectors.

legal and advice services describes the services provided by both not-for-profit agencies and solicitors; advice services are the services provided by not-for-profit agencies; legal services are the services provided by solicitor firms.

legal aid contracting Legal aid contracting is the method through which the Legal Services Commission (LSC) allows solicitors and not-for-profit advice agencies to provide advice under the Community Legal Service (CLS). The LSC contracts with each supplier for advice in a specific area of law.

Legal Services Commission is an executive non-departmental public body created under the Access to Justice Act 1999 to replace the Legal Aid Board. It is responsible for the development and administration of the Community Legal Service and Criminal Defence Service in England and Wales.

NVQ and SVQ National Vocational Qualifications and Scottish Vocational Qualifications are nationally recognised qualifications based around the skills, knowledge and experience a worker needs to be able to do their job. Assessment is job related and is carried out by reviewing evidence produced in the workplace.

peer review systems is used to describe uses of peer review as part of a system of quality assessment covering a range of agencies or firms, managed by a specific organisation in the legal and advice sectors.

quality assurance systems are an approach to quality built on the proposition that the adoption of a complex of inputs to legal and advice services and of procedures and processes through which advice is delivered, will both improve quality and provide a framework for quality assessment.
Quality of Advice Assessment (also known as QAA) and quality assessors are the terms used by Citizens Advice Scotland, Citizens Advice and Shelter to describe their own peer review systems and peer reviewers, respectively. These terms are used in this report whenever a specific QAA system is discussed.

SPAN is the coding framework developed for the monthly reporting of certain work carried out under Legal Services Commission contracts. The codes cover information about the client, the date the matter was opened, the total time spent on the matter, details of disbursements and the outcome reached.

tolerances Contracted suppliers are allowed to provide up to 10% of their legal aid work outside the category of law specified in their contract. This 10% is known as ‘work under tolerance’.

Transaction Criteria are a series of questions designed by the Legal Services Commission for auditors to assess the extent to which casework demonstrates that issues necessary for the provision of competent advice have been addressed.
Appendix 1: Legal and advice peer review systems

Age Concern

Origins and context

7.1 Age Concern organisations (ACs) in England have been developing and extending their involvement in information and advice services for more than a decade. In 1998 Age Concern commissioned researchers Penny Waterhouse and Andy Benson to work with Age Concern Organisations and Groups to develop an advice strategy\(^1\), and Age Concern has now included a standard for Information and Advice\(^2\) in its Quality Assurance Framework (“Quality Counts”). Age Concern has also produced guidance on meeting the requirements of the Community Legal Service Quality Mark (CLSQM)\(^3\), and many ACs have taken on the CLSQM at general help with casework, general help, and at information levels.

7.2 Developments have also included a quality of service tool, which has been used extensively by Age Concern, and a simple peer review (quality of advice) tool which has as yet been used extensively only in the Age Concern North West Region, where it served as a tool for friendly mutual advice quality audits.

7.3 Age Concern now has an Information and Advice Partnership, with representatives from each of the nine Age Concern Regions of England and Age Concern England staff. Observer members from ACs Cymru, Scotland and Northern Ireland are also able to take part. The partnership has made measuring quality of advice a priority.

Peer review in practice

7.4 In 2001 Age Concern reviewed its advice service developments, and researchers produced a work plan for advice quality of which peer review was one part. Initial plans were to pilot an advice quality tool with two assessors and around 10 ACs, as a route to full development of an in-house tool. However, it was judged that this approach was premature, for two reasons: a peer review system such as that implemented by Citizens Advice was not then affordable; and ACs’ advice services are not at the point of easily taking on peer review.

7.5 As a result AC has opted to take part in the development of a pilot of a peer review system jointly with other advice networks and with the same research team - an option which brings the twin benefits of improved external validity and better links between ACs and other advice providers. Whilst this joint project is being developed, Age Concern is going ahead with its own development and piloting of a quality of advice tool in four ACOs and two ACGs. It will test out the use of an assessment tool in agencies where information and advice make up just one part of service delivery, and also in more informal advice settings (in small AC Groups). This work will inform the joint project.

The new pilot project

7.6 Age Concern is now developing a pilot project as part of a wider initiative by advice networks called Good Advice, Good Results. There are four aims for the Age Concern project:

- to devise a framework and tool to assess and improve advice services in Age Concern (AC);

\(^2\) The Organisation Standard. Quality Counts. Part 3
\(^3\) Meeting the Quality Mark” Good Practice Guidance, Age Concerns England, September 2000
• to provide information to AC advice services about the quality of their advice, to enable them to plan improvements;
• to assess the support required by and available to AC advice services if they are to use the frameworks and tools;
• to assess the role of the Age Concern federation in assuring quality of advice provided by its members.

7.7 As a secondary aim, the project will explore ways which are not resource intensive to identify and assess the outcomes of advice. The project will entail:
• checking the quality of advice/outcomes on a sample of case records, and through other mechanisms identified during the pilot;
• applying existing and devising new assessment tools and approaches for use by different Age Concern information and advice services;
• providing training in the use of these frameworks;
• identifying changes to information and advice services that will improve the quality and outcomes of advice given by Age Concern;
• providing one-to-one support in order to implement such changes;
• reporting lessons for other Age Concern providers, for strategic development and support within the Age Concern federation and more broadly, for the independent advice sector as a whole.

Two areas of England have been selected for piloting – Eastern and London. Pilots will be selected to reflect the range of advice services provided by Age Concern, allowing for a range of ‘levels’, types of service, types of adviser and so on.

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Citizens Advice

Origins and context

7.8 Citizens Advice is the membership body for CABx in England and Wales. Citizens Advice added Quality of Advice Assessment (QAA) into the requirements of its Membership Review System (on a pilot/development basis in April 2000), and as part of its Membership System from November 2002.

