

# Police Station Representatives Accreditation Scheme



## Assessment Details

There are three assessment components:

1. The Portfolio
2. The Written Examination
3. The Critical Incidents Test (CIT)

## The Portfolio

The purposes of the portfolio are:

- To encourage you to consider and reflect upon your performance in the police station and identify your own area of training need;
- To encourage your supervising solicitor to review your competence and address any deficiencies;
- To enable us to assess your competence to give advice in police stations.

To complete the portfolio you will have to provide a description of nine cases in which you have been involved with both the giving of advice **and** attendance at an interview between the police and the client, at a police station. In the first two cases you will have observed a solicitor giving advice in a police station; in the next two cases you will have been observed giving advice at a police station by your supervising solicitor; in the remaining five of the cases you will have given advice unaccompanied.

## Portfolio Structure

The portfolio is submitted in two parts: Part A and Part B. Part A comprises stage one (observing) and stage two (observed) cases. The following chronology must be followed in all **first submission** portfolios:

### Part A

- Stage 1      You observing your supervising solicitor giving advice at a police station and discussing it afterwards. Indictable only and/or Duty Solicitor cases may be included in this stage.
- Stage 2      You giving advice at a police station, observed and directly supervised by your supervising solicitor and receiving feedback and a written report on your performance afterwards. Indictable only and/or Duty Solicitor cases **must not** be included in this stage.

### Part B

- Stage 3      You giving advice unaccompanied and discussing each case and receiving feedback afterwards from your supervising solicitor. Indictable only and/or Duty Solicitor cases **must not** be included in Part B of the portfolio.

In respect of all cases, face to face feedback between you and your supervising solicitor **must** take place at a distance in time from the case which will enable proper reflection – this should not normally be longer than a week from the attendance. Each case should conclude with details of the feedback session, the date of the feedback and be **signed by the supervising solicitor**.

The supervising solicitor is required, in respect of cases 3 and 4 only, to submit a report on your handling of the case, detailing the solicitor's appraisal of your performance when giving advice at the police station and matters addressed in the feedback session. These reports must be **written and signed by your supervisor** and are to accompany the submission of Part A of the portfolio.

In the interests of continuity it is required that you have the same supervising solicitor for all nine cases of the portfolio. In situations where a change in your designated supervisor is unavoidable, a letter of explanation regarding the reasons for this change must be submitted to us for consideration.

All Part A cases must be three months old or less at the date of submission. No case in the portfolio should be more than twelve months old at the date on which Part B is submitted. Only upon submission of Part B is your whole portfolio assessed. The issuing of the Part A certificate confirms you have complied technically with the requirements for this stage: The content of Part A has not been assessed at this point. Following receipt of Part B, we will assess your portfolio as *competent* or *not competent*. This assessment will be performed by our Test Board, and your assessor will be a solicitor with several years experience of giving advice at police stations.

### **Producing your Portfolio**

For each of the nine cases, you must give a succinct and systematic report relating to its police station element comprising:

(i) Case description

Describe what the case was about, what had to be done and how that was carried out. This should be a summary of the whole case – not merely an introduction.

(ii) Details of the case

Think about it afterwards: explain the problems which arose and how they were dealt with either by the supervising solicitor in stage 1 or by you in stages 2 and 3. The cases will be considered in a variety of ways - we will need to know how you obtained information from various sources, how well you were able to assess that information and advise your client and how effectively you dealt with the police and third parties. In addition, we will consider any ethical problems encountered and how these were handled. Finally, you may wish to explain, if appropriate, what you learnt from this case, what you found you still needed to learn and what you did to fill that knowledge/skills gap. We will look to see whether you have thought about the issues which arose during each case. You will not be unduly penalised earlier in the portfolio if you identify aspects of a case which, on reflection, could have been handled better. You are, however, advised against including any case where on reflection you have disadvantaged your client or failed significantly to protect their interests. The portfolio **must** cover the areas described but you may need more space for some parts on one occasion and more for others on another.

