

Additional Requirements and Definitions to the Specialist Quality Mark for Telephone Services

The Advice Services Alliance's response to the Legal
Services Commission's consultation paper

1 Additional Requirements and Definitions to the Specialist Quality Mark for Telephone Services Consultation

ASA is grateful for the opportunity to respond to this consultation.

On the whole, ASA finds the draft requirements clear and sensible. However, we do have concerns about Section B, which relates to signposting and referral.

Section B1.1 requires that staff must know when to use signposting and referral. The definition quite rightly states that this must include a consideration of when a face-to-face service may be more appropriate. It is ASA's view that in this instance, merely requiring a policy without stating what that policy should cover is not sufficient. Given that telephone provision of advice is a relatively new method of delivery, we feel that the Quality Mark should contain clearer guidance on when telephone advice is not appropriate.

ASA has had the benefit of seeing the Evaluation Report of the LSC's Telephone Advice Pilot. At paragraphs 1.31 to 1.34 of the report there is a discussion of situations when telephone advice might not be suitable. This suggests that clients with learning difficulties, severe language issues and mental health problems are likely to need a level of support and assistance that cannot be given over the telephone. It further suggests that complex cases or cases where there is a large amount of paperwork should be dealt with face-to-face. Finally, the report acknowledges that in certain circumstances advisers may need to see a client in order to assess whether they are telling them the full and true facts of the case.

It is ASA's view that the possible limitations to telephone advice which are suggested in the report are sensible. As a minimum they should be included in the Quality Mark as guidance on the contents of a telephone advice supplier's referral policy.

One of the perceived benefits of a telephone service is that it will improve access to legal advice in areas of the country where the LSC has few contracted providers in particular categories of law. In view of this, it is likely that there will be occasions when a telephone adviser decides that a client requires face-to-face advice but is unable to find a suitable provider. It is ASA's view that telephone advice providers should have a policy covering what to do on these occasions. This policy should include procedures for considering whether it is in the client's best interests for the telephone adviser to continue with the case. If the telephone provider does decide to continue, the policy should also contain special procedures to monitor the work done. One example of such a procedure might be weekly supervision of the case. The development of such a policy should be a requirement of the Quality Mark.

ASA is also concerned about requirement B2.1 of the draft Quality Mark which requires awareness and incorporation of Community Legal Service Partnership protocols. ASA has recently conducted research on CLSPs which has examined the development and ongoing use of referral protocols. This suggests that on the whole referral protocols have not worked; they are not used as they are too complicated and bureaucratic and people have simply carried on with, or gone back to what they did before. Similar findings are reported in the recent Citizens Advice report Partnership Potential? (October 2003), and in the interim report by Matrix Research and Consultancy Ltd, who are conducting the review of the CLS. In view of this, ASA questions whether it is appropriate for the Quality Mark to contain a requirement that providers incorporate CLSP protocols in their procedures.

As stated above, apart from the specific comments relating to section B, we find the draft Quality Mark clear and practical. However, given that all providers of specialist level telephone advice are required to have the Specialist Quality Mark, we question the usefulness of having separate requirements relating to telephone advice. The LSC has acknowledged that the Quality Mark is over-bureaucratic and does not directly measure quality of advice and is piloting a project to simplify the Quality Mark audit process. In view of this we are doubtful that the development of further subsidiary quality marks is the way forward. Nevertheless, we acknowledge that as telephone advice is a relatively new model of service delivery, tight quality monitoring is essential, particularly in the early stages. However, in future ASA would like to see the requirements for telephone advice incorporated into the SQM so that duplication is avoided.