

# Schedule 3

## Quality Monitoring

### Background

Victoria Legal Aid (VLA) undertakes quality monitoring through quality audits, compliance checks and investigating complaints received. This schedule outlines Providers' and Panel Certifiers' obligations relating to VLA's quality monitoring process.

### Definitions

**Panel Certifier** means a member of Provider Personnel who is approved in writing by VLA to certify grants of legal assistance.

**Practice Standards** means the Practice Standards as set out in Schedule 2 of the Panel Deed and as amended by VLA from time to time and published on VLA's website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>.

**Compliance Terms and Conditions** means the Compliance Terms and Conditions as set out in Schedule 4 of the Panel Deed and as amended by VLA from time to time and published on VLA's website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>.

**Provider** means a private law practice or Independent Children's Lawyer who is a member of the Panel

**Provider Personnel** means:

- (a) where the Provider is a Private Law Practice, the Australian legal practitioners who are partners, directors or employed Australian legal practitioners of the Private Law Practice; and
- (b) where the Provider is an Australian legal practitioner who is an Independent Children's Lawyer, that Australian legal practitioner.

### 1. Overview

- 1.1 The quality monitoring function consists of quality audits, compliance checks and complaints investigations.

- 1.2 Quality audits review a sample of legally aided files to check whether the practice standards set out in Schedule 2 of the Panel Deed have been met and identify any areas for improvement.
- 1.3 Compliance checks review a sample of simplified grants files to ensure that the Panel Certifier's recommendations meet VLA's compliance terms and conditions as set out in Schedule 4 of this Panel Deed.
- 1.4 Individuals can submit complaints to VLA about the quality of legal aid service provided by a Provider or Panel Certifier. Internal Legal Services investigates complaints made by legally assisted persons.

## **2. General terms and conditions**

- 2.1 A Provider must cooperate with VLA during a quality monitoring process and outcome.
- 2.2 The Provider must, upon reasonable notice by VLA, produce to VLA or otherwise make available its legally assisted files for inspection by VLA to facilitate a quality audit, compliance check or complaint investigation.
- 2.3 The Provider must, respond to any queries or requests for information from VLA within a timely manner but no later than the deadline set by VLA in the request.
- 2.4 If VLA determines to investigate a complaint the Provider or Panel Certifier will be informed of the complaint and the nature of the complaint unless there is a good reason not to do so.
- 2.5 VLA will ensure that all information and files provided to VLA by a Provider for the purpose of an audit, compliance check or complaint investigation will be stored in a secure location.

## **3. Quality monitoring outcomes**

- 3.1 VLA will conclude quality audits, compliance checks and investigation of complaints with one or more quality monitoring outcomes which will be communicated to the Provider or Panel Certifier.
- 3.2 Education is the primary method of improving quality and compliance. VLA will endeavour to provide education and support to assist Providers and Panel Practitioners to improve the quality of the legal services they provide.
- 3.3 Where quality and compliance does not sufficiently improve as a result of outcomes and education, more formal follow-up is appropriate. This follow-up aims to assist Providers to achieve high quality service and strong compliance.
- 3.4 Potential quality monitoring outcomes are flexible enough to allow VLA to respond appropriately to the specific issues in each case. Outcomes include, but are not limited to:

- Providing feedback on how well files met funding requirements or practice standards and areas for improvement
- Notify the Provider or Panel Certifier and complainant on the outcome of a complaint investigation
- Require remedial actions on the matter, such as sending the client a final outcome report or providing VLA with proof of means.
- Agreeing on a quality or compliance improvement plan
- Carry out further or additional monitoring
- Issue a notice of compliance breach or breach of practice standards
- Issue a formal caution
- Recovery of all or part of fees claimed in respect of a grant of assistance
- Impose conditions on a Panel Certifiers' status
- Transfer the Panel Certifier's legally aided matters to another practitioner
- Suspension or removal from the panel

3.5 Where a performance outcome is suspension or removal from the panel or certifier status, the process to be followed will be in accordance with VLA's Section 29A Panel Removal and Certifier Status Revocation policy set out in Schedule 5 of the Panel Deed and as amended from time to time and as published on VLA's website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>

## **4. Rights of response and reconsideration**

- 4.1 Providers and Panel Certifiers will have an opportunity to respond to quality, compliance or complaint outcomes prior to the conclusion of the process.
- 4.2 A quality audit, compliance check or complaint investigation will take place on the assumption that all relevant material is in the file provided to VLA and as such VLA is not obliged to revisit an audit or compliance check as a result of a Provider's failure to provide relevant information when submitting a file to VLA for review.