

EXECUTIVE SUMMARY

1. This reports on the statistics, issues and findings of the Criminal Quality Assurance scheme for the 2 year period 1 April 2017 to 31 March 2019.
2. The report sets out the statistics, issues and findings of the scheme for a 2 year period to 31 March 2019. This is longer than previous annual reports as it covers the end of the first 6 year cycle of reviews which ran to the end of March 2019. Overall, 93% of solicitors passed their first routine review in this cycle, with 81% of solicitors who failed passing at the next stage.

OUTLINE OF THE CRIMINAL QUALITY ASSURANCE SCHEME

3. The Criminal Quality Assurance Scheme was devised in partnership with the Law Society of Scotland and commenced in 2012. The scheme is administered by SLAB under Part IVa of the Legal Aid (Scotland) Act 1986, and is part of the overall compliance regime.
4. All criminal solicitors who have registered with SLAB to provide criminal legal assistance are subject to peer review. The reviews are carried out over an initial six year cycle. The process is overseen by the SLAB's Criminal Quality Assurance Committee, which comprises three members appointed by SLAB, three members appointed by the Law Society of Scotland, and three independent or non legal members appointed in consultation with the Society.

CRIMINAL QUALITY ASSURANCE COMMITTEE

5. During 2017 and 2018, the following served on the Committee:

NAME	DESIGNATION
Colin Lancaster (Chair)	SLAB Chief Executive
Matthew Auchincloss	PDSO Director
Paul Reid	SLAB Board Member
Peter Lockhart	Law Society Member (to February 2018)
Roddy Boag	Law Society Member
Gordon Martin	Law Society Member
Douglas Thomson	Law Society Member (Feb to Dec 2018)
Duncan MacDonald	Non Legal Member (to February 2018)
Catherine Goldie	Non Legal Member (to January 2018)
Beryl Seaman CBE	Non Legal Member
Nazim Hamid	Non Legal Member (from February 2018)
David Crossan	Non Legal Member (from March 2018)

6. The Committee receives professional advice and support from Professor Alan Paterson OBE, Director of the Centre for Professional Legal Studies at the University of Strathclyde. Professor Paterson, who is one of Europe's leading experts on quality assurance systems in the legal profession, also provides training and oversees the work of the peer reviewers.
7. The work of the Committee is also supported by Edith Cook, SLAB's Criminal Quality Assurance Co-ordinator and Lynsey Calder, Criminal Quality Assurance Assistant, who organise all the peer reviews and the Committee business.

PEER REVIEWERS DURING THE REPORTING PERIOD

8. During the course of 2017 and 2018, the peer reviewers conducting reviews were as follows:

NAME	FIRM	LOCATION
Tommy Allan	Allans	Shetland
Simon Brown	Matthew Brown	Irvine
Ian Cruickshank (to December 2017)	Cruickshank Law	Elgin
Kevin Douglas	Gair & Gibson	Falkirk
Colin Dunipace	Dunipace Brown	Cumbernauld
Terry Gallanagh	McCusker McIlroy	Paisley
Duncan Henderson	Inverness Legal Services	Inverness
Mark Hutchison	Gilfedder & McInnes	Edinburgh
Ranald Lindsay	Lindsays	Dumfries
Frazer McCready	McCready & Co	Stirling
James McKay	James McKay Solicitors	Elgin
Ian McLelland	J C Hughes & Co	Glasgow
Lindsay McPhie (to October 2018)	Gallen & Co	Glasgow
Paul Ralph	Paul Ralph	Fife
Grazia Robertson	L & G Robertson & Co	Glasgow
Alistair Ross	Pollock Ross & co	Stirling
Sandra Walker	Hughes Walker	Edinburgh
Gail Wiggins	Grant Smith	Turriff
Ross Yuill	Glasgow Law Practice	Glasgow

9. In the summer of 2018, the following new peer reviewers were appointed following a full recruitment exercise. These reviewers are being used for the Cycle 2 reviews which have now started.