7.9 The Citizens Advice Bureau Management Information System (BMIS) sets out the relation between quality and membership for CABx:

The bureau is committed to the provision of a quality service and will operate to the quality assurance standards defined within the Membership System.\(^4\)

7.10 Quality of advice itself is defined under two headings: professional practice and technical practice.\(^5\) The former is about the process of advice-giving and the latter assesses the technical content of the advice. QAA assesses technical practice using advisers to review case files. Professional practice is not measured in the quality assessment process.

7.11 The QAA is conducted as part of the Membership Review, the other elements consisting of submission by the CAB of a portfolio of documents, a desktop audit of this portfolio by Citizens Advice audit staff, and an audit visit. Participation during the pilot was on a voluntary basis. The full detail of the QAA is set out in the Citizens Advice Quality of Advice Assessment Manual.\(^6\)

7.12 Quality of advice assessors were initially recruited on the basis that they were 'advice practitioners with current knowledge, skills and experience'. They were recruited using an open recruitment process, welcoming external applicants, although none have to date been appointed. The assessment team has been operating since July 2001. Originally there were six assessors - four full-time-equivalent posts - and from November 2002 this was increased to 10 assessors (eight full-time-equivalent posts).

7.13 Citizens Advice’s initial intention was to recruit assessors as freelancers, but following legal advice on employment status this was not implemented. During the first year Citizens Advice tested models of full and part-time assessors, initially on one-year fixed-term contracts, with the intention that assessors would continue to work in an advice agency, but this has not proved workable.

7.14 On appointment, assessors attend a two-day course on the use of the quality system. Periodic case-based exercises, peer support and exchanges of assessments promote consistency. Citizens Advice has held a large number of briefing sessions on QAA, for CABx across England and Wales, and these are now part of a rolling programme.

QAA in practice

7.15 Around 200 CABx had been assessed through QAA by the end of March 2003. The process is that the assessor asks the CAB to send information which provides a picture of the CAB - an annual report, a community profile, and the previous year’s enquiry statistics. The assessor then visits by arrangement, meets the manager (and possibly other relevant staff or committee members) and discusses case file selection, local circumstances and bureau advice practice - and other matters potentially of relevance for the assessment.

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\(^4\)Bureau Management Information System, Membership System, Section 3

\(^5\)Citizens Advice Quality Assurance Standards Membership Agreement (V1. April 2000) Section 3

\(^6\)Bureau Management Information System, Quality Assurance, Quality of Advice Assessment Manual
7.16 The assessor selects and examines a sample of 30 case files, balanced in discussion with managers to reflect the range of work of the CAB (by subject and by level), and to some extent to allow for a spread of advisers. Advice subjects on which the CAB does little work should have at least one case included, whenever possible. The assessment is applied to each topic within a case. Only CAB generalist advice is assessed, and only ‘recent cases’ - clients who have had contact in the previous 12 months.

7.17 The Membership Agreement sets out the quality criteria for the assessment under the heading of ‘technical practice’:

- diagnosis;
- information collection;
- identifying options, consequences and limitations;
- appropriateness to the person, the problem and local circumstances;
- signposting and referral;
- accurate and complete advice;
- case management;
- overall effectiveness.

7.18 Seven of these criteria are applied by the assessor to the identified topic areas within each case file, and scored on a scale of very good, good, pass, poor, very poor, can’t tell, and not applicable. The last - overall effectiveness - is about the case as a whole, and is also scored on this scale. ‘Can’t tell’ is coded as poor. The manual gives detailed guidance to assessors on how to use the criteria. Assessors also add commentary, with evidence, providing qualitative assessments as well as a ‘score’.

7.19 The assessor spends two days in the CAB, and typically finishes the assessments back at base. With travel time and report drafting, an assessment takes an average of 6 days. Assessors give initial feedback, typically on the second day.

7.20 The scores are collated by topic, both as totals and as percentages. The assessor uses the results as the basis for a detailed report on the quality of advice in the bureau. A report is sent to the bureau (with copies of each case assessment), to the Citizens Advice quality of advice manager and to the Citizens Advice auditor responsible for the particular membership review, and to the regional office. The bureau can add comments at this stage.

7.21 The report provides a detailed scan of the quality of advice in the CAB, both for audit and for service improvement. The CAB is required to draft a work plan setting out an improvement strategy for issues identified in the QAA and the audit. Support for improvement is provided by the regional office. Finally, the CAB completes a feedback questionnaire.

7.22 Citizens Advice carried out an evaluation of its quality of advice assessment system in May 2002, which produced a number of recommendations, the principal one being the need for cross-departmental support for those CABx which need to make improvements.

**Research studies of the quality of housing advice and employment advice**

Peer review was one of the research tools used in two earlier studies commissioned...
by Citizens Advice into the quality of housing advice\(^7\) and of employment advice\(^8\).

**Peer review of employment advice**

7.23 This study took place in 1994, and examined the range and quality of employment advice of 16 CABx in England and Wales. Research methods included peer review and interviews with CAB managers and advisers, Citizens Advice staff, key informants on employment issues from outside the service, and users.

7.24 16 CABx were selected from four Citizens Advice areas to provide a ‘cross section’ of agencies - five rural, four in provincial towns, and seven in inner-city areas. A sample of 322 cases - roughly 20 from each agency - was drawn, three of which did not involve employment issues. The assessment was therefore of 319 cases. Selected cases were from the period immediately preceding the research. Cases were selected to reflect the balance of employment topics dealt with by each CAB. In 10 CABx, cases were selected by the reviewer, and in six by CAB staff. This division reflected in part CAB concerns about confidentiality.

7.25 The assessments were undertaken by a law centre employment lawyer who has extensive experience of advising and supporting CAB employment advice, and who was one of the principal trainers in employment issues for CABx in the London area.

7.26 Assessment criteria were developed jointly by the lawyer and the researcher, to reflect Citizens Advice employment advice standards and good practice in employment advice. Each criterion was marked on the scale: good - passable - poor - very poor - can’t tell - not applicable. Each case assessment was recorded on a single sheet. The criteria were:

- diagnosis;
- accuracy;
- options, consequences and limitations;
- appropriateness to the person and problem;
- timeliness - legislative time limits;
- timeliness - case management;
- effectiveness;
- collection of information as a basis for the case.