A copy of the Law Society's *portfolio completion guidance*, which includes the standardised PSRAS case report form for candidates, is available to download from [www.lawsociety.org.uk/professional/accreditationpanels.law#psar](http://www.lawsociety.org.uk/professional/accreditationpanels.law#psar). If you are unable to access the Law Society website, please contact us and we will provide you with a hard copy.

### **Registration with the LSC**

The LSC will not pay an individual for police station attendances unless that individual has applied to the LSC for inclusion on the register. In order to register with the LSC as a probationary representative an individual must have:

- (i) Submitted their Part A portfolio to the University and have received confirmation that it complies technically with the regulations;
- (ii) Passed (or be exempt from) the written examination.

Exemptions from the legal examination are available only to:

- Individuals who have successfully completed the Legal Practice Course;
- Individuals who have successfully completed the Bar Vocational Course;
- Fellows or Members of the Institute of Legal Executives who have passed the ILEX Level 4 Professional Higher Diploma in Law (which must include the criminal law and criminal litigation papers).

Where candidates are **not** exempt from the written examination, we would advise they pass the written examination before submitting their Part A, in order to reduce the likelihood of their cases being deemed out of date upon submission of Part B.

The University will provide candidates with written certification of their successful completion of each component and will issue the appropriate form to enable candidates to register with the LSC. Candidates claiming exemption from the legal examination will be required to provide appropriate proof of exemption. Upon receipt of the form, the LSC will provide each candidate with a PIN number.

**To avoid suspension from the register candidates must ensure that:**

- (i) **Either the full portfolio (parts A & B) or the CIT is passed within six months of the date of registration with the LSC; and**
- (ii) **The remaining element of the Accreditation process is successfully completed within twelve months of the date of registration with the LSC.**

Please note the relevant time limits applicable for completion of the accreditation process and be aware of these when planning your assessments in accordance with our timetable in order to minimise the likelihood of suspension from the register. The University will not release results in advance of the scheduled result date.

### **The Written Examination**

The examination will be a two hour written paper for which you will be provided with a clean copy of PACE and the Codes of Practice under PACE. You will also be allowed to bring in two texts of your own choice (one of which may be substituted by your own study notes). You will be allowed 15 minutes additional reading time before starting to write your answers.

## **The areas of knowledge to be examined are:**

### The role of defending the client

You should be able to demonstrate a practical understanding of:

- ethical rules and principles relevant to advising and assisting a client at the police station
- your authority to act for a person detained in the police station
- your role and aims when acting for such a client with regard to the probing of the immigration officer's assessment of a client's immigration status, representations to be made to the immigration officer and the purpose of the advice to be given to the client
- your role and aims when acting for such a client with regard to the probing of the prosecution case, representations to be made to the police and the purpose of the advice to be given to the client
- the effect that detention can have on a client's behaviour in the police station and appropriate responses to typical behaviour
- how to identify a client's vulnerability
- how to identify inappropriate behaviour by the police and when and how to respond to it
- the need for accurate records to be made of the information obtained from the police, the instructions obtained from the client, actions taken and advice given to the client
- the need to give consideration to any conflict of interests and the appropriate course of action where a conflict, or significant risk of a conflict of interests is identified

### An understanding of criminal law and procedure

You should be able to demonstrate a practical understanding of the:

- basic sequence of events in criminal cases from the client's arrest/arrival at the police station, to conviction and sentence and the critical factors at each stage
- powers of arrest
- different ways by which crimes may be tried
- meaning of the terms: burden of proof, actus reus, mens rea, intentionally, recklessly, maliciously, dishonestly, knowing or believing, possession
- defence of self-defence
- modes of participation in crime of sole and joint principal and accomplice law and procedure relating to young suspects and defendants
- implications of the Human Rights Act 1998 for advice and assistance at the police station