NAME	FIRM	LOCATION
David Bell	Paterson Bell	Kirkcaldy
Nicola Brown	PDSO	Dundee
Glenn Davis	McLellan Adam Davis	Ayr

Michael Gallen	Fleming and Reid	Glasgow
Gordon Ghee	Nellany & Co	Kilmarnock
Gillian Law	Beaumont & Co	Edinburgh
Christopher McKenna (to 27 May 2019)	Tod & Mitchell	Paisley
James Mulgrew	Russells Gibson McCaffrey	Glasgow
Matthew Nicholson	C&N Defence	Edinburgh
Judith Reid	Clyde Defence	Clydebank

PEER REVIEWS CONDUCTED DURING THE REPORTING PERIOD

10. During 2017 and 2018, the number of completed peer reviews considered by the Criminal Quality Assurance Committee, and the decisions taken by the Committee are shown in the table below, with a comparison to the previous year.

	2017/18 & 2018/19 (24 months)	2016/17 (12 months)	Cumulative total to 31 March 2019
Number of Routine Reviews with decisions taken by the Committee	247	108	1097

BREAKDOWN OF COMMITTEE DECISIONS

	2017/18 & 2018/19 (24 months)	2016/17 (12 months)	Cumulative total to 31 March 2019
Routine Reviews passed by the Committee	233 (95%)	100 (92%)	1016 (93%)

Decisions taken by the Committee	2017/18 & 2018/19 (24 months)	2016/17 (12 months)	Cumulative total to 31 March 2019

<ul style="list-style-type: none"> • Reviews - Excellent • Reviews - competent plus • Reviews - Pass competent • Reviews - marginal pass 	0 27 184 22	0 13 79 8	1 142 778 95
Routine Reviews failed by the Committee	12	9	78
<ul style="list-style-type: none"> • Deferred extended review • Immediate extended review • Immediate special review 	12 0 0	6 3 0	69 6 3

11. 233 of the reviews considered by the Committee were passed in 2017/18 and 2018/19, 95%, which is up from 92% in 2016/17. 12 reviews were failed during this period. Routine reviews which are passed are not normally considered again within the 6 year cycle, unless they are considered to be marginal passes, which will be reviewed again well within the period of the cycle, usually within 2 years.

12. Where a review fails, the Committee has the option to carry out a deferred extended review, usually after 6 to 9 months after the decision of the review is intimated to the solicitor. This is to give the solicitor a reasonable period of time to put in place improvements to address the issues highlighted in the failed review. However, if serious issues are identified, then the extended review can be carried out immediately. In other cases, a special review can be carried out if issues are identified which need to be given immediate consideration, but the solicitor is not advised what these issues might be.

FAILED ROUTINE REVIEWS

13. Of the 12 reviews which were failed during 2017/18 and 2018/19, four of these solicitors were sole practitioners, two were in the same two person firm, and six were in larger firms.

14. In all of the failed reviews, no immediate special reviews were requested due to the issues identified in the initial reviews. In all the failed reviews, extended reviews were deferred for a period of at least 6 months to allow the solicitors to address the issues identified in the routine reviews. These extended reviews are conducted by two different peer reviewers from the original reviewer and take place in the office of the solicitor concerned.

EXTENDED AND SPECIAL REVIEWS CONSIDERED BY THE COMMITTEE

	2017/18 & 2018/19 (24 months)	2016/17 (12 months)	Cumulative total to 31 March 2019
Extended Reviews considered by the Committee (Deferred and Immediate)	20	12	54
• Pass	15	7	44
• Fail	5	5	10
Special Reviews considered by the Committee	0	1	3
• Pass	0	1	2
• Fail	0	0	1

15. The Committee considered 20 extended reviews during 2017 and 2018. Of the extended reviews, 15 subsequently passed (75%), with clear evidence being found that the solicitors had addressed the failings highlighted in the failed routine review. Five of these extended reviews were refused (25%).

FINAL REVIEWS CONSIDERED BY THE COMMITTEE

	2017/18 & 2018/19 (24 months)	2016/17 (12 months)	Cumulative total to 31 March 2019
Final Reviews considered by the Committee	2	0	2
• Pass	2	0	2
• Fail	0	0	0

16. In 2018 and 2019, the Committee considered its first final reviews. These took place sometime after the solicitors failed their deferred extended reviews, due to illness and the lack of available files. These final reviews were conducted on site by 2 further Peer Reviewers, who had not been involved with the solicitors before. The Committee was pleased to see in both cases that steps had been taken by the solicitors to address the concerns raised in the previous reviews, and passed the final reviews.

