



# **Annual report on the operation of the Criminal Quality Assurance Scheme**

**1 April 2024 to 31 March 2025**

The Scottish Legal Aid Board

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

## Introduction

1. This report sets out the statistics, issues, and findings of the Criminal Quality Assurance scheme for the period 1 April 2024 to 31 March 2025.
2. The report also provides the statistics of the scheme compared to previous periods, and for Cycle 2 of the scheme, which started in 2019.
3. The main purposes of the Criminal Quality Assurance Scheme are to provide assurance as to the quality of service being provided by those delivering publicly funded criminal legal assistance and to drive continuous improvement in standards. This report provides evidence that the scheme is fulfilling both purposes. The high percentage of grant rates shows that most solicitors are doing a good job for their clients.

## Outline of the Criminal Quality Assurance Scheme

4. The Criminal Quality Assurance scheme was devised in partnership with the Law Society of Scotland, alongside the development of the new solemn criminal payment regime which was introduced in 2010. The scheme is administered by SLAB under Part IVA of the Legal Aid (Scotland) Act 1986 and is part of the overall compliance regime.
5. 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 SLAB's Criminal Quality Assurance Committee, which comprises three members appointed by SLAB, three members nominated by the Law Society of Scotland, and three independent or lay members appointed in consultation with the Society.
6. There are currently 20 Criminal peer reviewers who review the files for each solicitor against the criteria for each aid type. The peer reviewers make their recommendation on each file and the review overall. It is the Criminal Quality Assurance Committee who make the final decision on each review. Details of the current Committee members and peer reviewers can be found in Appendices [1](#) and [2](#).
7. The peer reviews consist of an examination of a range of solicitors' files by one or more of a panel of peer reviewers who are experienced, currently practising criminal solicitors who were appointed after an open recruitment process. The purpose of the review is to examine the quality of the work carried out on behalf of the client, based on the evidence contained within the file. Files are assessed against set peer review criteria for summary, solemn and criminal appeal cases. The criteria cover issues like initial client contact, bail matters, handling of preliminary or guilty pleas, trial preparation, communication of outcomes, and legal aid matters. The criteria were developed in consultation with the Law Society, and with the reviewers themselves.
8. The routine review is comprised of a random mix of eight summary, solemn, and appeals files from each solicitor which reflect the nature of the criminal business which the solicitor carries out. These completed files are identified by selecting the nominated solicitor on the legal aid or ABWOR applications systems.
9. The standard applied in carrying out the reviews is that of the reasonable competence expected of a solicitor of ordinary skills, known as the *Hunter v Hanley* test, or the Inadequate Professional Service standard. The reviewer marks the review on a scale of 1 to 5 as below. A score of 3 or above is a pass.
  - **1 = Non-performance**
  - **2 = Fails to meet standard requirements**
  - **3- (minus) = Marginal pass**
  - **3 = Competent Pass**
  - **3+ (plus) = Good pass**

- **4 = Very good**
- **5 = Excellent**

10. After the review has been completed by the peer reviewer, we return the files as soon as possible and put the results of the review before the Criminal Quality Assurance Committee for consideration.
11. Where the Committee agrees with the reviewer's recommendation to pass, we confirm this with the Compliance Partner in writing. We also provide the solicitor with details of any issues arising from the review and a copy of the peer reviewer's report.
12. Where the Committee agrees that a solicitor has failed a routine review, the solicitor will normally become the subject of an extended review, which will involve a review of a larger sample of files, taking place at the solicitor's premises by two peer reviewers, neither of whom was involved in the routine review. If this extended review also fails, a final review will be held after a further nine to 12 months, again at the solicitor's premises and involving a further two different peer reviewers.

