

PROCEDURE FOR PERSONAL WORK AND TIME RECORDING

The Code requires:

- time spent on criminal legal assistance work, to be recorded to the nearest 5 minutes, showing:
 - > Details of work done
 - > Link to case files
- time spent on on-criminal legal assistance activities, to be recorded to the nearest 5 minutes (no details required)
- records to be kept for 3 years

The procedure should address:

- how records of personal work and time recording are kept
- how personal records link to case files
- how records are held

NOTES: You might want to expand the non-chargeable codes to include training, annual leave etc. Similarly the list for chargeable work is not intended to be exhaustive.

EXAMPLE

FIRM XYZ			
PERSONAL WORK AND TIME RECORDING			
Purpose			
To have a chronological record of all working time for all staff involved in the provision of criminal legal assistance.			
Procedure			
Each solicitor within the firm shall maintain records of time spent on all cases. Each activity shall be assigned one of the following work codes:			
Chargeable		Non-chargeable	
CT	attendance at court	NC	non CLA work
WT	waiting at court	CA	client admin.
DI	dictating	FA	firm admin.
TR	travel		
CO	consultations		
PH	phone calls		
OTH	other		
CT	attendance at court		
These codes shall be entered in the appropriate column and it shall be noted whether the file is criminal legal assistance or not.			
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This is recorded on the time sheet as in appendix 2A. Actual time shall be recorded to the nearest 5 minutes.

At the end of each week the timesheets for each day shall be placed in the central “Time recording” file.

Timesheets shall be kept for 3 years.

Authorised by:

.....

<signature>

<date>

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FIRM XYZ

FILE OPENING SHEET

CLIENT		File no.:
Last name:	Address:	Date opened:
First names:	Change address:	Solicitor handling:
Date of birth:	SLAB applicant identifier:	Supervisor:
Telephone Nos.:		Date of first appearance:
Home:	Fax:	
Work:	Other:	
Referral code:		
Case category code:		

APPENDIX 3B

FIRM XYZ

ATTENDANCE NOTE

Name of member of staff/agent

Solicitor/unqualified (delete as appropriate)

Case file ref. no.

Instructions received/work done

Start time

End time

Duration

Date

FIRM XYZ

FILE CLOSING SLIP

Client:	File No:	Fee earner:
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Case Description:

Destroy Date:
6 years 12 years Never

Checklist – tick each item to confirm that it has been done
<input type="checkbox"/> 1. Check Accounts <input type="checkbox"/> 2. Send standard file closing letter <input type="checkbox"/> 3. Return client’s documents if requested <input type="checkbox"/> 4. Fillet file <input type="checkbox"/> 5. Remove original documents and place in safe/return to client.

Documents retained in safe.

Complete if papers sent elsewhere – e.g. to client or transferred to other solicitors
Papers sent to:
Date sent:

Date Legal Aid Certificate Discharged:
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Signed:..... Date:.....

FINANCIAL RECORDING SYSTEM

The Code requires:

- records of all financial transactions with criminal legal assistance clients to be maintained
- records to be kept for 3 years

The procedure should address, for example:

- receiving A&A contributions from clients
- making payments to witnesses (loss of earnings and travel expenses)
- making payments to expert witnesses (fees and outlays)
- receiving legal aid payments from the Board

EXAMPLE

FIRM XYZ	
FINANCIAL RECORDING SYSTEM	
Cash received from clients	
Any person receiving cash or cheque payments shall complete a Cash Entry Form (see appendix 4A) and issue a receipt to the person making the payment. The person who raised the Cash Entry Form shall place a copy of it on the case file.	
The Cash Entry Form shall be passed to the cashier along with the cash or cheque.	
The cashier shall bank all cash and cheques within 24 hours of receipt and shall make an appropriate entry in the case book.	
Monies paid out	
A member of staff requiring to make a payment on behalf of the firm shall complete a Cheque Request Form (appendix 4B) and pass this to the cashier, keeping a copy on the case file to which it relates. Details recorded in the case book shall include case reference, name of recipient, date of payment, nature of payment (loss of earnings, travel, fees or outlays). Payments shall be made only on production of the appropriate voucher or letter from the employer. Payments to expert witnesses are not normally made until payment for that case has been received from the Board, but will then be made immediately.	
The cashier shall raise the cheque and make the appropriate entry in the cash book.	
.....	
<signature>	<date>
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Payments received from Scottish Legal Aid Board

The cashier shall note in the cash book all payments received from SLAB and allocate them to the appropriate case. A note shall be placed on the appropriate case file recording that payment has been received.

