

**THE SCOTTISH LEGAL AID BOARD**

**QUALITY ASSURANCE SCHEME FOR CRIMINAL LEGAL ASSISTANCE**

**PEER REVIEW – Summary Criminal Legal Assistance Case Report Form  
5 FEBRUARY 2009**

Practitioner..... Practice Unit/Firm.....

Allocated Reviewer.....

AP Name	LA Reference(s)	Charges

Marking:

- 1      Below requirements                      C      Cannot Assess / Not Enough Information
- 2      Meets requirements                      N/A    Not Applicable
- 3      Exceeds requirements

Please circle the correct mark after each question

Please give an explanation for any “1” scores in the Notes section after each question.

**CLIENT CONTACT AT INITIAL INTERVIEW STAGE WHETHER IN CUSTODY OR OFFICE SITUATION**

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- 1)      How effective were the solicitor’s initial fact and information gathering skills, including the identification of any additional information required and the taking of steps necessary to obtain it?

**1 2 3 C N/A**

Notes.....  
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- 2)      Was the client given correct and appropriate advice regarding the defence case including whether it is stateable and whether an early plea should be considered? Has a discount for an early plea been canvassed with the client?

**1 2 3 C N/A**

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**APPLICATION FOR BAIL (IF IN CUSTODY)**

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3) Was the question of bail properly addressed?

*In addressing this, the following issues should be considered:*

- *Were any special bail conditions explained?*
- *Was any appeal properly addressed?*

**1 2 3 C N/A**

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4) How would you rate the quality of instruction to counsel/other agents?

**1 2 3 C N/A**

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**PRELIMINARY PLEA**

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5) Where ABWOR is made available has the solicitor correctly applied the criteria including consideration of other rights and facilities?

**1 2 3 C N/A**

Notes.....  
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6) Was a competent preliminary plea taken that should have been taken?

**1 2 3 C N/A**

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**GUILTY PLEA (IF PLED GUILTY AT THE OUTSET)**

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7) Where ABWOR is made available has the solicitor correctly applied the criteria including consideration of other rights and facilities?

**1 2 3 C N/A**

Notes.....  
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*If 7 has been completed go direct to question 19.*

**NOT GUILTY PLEA**

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8) If legal aid was refused, has advice about alternative courses been given and was the question of review properly and timeously addressed?

**1 2 3 C N/A**

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*If legal aid has been refused, and this has been adequately explained to the client, this review should end after question 8.*

**CROWN DISCLOSURE**

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9) Was the disclosure package perused carefully?

**1 2 3 C N/A**

Notes.....  
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10) Was proper consideration given to the necessity of precognition arising from the disclosure package?

**1 2 3 C N/A**

Notes.....  
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11) Was sanction obtained in accordance with Board guidelines?

**1 2 3 C N/A**

Notes.....  
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**PRE TRIAL/INTERMEDIATE DIET**

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12) Were special defences and defence witnesses and productions considered and, if appropriate lodged timeously?

**1 2 3 C N/A**

Notes.....  
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13) Were any child/vulnerable witnesses cited? If so, was consideration given to Special Measures/Witness Support and Notices?

**1 2 3 C N/A**

Notes.....  
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14) Were previous instructions confirmed or adequate further instructions taken for the future conduct of the case?

**1 2 3 C N/A**

Notes.....  
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*If the client pleads guilty or a warrant is obtained, please go to question 19.*

**PREPARATION FOR THE CONDUCT OF THE TRIAL**

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15) Was the client given correct and appropriate advice regarding the defence case including whether a plea should be considered?

**1 2 3 C N/A**

Notes.....  
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16) How would you rate the level and adequacy of preparation for trial?

*In addressing this, the following issues should be considered:*

- *Identification of the need for experts, other reports or counsel;*
- *Correct identification of the expertise required;*
- *Applications for sanction in accordance with Board Guidance;*
- *If sanction granted, instructing /obtaining the appropriate experts/counsel/reports.*

**1 2 3 C N/A**

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**OUTCOME STAGE**

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17) Was the outcome broadly within the range of expectation (significantly worse, significantly better, within range)?

**1 2 3 C N/A**

Notes.....  
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18) How well was the outcome communicated to the client?

**1 2 3 C N/A**

Notes.....  
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19) Was appropriate consideration given to appealing against conviction/sentence?

**1 2 3 C N/A**

Notes.....  
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*When the outcome is well within the range that would have been expected and no appeal would be appropriate, but nothing appears on the file, score this as a "2" rather than a "C".*

20) How well did the solicitor handle advising the client re sentence both pre and post social enquiry report?

1 2 3 C N/A

Notes.....  
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21) Was an adequate explanation given to the client on sentence implications e.g. registration on Sex Offence Register, community service etc?

1 2 3 C N/A

Notes.....  
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**APPLICATION FOR CRIMINAL LEGAL ASSISTANCE (WHERE APPROPRIATE)**

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22) Has the application for criminal legal assistance (advice and assistance, ABWOR, summary criminal legal aid been made in a timely and appropriate manner?

*In addressing this, the following issues should be considered:*

- *Was the application properly submitted with adequate supporting information?*
- *Was any verification of the client’s financial circumstances in A&A and ABWOR cases seen by the solicitor?*
- *Was the interests of justice test adequately applied by the solicitor in ABWOR cases, where this was appropriate?*
- *Was the appointed solicitor provisions adequately addressed with in any custody ABWOR cases?*

1 2 3 C N/A

Notes.....  
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**TRANSFER OF AGENCY (WHERE APPROPRIATE)**

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23) Where there has been a transfer of agency, have the appropriate procedures been followed in accordance with Board and Society guidelines?

1 2 3 C N/A

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**CONSIDERATION OF ACCOUNT (WHERE APPROPRIATE)**

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24) Is any account lodged by the solicitor in a form approved by the Board, and has the solicitor responded properly to requests for information by the Board?

*If no account has been submitted, when it could have been, the marking here will not go against the solicitor.*

**1 2 3 C N/A**

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**EQUALITIES**

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25) Has the solicitor taken the appropriate steps to address any issues of diversity which may have arisen during the case?

*In addressing this, the following issues should be considered:*

- *Language difficulties*
- *Access difficulties*
- *Cultural issues.*

**1 2 3 C N/A**

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**OVERALL MARK FOR THE FILE**

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Having considered the specific aspects of the case set out in the preceding criteria, the reviewer should award an overall mark to the case as a whole, according to the following scale:

- |                                   |                  |
|-----------------------------------|------------------|
| 1 Non Performance                 | 4 Competent plus |
| 2 Inadequate professional service | 5 Excellent      |
| 3 Competent                       |                  |

*In determining this overall score, the following issues should be considered:*

- *How effective were the solicitor’s fact and information gathering skills?*
- *Was the client given correct and appropriate advice including advice on the availability of and the client’s eligibility for advice and assistance, ABWOR and legal aid?*
- *Where a plea was possible, is there evidence of accurate and appropriate advice having been given to the client on the terms of the offer/proposal, its reasonableness and the consequences for the client of acceptance/rejection.*