## Peer reviews conducted during the reporting period

13. During 2024-25, the number of completed peer reviews considered by the Criminal Quality Assurance Committee, and the decisions taken by the Committee, are shown in full in the tables in [Appendix 3](#).
14. The scheme is run over a six-year cycle to allow for all solicitors registered on the Criminal Legal Assistance Register to be reviewed in the cycle. The scheme started in 2012, and Cycle 1 ran to 2018. The scheme was paused then to allow us to consult on and introduce some changes to the scheme and criteria for Cycle 2 which started in April 2019. The scheme was suspended during the Covid pandemic from March 2020 to March 2022, although several Committee meetings took place during 2020 via Zoom to consider the reviews that had been created prior to lockdown. Cycle 2 is now expected to run to 2027.
15. During the year 1 April 2024 to 31 March 2025, the Criminal Quality Assurance Committee considered:
  - 95 initial routine reviews with 90 passed (95%)
  - one review marked as Excellent
  - 31 reviews marked as Competent (35%)
  - 38 reviews marked as a good pass (3+) (42%)
  - 8 reviews achieved a rating of 'Very Good' (8%)
  - 12 reviews marked as marginal passes (13%)
  - two reviews marked as failed
  - three reviews were continued by the Committee at the end of the reporting period.

## Pass marginal reviews

16. Where a review is given a marginal pass the solicitor is reviewed again within 18-24 months. In cycle 2, where a further marginal pass is given, the Committee has the discretion to downgrade this to a fail if the second review suggests that the solicitor has not taken sufficient steps to address the shortcomings identified in the previous review. Out of the 42 marginal passes so far in this cycle, three solicitors were given a second marginal pass and therefore the review was recorded as a fail. An extended review was scheduled for all three. In the year 2024-25, two deferred extended reviews have been carried out, and this was recorded as a pass by both reviewers and the Committee. The remaining solicitor retired prior to the deferred extended review being carried out.

## Failed routine reviews

17. Of the seven reviews which were failed during the current cycle from 2019-25, three of the solicitors were sole practitioners, three were in a two-person firm, and one was in a larger firm.
18. Where a review fails, the Committee has the option to carry out a deferred extended review, usually six to nine months after the decision of the review is intimated to the solicitor. This is to give the solicitor a reasonable period 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.
19. None of the failed reviews so far in this cycle have had either an immediate special or extended review 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 six months.
20. During 2024-25, three deferred extended reviews were considered by the Committee. One was a good pass by the Committee, indicating that the solicitor had paid close attention to the areas for improvement identified during the routine review and had taken positive action to address these. Another review was marked as a pass, to be reviewed again in three years' time, and one deferred review was failed with a final review due to take place.

## Final reviews considered by the committee

21. In period 2024-25 no final reviews took place.

## No file reviews

22. We have procedures to allow us to review solicitors on the Criminal Legal Aid Register (CLAR) who have no files either in their own name, or that they had worked on that could be used for the purposes of peer review. Where there are between six and eight files available a normal routine review will take place. Less than this and the files and an assessment form require to be completed and then sent on to the peer reviewer for their comments and recommendation.
23. Where fewer than six files are identified, a no file or hybrid review will be created and the firm approached to make arrangements. In many cases, this contact results in inactive solicitors removing themselves from the Criminal Legal Assistance Register. In other cases, the firm may identify files on which the solicitor in question has worked, enabling a routine review to be carried out.

## 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 of good practice:

### Communications

- Clear and concise letters sent to the client
- Obtaining detailed instructions from clients at the outset
- Good, documented support for vulnerable clients
- Letters are tailored to each client

### File keeping

- Good quality notes of meetings taken and kept on file
- Clear evidence of file checks being undertaken
- Clear legible notes of meetings

- Well organised files for court

## **Legal work**

- Managing client expectations well
- Clear consideration of disclosure
- Good preparations for trial
- Early identification of CCTV evidence apparent
- Strong communication with Crown to agree pleas where appropriate

## **Legal aid issues**

- Online applications submitted well
- Sanction applications for Counsel or Expert Witnesses done well
- Copies of online applications kept in files.

25. A selection of anonymised quotes from actual peer reviews which highlight the areas of good practice found are included at [Appendix 4](#) of this report.

## **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**

- No letter confirming outcome of case sent to client
- Poor initial instructions taken
- Discussions on early pleas not noted
- No record of meetings held with clients
- No terms of engagement letter or record to show this was sent
- Terms of engagement needing to be updated

### **File keeping**

- Insufficient file recording
- Lack of instruction to agents on file
- Hard to read handwritten notes
- Gaps in files

### **Legal work**

- Experts not instructed timeously
- Failure to record perusal of disclosure
- Cases allowed to drift

### **Legal aid issues**

- Declarations not signed and/or dated
- Correct procedure not followed where a client signature was not able to be obtained
- Copies of declarations not held in files
- Correct income not recorded in ABWOR matters
- Verification of income not on file.

