



**LEGAL SERVICES  
BOARD**

Legal Services Board  
7<sup>th</sup> Floor  
Victoria House  
Southampton Row  
London WC1B 4AD

T 020 7271 0050  
F 020 7271 0051

[www.legalservicesboard.org.uk](http://www.legalservicesboard.org.uk)

To: Members of the Joint Advocacy Group

5 May 2010

Dear Colleague

### **Quality Assurance for Advocates**

I am pleased to hear that good progress is being made in relation to the development of the scheme, and the group is on course to issue a second consultation on the structure of the scheme in July 2010 as planned. Our view is that this momentum has only been created and maintained because of the commitment and goodwill of all stakeholders: that provides a solid basis for the next consultation stage.

At the previous roundtable in November 2009, we made clear the LSB's expectations in relation to the project. Responsibility for delivering an effective scheme rests with the JAG, and our role as sponsor is not to be prescriptive but to hold the group to account for delivery within the broad parameters we have set.

One of our key concerns is to ensure the credibility of the scheme. As project sponsor we have been clear that to achieve this, the scheme must be consistent, robust and use independent assessment regardless of the qualification route taken to becoming an advocate.

We have given some further thought to some of the factors that will help ensure the scheme is credible with the judiciary, Legal Services Commission/Ministry of Justice, Crown Prosecution Service and consumers of legal services more broadly in achieving the stated aims (addressing quality concerns, facilitating a competitive market, protecting and empowering consumers, ensuring proper assessment and recognition of high quality practice).

We therefore offer the following seven principles for the Joint Advocacy Group to consider as they develop the scheme:

1. **independence** - of the scheme and assessment process from those being assessed or their professional bodies;
2. **consistency** - one scheme (with the possibility of multiple providers delivering it or parts of it);
3. **differentiation** - multiple levels of assessment, from entry level to the most senior level;
4. **tailored assessment** – according to area of law and level;
5. **compulsory participation** - any advocate wishing to practice in an area of work covered by the scheme would need at least the minimum level of accreditation for that area of work, but with clients choosing above that level the relevant level of advocate that suits their case, budget and personal preference subject only to limited restrictions in place to protect the interests of justice;
6. **limited exceptions** - passporting and exemption only where this is demonstrably in the consumer interest and supported by proper evidence;
7. **periodic reaccreditation** – probably at least five yearly.

We agree with the JAG that the initial focus should be on criminal advocacy. More work will need to be done on a proper assessment approach for deciding whether there are any areas of advocacy which the scheme need not be extended to cover in due course (for example because it is shown that there are no quality issues and that consumers are already sufficiently protected in those areas), and for deciding on the process and timetable for that further coverage. We recognise that this work has already commenced for family advocacy and look forward to hearing about this at the next roundtable.

We would like to convene a further roundtable event on Monday 21 June at 2:30pm here at the LSB offices. This will provide an opportunity to review work on defining the scheme in advance of the consultation against these principles and to review the timetable. I would be grateful if you could confirm your attendance (or that of a deputy) to Michael Stacey (via [michael.stacey@legalservicesboard.org.uk](mailto:michael.stacey@legalservicesboard.org.uk) or 020 7271 0089) by Friday 21 May.

Yours sincerely



**Crispin Passmore**  
Strategy Director

E [crispin.passmore@legalservicesboard.org.uk](mailto:crispin.passmore@legalservicesboard.org.uk)  
T 020 7271 0086