Cash books are kept for 3 years from the date of the first entry.

Authorised by:

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<signature>

<date>

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FIRM XYZ

CASH ENTRY FORM

CLIENT NAME:

FILE REF.:

NARRATIVE:

AMOUNT RECEIVED:

DATE:

RECEIVED BY (initials):

CLIENT NAME:

FILE REF.:

NARRATIVE:

PAYEE (as should appear on cheque):

AMOUNT:

DATE:

AUTHORISED BY:

.....(signature)(date)

CASHIER USE ONLY:

CHEQUE NUMBER:

PROCEDURE FOR TRAINING

The Code requires that:

- staff are adequately trained
- training needs are identified
- appropriate training is found and undertaken
- attendance at courses is recorded

The procedure should address:

- how training needs are identified and addressed
- how records of training are kept

EXAMPLE

FIRM XYZ	
PROCEDURE FOR TRAINING	
Purpose	
To ensure that all staff are adequately trained and that records are available to demonstrate it.	
Procedure	
Each solicitor is responsible for that he/she is adequately trained.	
Training needs of all staff involved in criminal legal assistance cases shall be identified <during the annual performance review, mentor review, etc.>	
A training plan shall be established which identifies the training requirements of individual members of staff and how and when the training will be given.	
Attendance at courses shall be recorded on the solicitor's CPD card; other staff shall keep their own records of training undertaken. Copies of these records shall be held in central personnel files.	
Effectiveness of training shall be reviewed at the next performance review.	
<i>Authorised by:</i>	
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PROCEDURE FOR SUPERVISION OF STAFF

The Code requires:

- adequate supervision of individual solicitors' work
- nominated solicitors to be responsible for all delegate work

The procedure should address:

- how solicitors' work is supervised
- how control over delegated work is maintained

Every solicitor requires a level of supervision; this will clearly vary according to the experience and skill of the solicitor, but must still be present in some form. The variation is most likely to be achieved by adjusting the frequency of supervisory discussions.

EXAMPLE

<p>FIRM XYZ</p> <p>SUPERVISION OF STAFF</p> <p>Purpose</p> <ol style="list-style-type: none">1. To ensure that a firm's solicitors' work is adequately supervised to enable the (Partners of the) firm to be satisfied that the conduct of the solicitors and the service they provide is acceptable.2. To ensure that work delegated to "non-qualified" staff by nominated solicitor is adequately supervised so as to be properly carried out.3. To ensure that work delegated to an external agent is adequately supervised by the nominated solicitor. <p>Procedure</p> <ol style="list-style-type: none">1. Supervision of solicitors work <p>Each member of staff is allocated a mentor, who shall be a partner or other senior member of staff who is responsible for supervising them. The mentor is available to discuss problems whenever they arise and on an Accounts Division hoc basis outside any formal supervision session.</p> <p>In addition, incoming mail is checked each day by a partner on a rota basis.</p> <p style="text-align: right;">Doc. ref. 006 Issue 2/October 2007</p> <p>Page 1</p>

The mentor shall oversee the conduct of current cases, through review of files and discussion, highlighting key issues and any other areas of concern. These reviews will also serve to identify any training requirements.

Mentor reviews shall be conducted at intervals that may vary in accordance with the member of staff's level of experience.

Mentor reviews shall be noted on the sheet shown at appendix 5A and retained by the mentor and the member of staff. A note shall be placed on the case file to indicate that it has been reviewed and what the findings were.

As part of or separately from mentor reviews, all cases are liable to be included in the case review as described in <.....>.

2. Supervision of staff by the nominated solicitor.

The nominated solicitor is held responsible for all work done on his/her criminal legal assistance case. The nominated solicitor shall therefore ensure that delegated work is adequately defined, and that the work is conducted in accordance with instructions given.

If the nominated solicitor is dissatisfied with the conduct of any member of staff, the matter will be raised with the member of staff concerned and, if the solicitor believes that further training, or any other action, is required, this will be raised with the appropriate partner/supervisor.