OVERALL PICTURE

17. This report covers the extended period of reviews considered by the Criminal Quality Assurance Committee from 1 April 2017 to 31 March 2019. This extended period is effectively the equivalent of the sixth and final year of the six year cycle which the peer reviews follow. This last year was extended due to the consultation exercise which was undertaken in the summer of 2018 on

changes to the scheme and the peer review criteria. The nature and extent of the changes being proposed to the scheme and the criteria meant that they would need to be introduced at the start of the new cycle of reviews which has now commenced. Please see paragraph 29 below for more details of this.

18. The extended period covered by the last “year” of the review cycle means that care is needed when comparing some of the figures with previous years. However, it was encouraging to see in this period that 95% of routine reviews considered by the Committee were passed as opposed to 92% in the previous year. The overall cumulative figure for passed reviews for the first 6 year cycle was 93%. Of the reviews which passed the routine review, 77% of these reviews passed were considered to be ‘competent’, with 9% only passing marginally. A rating of ‘competent plus’ was achieved in 14% of the passed cases. Overall, 7% of the reviews failed. Over the cycle it is reassuring to note that that most clients are receiving a good service from their solicitors, but the peer review process has also highlighted the range of standards amongst practitioners: the gap between those achieving a rating of competent plus and those failing or passing marginally is wide, as indeed is the ‘competent’ band itself.
19. It was encouraging to note that of the failed reviews, 81% of the failed reviews then went on to pass at the next stage, showing that improvements were put in place, and that the majority of concerns highlighted had been addressed.
20. When the first cycle of peer reviews started in 2012, the Committee agreed that the order for reviewing solicitors and firms should follow the risk based approach taken by the Compliance Audits carried out on criminal solicitors’ firms. This meant that the higher earning firms and sole practitioners were prioritised in the process. Looking at the 78 solicitors who failed their routine reviews and comparing their profile to that of the current legal aid register, we see the following:

No of reg sols in Firm	Firms on CLAR	% of firms	Sols on CLAR	% of sols	Fails	% of Fails	Fails as % of all Sols
1	199	44%	199	18%	33	42%	17%
2	99	22%	198	18%	13	17%	7%
3	62	14%	186	17%	8	10%	4%
4	36	8%	144	13%	7	9%	5%
5	18	4%	90	8%	1	1%	1%
6	7	2%	42	4%	4	5%	10%
7	11	2%	77	7%	4	5%	5%
8	3	<1%	24	2%	1	1%	8%
9	4	<1%	36	3%	1	1%	3%
10	2	<1%	20	2%	1	1%	5%
Over 10	7	2%	106	9%	6	6%	6%
Totals	448	100%	1122	100%	78	100%	7%

21. The firms with only one registered solicitor had the highest % of failed routine reviews, on the basis of both the failed routine reviews (33 out of 78 - 42%),

and the % of overall solicitors failing a routine review (33 out of 199 solicitors in firms with one criminal solicitor - 17%). These are mainly solicitors doing criminal business on their own with no supervision or support from other criminal solicitors in their firm. As the experience of the first cycle suggests that lone solicitors are more than twice as likely than the average to fail their review, we will continue to prioritise firms with one registered solicitor in the second cycle of reviews now underway.

22. Of the 78 solicitors who failed their routine review, 21 solicitors are no longer on the Criminal Legal Assistance Register (as at 1 April 2019).

23. A breakdown of the geographic locations of these 78 solicitors shows the following:

Location (Sheriffdom)	Number of Solicitors
Glasgow	33
Tayside, Central and Fife	13
South Strathclyde	12
Lothian and Borders	10
Grampian, Highlands and Islands	7
North Strathclyde	3

AREAS OF GOOD PRACTICE IDENTIFIED IN THE PEER REVIEWS

24. In the Peer Reviewers' reports, the following issues were highlighted by the reviewers as areas where of good practice:

Communications

- Keeping clients informed of progress
- Detailed instructions and emails to agents
- Obtaining detailed instructions from clients at the outset
- Regular meetings with clients

File Keeping

- Good quality notes of meetings taken and kept on file
- Clear evidence of file checks being undertaken
- Full and clear notes kept of clients' instructions
- Files well organised for court

Legal work

- Managing client expectations well
- Clear consideration of disclosure
- Good preparations for trial
- Early identification of CCTV evidence apparent
- Good negotiations and discussions with the Crown

Legal aid issues

- Online mandates completed well
- Sanctions submitted well
- Accounts well prepared and set out
- Good apportionment of travel between files
- Transfer procedures well followed.

