



The Law Society

# **Criminal Litigation Accreditation**

Application form guidance notes and policies



## Application form guidance notes - Criminal Litigation Accreditation

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## Overall guidance

1. These guidance notes are to assist you in applying for membership of the Criminal Litigation Accreditation (CLAS). The application form includes basic instructions to help you complete the form correctly. Additional **guidance notes** are provided here.
2. CLAS is designed to enable you to qualify to apply for inclusion on duty rotas under the Legal Services Commission (LSC) Criminal Defence Service Duty Solicitor Arrangements 2001.
3. **Emboldened words** (apart from document headings and advisory notes) are defined in the **glossary of terms** which follows.
4. The application form is designed to be completed electronically in Microsoft Word (1997 and later). Please answer all relevant questions and use the 'tab' key to progress through the form. Questions require a combination of typed answers, choosing an option from a drop-down menu or check box confirmation. You are also required to provide separate supporting documentation, which must be submitted along with your completed application form.
5. References to statutes and regulations include any subsequent statute, legislation or regulation directly or indirectly amending, consolidating, extending, replacing or re-enacting that statute or regulation and to all orders, directions and notices made or served under them.

If any developments after submission of this form would affect the answers given (whether in relation to complaints, claims, regulatory matters, changes to relevant persons or otherwise), you must notify the Law Society as soon as possible and, in any event, within 14 days of the change or the decision to make the change, whichever is the earlier.

## Expected level of experience

There are three stages to attaining membership:

- Pass the Police Station Qualification ("PSQ")
- Pass the Magistrates Court Qualification ("MCQ")
- Meet fitness and propriety standards

If you intend to join a duty panel, you must pass both the PSQ and the MCQ assessments before you can qualify for the CLAS. Your application for accreditation must be submitted within three years of passing both qualifications.

You may attempt the PSQ and the MCQ in any order, or simultaneously.

### Questions?

We cannot process your application if any relevant information or documentation is missing from your application form. If you are unable to resolve your query using information provided in the scheme guidance notes below, please contact us:

**Tel:** 0207 316 5550 **Email:** [accreditation@lawsociety.org.uk](mailto:accreditation@lawsociety.org.uk)

## Glossary of terms

Term	Definition
<b>Accreditation office</b>	The Law Society office that will deal with applications to <b>the scheme</b> .
<b>Continuing professional development (CPD)</b>	Once accredited, all members of the Scheme will be required to ensure that they complete at least 6 CPD hours of criminal law related courses per year.
<b>Glossary of terms</b>	The glossary contained within these guidance notes.
<b>Limited Liability Partnership (LLP)</b>	A recognised body within the <b>SRA</b> Practice Framework Rules 2011.
<b>Practice</b>	Any law firm regulated by the <b>SRA</b> , including <b>Sole Practitioners</b> , partnerships, companies and <b>LLPs</b> .
<b>Scheme design</b>	The document setting out the framework of <b>the Scheme</b> including its objectives, benefits and the eligibility criteria.
<b>Sole practitioners</b>	A recognised sole practitioner pursuant to the <b>SRA</b> Practising Regulations 2011 until 31/3/2012 and thereafter the Authorisation Rules 2011.
<b>SRA</b>	Solicitors Regulation Authority.
<b>The scheme</b>	The Law Society's Criminal Litigation Accreditation Scheme, a quality standard designed to enable you to qualify to apply for inclusion on duty rotas under the Legal Services Commission (LSC) Criminal Defence Service Duty Solicitor Arrangements 2001.

## Application form guidance notes

### Section 1 - General information

All Applicants should complete sections A, B and C. Please note that some questions (where indicated) are only relevant for solicitors and other (non-solicitor) applicants.

#### A - Your details

Question	Guidance
2	Please provide the daytime telephone number for the practice or organisation at which you work. This will be the telephone number we will use in the event that we need to contact you to discuss your application.
3	Please provide your professional email address for the practice or organisation at which you work. This will be the email address we will use in the event that we need to contact you to discuss your application.
4	To be completed by <u>solicitor applicants</u> only. The SRA ID is your reference number which appears on the Law Society's public register.
5	To be completed by <u>solicitor applicants</u> only. Please indicate whether you currently hold a practising certificate.
6	To be completed by <u>solicitor applicants</u> only. Please indicate whether you have held an unconditional practising certificate at all times. If your answer is 'no', please provide further details.
7	To be completed by <u>other (non-solicitor) applicants</u> only. Please indicate your job title from the list of available options. If your title is not in the list, please select 'Other' and specify the title separately.
8	To be completed by <u>other (non-solicitor) applicants</u> only. Where professional qualifications are held, please confirm the full name of the qualification held, along with the professional body it was awarded by, your membership number and the date the qualification was attained.