### An understanding of relevant immigration law and procedure

You should be able to demonstrate a practical understanding of:

- the basis upon which a person can be detained under the Immigration Act or other similar legislation
- the meaning of the terms: overstayer; illegal entrant; asylum seeker; deportee; refugee; exceptional leave to remain
- the main Immigration Act offences

- the basic sequence of events in immigration cases from the client's arrest/arrival at the police station, to interview, the decision of the immigration officer and detention/release, and the critical factors at each stage

### An understanding of the common crimes

You should be able to demonstrate that you are able to determine the components or elements of any crime, and defences that may relate to such a crime. In particular, you should be able to demonstrate an awareness of the components of the following common crimes, together with their specific defences, sufficient to enable advice to be given to a client about the strengths and weaknesses of the prosecution case including the elements which the prosecution have to prove:

- assault occasioning actual bodily harm
- possessing a controlled drug with intent to supply
- handling stolen goods
- possessing an offensive weapon
- taking a motor vehicle
- theft
- affray
- criminal damage
- robbery
- burglary

### An understanding of the rules of evidence

You should be able to demonstrate a practical understanding of:

- the legal and evidential burdens of proof as they relate to prosecution and defence
- how facts are proved including the rule against hearsay and its exceptions the evidential consequences of a suspect:
  - (i) remaining silent
  - (ii) remaining selectively silent
  - (iii) denying guilt at interviews
  - (iv) lying
  - (v) making a "mixed" statement
  - (vi) making a confession
- legal professional privilege
- the evidential value of admissions made by a co-accused
- the exclusion of an unreliable confession or evidence obtained unfairly (PACE s.76 and s.78)

### A practical understanding of PACE and the codes of practice under PACE

You should be able to demonstrate a practical understanding of PACE and the Codes of Practice and of their interpretation in the light of case decisions, and an understanding of the evidential consequences of a breach, as they relate to:

- the search of the client's premises
- arrest, voluntary attendance at the police station and search upon arrest
- the duties of the custody office before and after the charge
- responsibilities in relation to detained persons
- detention, time limits of detention and reviews

- searches of detained persons
- the right to have someone informed when arrested
- fingerprinting
- the taking of intimate and other samples
- the right to legal advice
- charging
- bail
- the special treatment of juveniles and other vulnerable persons
- the keeping of and entitlement to see the custody record
- documentary evidence
- cautions
- the conduct and tape recording of interviews
- identification procedures

### **The Critical Incidents Test (CIT)**

The purpose of this component is to assess your effectiveness in police stations by attempting to simulate police station situations on audio cassette. You will be played scenarios of typical police station situations and will be required to respond - on tape - to them.

The appropriateness of your responses and your oral communication and assertiveness skills will be assessed.

Each test will be of no more than 45 minutes duration. You may indicate the date on which you wish to undertake CIT assessment. Please note that candidates will be advised of their individual appointment time not less than 14 days before the date booked. All CIT assessments take place in Cardiff. When scheduling appointment times we do take into account an individual's journey time in so far as we are able.

### **Reassessment**

In the event of failure in any component you may be reassessed at the next or any subsequent opportunity. If you fail we will not only offer you the opportunity to be reassessed but will also try to assist you to rectify your mistakes or shortcomings.

In the case of the **Portfolio** you will be given specific, initially written, advice - based on comments made by the assessors - on areas of weakness and the ways in which the portfolio failed to reach the required standard.

In the case of the **Exam** we will provide as part of the exam reassessment fee, for those who choose to retake at the next opportunity, a 2 hour joint session to review each representative's own paper and examination technique.

In the case of the **CIT** you will be given specific written advice for improving your police station technique based upon comments made upon your C.I.T. performance by an experienced duty solicitor.

The following fees will apply to each reassessment:

- Portfolio £150.00
- Examination £130.00
- Critical Incidents Test £130.00