(See pp 26-27 of the employment report for the best discussion of marking issues available to date)

7.27 The results were set out in percentages and in detailed commentary. A table of overall percentages and a detailed commentary were composed for each criterion. Detailed commentary was also drafted on issues within employment advice and about different ‘levels’ of advice.

The study found a close association between advice quality and outcomes.

\(^7\)Citizens Advice Bureaux and Housing Advice Forbes, D., & Wright, S., Citizens Advice 1990, unpublished

\(^8\)Improving the Quality of Employment Advice, Waterhouse P., Lewis, T., Citizens Advice 1995, unpublished
Peer review of housing advice

7.28 This study took place in 1988, and sought to examine in depth the quality of CAB housing advice. The range of housing advice, its accuracy, usefulness and depth were all examined.

7.29 The study explored the housing work of nine CABx in three Citizens Advice areas, selected to provide a range of types of CAB by size, resources, and populations served. Research methods included interviews with managers and advisers, peer review of case records, and interviews with Shelter staff who were providing support to CAB housing advice. Shelter case records of CAB consultation requests were also examined. Review of the CAB cases was carried out by a housing solicitor with experience of both law centre work and provision of training to CAB who had also been both a volunteer and a management committee member in an advice centre.

7.30 Each CAB provided 170 housing case sheets of which 150 were classified as ‘housing’ by the CAB, the remainder being classified under different subjects (CABx at that time were classifying a ‘main’ topic in their files). The researchers decided therefore to identify all housing issues within a case, regardless of the main emphasis in the case. Assessment criteria were:

- accuracy;
- completeness;
- CAB responses to cases with serious risks for clients.

Results were drafted as statistics and also as detailed commentary, with recommendations for Citizens Advice action.

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Origins and context

7.31 Citizens Advice Scotland (CAS) is the membership body for CABx in Scotland. Following a decision to revise the CAS membership system made at the 2000 CAS AGM, peer review was added to the requirements of CAS membership and the processes of CAS membership review. Peer review in CAS is known as quality of advice assessment [QAA].

7.32 CAS has six conditions of membership, one of which is that CABx should comply with the association’s quality assurance system.\(^9\) Oversight of quality within the CAS quality assurance system now has two elements: audit of the processes which assure and control operational standards, and peer review of the advice work of the CABx. Condition 6 states:

7.33 ‘The Quality Assurance System relates to measures, which seek to assess the quality of the advice and information provided by bureaux at the point of delivery. It ensures that all bureaux in Scotland meet a minimum standard of service, in terms of the process of advice giving, and the actual content of that advice. The focus of the system is on development, and identifying bureaux strengths and weaknesses in the quality of the advice provided.’\(^10\)

7.34 The scope of peer review (QAA) is set out in the CAS quality of advice transaction criteria, which divide quality of advice into ‘professional practice’ and ‘technical practice’. Professional practice is broadly about the treatment of each client and their needs as an individual. Technical practice is about the technical accuracy of the advice given.

7.35 Peer reviewers (quality of advice assessors) are defined as ‘A competent, experienced Adviser, trained by CAS to carry out Quality of Advice Assessments’\(^11\)

7.36 Assessors have been recruited by CAS in an open recruitment process, and are required to be current and ongoing CAB advisers. There are now two CAS assessors, both of whom are CAB volunteers. Assessors are paid as employees, on a CAS salary scale calculated as a daily rate.

7.37 Based on the peer review model developed by Andy Benson and Penny Waterhouse, QAA was piloted by CAS in four CABx in 2001. As a result of the pilot, some changes were made - the principal one being a reduction in the numbers of assessment criteria used.

Peer review in practice

7.38 CAS implements five membership reviews per quarter. Training in the new review processes, including QAA, was available via CAS to CAB managers and other appropriate bureau representatives. The bureau is notified of a review six months in advance, and the entire process lasts around 3.5 months. The QAA takes place as one stage of the overall review - the other stages consisting of compiling a portfolio of documents to forward to CAS (using a self assessment template), a desktop audit of this portfolio by CAS audit staff, and an audit visit.

7.39 Two principal methods are deployed by CAS for the QAA: examination of case files by an assessor; and review of assessor reports by a verification panel. An assessor

\(^9\)Citizens Advice Scotland Membership System Standards Document.
visits the CAB by arrangement, selects files for review, and examines these using the criteria set out by in the CAS transaction criteria. In summary, these are:

- professional practice (assessed through audit, not QAA);
- diagnosis;
- information gathering;
- consideration of options, consequences and limitations;
- appropriateness of action (including referrals);
- accuracy and completeness of advice;
- outcomes of advice service;
- competency of advice workers (assessed during audit);
- quality of case management.

7.40 Files are selected for a balance which reflects the advice work of a CAB - 30 for a ‘main’ CAB, 10 for an ‘extension’ and five for each outreach session. This initial selection is reviewed and moderated in discussion with the CAB manager, to ensure the balance. Assessment is by case, not by advice subject, although each subject within the file is identified. The work of all CAB advisers is included in the assessment.

7.41 Each file is assessed using a three-page case assessment form, and assessors mark each criterion as either ‘comply’ or ‘does not comply’. Categories ‘can’t tell’ or ‘not applicable’ are also used, for example when outcomes are not known, or criteria cannot be assessed from the file.

7.42 Assessors are typically in the CAB for two days, although it can be longer - occasionally three or more, depending on the numbers of files to be assessed. The entire process takes three to five days, varying for the same reasons.

7.43 The assessor collates the results of the entire assessment, on collation sheets 1-3, and drafts a written report. All paperwork relating to the assessment is then sent to the audit team at CAS. A copy of the selection list of files assessed is then sent to the chair of the verification panel, who is a solicitor from outside the service, so that he can select a sample of cases to be reassessed to ensure the standard of the assessor’s findings. The panel also consists of two other members who are experienced CAB managers or advisers. The panel examines the cases chosen and re-assesses them both for consistency and also to test if they agree with the assessor’s findings. Any disagreements are noted and discussed with the assessors.