25. A selection of anonymised quotes from actual peer reviews which highlight the areas of good practice found, and quotes from files identified as excellent is shown at Appendix 1.

AREAS IDENTIFIED IN THE REVIEWS WHERE IMPROVEMENT IS NEEDED

26. In the Peer Reviewers' reports, the following issues were highlighted by the reviewers as areas where improvement was needed:

Communications

- Clients not advised about disclosure
- Poor initial instructions taken
- No discussions on early pleas
- No record of meetings held with clients

File Keeping

- Insufficient file recording
- No letters of instruction to agents on file
- Poor information on file on why cases are going to trial
- Gaps in files
- No details of the defence recorded on file

Legal Work

- Experts not instructed
- Failure to obtain disclosure
- Cases allowed to drift
- Possible abuses of court process

Legal Aid Issues

- Full fixed fees claimed in duty cases
- Defence information in Legal aid application not consistent with early plea
- No mention of partners on Online mandates
- Poor review applications

27. A selection of anonymised quotes from actual peer reviews which highlight the areas where improvements were needed is shown at Appendix 2.

LAW SOCIETY SUPPORT SCHEME

28. During the year, we continued to operate the Law Society's scheme of support which can be given to sole practitioners and smaller firms to improve their practice following a failed routine review. This scheme is intended to provide

assistance to solicitors who fail a review and who wish help with introducing improvements prior to the next stages of the Peer Review process. A number of solicitors who had failed their routine reviews have asked for this assistance.

29. Solicitors who obtained the “competent plus” scores in their own reviews are now being asked if they are willing to be considered for providing this assistance. The Law Society invites all solicitors with a competent plus marking to be part of the Support Scheme, which they run. A Memorandum of Understanding on the operation of this scheme has previously been agreed.
30. When we intimate a refused routine review, our refusal letters include details of the Support Scheme and how a solicitor can seek support under the scheme by contacting the relevant member of staff at the Law Society to use the service. When contacted by a solicitor who has failed his/her routine review, the Society refer the solicitor to a Support Scheme Solicitor on a confidential basis. The Society use a rota scheme to select the solicitor who can provide support, although if for professional or personal reasons the solicitor who has failed his/her review wishes to use another solicitor, this will be considered.
31. The Law Society have advised that they have only been contacted once for support in this way, when help was provided by a member of their Criminal Law team. We will continue to publicise this service for solicitors who fail routine reviews in the second cycle.

Assistance from SLAB

32. Solicitors who fail routine peer reviews also receive assistance from us. When a review is failed, the QA Co-ordinator sends the solicitor a package which contains a sample of Terms of Engagement letters, a tick list that they can start using for all of their files plus a copy of some of the good comments we have had for some reviews. This is all part of the aim to help to improve the standards of service provided to clients as well as offering assistance with the peer review process.

NO FILE REVIEWS

33. As in previous years, we continued to find that a number of solicitors registered to provide criminal legal assistance do not actually perform much or any criminal legal assistance work on a regular basis. Most of these solicitors do not have any grants of criminal legal aid in their name, so we cannot identify any files for the peer review. The Criminal Quality Assurance Committee recommended that there should be other ways of assessing a solicitor’s suitability to provide criminal legal assistance where case files cannot be produced for this purpose.
34. This resulted in a new provision in the revised Code of Practice for Criminal Legal Assistance which came into force on 25 January 2018 which states that solicitors without sufficient files to be reviewed will need to demonstrate to

the satisfaction of the Criminal QA Committee that they have the required knowledge, skills and experience to deliver criminal legal assistance. The method of doing this was consulted upon in the summer of 2018, along with other changes to the Criminal Quality Assurance Scheme and Criteria. This helped us devise a pilot approach for carrying out the reviews of the solicitors who cannot provide sufficient or any files to be reviewed.

CONSULTATION ON CHANGES TO THE CRIMINAL QUALITY ASSURANCE SCHEME AND THE PEER REVIEW CRITERIA

35. The consultation conducted in the summer of 2018, proposed a number of changes to the Scheme as follows:

- A new outcome system, formalising the Committee's options of Marginal and Good passes;
- A new procedure for follow up reviews after a Pass Marginal score, giving the Committee the option to refuse the review if no overall improvements have been shown;
- A new procedure for routine reviews in the second cycle, where the reviewers will be sent a copy of the previous review and be asked to comment on whether any previous issues have now been addressed after conducting the review;
- A new procedure for solicitors unable to provide sufficient files for review, to allow the Committee to be satisfied that they have sufficient knowledge, skills and experience to deliver criminal legal assistance.