3. Supervision of people outwith the firm.

Where staff outwith the firm are used, whether on a contract or agency basis, the nominated solicitor shall ensure that delegated work is adequately defined and that the work is conducted in accordance with instructions given. Work is allocated using the form in appendix 6B. The first part of this shall be completed by either the solicitor or the agent, as required by the particular circumstances; the record of time spent on the work shall be completed by the agent before he returns the sheet to the solicitor. The solicitor shall add comments as he considers necessary and the completed form shall be lodged on the appropriate case file.

Criminal legal assistance work shall be delegated only to other Registered solicitors.

If the nominated solicitor is dissatisfied with the conduct of another solicitor or agent, the matter will be raised with the member of staff concerned, and

Compliance Partner shall be notified. The Compliance Partner shall maintain records of any such dissatisfaction and, if appropriate, shall recommend that a solicitor/agent is no longer used.

Authorised by:

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<signature>

<date>

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Mentor Name

Member of staff

Date

Cases reviewed

Comments

Other topics discussed

Training requirements identified

Suitable courses?

Action agreed (specify)

Who

By when

Done?

Action agreed (specify)	Who	By when	Done?

Case ref:		Client name:	
Description of work			
Allocated to:			
Date allocated:		Nominated solicitor	
Record of time spent on this work (to be completed by agent)			
Date	Start time	Finish time	Elapsed time
Total time taken			

Comments by nominated solicitor

PROCEDURE FOR DOCUMENT CONTROL

The Code requires that:

- there is a system to ensure that the latest issue of each key document is always available for use
- changes to firm's policies and procedures are adequately controlled
- documentation received from the Board is handled and maintained

The procedure should address:

- how documents received from the Board are controlled
- how internal policies and procedures are controlled

EXAMPLE

<p>FIRM XYZ</p> <p>DOCUMENT CONTROL</p> <p>Purpose</p> <p>To ensure that key documents are adequately controlled so that the right people receive the right documents at the right time. Key documents affecting criminal legal assistance include policy and procedure documents issued by the firm and documents issued by the Scottish Legal Aid Board.</p> <p>Procedure</p> <p>1. Maintenance of the library</p> <p>reference documentation on criminal legal assistance is maintained to the firm's library. This includes:</p> <ul style="list-style-type: none">▪ legislation▪ Criminal Legal Assistance Handbook▪ application forms▪ key card▪ equality card▪ category code card▪ guidance on accounts assessment▪ guidance on completing forms▪ Recorder▪ miscellaneous publications from the Scottish Legal Aid Board▪ internal policies and procedures <p>Page 1</p> <p style="text-align: right;">Doc. ref. 007 Issue 2/October 2007</p>
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2. Documents received from the Scottish Legal Aid Board

The secretary responsible for opening the mail shall forward all documents from the Scottish Legal Aid Board as described in (1) above to the Compliance Partner who will ensure that the library is updated.

The secretary shall also send a memo to all staff informing them that the document has been received. Where appropriate, all previous versions of the document shall be destroyed.

3. Issue of documents which form part of the System of Management and Administration

3.1 Initial issue

The Compliance Partner is responsible for maintaining a master list of all System of Management and Administration documents and for ensuring that any new documents required are prepared in accordance with this procedure.

When the need for a new document is identified, the Compliance Partner shall be informed and the new document added to the master list.

Once the new document has been drafted it will be circulated for comment by appropriate people, including the Compliance Partner. All comments must be submitted in writing to the document author. Revised versions shall be circulated until all reviewers are satisfied with the document. Any disputes will be resolved at a meeting of partners.

The new document will be issued to all relevant staff. A master copy will be held in the library.

3.2 Changes to documents

Anyone in the firm may suggest amendment to any of the firm's documentation. Such suggestions for amendments should be made on the Internal Document Change Request (IDCR) shown at appendix 7A.

The IDCR is passed to the secretary, who records it on the IDCR log and passes it to the Compliance Partner for consideration. The IDCR will be circulated to appropriate people (those who reviewed the original document) for comment. If agreed, the updated document will be issued in the normal way. All recipients shall destroy previous versions of the revised document.

The initiator of the change is informed of the outcome and, if appropriate, reasons for a decision not to implement the suggested change. The Compliance Partner will ensure that the master document list is updated and that all obsolete documents are destroyed.