7.44 The CAS audit team carries out an audit visit to the CAB, and sends an interim report to the CAB, followed by a full audit report which includes the quality of advice aspects. The CAB is required to draw up a plan of action to remedy any non-compliances, and submit this to the CAS membership committee with any representations, when the committee considers the audit report.

CAS continues to modify the QAA as more experience is gained.

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The Legal Services Commission

Origins and context

7.45 In 1997 the Legal Services Commission (LSC) funded a study by the Institute of Advanced Legal Studies (IALS) of quality and efficiency in a pilot group of LSC-contracted solicitor practices and advice agencies. The methods used included peer review. The study took place between July 1998 and November 1999, and was published by in the Stationery Office in 2001 as Quality and Cost (LSC 2000).

7.46 Since 2002, the LSC has been developing peer review as an assessment tool for different aspects of the quality of the work of both solicitor and not-for-profit contracted agencies. Recent and current research - from the middle of 2002 onwards - has included peer review of the quality of debt, housing, and welfare benefits advice in rural Wales, and of the quality of the advice given in these subjects under tolerances.

7.47 Researchers have been contracted to work with LSC staff in these instances. In addition, in early 2003 peer reviewers were recruited to undertake reviews in family and in immigration advice, although at the time of writing no reviews had taken place.

7.48 LSC has also used peer review in costs assessments in some immigration cases in London, and in Liverpool has used peer review of welfare benefits files as a route to the settlement of costs disputes. In 2002, researchers were commissioned to evaluate the Criminal Defence Service, and peer review is proposed as one of the evaluation methods.

The Quality and Cost research

7.49 The aim of developing a peer review methodology was to produce an assessment of the quality of advice capable of producing consistent results. Such consistency was promoted in four ways: reviewers were recruited with a minimum level of experience; reviewers received training; files were assessed using a framework of standard criteria and marking; some (25%) files were double marked.

7.50 A small number of peer reviewers were recruited from the legal profession and the advice sector. Reviewers were required to be solicitors working in the relevant subjects, with a further requirement for supervisory/management experience in more than one review subject. All applicants had experience in the private and not-for-profit sectors. Applicants from agencies with less than two years’ franchising experience and from agencies in the pilot were excluded.

7.51 The overall focus of the study was on the relationship between LSC payment methods and approaches to contracted work, including effects on quality. The peer review element assessed quality and explored associations between quality and the four funding arrangements in the pilot. Five categories of contracted work - welfare benefits, housing, debt, employment, and personal injury - were included in the study. The peer reviewers assessed casework quality, and also gathered information on allocation of work across cases and management of the work and the contracts in general.

7.52 Criteria for case assessment were developed by the researchers and modified following training exercises with reviewers. More detailed guidance on the application of the criteria for each subject was also developed. Questions were organised under three criteria:

- the initial interview;
- the advice;
- the work/assistance.
7.53 The ‘initial interview’ questions were about understanding the problem, communicating with the client, and information gathering. The ‘advice’ questions were about technical quality, appropriateness, comprehensiveness and timeliness. There were many ‘work’ questions covering: other work done; the efficiency of this; the effectiveness with which actions such as letter-writing and negotiation were conducted; disbursements; merits; referral; and overall effective use of resources.

7.54 Some questions were marked yes/no, but most were scored using a five-point scale: non-performance; inadequate professional services; threshold competence; competence-plus; excellence. An overall score was also given for each file.

7.55 Criteria for the management review were also developed, with the emphasis on fact-finding, rather than judgment. However, this did not prove to be a useful indicator of quality as initially envisaged.

7.56 Reviews were carried out in 52 agencies in four equal funding groups - three solicitor groups and one not-for-profit group. Selection was also informed by the need for a geographical spread, and for a sufficient volume of cases to facilitate selection of a sample.

7.57 Each agency was contacted two weeks before the review date, and asked to provide a list of closed files in the relevant category from the relevant period. 30 files were selected randomly by the reviewer from this list, with LSC Level 1 files excluded. Reviewers then visited the agency and assessed an average of 12 files. There were no discussions with advisers, but brief feedback on the day was given if sought. Four of the files were double-marked by a second reviewer.

7.58 Reviewers spent around two-thirds of one day on file assessments, and also held a discussion on management issues with relevant managers in each participating agency. Completed case reviews were then forwarded to the researchers, with additional comments and notes about the management issues.

Rural Wales

7.59 The LSC are currently piloting the use of peer review as an alternative and equivalent assessment to the supervisors’ casework hours requirement in the Specialist Quality Mark – assessing whether supervisors have ‘legal competence’ despite not having the necessary hours. The assessments are being carried out in the categories of housing, debt and welfare benefits and targeted at suppliers in rural Wales who operate in areas of high need and perform well in LSC audits, but, in the category(ies) in question, have a low casework volume.

7.60 The approach is based closely on the first study, with minor changes to some of the questions within the review criteria – the main one being the addition of an ‘overall’ assessment mark to the Quality and Cost criteria.

However, files were reviewed at the LSC Regional Offices, not on agency premises.

7.61 A group of 20 peer reviewers was recruited, as in the first review. Because all the suppliers in the Wales study are private solicitors, the reviewers were not required to have not-for-profit experience, although 70% did have this experience.

7.62 A sample of closed cases in the three subjects was double-reviewed both to give a clearer idea of the range of work across the three subjects, and to check consistency between reviewers before the Welsh reviews were carried out; 77% scored the same across an agency’s files. However, for one firm a third reviewer was brought in because of differences which turned out to have been caused by a misunderstanding of the scoring.
Quality of work under tolerances

7.63 Assessment of the quality of work under tolerances was done by the same team of peer reviewers recruited to carry out the Wales research. The quality of work under tolerances had been assessed several years previously by the same researcher, and in applying the peer review methodology to the same categories of law, comparative results were possible.