36. The consultation also proposed a number of changes to the summary, solemn and appeals peer review criteria, as follows:

- New questions at the start of the summary and solemn criteria dealing with police station advice, and any post interview procedures;
- Removing unnecessary questions about ABWOR, reviews, and sanctions which are covered elsewhere;
- A new question about mandates, and new guidance in line with the guidance note issued to the profession in March 2016;
- New guidance about responding appropriately to a transfer mandate;
- Solemn criteria - in the section on Preparation for the trial/Section 76, adding a reference to Written Records and Deferred Sentences;
- Summary and Solemn criteria - removing the question on Consideration of the Account;
- Criminal Appeals criteria - in the Application for legal aid section, removing the point about Regulation 15 and full legal aid being submitted at the right times as if they were not, legal aid would not be granted, so there would be no file to review.

37. In all, six responses to the consultation were received, four from individual solicitors, one from the Law Society of Scotland, and one from the Glasgow Bar Association. These responses helped us bring forward the changes to the scheme and the new criteria which are being used for the new cycle of reviews.

NEW CRIMINAL QUALITY ASSURANCE IT SYSTEM

38. An update to the IT system which we use for processing and recording the results of the peer reviews (the Criminal CAMS system) was developed and deployed in January 2019 for use with the new cycle of reviews. In brief, the system:

- creates the peer reviews,
- randomly selects files for the reviews,
- advises the solicitors being reviewed of the files required, the process for file collection and the identity of the reviewer(s),
- allows the Peer Reviewers to record their outcome of the reviews,
- produces a report of the Peer Reviewers' recommendations for consideration by the Criminal Quality Assurance Committee,
- records the decision of the Committee of the reviews,
- intimates the Committee's decisions to the compliance manager of the solicitors under review.

39. As part of the wider programme of transferring SLAB systems to new platforms, the Criminal QA system was transferred to a new platform and now uses many of its existing features together with features already being used by the Children's QA system which had been developed on the platform. The new criteria for the Summary, Solemn and Appeals reviews which was agreed by the Committee following the consultation exercise have also been included in the new system. The new system will be used for Peer Reviews being carried out under Cycle 2.

40. The benefits of the new system will be seen by:

- Criminal solicitors being reviewed who will receive clearer and better presented reports on the review as agreed by the Criminal QA Committee;
- Criminal QA Committee members who will also have the improved reports on the reviews to consider;
- Criminal QA Peer Reviewers, who will also be able to use the updated criteria agreed following the recent consultation exercise;
- Criminal QA staff who will have a more responsive and flexible system to operate with additional features.

41. The new system will also make it easier to extract better analysis information to allow more reports on the findings from the reviews on particular aspects such as the equalities and other considerations.

AREAS OF GOOD PRACTICE IDENTIFIED IN THE PEER REVIEWS

The following are some specific quotes from the actual reviews which passed, highlighting these areas of good practice found:

<p><i>The client's hopes and expectations were clearly unrealistic regarding the case and the solicitor accomplished an excellent job in managing the case. The notes kept from some of the consultations are very detailed. The client's complaints were dealt with - the management of this case and client were exceptional.</i></p>
<p><i>This is a file which was clear to follow and which demonstrated more than mere competence throughout. The client is kept informed as matters progress beyond a bare minimum, the Court attendance notes are clear and the file is regularly checked (evident from its presentation and the note on the front cover).</i></p>
<p><i>Sanctions are pursued appropriately and defences explored diligently (even in fixed fee cases). Care is taken to lay out for clients what is happening and has recently happened in their cases. The expanded and detailed notes of court reports (which must be time consuming) make it very straightforward for other solicitors to pick up the file if necessary.</i></p>
<p><i>This was an easy review to carry out as the files were in good order. Each file has a "Minute of Proceedings" which helpfully sets out what happened on each of the court appearances. There were detailed attendance notes which made the files easy to follow. There was effective communications throughout. Where there were problems with securing funding due to vouching being required, the solicitor promptly sought information from the accused and thereafter provided the information to SLAB.</i></p>
<p><i>This again is a good file and one which shows this firm have good systems and are providing a very good service. Very full and clear note of client's instruction provides a firm basis to work from thereafter. Clear consideration of disclosure and the effect of the evidence. Repeated effort to pin down PF to discuss the case and resolve. Case resolved and confirmed in clear s76 letter. Written narrative obtained and discussed with client in advance. Issues re s16 & 17 discussed. Plea resolved and decent outcome. Clear meeting afterwards and no appeal as client happy as concurrent sentence achieved. Account properly set out and accurately reflects work done. All letters and meetings timely. T of B on file. Everything you'd expect present but done well and typed and handwritten notes, reviews and court sheets all show a well organised firm.</i></p>
<p><i>The files are all neatly presented with the disclosure prepared in order (usually in line with the indictment) and bound together with essential notes of preparation separate from the correspondence file in a handily accessible 'file' for ease of reference in court. The preparations are all rigorous and fully documented - usually with notes prepared and typed to flesh out the perusal and reflect on the effect on the case.</i></p>

