

The LSC's Position in Relation to the Guides

The content of these booklets has been created by the Peer Reviewers and monitored by the Institute of Advanced Legal Studies (IALS). They are a collection of the most common issues identified by reviewers when reviewing closed case files and are particularly focussed on the issues relating to why firms are rated as Threshold Competence (PR3) rather than Competence Plus (PR2).

It is not the view of the LSC, IALS, nor the reviewers, that a PR2 rating can only be achieved by addressing all the issues identified in the booklets and following the recommendations. Moreover, whilst it is unlikely that a rating of PR2 can be achieved without addressing some of the recommendations, equally following them all would more likely to be indicative of work that would attract a rating of Excellence (PR1).

The LSC does not formally endorse the booklet as a directive for practitioners. The LSC does fully endorse the booklet as an aid and guidance document to assist providers to undertake their own internal peer review and improve any area of work that could be improved, that without improvement may result in a PR3 rating rather than a PR2.

As explained in the foreword to the booklets, the issues and recommendations should not be regarded as a protocol or a single way in which advice should be given. In publishing these Guides IALS and the reviewers seek dialogue and debate to identify what the profession as a whole regards as Competence Plus advice, and welcome input and comment from fellow practitioners. Equally we seek input from other stakeholders, such as the Law Society, ASA and the DCA.

Legal Aid funding is a limited budget. As with other public funding areas, value for money is the essential objective. A balance must be made between the time and effort that can be given to one client at the possible expense of others. We believe that the current funding allows all providers the opportunity to deliver Competence Plus advice. There is no evidence to suggest that advice at the PR2 rating costs any more than is currently provided at the PR3 rating. Practitioners have to exercise a value for money process that recognises some limit to the depth and extent of satisfying all the issues that an individual client may have. It is for this reason that the LSC has not specified that PR1 should be the entry requirement for Preferred Supplier. The LSC believes that advice at PR2 rating represents the best value for money for the legal aid fund; ensuring clients receive the essential advice they need.



Peter Watson
Director
Supplier Development Group