7.64 Random samples of files in debt, housing and welfare benefits advice were drawn from both tolerances and contracted work, and peer reviewed in late 2002. Reviews also took place on LSC Regional premises, rather than on-site in agencies. Researchers prepared a report on the results and findings for the LSC.

Family and immigration reviews

7.65 In February and March 2003 LSC and researchers recruited peer reviewers in family and immigration, relying on the same approach as has been used to date. The LSC is currently carrying out a peer review of a random sample of immigration and family contract holders with the aim of establishing a national benchmark.

Costs in immigration cases

Origins and context

7.66 The London Region of the LSC has been using peer review to assess costs in some immigration cases since 2001. This began for two reasons: the rising cost to the LSC of immigration advice – the numbers of suppliers has trebled over the last five years; and a rising number of complaints from clients. The newly established OISC was showing an interest in quality assessment through peer review and this provided a further impetus. Peer review aimed therefore both to help control costs and to influence advice quality.

7.67 This was a London Region initiative because most immigration practice is in London, even after the recent dispersal of asylum seekers. However, the initiative also enjoyed the support of the then Chief Executive of the LSC.

7.68 Initially the LSC contracted with a single immigration solicitor who acted as the sole reviewer for some three months, designing a guide for the reviews which has formed the basis of the current system. Later in 2001 London Region began to recruit an in-house team which included one criminal and two immigration solicitors, and a panel of external consultant peer reviewers. The consultants were required to be solicitors with ten to fifteen years of immigration experience, and are recognised by all as leaders in the field. The in-house team started in February 2002 with solicitors with ten years immigration practice experience. There are currently seven consultant reviewers, and three in-house reviewers, two of whom are immigration reviewers.

Peer review in practice

7.69 There are around 500 contracts in immigration. Audit of the costs on a sample of 20 files results in a supplier being placed in one of three categories, according to how well they perform. Around 150 suppliers are Category 3 (the lowest category, allocated if the average costs reduction overall is 20% or more), and these are the suppliers which are peer reviewed. To date all reviews have been of solicitor firms. There are not-for-profit organisations with immigration contracts, but as yet none have been audited.

7.70 In its first phase, peer review was carried out only following notification to the firm of the audit result, and only if the firm appealed. This then involved looking at five of the 20 files randomly. This approach was modified and now peer review takes place before the audit result is notified, and all 20 files are examined (omitting the odd file which is not an immigration file).
7.71 Reviews follow the same process as the LSC costs assessment. The review is very detailed, involving a line-by-line examination of the file and its costs. Once this is completed, the reviewer writes a report on each file which reviews each cost item and also provides a two or three page commentary on the quality of the work. The process from deciding to peer review a supplier to the initial decisions on costs takes around six weeks, and more if there is an appeal.

Costs in welfare benefits cases

7.72 In 2002 the LSC contracted with a single peer reviewer to undertake reviews of all welfare benefits files from suppliers in Liverpool which were the subject of costs disputes with the LSC. This exercise was based on the model used in London where a decision to peer review immigration suppliers was taken because of costs issues. The reviewer was asked to consider quality, value added, and cost-effectiveness.

7.73 The reviewer, a leading welfare benefits solicitor, decided on an approach which assessed whether in each case the LSC audit processes and costs decisions conformed to the requirements of the Access to Justice Act, the contract between the agencies and the LSC, and LSC costs assessment guidance. Reviews commented on auditor decisions for each file, and drew out broader themes for future guidance on costs.

7.74 The reviewer was able both to advise on costs in each specific case, and to provide a report to the LSC which offered an analysis of the factors which had contributed to the original disputes.

Peer review in the evaluation of the Public Defence Service

7.75 Researchers commissioned to undertake the evaluation are seeking to recruit a group of experienced criminal defence practitioners to act as peer reviewers. These would mostly be senior solicitors, although experienced non-solicitor police station representatives and clerks might also be employed in respect of particular aspects of criminal defence work, such as police station advice or case preparation.

7.76 The researchers also intend to use review of the case files as one method, and are considering the use of direct observation of advocacy in court. The possibility of direct observation in police stations appears to have been ruled out on grounds of cost.

7.77 The intention is that the process of recruitment and training of peer reviewers will be undertaken by the research team independently of the LSC. Reviewer consistency will be addressed through double-marking and statistical monitoring. LSC is also working with these researchers to develop peer review as an assessment for Criminal Defence Service contract holders.

Future plans

7.78 In the immediate future the LSC will be using peer review to complement its current audit processes. In particular, the new solicitor contract introduces the notion of ‘fundamental breach’ and peer review will be used for these cases. However, only selected (random or targeted) contractors will be assessed using peer review.

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Money Advice Trust and Money Advice Scotland

Origins and context

7.79 In 1998 the Money Advice Trust (MAT) commissioned research into the quality of money advice among its members in the UK. A research team from the Personal Finance Research Centre (PFRC) at the University of Bristol and the Office for Public Management carried out the study in 1999, and the research report, Quality Assured? An assessment of the quality of independent money advice was published by MAT in February 2000.

7.80 In 2001 Money Advice Scotland (MAS) commissioned a similar study, which was carried out jointly by PFRC and MAS, and the research report, Good, bad or indifferent? The quality of money advice in Scotland was published in October 2002.

7.81 These two studies are similar in methods and in findings, enabling this summary to focus primarily on the most recent study. However, there were lessons learned in the MAT study which prompted change to the case samples and the methods used for the subsequent study. The MAT study is therefore referred to only to illustrate developments in methods and samples.

7.82 The MAS research was in four stages: interviews with key informants at the national level; interviews with agency managers and advisers; peer review of case records and one-off telephone enquiries; interviews with clients. The aim of the peer review element of the research was to assess the technical quality of the work that was carried out and whether this was appropriate for the client and their circumstances, and to explore the factors that determine the quality of money advice.

7.83 A research advisory group drawn from the principal national organisations involved in money advice provision in Scotland offered recommendations for peer reviewers who were all experienced money advisers. A team of six peer reviewers was recruited on a voluntary basis from these recommendations, drawn from a range of types of agency. A training day was held for reviewers to provide an opportunity to discuss and understand how the review tools were to be used, and to promote consistency. Reviewers were paid a fee plus expenses. They tended to review within their own sector, to avoid concerns about confidentiality.

