

Email Bulletin (Contracting No.17 and Quality Mark No.9): A Body Of Evidence - Attendance Notes And Case Recording

1 Introduction

- 1.1 Differences in how caseworkers in the Not-for-Profit (NfP) sector have traditionally evidenced work and how the Legal Services Commission (LSC) expects evidence requirements to be met when providing contract work may be a cause of problem and misunderstanding at audit.
- 1.2 In particular, even where NfP caseworkers and the LSC agree on the interpretation of specific contract terminology, there may be subjective differences in opinion between what a caseworker believes is sufficient evidence of work that has been carried out on a file, and the view of an auditor when assessing the time claims for that work.
- 1.3 Therefore, this bulletin identifies good practice points for NfP caseworkers on meeting those evidence requirements within the General Civil Contract. It will also be made available to LSC audit staff. All contract references are to the NfP contract specification although good practice points may also be of interest to Solicitor contract holders.
- 1.4 The Bulletin should be read in conjunction with other guidance produced by CLS Support, particularly:
 - Email Bulletin (Contracting) No.7: Incoming and Outgoing Correspondence
 - CLS Support Contracting Briefing No.6: Controlled Work and Contract Compliance
- 1.5 Please note, any casework examples used in this Bulletin are for illustrative purposes only and are not meant to represent an accurate or full exposition of the law or of how you, as a caseworker, should apply the law to any particular case. Also, a number of case notes are written in full without use of abbreviations – but see Section 7 of this Bulletin: “Can I use abbreviations in my case notes?”
- 1.6 The Policy and Legal Department of the LSC has approved the content and accuracy of this Bulletin.

2 What kind of evidence will the LSC ask for?

- 2.1 The LSC stipulate that you should keep a timed and dated attendance note of any activity that you intend to claim time for on the case file itself (see section 3 of this Bulletin).
- 2.2 In addition to this, you should also keep any additional evidence that work has been performed such as copies of correspondence, statements, calculation sheets etc., in the case file in order to further support your

time claims for work done. This is what the LSC describe as “appropriate supporting evidence” (see section 4 of this Bulletin).

For what reason?

- 2.3 At a Contract Compliance Audit LSC auditors will consider your attendance notes together with other supporting evidence of work done in the case file to assess whether the work is allowable under the contract, and whether time claimed is reasonable. If the evidence is insufficient (or there is no evidence at all of that work) then an auditor may either reduce or disallow the time claim, on the basis that you have failed to produce effective objective evidence that the work has been done (see NfP specification 6.6).
- 2.4 Please note that it is a Specialist Quality Mark requirement, and may be a quality requirement of your agency or particular network, that you make a note of any work that you do on behalf of a client and of any contact with that client or others on their behalf.
- 2.5 It is also good practice to maintain records to a sufficient level of detail to enable another caseworker or supervisor who had not had previous involvement in the case to take over the file, for example in the event of sickness or holiday absence.

3 What are timed and dated attendance notes?

- 3.1 In order to claim the time for a casework activity that you have performed on behalf of a client, the LSC state that there must be evidence of that activity on the case file in the form of a “timed and dated attendance note” (NfP specification 4.2(1)).
- 3.2 **This means that for each activity you intend to claim, the case file must contain:**
 - (a) An attendance note describing what activity you have performed**
 - (b) A corresponding date showing when the activity was performed**
 - (c) The time you are claiming for performing that activity**
- 3.3 An “attendance note” (or, case note/case record) is a written record of an interview, meeting, or telephone call with the client or other third party, or of any other activity for which time is being claimed.
- 3.4 Therefore, in order to evidence the work you have done, you should make a concise written note of each and every activity for which you are going to claim time and the date on which it was performed, even if additional evidence of that activity might exist elsewhere, such as a copy of a letter you have written.
- 3.5 You also need to make sure that it is apparent from the case file what time claim(s) you made for those recorded activities.