I always value files where the only dramas are contained in the complaint! Although quiet, competent and consistent efficiency is not going to strike anyone as glamorous or exciting, it is the best way to get things done and is something which needs to be recognised. I could quite happily pick one of these up and after having time to read it, go in and conduct the trial. This solicitor should have a number of grateful and loyal clients.

FILES RATED AS EXCELLENT

The scoring system for each of the 8 files reviewed as part of the Routine Review is on a 1 to 5 basis with 1 being very poor and 5 being excellent. There were a number of files marked as excellent during the year and the reviewers gave the following comments on some of these files:

This was a very well prepared file for a complex case. The agent and his assistants put in considerable work in obtaining a positive outcome for the accused who was found to be unfit to participate in the trial in terms of s53 of CPSA. The agent identified expert and obtained reports and consulted with those experts. Counsel were involved in the preparations and the presentation of the case.

From the outset the solicitor handled this matter with skill aptitude and persistence. She worked well as a team with Counsel in the preparation for the Appeal and again demonstrated skill and persistence in accessing the all-important medical records despite many bureaucratic hurdles.

It was refreshing to see that a telephone conversation took place prior to the transfer form being submitted to SLAB, and that the outgoing solicitor submitted the appropriate Cease to Act form to SLAB.

This was an excellent Review overall with high quality notes of perusals, meetings, court attendances etc throughout. Easily the best overall Review which I have conducted reflecting good processes throughout the firm to ensure that matters are properly handled.

AREAS IDENTIFIED IN THE REVIEWS WHERE IMPROVEMENT IS NEEDED

The following are some specific quotes from the actual reviews, highlighting the areas where improvement was needed:

<p><i>The file has insufficient recording. The disclosure is not annotated nor is there a file note for perusal. The client is never written to advise it is available for discussion. There was a meeting at court but the entry does not record what was discussed nor what advice was tendered to the client. The trial diet was covered by another firm and there was no letter of instruction on file to them.</i></p>
<p><i>Too much is missing from the file. This includes most importantly a total absence of information on why the case is proceeding to trial, advice on early pleas, the on-line application, a closing letter and advice on appeals. I do not have an account but there is a file note which seems to indicate the Scottish Legal Aid Board (SLAB) are likely to be charged 25 minutes for listening to a dvd which the solicitor should know is for a no comment interview.</i></p>
<p><i>Despite the papers being clear this is a duty case attracting only a half fee as there was a plea at the trial diet without evidence. Someone has submitted an account stating evidence was led and taken a full fee for the firm.</i></p>
<p><i>This file related to the grant of ABWOR in relation to a preliminary plea of time bar. However the solicitor incorrectly identified this as being a 6 month time bar case when in fact it is 12 months.</i></p>
<p><i>Overall this is a difficult file given it is incomplete. The case has been brought to the attention of senior management then allowed to drift. It is the drift with a potentially dangerous client that caused concern. I note that while the consultant states he has spoken to the nominated solicitor this is not recorded. The on line application, grant of legal aid and grant of sanction (but not the sanction application) are filed.</i></p>
<p><i>This file is a borderline file largely due to the failure to obtain Disclosure in this case. The initial file note is brief but sufficient, although the solicitor never appears to have received a copy of the complaint despite applying for this. The main difficulty is that the solicitor appears not to have applied for Disclosure, and indeed there is no copy complaint on the file.</i></p>