27. A selection of anonymised quotes from actual peer reviews which highlight the areas where improvements were needed is shown at [Appendix 5](#).

## **Assistance from SLAB**

28. Solicitors who fail routine peer reviews also receive assistance from us. When a review is failed, the QA Coordinator sends the solicitor a package which contains a sample of Terms of Engagement letters, a tick list that they can start using for all 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 helping with the peer review process. All solicitors who fail a review are also offered the opportunity to undertake some training on Criminal Legal aid processes.

## **Electronic peer reviews**

29. SLAB uses a secure platform called ShareFile. This platform has been offered to solicitors who store their files electronically. From April 2024 to March 2025, eleven reviews have been created using the electronic platform.

30. Appendix and/or further reading links:

- 1) Full statistics on the peer review decisions taken by the Criminal Quality Assurance Committee
- 2) Anonymised quotes on areas of good practice found in the reviews
- 3) Anonymised quotes on areas where improvement needed found in the reviews.

## Appendix 1: Criminal Quality Assurance Committee

1. During 2024 and to March 2025, the following served on the Committee:

Name	Designation
Colin Lancaster (Chair)	SLAB Chief Executive
Gerry Bann	SLAB Board Member
Nicky Brown	Head of PDSO
Peter Lockhart	Law Society Member (reserve member to November 2024)
Euan Gosney	Law Society Member
Theo Finlay	Law Society member (from October 2024)
Nazim Hamid	Non-Legal Member
David Crossan	Non-Legal Member
Arlene Strachan	Non-Legal member

2. 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.
3. The work of the Committee is also supported by Lynsey Calder, SLAB's Criminal Quality Assurance Coordinator, who organises all the peer reviews and the Committee business.

## Appendix 2: peer reviewers during the reporting period

1. During 2024-2025 the peer reviewers conducting reviews were as follows:

Name	Firm	Location
Tommy Allan	Allans	Shetland
David Bell	Paterson Bell	Kirkcaldy
Glen Davis	McLennan Adam Davis	Ayr
Terry Gallanagh	Paisley Defence	Paisley
Michael Gallen	Fleming & Reid	Glasgow
Gordon Ghee	Nellany & Co	Kilmarnock
Duncan Henderson	Inverness Legal Services	Inverness
Mark Hutchison	John Pryde & Co	Edinburgh
Gillian Law	Beaumont & Co	Edinburgh
Frazer McCready	McCready & Co	Stirling
Ian McLelland	J C Hughes & Co	Glasgow
James Mulgrew	Russells Gibson McCaffrey	Glasgow
Matthew Nicholson	CN Defence	Edinburgh
Paul Ralph	Paul Ralph	Fife
Judith Reid	Clyde Defence	Clydebank
Grazia Robertson	L & G Robertson & Co	Glasgow
Alastair Ross	Dalling & Co	Stirling
Sandra Walker	Hughes Walker	Edinburgh
Gail Wiggins	Grant Smith Law Practice	Turriff
Ross Yuill	Glasgow Law Practice	Glasgow



## Appendix 3: statistics on peer reviews conducted during the reporting period

### Cycle 2

- Year 1: April 2019 – March 2020**

Peer reviews were suspended in March 2020 due to Covid and restarted in April 2022, with some Committee meetings during the rest of 2020 via Zoom to consider the reviews that had been created prior to lockdown. No meetings took place in 2021, and the statistics therefore cover April 2019 – March 2021

- Year 2: April 2022 – March 2023**
- Year 3: April 2023 – March 2024**
- Year 4: April 2024 - March 2025.**

There are also details of how many reviews have been considered across both cycles of reviews.