3.6 You can choose to either keep a note of the time claim next to the written record of each activity or, on a separate 'time sheet' where the dates of the time claim(s) correspond to the dates of the activities detailed on the particular file. If you use a computerised time recording system then the dates of the time claims on this system also need to correspond with the dates of the notes of the activities on the file.

If I perform a number of separate activities whilst working on a case, do I need to detail an individual time claim for each activity or just the total time they took?

3.7 If you get a client's file out to work on without the client being present, perhaps because you have a review date in your diary, and you perform a number of different casework activities before you put it away, then you must make a note of each activity you have performed and detail the time it took to perform those activities.

3.8 In this type of situation it is your choice whether you itemise the time claims for the individual activities separately or choose to describe one time claim that is the total time it took to perform all those activities during the period in which you worked on the particular case.

3.9 However, CLS Support believes that it is in your interests to record the time claims for individual activities separately, even where you perform a number of them before putting that file away (see paragraph 3.11 below for an example).

3.10 This would make it clear to an auditor what times you were claiming for each activity and so help avoid any misunderstanding at audit. It would also provide you with more detailed information with which to challenge any reduction(s) made at audit at any later review or appeal if this became necessary; the breakdown would allow you to be much more specific about how you believed you evidenced any individual time claim or of how the total time claim for any number of activities carried out whilst working on a case file were made up.

3.11 For example:

| Date | Case Record | Time (units) |
|-------------|---|---------------------|
| 15/06/04 | Telephoned client – he has received letter and has decided to go ahead. Drafted letter to [opponent] setting out actions required | 1 |
| | otherwise will commence court action on 17/07/04 – see copy | 4 |
| | Copied to client. Review diarised: 17/07/04 | 1 |
| | | |

3.12 The same principles would apply if you interviewed a client and performed a number of activities during that interview, such as writing out a letter and making a telephone call to a third party whilst the client was present.

4 How do I use my case notes to refer to supporting evidence elsewhere on file?

- 4.1 This supporting evidence might be made up of copies of letters you have written or received, or documents you have had to read through in order to understand and progress the case. It could also include any other items or documents related to a case, such as copies of telephone messages or notes of case law you have considered, or notes you made during an interview.
- 4.2 There are three key factors when thinking about preparing an attendance note that refers to supporting evidence of work done which is elsewhere in the file:
- (a) **Balance:** the amount of supporting evidence may mean that the attendance note need not be as detailed or lengthy as it would be if that evidence did not exist
 - (b) **Cross-reference:** attendance notes should cross-refer to any supporting evidence on the file and direct whoever is reviewing the file to that evidence
 - (c) **Sufficient summary:** The attendance note should contain a sufficient summary of what the evidence is. For example, it would not be good practice to make a note which simply said: "*drafted letter – see copy*", as it would not necessarily be clear from this note who the letter was to or what it was about. This would be particularly problematic if the copy of the letter subsequently went astray.

A more appropriate way to refer to the preparation of such a document would be: "*drafted letter to Housing Benefit disputing overpayment – see copy (dated 15.03.03)*".

5 How much detail do I have to record in my attendance notes?

What the LSC say:

- 5.1 The LSC say that any individual time claim over 24 minutes (4 units) should contain some detail showing the instructions taken, the advice given, or how the case was progressed (NfP specification 4.2(7)).
- 5.2 This would certainly be necessary if the time claim was for an interview or long telephone call, where the only real evidence of the activity might be the note you made explaining what had happened. However, if the time claim was for preparing or reading something that actually exists on the file, such as a copy of a long complex letter you have prepared, then the letter itself would provide the substantive evidence and so the note would usually not need to be as detailed or lengthy.
- 5.3 This means that you do not need to write out the contents of a letter you wrote all over again, or the content of a document you have considered; you would simply refer to it in the way described here at paragraph 4.2(3).

- 5.4 Where you perform an individual casework activity that takes less than 24 minutes you should still make a brief note of what was asked, what you said and/or of what you did. This is because there must be evidence of all time claims, however short!

What if I have discussed a standard procedure or area of law?