Peer review in practice

7.84 Reviewers were not required to compare agencies, or to assess an agency against some absolute standard - assessment was against each agency's own objectives for its advice work. Open and closed case files were reviewed, using the following nine criteria:

- gathering information and evidence;
- diagnosis;
- maximising income;
- accuracy and completeness;
- action by the adviser;
- referral to another agency or service;
- outcomes (if known);
- case management;
- missed issues.

7.85 These criteria were largely drawn from the model developed by Andy Benson and Penny Waterhouse, modified slightly by the researchers for the assessment of
money advice. The full assessment of missed issues was suggested by the peer reviewers involved in the MAS research.

7.86 20 agencies were invited to take part in the research, with attention paid to achieving a cross-section of types of agency. All the agencies agreed to participate. Reviewers were guided to get a picture of the agency and its work to inform the case selection and assessment processes. Fifteen cases - 10 open and five closed or dormant – were assessed at each agency. The cases were selected by the reviewer, and included a range of different types of case, different advisers (including where appropriate specialists and generalists), and a range of ‘levels’ of work if the agency offered this. Reviewers spent a day in each agency.

7.87 In the MAT research, the peer reviewers also assessed 15 cases at each agency, half of which were open and half closed. The number of open cases selected in the MAS study was increased at the suggestion of the peer reviewers, who felt it would be better to assess more ongoing cases.

7.88 With the exception of ‘missed issues’, assessment of each criterion was on a five-point scale ranging from ‘excellent’ to ‘very poor’, with additional codes for inadequate information (‘can’t tell’) and outcomes unknown (‘NA’). The data from the peer review was analysed at the case level using SPSS, a statistical package. ‘Can’t tell’ - meaning that there was insufficient information in the file for the criteria to be assessed - was recoded as ‘very poor’. Mean scores for each criterion across all cases reviewed were calculated, as well as an overall mean score - the aim being to devise a quantitative measure of quality. In addition, the researchers explored correlation between quality and other factors, including type of case, individual adviser(s) and method of working.

Future developments

7.89 Money Advice Scotland continues to be involved in peer review through its Scottish Vocational Qualifications programme. MAS is planning further research into the quality of money advice in 2004, to report early in 2005, using research methods which will once again include peer review.

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Office of the Immigration Services Commissioner (OISC)

Origins and Context

7.90 OISC is a non-departmental public body established under the Immigration and Asylum Act 1999, which regulates immigration advisers. OISC has been in operation since 30 April 2001, regulating not-for-profit advisers (including those with an LSC contract), and for-profit immigration advisers. Advisers must apply to the OISC for authorisation and must demonstrate that they meet the OISC’s requirements. The OISC runs a complaints system and determines complaints against OISC authorised advisers.

7.91 Practising solicitors are regulated by the Law Society and need not apply to the OISC for authorisation. Barristers and certain ILEX members are also regulated by their professional bodies rather than by the OISC. The OISC receives complaints about members of designated professional bodies, will forward them to their professional body and monitor the progress of the complaint.

7.92 With very few other exceptions all other immigration advisers are required to be authorised by the OISC (for-profit advisers apply for ‘registration’ and not-for-profit advisers apply for ‘exemption’). It is a criminal offence to provide advice unless registered/exempted. The processes of registration and exemption are similar. For-profit advisers must, in addition to demonstrating they meet the OISC’s code of standards, meet the OISC’s rules which relate to issues such as fees.

7.93 Registered organisations have to apply for continued registration annually, whereas exemption continues for not-for-profit organisations without further application unless it is withdrawn. OISC currently audits registered organisations annually, and all exempted organisations at last every three years, though it is proposed to implement an audit system based on risk assessment.

7.94 OISC has divided advice into three ‘levels’ similar to CLS Quality Mark levels: 1 = initial advice; 2 = casework; 3 = specialist. OISC authorised organisations range from small community groups to very large businesses. Some are major providers, others provide immigration advice as only a minor part of their business. Currently 172 for-profit organisations have been registered and 969 not-for-profit organisations have been exempted, including some 600 CABx passported in to the system at Level 1. In the year 2002/3 there were 41 refusals and 62 withdrawals.

Audit

7.95 Applications for registration/exemption are dealt with by the OISC casework team of 14. Staff come from a variety of backgrounds, including immigration advice – such experience being encouraged, rather than essential. To enable the team to carry out its work, staff all undergo training in auditing and in immigration law.

7.96 OISC approaches to audit and peer review are still evolving. Initially an application was assessed at a desktop audit, followed by a premises audit if the application raised any doubts. Since February 2003 caseworkers have undertaken a desktop and a premises audit on all new applications. Audits assess adviser competence and the organisational policies and procedures of the applicant agency.

7.97 For a first audit, when there is typically no casework to examine, caseworkers discuss case scenarios and test questions with advisers. OISC is currently developing a systematic format for these discussions. In addition, at subsequent audits caseworkers now carry out file quality reviews of each adviser, and check that the level of work being done is allowed. A set of quality indicators is used for this, and these are also being further developed. File selection (typically of 6-10 files) may be from a list submitted in advance or on the day.
7.98 Caseworkers give feedback with recommendations at the end of the visit, and produce a report which identifies any issues which need addressing. A peer review by two casework colleagues is carried out on one in 10 audits where registration/exemption is granted – this peer process will be extended to premises audits. All refusals are reviewed by line managers. A typical audit requires from 10 to 20 hours of work depending on the complexity of the case.

**Peer review of advice**

7.99 If quality of advice is thought to be an issue in advance of an audit, the caseworker may arrange a joint visit with one of a panel of consultants. The panel consists of seven recognised expert advisers in immigration law and practice, and acts as a resource for caseworkers - advising, answering written enquiries, assisting on joint visits, and attending case conferences to give expert advice. Prior to a joint visit, consultants receive a brief profile of the organisation: levels and numbers of advisers; for-profit or not-for-profit; location; the background to and reasons for the audit; and the role of the consultant; roughly how long the audit is expected to take; the proposed time and date and meeting arrangements.