	01/04/2024 to 31/03/2025 (12 months)	01/04/2023 to 31/03/2024 (12 months)	01/04/2022 to 31/03/2023 (12 Months)	01/04/2019 to 31/03/2021 (24 months)	Cumulative total to 31 March 2024 (Cycle 2)	Total to 31 March 2025
<b>Number of Routine Reviews with decisions taken by Committee</b>	95	70	58	106	329 (for the new cycle, two routine reviews only)	1,425

### Breakdown of committee decisions

	01/04/2024 to 31/03/2025 (12 months)	01/04/2023 to 31/03/2024 (12 months)	01/04/2022 to 31/03/2023 (12 Months)	01/04/2019 to 31/03/2021 (24 months)	Cumulative total to 31 March 2024 (Cycle 2)	Total to 31 March 2025
<b>Routine Reviews passed by the Committee</b>	90 (95%)	69 (98%)	58 (100%)	101 (95%)	318 (97%)	1,333 (94%)

Decisions taken by the Committee	01/04/2024 to 31/03/2025 (12 months)	01/04/2023 to 31/03/2024 (12 months)	01/04/2022 to 31/03/2023 (12 Months)	01/04/2019 to 31/03/2021 (24 months)	Cumulative total to 31 March 2024 (Cycle 2)	Total to 31 March 2025
Reviews – Excellent	1	0	0	0	1	2
Reviews - Very good	8	13	10	20	51	193
Reviews - Pass	69	47	45	68	229	1,007
Reviews - Marginal pass	12	9	2	13	42	131
Reviews – Cont.	4	0	0	1	5	N/A
Routine Reviews failed by the Committee	2	1	0	4	7	89
Deferred extended review	2	1	0	4	7	75*
Immediate extended review	0	0	0	0	0	6
Immediate special review	0	0	0	0	0	3

\* There are still five outstanding Deferred reviews to take place.

## Extended and special reviews considered by the committee

There were five deferred extended reviews considered by the Committee in the reporting period April 2024 to March 2025.

	01/04/2024 to 31/03/2025 (12 months)	01/04/2023 to 31/03/2024 (12 months)	01/04/2022 to 31/03/2023 (12 Months)	01/04/2019 to 31/03/2021 (24 months)	Total to 31 March 2025
Extended Reviews considered by the Committee (Deferred and Immediate)	5	1	1	8	64

	01/04/2024 to 31/03/2025 (12 months)	01/04/2023 to 31/03/2024 (12 months)	01/04/2022 to 31/03/2023 (12 Months)	01/04/2019 to 31/03/2021 (24 months)	Total to 31 March 2025
<b>Passes for Extended Reviews</b>	4	1	0	6	54
<b>Fails for Extended Reviews</b>	1	0	1	2	10
<b>Special Reviews considered by the Committee</b>	0	0	0	0	3
<b>Passes for Special Reviews</b>	0	0	0	0	2
<b>Fails for Special Reviews</b>	0	0	0	0	1

## Final reviews considered by the committee

	01/04/2024 to 31/03/2025 (12 months)	01/04/2023 to 31/03/2024 (12 months)	01/04/2022 to 31/03/2023 (12 Months)	01/04/2019 to 31/03/2021 (24 months)	Total to 31 March 2025
<b>Final Reviews considered by the Committee</b>	0	2	2	1	7
<b>Passes for Final Reviews</b>	0	2	2	0	6
<b>Fails for Final Reviews</b>	0	0	0	1	1

## No file reviews

### Reviews where solicitors had no criminal files to assess

Following a failed no file review in year 2024-2025, two solicitors were due to be reviewed again. Both solicitors chose to come off the Criminal register.

	01/04/2024 to 31/03/2025 (12 months)	01/04/2023 to 31/03/2024 (12 months)	01/04/2022 to 31/03/2023 (12 Months)	01/04/2019 to 31/03/2021 (24 months)	Cumulative total to 31 March 2024 (Cycle 2)
<b>Created</b>	<b>44</b>	<b>46</b>	<b>28</b>	<b>11</b>	<b>129</b>
<b>Passed</b>	8	5	7	2	22
<b>Failed</b>	0	2	2	1	5

