

# Clarification of SQM requirement D5.2 – the “12-hour rule”

## 1. Introduction

- 1.1 This piece provides clarification of the Specialist Quality Mark (SQM) requirement D5.2 and the associated Definition and Guidance.
- 1.2 Any references to ‘the requirement’ are to the SQM requirement at D5.2.

## 2. The requirement

- 2.1 The requirement states that: ‘*From October 2002* all caseworkers have a professional legal qualification or conduct a minimum of 12 hours casework per week (or equivalent).’
- 2.2 The professional legal qualifications that are acceptable are set out in full in Annex B of the SQM at 9.1 (categories 1 – 15 inclusive) and are self-evident in terms of satisfying the requirement.
- 2.3 In the cases of categories 16 and 17 (respectively: *other* non-solicitor staff and volunteer members of staff) satisfying the requirement will therefore require conducting a minimum of 12 hours casework per week (or equivalent).
- 2.4 Qualified solicitors or barristers working as caseworkers, but no longer holding themselves out as solicitors or barristers, may be treated as having a professional legal qualification for a maximum of five years since they last practised. The effect of this is that after this period they too must satisfy the 12 hours casework per week (or equivalent) route as set out in the requirement. This is part of the Definition to the requirement and, as the word ‘must’ appears, is mandatory.

## 3. Providing evidence of meeting the requirement

- 3.1 In terms of evidencing whether relevant staff are complying with either of these two routes, the LSC will expect to have access to some form of documentary evidence that may be found within, for example, the organisational staff summary, employment contracts or individuals’ training records.
- 3.2 It is likely that there may be other ways in which this evidence may be documented such as in some form of volunteer agreement, which, for instance, might include a term or clause describing organisational expectations in terms of casework or attendance.
- 3.3 It is also likely that this documented evidence may be duplicated in a number of documents or can be provided by referring to a number of documents. In any case where there may be ambiguity or where an organisation is unsure whether they have this evidence documented

satisfactorily, CLS Support suggests that they clarify matters with their LSC Regional Office.

#### 4. What is “casework” for the purposes of meeting D5.2?

- 4.1 Bullet point 4 in the Definition to D5.2 points out that ‘casework’ can include any casework involvement as defined in the relevant supervisor standard and Self-Declaration form (see Annex A of the SQM). This means that Part (iii) of the SUPP form (casework involvement), while directly referring to **supervisory** legal competence (D3.2), can be used as one means of determining activities that would constitute ‘casework’ for D5.2, whether you are a supervisor **or** a caseworker.
- 4.2 In terms of describing particular activities that would contribute toward compliance with the D5.2 12-hour casework target, any activities undertaken (or combination of activities) that are from this list can contribute to the 12-hour target.
- 4.3 The reference in the Definition to using this section of the SUPP form is not meant to exclude other means of compliance with D5.2 that may be possible, and it is therefore given as additional clarification and guidance only. This is apparent when one considers the note to bullet point 4, which indicates that time being *‘trained or supervised’* can also contribute towards this 12-hour target and that this is in addition to those activities listed on the SUPP form.

#### 5. What are “related” areas of law?

- 5.1 Bullet point 4 in the Definition (SQM, page 81) states that: casework *‘...can include any case involvement as defined in the relevant supervisor standard’*. The use of the term ‘relevant’ seems to indicate that only work which is carried out within any one Specialist category of law would qualify. However, the Guidance (final bullet point, page 65) states that: *“Ideally they will also be conducted in one Quality Mark area of law”*. CLS Support has clarified with the LSC that it is possible to carry out this case involvement in other areas of law, although this would have to be justified at audit, and ideally there would be some form of ‘relationship’ to the Specialist Quality Marked area.
- 5.2 In describing what this relationship might be, the LSC would have to be satisfied that any case involvement undertaken in what might be different categories of law should inform the individual’s competence and ability to perform casework within a particular Specialist category, ie that this casework should complement and contribute on a technical level to the development of abilities and skills in the Specialist subject area.
- 5.3 The example given in the Guidance of an individual carrying out casework in two agencies within the same category of law is simply provided to illustrate how time spent working in different organisations can be “added up” so that a caseworker can meet D5.2 in both organisations as long as their weekly overall case involvement

averages out at 12 hours per week. It is not meant to indicate that it is mandatory that all work carried out be in the same Specialist category.

## **6 Can non-specialist work count towards the 12 hours?**

- 6.1 The LSC recognises that providing a certain amount of generalist advice across a range of subject areas can contribute to advisers developing skills that will enhance their overall effectiveness in carrying out work in a given individual Specialist Quality Marked category. Not least of these skills is the ability to deal with issues which, strictly speaking, fall outside a given subject area/category of law but are often linked to it, such as establishing full benefit entitlement as a means of income maximisation in relation to money advice work. It also helps to build a firm understanding of levels of work and appropriateness of work both in terms of the requirements relating to signposting and referral but also in terms of the requirement at D4.3 (Limits of Individual Competence and Referral).
- 6.2 If caseworkers in your organisation are intending to make up a proportion of their 12 hours in an area other than a given individual Specialist Quality Marked area of law, it is likely that the LSC would expect that these other areas were also Quality Marked, either at Specialist **or** General Help level. Given that D4 (Operation of the Supervisory Role) would apply at both General Help and Specialist levels, issues related to the adviser's competence and development would thus be adequately monitored and addressed irrespective of the level of service at which they caseworker was working.
- 6.3 In such a situation where it might initially be unclear how the individual were satisfying the requirement, you must ensure that details of how they comply are documented clearly as described in paragraph 3.1 above.
- 6.4 You should also consider how this situation might be reflected in any individual's job description (including person specification, key responsibilities and objectives) as per requirements D1.1 and D1.2. And importantly, how it is dealt with within the individual's training and development plan as per the Requirement at D2.3.

## **7 Example**

- 7.1 An adviser is listed in the organisational staff summary as providing 12 hours casework per week and working as a D5.2-compliant caseworker in a given Specialist Quality Marked category, which is a social welfare category.
- 7.2 This member of staff has a total weekly case involvement of, on average, twelve hours per week. Of these twelve hours, they spend six of them working within a Specialist Team. The remaining hours are spent providing mainly one-off advice and assistance on an open-door generalist advice session where advice is given on a range of issues in subject areas that are all badged at General Help level, almost exclusively social welfare-related (eg housing, debt, employment, welfare benefits, immigration, community care etc).

- 7.3 As the individual is classed as a specialist adviser, all performance-related information and personal development issues are subsumed within their overall assessment and development within the Specialist category and under the lead of the Specialist category supervisor. This includes feedback from the General Help level supervisors on the individual's performance and needs whilst under their direct supervision.
- 7.4 The adviser meets SQM requirement D5.2 for the following reasons:
- *Total case involvement per week:* The adviser has a weekly average of twelve hours case involvement per week. These twelve hours are made up of time spent on issues within the SQM category and on other areas of law, which in this case are "related" since they are social welfare based.
  - *Time spent being supervised and trained:* All work that the adviser carries out is being adequately supervised in all subject areas/categories of law, irrespective of the Quality Mark level at which it is being carried out. Bear in mind that 'time being trained or supervised' also contributes towards the 12 hours total (see D5.2 requirement, bullet point 4).

We hope that this guidance is useful to organisations that are considering their compliance with the relevant SQM requirement. Any feedback would be welcome and, if further clarification is necessary we will be happy to discuss any issues on the CLS Support Project Consultancy Line.

Patrick Torsney  
Project Consultant  
CLS Support  
May 2003