- 5.5 You will frequently spend a large amount of time with clients discussing particular areas of law or standard procedures that affect them and their case e.g. the appeals procedure for disability living allowance or housing law for people with assured shorthold tenancies. This does not mean that you should write out all of that standard procedure or detail exactly that area of law; this is standard information that can always be accessed by an auditor from other sources if s/he felt there was any need.
- 5.6 From both a quality of advice and NfP contract perspective, the important thing is to make sure that your attendance note:
- (a) **Identifies** the particular area of law or standard procedure you discussed or considered
 - (b) **Explains** how it applies specifically to, or affects your client and the particular circumstance of their case
- 5.7 For example:
- *"I went through and explained the DLA appeals process with the client, and from this...*
 - *"Identified and agreed the following areas of concern and further actions [insert areas and actions] "*

6 So how do I record interviews and other casework activities?

Interviews

- 6.1 An interview with a client will normally be quite time consuming, as it will be at this point that you will listen to what the client has to say, give advice and/or assistance and decide on what you will do next, whether this is an initial interview or a later one during the case. The longer the time claimed for an interview, the more information you will need to supply to support the claim. So, if for example a routine interview took longer because the client had a disability and this had a bearing on the length of time taken, this should be recorded on the file.
- 6.2 Work done at interview will usually be evidenced by some or all of the following:
- The case record itself (for a concise but detailed record of the interview)
 - A letter to the client confirming advice with a brief summary and reference to any other relevant documents e.g. a statement

- Copies of documents that you considered during the interview on file, with a reference to them and the fact that you did consider them
- Handwritten (or typed) notes prepared during the interview. If they are not clear enough then a brief summary of them on the case record plus 'see interview notes' should be sufficient

6.3 If you were relying on your case record to provide the bulk of the evidence of a time claim for an interview (of say, 1 hour), rather than anything else on the file such as a detailed and lengthy letter you might have written, then it should include the following aspects:

(a) **Enquiry:** an outline of what the client asked, for example:

"Client has been having a problem with ex-landlord trying to get him to return £500 deposit. Client wants to know what to do next and whether any way that she can force the ex-landlord to pay the money?"

(b) **Relevant information:** any further information or factors which are important, for example:

"Client was on fixed term assured short-hold tenancy of 6 months that expired 2 months ago on the date when client left property and moved in with her partner. No tenancy or other advice issues other than non-return of deposit by landlord. Landlord not claiming bond in lieu of any damage. Client has copy of letter from landlord received 2 months ago confirming he will return the full deposit 4 weeks from that date – see copy. Despite 3 telephone calls by client monies still not received and no satisfactory explanation".

(c) **Diagnosis and advice:** what you advised and why, for example:

"I advised that client entitled to full return of monies on information available. Fact that landlord admits no damage to property in writing supports view that is a strong case should it go to court. Went through options and client agreed that if unable to persuade him to return the deposit she would consider pursuing the matter as a small claim. Went through court procedure with client including sending a letter before action and giving ex-landlord a reasonable time to pay the monies prior to issuing proceedings – hopefully this letter would have desired effect and further action will not be necessary. Drafted L to landlord – see copy.

(d) **What next:** any actions outstanding and time limits/key dates, for example:

"Asked client to update me if landlord contacted her. Said that I would review in 28 days if no contact - diarised. Said would look at whether help to issue summons necessary then".

6.4 If you usually evidence your application of the sufficient benefit test in your case notes then in addition to the above you might include:

"Benefit to client £500, average case with good prospects of success so estimate all work within 3 hours (£150) and SB on this basis".