	01/04/2024 to 31/03/2025 (12 months)	01/04/2023 to 31/03/2024 (12 months)	01/04/2022 to 31/03/2023 (12 Months)	01/04/2019 to 31/03/2021 (24 months)	Cumulative total to 31 March 2024 (Cycle 2)
Postponed due to Covid	0	0	14	3	17
Came off CLAR after initial contact	23	30	2	5	60
Under review	10	1	2	0	N/A
Moved to routine review or part file review	3	8	1	0	12

### Reviews where solicitors had fewer than six files available to review

*All that were passed by the CQAC will be reviewed again in three years' time.*

	01/04/2024 to 31/03/2025 (12 months)	01/04/2023 to 31/03/2024 (12 months)	01/04/2022 to 31/03/2023 (12 Months)	01/04/2019 to 31/03/2021 (24 months)	Cumulative total to 31 March 2024 (Cycle 2)
Created	14	8	6	5	33
Passed	13	3	2	3	21
Failed	1	0	0	0	1
Delayed due to Covid	0	0	0	1	1
Non-compliance from firm	0	0	0	1	1
Came off CLAR	1	4	1	0	6
Still to be considered by CQAC	2	1	3	0	6

## Appendix 4: 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.

The client had mental health issues, and these were properly considered with sanction and a report being obtained to see if a s51 (mental health) defence was available. It was not and the case was swiftly resolved along with other outstanding cases with a CPO being imposed. Good care taken to make sure client treated appropriately.
All files were extremely well presented and easy to follow for a reviewer or a 3rd party picking them up to establish the state of the case. Legal aid procedures, terms of business requirements, early resolution advice and good clear correspondence are all positive features.
There is no fault to be found with the file, and it is a very good work. The combination of the unusual and sensitive offences, the client's difficulties and the defence preparation I think justify this to be classed as excellent. This was not an easy file to prepare but across a number of factors the solicitor demonstrated skill and experience, and this resulted in a very good result for the client.
The file displayed good communication with the applicant and several helpful file notes detailing his circumstances and position. His mental health issues were explained within the file notes.
These files are very good. They are very easy to follow. The clients are advised regarding discount and sent clear letters, and the solicitor seems on top of all the files and always prepared for court dates. He clearly has a good rapport with clients and works hard for them, getting good results. The files would suggest a good diary system.
All files were in good order and very easy to follow. Copy legal aid applications and accounts were all on file together with financial vouching. File entries were almost all typewritten and, where handwritten, were normally followed up with a typewritten version. A solicitor requiring to pick up any of these files at short notice would have greatly appreciated them. There were generally excellent results obtained. The solicitor regularly went the extra mile for her clients. Client liaison was very good, and an excellent relationship with the Crown was also apparent. Disclosure was always timeously requested and the solicitor showed good levels of preparation in all files.

## Appendix 5: 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.

A few changes to standard letters could elevate the recorded content into very good consistently. This would include a request to provide defence witness details or labels/productions, if necessary and also that s196 discussed. I would also recommend recording PIDMs if undertaken as there were none on any of the files.

In relation to one file, it is an automatic fail because the client has signed a blank legal aid application. This seems an isolated issue from the rest of the files under review.

I would have to say my concern was that the file notes are very brief at times and could certainly do with more detail. I would score this review a marginal pass and this is because of the lack of detail in file notes. There is enough in each file to mark but sometimes only just and perhaps slightly too much requires to be inferred. In addition, the clients must be made aware of their duties to SLAB if their income or capital increases by the requisite amount during the lifetime of the case.

This firm makes extensive use of agents to cover court appearances. The detail of instructions given to agents overall could have been better but in particular there was a lack of detail evident in the reporting back from those instructed agents. On occasion there was no report back at all evident on the file. On the file which failed there were missing entries both for court attendances and meetings. There was a pattern of the agent who appears to be usually instructed to cover first appearances, not providing a sufficiently full and detailed report, and on occasion not specifying in detail any special Bail conditions imposed. Legal aid applications were on occasion not made until weeks, and on one occasion months, after the initial appearance with no apparent explanation for the delays in completing: same with the client. The issue of agency cover needs to be addressed and supervised in much more depth by the firm. The terms and conditions of business letter that the firm uses is also deficient in that it fails to specify the address, both postal and email, and the telephone number of the SLCC.