

Sent by email only to:

peter.purvis@qcapplications.org.uk

December 2015

Dear Mr Purvis

Queen's Counsel Application and Appointment Fees

The Panel would like to make a brief response to the above consultation. Accreditation schemes provide a standard which is over and above that set by the minimum regulatory requirements, and can help to show consumers which lawyers have specialist expertise and/or are providing a good service. The QC mark may help lay clients to identify the best advocates, and act as a choice tool.

We have previously evaluated the QC accreditation scheme in 2011 and 2014, and we responded to a previous consultation earlier this year which sought to address matters of diversity. The fact remains of course diversity amongst QCs is generally poor, and that the fee may be an area which put off potential applicants as it may prove prohibitive for some.

The proposals set out seek to tackle this issue, either by setting the fee by particular areas of law, or by linking eligibility for lower fees directly to earnings. Given that earnings are not necessarily defined by which area of law an advocate operates in, the Panel is more supportive of linking fees directly to earnings. This would better ensure that the best quality lawyers are able to afford to apply.

We would also like to highlight, as we did earlier this year, that broadening the scheme to a larger group of lawyers needs to be seen in the context of broader improvements, which include:

- Structured re-accreditation
- Diverse and ongoing competence checks
- Structured sanctions and disciplinary process
- Targeted, understandable and easily available scheme information for consumers
- Clear and accessible consumer complaints and feedback processes
- Incorporates consumer needs and views

Recognising that to a degree ongoing competence checks will be provided for by QASA once it is in operation, we would expect that any adverse results which are highlighted through this scheme are able to be acted upon by the QC Appointments Scheme, such as by removing the title if an advocate fails to be deemed competent. As it stands however, there is no sanction or disciplinary process that specifically relates to holding the title of QC. Similarly, there is no structured re-accreditation, and the Selection Panel has stated that it would be happy to consider introducing such arrangements if there was evidence of

consumer detriment. Should QASA provide such evidence, we would expect this position to be acted upon.

In conclusion, we support the move to enable eligibility for lower fees, however this alone will not achieve higher levels of diversity, and the scheme remains in need of broader improvements.

I hope this brief response is helpful. If you have any queries, please contact Stephanie Chapman, Consumer Panel Associate.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elisabeth Davies', with a horizontal line extending to the right.

Elisabeth Davies
Chair