The Compliance Partner shall also ensure that the Scottish Legal Aid Board is informed of any changes to documentation that was submitted in support of the firm's application for registration to provide criminal legal assistance.

Authorised by:

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<signature>

<date>

APPENDIX 7A

FIRM XYZ

INTERNAL DOCUMENT CHANGE REQUEST

Request No.		Raised by (name)	
Number/title of document/ Procedure affected			
Description of change Requested			
Source of change request		legislation change/complaint/external advice/internal suggestion/ other:	
Date:			
Potential impact/side effects			
Considered by:			
On (date):			
Decision:		Accept in full Accept in part Reject	
Comments:			
Confirmed:		Signature	Date
<title>	<name>		
<title>	<name>		
<title>	<name>		
<title>	<name>		

PROCEDURE FOR CASE REVIEW

The Code requires that:

- cases are conducted timeously, effectively and in accordance with the Code
- there is an effective diary and file checking system
- there is effective co-ordination of staff involved in a case
- a sample of cases is reviewed to verify compliance with the Code

The procedure should address:

- how case work is co-ordinated and monitored
- how current and completed cases are reviewed for compliance with the Code
- how you ensure that all files are reviewed and progressed regularly

EXAMPLE

<p>FIRM XYZ</p> <p>CASE REVIEW</p>
<p>Purpose</p> <p>To verify that cases are conducted timeously and efficiently and that completed cases are reviewed to establish compliance with the Code of Practice.</p>
<p>Procedure</p> <p>1. Diary system</p> <p>A central office diary shall be maintained by the senior secretary.</p> <p>Each member of staff is responsible for ensuring that key events are logged into the diary. These will include, for example:</p> <ul style="list-style-type: none">▪ court dates▪ client appointments▪ witness appointments▪ dates for citation of witnesses▪ cases due for file review <p>The office diary shall be reviewed at the <daily/weekly> Practice Meeting.</p>
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2. Review of current cases

The senior secretary shall check the diary every Friday and extract the files required for action or review the following Week.

On a monthly basis, the Compliance Partner shall select a random sample of the n% of <..> currently cases, whichever is the greater, for checking. He/she will check that all practice of procedures are being followed in relation to the case, and that satisfactory progress is being made with the case and that the issues involved are being correctly identified and handled. Any shortcomings will be noted and the solicitor responsible for the case will be required to take any necessary action immediately. A note will be placed on the file recording the fact that it has been reviewed, the findings of the review and what action is required (even if none). A copy of this review shall be held on the central "File Review" file.

Each solicitor shall review all of his/her files on a rolling programme to ensure that every file that has not been worked on in the last two months is identified, reviewed and appropriate action taken. A record of such a review shall be entered on the file, indicating what action is required (even if none) and by whom. Any such action must be taken promptly. A copy of the review record shall be placed on the central "File Review" file.

3. Review of completed cases

On a monthly basis, the Compliance Partner shall select a random sample of criminal legal assistance cases. The sample size shall be n% of total cases, or <..> cases, whichever is the larger.

The Compliance Partner (or another partner to whom he may delegate some cases) shall check these cases are described in (2) above shall be placed on the file and in the central "File Review" file.

Issues arising from case review will be discussed at the <weekly/monthly> Practice meetings.

Authorised by:

.....

<signature>

<date>

PROCEDURE FOR CLIENT REPORTING

Purpose:

To ensure that a client's instructions are recorded and that he/she is kept adequately informed of progress throughout the case.

Procedure:

1. Client Reporting

Initial instructions from a client, whether received by telephone, letter or personal visit shall be recorded on the "File Attendance Record" shown at appendix 11 and maintained within the case file. Any subsequent changes shall be similarly recorded.

2. Progress Reporting

The client shall be adequately informed of progress and the consequence of any decision he/she notifies to the solicitor. Frequency of reports will depend on the particular case.

Results of all meetings with client shall be documented and maintained in the case file. All reasonable steps will be taken to ensure meetings requested by criminal legal assistance clients are necessary. The terms of the Board's taxation guidelines should be considered in scheduling and recording meetings and reporting to client.

3. Case Closure

at the end of the case the client shall be informed of the outcome and any further action they should take. At this time any original documents obtained from the client shall be returned. The file shall be closed in accordance with the case review systems already set out in this document.

