

Peter Purvis  
Queen's Counsel Appointments  
3<sup>rd</sup> Floor, Totara Park House  
34-36 Gray's Inn Road  
London  
WC1X 8HR



LEGAL  
SERVICES  
**CONSUMER  
PANEL**

16 March 2015

Dear Mr Purvis,

### **Eligibility for appointment as QC**

The Panel would like to make a brief response to the above consultation. We consider that eligibility to be appointed as QC should be extended to lawyers other than barristers and solicitors who hold rights of audience in the higher courts. Accreditation schemes can help lawyers to demonstrate particular quality standards or specialist expertise, and as they are optional they should provide a standard over and above that set by the minimum regulatory requirements. The QC mark is a designation which may help lay clients to identify the best advocates in a particular area.

We note that diversity amongst QCs is generally poor, although this is improving, and we note the efforts of QC Appointments to monitor diversity throughout the selection process. Amongst other benefits, broadening eligibility should create a larger pool of talent to draw upon.

Having said that, we are disappointed by the currently very low numbers of solicitor advocates who become QCs. The selection panel has remarked on this and are themselves concerned about the low numbers of applications from solicitor advocates. However, there is likely to be more that could be done to find out the reasons for these low numbers and to drive improvements. One area which may put off applicants is the fee, which at £2,160 to apply and a further £3,600 if appointed, could prove prohibitive for some. We note the selection panel would like to hear from potential applicants who have decided not to apply due to the fee, but again it seems that more action could be taken to address this. Broadening eligibility to include other lawyers will only be worthwhile if the best quality lawyers are successfully encouraged to apply. It is vital that lawyers reflect the population they serve in order to underpin confidence in the profession.

Our remarks also need to be seen in the context of broader concerns about the scheme. As you know, we assessed the QC scheme in 2011

and again in 2014 as part of our work on the utility of various accreditation schemes for consumers. In 2011 the QC scheme scored poorly in the following areas:

- Structured re-accreditation
- Diverse and on-going 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.

In 2014 the very same areas scored poorly as no changes had been made to the scheme design. It is imperative, in our view, that changes are made to ensure some form of re-accreditation and ongoing competence checks. Skills can deteriorate over time and consumers legitimately expect a quality scheme to carry out regular checks to ensure members demonstrate a high level of competence throughout their membership of the scheme and not only when they join. The fact that silks undertake highly complex work only strengthens this argument.

We do not accept the assertion in the consultation that the QC scheme is more than a mere accreditation scheme, and that “it plays a significant part in the administration of justice as judges are able to place particular reliance on advocates who are QCs”. The lack of ongoing checking to ensure skills are kept up to date is a key weakness in the scheme design. Furthermore there is no sanctions and disciplinary process, and the title can only be removed by the Queen on the advice of the Lord Chancellor, under extreme circumstances. Without being sure that QCs continue to provide a better quality service than other advocates, judges cannot, and indeed should not, be expected to rely upon them more than on any other advocate. This is only exacerbated by the fact that it is almost impossible to remove the title once granted.

In summary, we support extending eligibility to be appointed QC to a larger group of lawyers, but this needs to be seen in the context of broader improvements which need to be made to the scheme design before consumers can be expected to have confidence in it.

I hope this brief response is helpful. Please contact Harriet Gamper, Consumer Panel Associate, with any enquiries.

Yours sincerely



Elisabeth Davies  
Chair