7.100 The caseworker arranges and leads the joint visit, explaining the role of the consultant to the adviser. Consultants offer guidance, so that, for example, if an immigration adviser contests the advice of a particular consultant, OISC caseworkers may and typically do seek a further opinion. To ensure consistency, OISC is currently developing a system for consultants to review each other's assessments. OISC is monitoring the costs and appropriateness of caseworker referrals to expert consultants. As caseworker confidence and skills increase, external consultants are typically brought in much later in the audit processes.

**Future developments**

7.101 Quality of advice, and how to measure this, is a major focus of the OISC’s work. Over coming months it will be considering a range of ways of ensuring advisers provide competent advice. This may include other peer review techniques such as observation of client interviews and hearings.

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Shelter

Origins and context

7.102 Shelter is a national housing organisation which manages a network of more than 30 Housing Aid Centres (HACs) and funds a further 16 across England. Shelter HACs (both managed and funded) were involved in the initial piloting of the legal services ‘franchise’ in the 1990s, and the experience of this provided the main stimulus to develop peer review as a quality measure.

7.103 The quality assurance measures required by the Legal Services Commission highlighted the potential for quality proxies to disguise poor quality advice work, and the need for a more direct measure of the quality of advice became apparent. As a result, in the late 1990s Shelter quality staff worked with a local authority planner then seconded to Shelter to produce a draft peer review schedule, finalised with support from Shelter’s legal team.

7.104 Advice quality assessment now forms part of Shelter’s periodic audits of all of its advice services. The audit has three components: a technical quality of advice audit by peer review; a centre self-assessment checklist; and an on-site check of a sample of procedures and practice against the requirements of Shelter’s Quality Standards\(^\text{12}\) and the CLS Quality Mark framework. The precise content of each audit varies, with the exception of peer review of advice quality. Shelter’s overall aim is to make a periodic check on both centres and individuals, to promote and enable service improvement.

Peer review in practice

7.105 Reviews are co-ordinated by Shelter’s quality team, and carried out by them in conjunction with the Shelter legal team and contracted external auditors - experienced housing advisers or solicitors who know Shelter well. Quality team members are (former) experienced Shelter housing advisers, who attend training courses to keep abreast of changes. However, the team is aware that over time their distance from advice-giving is an issue, and are reflecting on approaches to this.

7.106 Selection for review is based on the planning cycle, every 2 years, with the exception that new centres will ‘jump the queue’. Shelter informs the HAC that a review is pending, the reviewer arranges a visit date by agreement, and sends a checklist of the information needed. The reviewer visits the HAC, and selects 25-30 cases for review. Selection is random, but is balanced to include a range of subjects, a range of advisers, for primary and secondary advice, and for sufficient ‘completeness’ to show solid work done.

Criteria for review are set out in Quality Standards:

- technical accuracy
- appropriateness
- comprehensiveness
- advice recording
- file management
- case closing

These 5 broad criteria are set out in 11 questions, which have developed over time, in the Shelter Case Audit Form used by the peer reviewer. Each of the 11 is scored on a 5 point scale (originally a 3 point scale) - ‘very good - good - adequate - poor - very poor’, with ‘adequate’ as the pass mark.

\(^{12}\)Shelter Quality Standards 2001
7.107 The reviewer spends 1 day in the HAC, and gives initial feedback. The results include a table of scores, together with a report on strengths, weaknesses, training needs and so on. The report is sent to Shelter Regional Managers and the HAC manager, with a degree of anonymising of caseworker identity.

7.108 Shelter is now seeking to develop a better system of outcomes recording and coding, with the aim of setting these against the results of peer review. Outcomes are recognised as difficult to assess, not least because clients often disappear. Shelter will also link its developing user feedback work to peer review. In the longer-term, Shelter's in-house system should meet any future quality requirements of external funders.

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8 Appendix 2. Research outline

Aims and methods

8.1 The aim of the research leading to this report was to describe peer review as it is used within the sector, setting out in detail how various approaches to peer review currently work, and how they are developing. Specifically, the research sought to understand and describe in detail:

- definitions of the core elements of peer review – how it is carried out, by whom, for what purposes, and through what mechanisms;
- common elements and differences between the various approaches to peer review;
- common patterns of experience across different uses of peer review;
- financial and other resource implications of the various approaches;
- principles and features to consider when creating future peer review tools.

A mix of research methods was used to arrive at this overall picture:

- a brief literature review, both within the sector and in other sectors, to identify the range of uses of peer review and current relevant examples;
- collection of detailed documentation on each legal and advice sector use of peer review;
- interviews with stakeholders in the different uses of peer review, to clarify the detail of how each use operates in practice, and to explore stakeholders’ views on peer review and any issues it raised for them;
- discussions with key informants across the sector about the development of peer review in general.

Timescale

8.2 The research took place from August 2002 to April 2003. The report was drafted and revised between December 2002 and April 2003. Further research took place in May and August 2003, to include additional uses of peer review by the Legal Services Commission.

The research

8.3 Ongoing and recent uses of peer review were identified in Age Concern, Citizens Advice (formerly the National Association of Citizens Advice Bureaux), Citizens Advice Scotland, the Legal Services Commission, Money Advice Scotland, the Money Advice Trust, the Office of the Immigration Services Commissioner, and Shelter. Interviews were arranged with the staff responsible for developing and operating peer review in most of these agencies, and with a small number of participants in peer review systems. Interviewees varied, depending on the nature of the peer review system, but included researchers, quality staff from network organisations, peer reviewers, and staff in reviewed agencies.

8.4 Interviews with staff from legal and advice sector organisations developing or commissioning peer review systems as part of their approach to quality focused on the development and history of the system, its general character and purposes, its compatibility with their other quality systems, and on any specific relation between their approach to legal and advice work and the shape of the peer review system used. Detailed documentation on each system was sought at this stage.