The terms of the Board's Guidance on Accounts Assessment should be considered in scheduling and recording meetings and reporting to clients.

3. Case Closure

at the end of the case the client shall be informed then of the outcome and any further action they should take. At this time any original documents obtained from the client shall be returned. The file closure sheet (appendix 3C) shall be completed case file shall be closed, once the final account is paid.

Authorised by:

.....

<signature>

<date>

PROCEDURE FOR CORRECTIVE ACTION

The Code requires that:

appropriate action is taken to deal with complaints and problems

The procedure should address:

how complains direct from clients are dealt with

how complaints to the Law Society are dealt with

how any other complaints are dealt with

how notices of Non-compliance received from the Board are dealt with

how problems with the firm's System of Management and Administration are dealt with

NOTE: The following procedure refers to the Client Relations Partner and the Compliance Partner, you might find it convenience to combine these rolls.

FIRM XYZ

CORRECTIVE ACTION

Purpose

To ensure that complaints and other problems identified are addressed effectively through "corrective action".

"Corrective action" is the term used to describe both:

remedial action taken to correct specific points identified by a complaint or a problem; and

preventive action to ensure that a particular problem does not recur in the future.

Procedure

The Client Relations Partner is responsible for ensuring that appropriate corrective action procedures are in place.

1. General Complaints from any source

A complaint might be received verbally or in writing, direct from the client or through The Law Society, or from any other sources.

There will often be a grey area over what constitutes a complaint. If there is any doubt the item should be treated as a complaint until deemed otherwise.

All complaints shall be reported to the Clients Relation Partner, who shall record the details on the Complaint Log shown at appendix 10A. The Client Relations Partner shall ensure that written complaints are acknowledged in writing on the day of receipt.

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A copy of the complaint is passed to anyone else specifically named in the complaint.

The Client Relations Partner will then consider the merits of the complaint and discuss it with any person named.

Any appropriate corrective action will then be taken in accordance with para.5. If appropriate, a written response shall be sent to the person who raised the complaint.

2. Complaints about professional conduct

where a complaint is received from The Law Society and relates to professional conduct, the procedure described above shall be followed; a written response shall always be supplied.

3. Notice of Non Compliance received from the Board

Notices of Non Compliance with the Code received from the Board will be dealt with by the Compliance Partner and must be recorded on the Complaint Log as in para.1.

Following review by the Compliance Partner, he will

- investigate the issues raised and discuss with the appropriate people
- inform the Board of the action to be taken and timetable for that action
- instigate corrective action as described in para.5.

4. Problems with the firm's System of Management and Administration

Problems with the firm's System of Management and Administration may be identified from any one of the following:

- notification of any member of staff to the Compliance Partner
- case reviews
- planned/ad hoc reviews/"quality audits" carried out by the Compliance Auditors

Following any such identification of a problem the Compliance Partner will

- investigate the issues raised and discuss with the appropriate people
- if appropriate, instigate corrective action as described in para.5

5. Corrective Action

Following appropriate investigation and discussion, if it is considered that corrective action is required for any reason, the Compliance Partner or Client Relations Partner shall issue a Corrective Action Request (see appendix 10B).

The person responsible for taking the corrective action will inform the Client Relations Partner as soon as it is complete by returning the signed Corrective Action Request to the Client Relations Partner. The Client Relations Partner shall inform the Compliance Partner that all Corrective Action Requests issued by him have been completed.

Any changes required to the System of Management and Administration as a result of a Corrective Action Request shall be handled in accordance with the document control procedure.

Authorised by:

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.....

<signature>

<date>

APPENDIX 10A FIRM XYZ

COMPLAINTS LOG

Ref No.	Date	From	Copied to	Outcome of discussion (include who discussed with, date, decision on validity, action to be taken, by whom and by when)	Response to complaint sent	Further action req'd (Y/N)	Action comp. (Date)

SHEET REVIEWED BY _____ ON _____ (date)

FIRM XYZ

CORRECTIVE ACTION REQUEST

Request No.			
Description of corrective action requested			
Source of corrective action request		legislation change/complaint/external advice/internal suggestion/other:	
Date request raised:			
Request raised by:			
Person responsible for taking the action:			
To be completed by (date)			
Confirmation of action completed and accepted:		Signature	Date
Person responsible for taking action	<name>		
Person raising request	<name>		