- 6.5 When writing up your case record there is no need to use headers for these different aspects as we have done here nor to record them in the order described; however, it might be useful for you to do this in situations where the interview or events were very complicated or to help you focus on recording the important points of what had occurred after a long or difficult interview/attendance.
- 6.6 If the bulk of the evidence of an interview existed elsewhere, such as in a letter confirming advice or progress to the client, then rather than take any significant time writing it all out again on your case record, it would be more time and cost effective to simply refer to the letter on the case record and take a few minutes to briefly identify the key elements such as:
- What the client asked
 - What was decided
 - What you did
 - What remains to do – including a date when you would review the matter
- 6.7 For example:
- *‘Problem with ex-landlord re: £500 deposit*
 - *Client on fixed term Assured Shorthold Tenancy, ended 2 months ago when client moved in with partner. No other issues. Landlord not alleging damage. See letter from Landlord [date]. Client rang Landlord 3 times but no joy.*
 - *Advised client that entitled to money back on information available. Advised re: small claim procedure. Discussed enforceability. Warrant to Landlord’s home address may be best bet. Drafted letter before action - see copy.*
 - *Client to let us know if Landlord contacts her or will review in 28 days – diarised chase up or pre-close letter [date]*
 - *£500. Average case. Good prospects. 3 hours maximum. Sufficient Benefit Test ok.*

Other casework activities

- 6.8 As a case progresses you may frequently perform ‘smaller’ casework activities in order to progress the case. So in addition to the date on which the activity occurred and the time you are claiming for the activity, you should make concise notes of:

(a) What has happened or what you did:

“Client telephoned as concerned that they still had not heard anything from the appeals service”:

(b) What you said/did:

“Advised that I had spoken to them and they would be sending further information directly to me within the next 14 days” or,

(c) What next - wherever appropriate, you should identify any further actions required or requested:

“Said would update her in 14 days or upon receipt of this letter if earlier – diarised [date]”

- 6.9 Of course, if you undertake a ‘larger’ activity such as interviewing the client again or getting involved in protracted telephone negotiations, then in the absence of sufficient supporting evidence elsewhere on the file, the level of detail in your case notes should be increased to reflect what went on and so justify the time you claim you have spent on that activity.

Can I claim time for copying out or typing my attendance notes?

- 6.10 Where the attendance notes are lengthy and detailed then you may claim a reasonable amount of time to copy them up more neatly or to type them out providing you are the caseworker who saw the client (NfP specification 4.2(2)).
- 6.11 The NfP specification is silent on how many units you can reasonably claim for this however, as a rule of thumb you could claim one to two units per page which is the figure indicated in the Solicitor Contract (Solicitor specification 4.2(2)). The LSC will, however, judge the reasonableness of the time claimed on a case-by-case basis.
- 6.12 Please remember that there is no concession for being a slow typist. If you choose to type out the notes rather than copy them up more neatly by hand your time claim should be dictated by the time it would take a reasonably competent typist to do it (NfP specification 4.2(11)).
- 6.13 *This will inevitably become a bigger issue as a large number of organisations move towards computerised case management systems, such as AIMS and CASE, where this point on the proficiency of typing skills on the time it might take caseworkers to type documents (whether attendance notes or otherwise, e.g. letters) would also apply.*

7 Can I use abbreviations in my case notes?

- 7.1 Although the examples given earlier in this document do not use abbreviations, it will most likely be common practice for you to use them when writing out your own case notes. It will certainly save time avoiding writing out commonly used words or phrases continually throughout a case file, and this kind of ‘shorthand’ is something most caseworkers have been doing long before the introduction of the NfP contract.
- 7.2 There is no specific contract rule that covers the use of abbreviations, however it is implied that case notes should at least be legible and understandable to someone other than the person who has written them, both to allow the quality of the work to be assessed, for example by a supervisor, and also to allow proper audit of that work at a contract compliance audit.
- 7.3 The majority of abbreviations will have come from sources that are written down whether in the agency or elsewhere such as on pro-forma or time recording/case management software or, that are used commonly by

caseworkers from many other agencies and other institutions, e.g. "DLA" for disability living allowance. Others are simply commonsense and their meaning should be understandable from the context of the case note, such as "CL" for 'client' or "SBT" for 'sufficient benefit test'. Ideally all caseworkers within an organisation should use the same abbreviations for the same word or phrase.