8.5 Interviews were also held with senior staff and advisers in twelve advice agencies and four solicitor firms, about their experiences of peer review, including their
understanding of its role and purpose, how it worked in practice, changes they might like to see, and their views on its value.

8.6 Respondents included staff in Shelter Housing Aid Centres in England, in Money Advice Centres (both local authority and not-for-profit) in Scotland, in CABx in Scotland and in England, and solicitors in private practice in England.

8.7 A development project – Good Advice, Good Results – run by a consortium of advice and other not-for-profit networks, and chaired by Age Concern England – is seeking to further develop peer review among a range of advice networks. Discussions were held with researchers supporting the project, and a project meeting was attended. Discussions were also held with the Law Society and Advice Services Alliance.

8.8 A further important source for the development of peer review in the legal and advice sectors has been research into quality, and researchers commissioned by LSC, MAS and Citizens Advice have contributed their findings and ideas in the development of this report.
Appendix 3. Wider contexts for peer review

Peer review in other sectors

9.1 The most widely understood use of peer review is in the processes of research funding and publication, in the assessment of the performance of a range of professions e.g. teachers, health services workers, and in gate-keeping in a range of contexts. Three main purposes are discernible:

- Research funding bodies and journals rely on peer review to control and guarantee quality of research.
- Audit and inspection organisations use peer review as one of their tools.
- Membership bodies may use peer review to assess suitability for membership.

9.2 Peer review may be carried out through:

- the examination of documents
- discussions with practitioners
- observations of practice
- a combination of these

Peer review in research grants and publication

9.3 Peer review is perhaps most familiar as a gate-keeping tool for assessment in research – both in the awarding of research grants and in the selection of articles for publication in peer-reviewed journals. The purpose of peer review in these areas is to provide an expert framework to maintain standards of research and publication, and through this a commitment to the advancement of knowledge. While these uses of peer review are not without critics, in general it is accepted as a valid approach to maintaining quality.

Peer review by inspection and audit agencies

9.4 In the UK, the main examples of audit-led peer review are to be found in government agencies such as OFSTED, the Social Services Inspectorate, the Mental Health Act Commission, and similar bodies. All of these agencies rely in some measure upon reviewers with experience relevant to the practices under review – in other words, upon peers. In some agencies, mixed-discipline teams conduct reviews, while in others reviewers comprise members of a specific single profession, such as teachers or social workers.

9.5 Methods used by audit agencies vary, including the examination of files and other records, discussions with staff either in teams or as individuals, contemporary observation of work (typically within OFSTED), surveys of service users, and so on.

9.6 The use of peer review as an audit tool can have consequences such as exposure to public criticism, disbarment, withdrawal of funding, or refusal of a licence to practise. But it is typically also intended to enable improvement on the part of the reviewed organisation, and reports following reviews will often be presented at meetings attended by staff whose work has been reviewed.

Other quality measures

9.7 Peer review is not the only candidate for the direct measurement of service quality. Case outcomes, client views, and mystery shopping are also part of the range of direct measures available in principle to quality assessors. Indeed, client feedback is a requirement for membership of some networks, and also of the CLS Quality Mark.
Outcomes and peer review

9.8 There is a wide and active debate in legal and advice services about outcomes, and most of the discussions around which this report has been written showed that awareness of the importance of outcomes is widespread among advisers, researchers, and in network organisations – an awareness not significantly reflected in current peer review frameworks.

9.9 Agencies were on the whole cautious about the feasibility of using outcomes in quality assessment, primarily because the ‘result’ of a case will not always be known. Clients come and go, and advisers are often obliged to stop before completing a case.

9.10 This practical observation about outcomes is also acknowledged by agencies as a problem for case file peer review. Outcomes form part of the headline assessment criteria in all legal and advice sector peer review systems – but by and large without acknowledgement of the complexity and difficulty of outcomes measurement. The provision of a ‘not known’ option in some systems allows for the possibility of the premature closing of a case, although this is not the primary purpose of this category.

9.11 At a more general level, outcomes are not synonymous with ‘results’, and as a quality measure outcome assessments would seek to associate results with both the impact of the adviser’s actions and the wishes of the client. Further, an agency which sees itself as delivering to a community would have to consider outcomes for more than just each individual client, in order to address the issue of the overall quality of service.

9.12 A small number of advisers took the view that there could be legitimate differences in good quality advice strategies in relation to the individual needs of different clients, as compared with a single standard of good practice.

9.13 Similarly, advice to a client not to pursue a case – not primarily on grounds of its merit, but because of a combination of factors such as the client’s frailty and the client’s own priorities – might be a good outcome for the client, but a poor one in terms of any numerical scoring system. How would a peer reviewer allow for this? How could reviewing a case file provide sufficient information to make a judgment in this area?

9.14 In general, peer reviewers acknowledge problems about assessing cases in terms of a ‘good result’, as well as in terms of the broader notion of an outcome. A good result may not be attributable to the actions of an adviser; a good result which is discernible in reality may not be sufficiently well recorded for the reviewer to recognise this.

9.15 But most reviewers felt that in looking at a sample of cases they were able to form a good all-round assessment of an agency’s work. In relation to each case file, some reviewers were confident of their ability to make the necessary judgments about the problems, actions and outcomes, because of their long experience of doing the work.

Mystery shopping or dummy cases

9.16 Mystery shopping is not widely used for quality assessment, although both LSC and MAS/MAT researchers have used mystery shopping, and have sought to compare the results with those of peer review. It is usually carried out by telephone, and usually shows lower quality than peer review assessments of the same agencies. This tends to be attributed to the unfocused and low-status nature of telephone work in many agencies; but it is of course also possible that it reveals poor-quality advice, and should perhaps not be hastily dismissed.
User satisfaction

9.17 Client views on the service provided tend to focus on the quality of service provision rather than on advice quality – understandably, as it is unlikely that a client would be able to judge technical quality. The development of a useful role for the user satisfaction survey in quality assessment has therefore been more difficult and slower than anticipated.
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