#### B - Organisation information

Question	Guidance
9	To be completed by applicants who are <u>employed in an SRA regulated organisation</u> . Please provide the full registered name of your organisation, including a trading name if appropriate.
10	To be completed by applicants who are <u>employed in an SRA regulated organisation</u> . The <b>SRA ID</b> is the <b>practice's</b> reference number which identifies the <b>practice</b> and appears on the Law Society's public register. Each branch office of the <b>practice</b> will have its own individual <b>SRA ID</b> . The <b>SRA ID</b> being asked for here is the <b>SRA ID</b> for the main office.
11	To be completed by applicants who are <u>employed in a non SRA regulated organisation</u> . Please provide the full registered name of your organisation, including a trading name if appropriate.
12	To be completed by applicants who are <u>employed in a non SRA regulated organisation</u> . Please provide the full postal address for your organisation. This will be the address that we use to send you any post communications in connection with your application.

## C - Suitability for accreditation

Applications for membership of **the scheme** may be accepted from solicitors, barristers and fellows and members of the Chartered Institute of Legal Executives, subject to approval by the Law Society.

Applicants will be expected to meet a set of minimum requirements before their application can proceed for assessment. We will reject applications on initial assessment, if Applicants are unable to demonstrate that they meet the minimum requirements.

We also carry out checks to ascertain whether an Applicant is a fit and proper person to be accredited by **the scheme**. Further details can be found below and in the [General Application Criteria and Guidance](#) on the website.

Question	Guidance
13 - 16	Please ensure that you provide full details of any issues that may affect your application and the reputation of the Criminal Litigation Accreditation. This information will be cross checked against information we hold.

## Section 2 - Initial assessment

### D - Scheme Specific requirements

Question	Guidance
17-19	<p>All applicants must have completed either the PSQ or the Police Station Representative Accreditation Scheme and the MCQ prior to applying for membership of <b>the scheme</b>. The list of approved assessment organisations can be found on our website at: <a href="http://www.lawsociety.org.uk/support-services/accreditation/criminal-litigation/">www.lawsociety.org.uk/support-services/accreditation/criminal-litigation/</a>.</p> <p>Applicants can take the qualifications in any order or simultaneously.</p> <p>Assessments must be completed and an application submitted to the Law Society within three years.</p> <p>Copies of the course certificate must be enclosed with the application.</p>

## Declaration

The applicant and a partner or senior partner must each complete a declaration to confirm that:

- the information provided by the applicant is accurate and true
- the applicant meets **the scheme** criteria
- the applicant understands how the information provided by them will be used by the Law Society.

## Policies

### Approved assessment organisations

A list of approved assessment organisations and their role can be found on our website:

[www.lawsociety.org.uk/support-services/accreditation/criminal-litigation/](http://www.lawsociety.org.uk/support-services/accreditation/criminal-litigation/).

### The Police Station Qualification

When you pass the PSQ, you can apply for inclusion on the CDS Police Station Representative Register and can then act in the same capacity as a police station representative (see the [LSC Police Station Register Arrangements 2001](#) as amended for further details) and have duty rota cases referred to you, provided that the duty advocate has given the initial advice.

If you have previously completed the Police Station Representative Accreditation Scheme in accordance with the LSC Police Station Register Arrangements 2001 as amended, or previous arrangements, and comply with the all other requirements, you can apply for exemption from completing the PSQ assessments.

### PSQ Assessments

There are two assessments:

- the portfolio
- the critical incidents test

You may attempt the police station assessments at any time following admission to the roll.

Both PSQ assessments must be passed within 12 months of the date of submission of the portfolio or the date the critical incidents test was first attempted, whichever is earlier.

If you do not pass both assessments within the 12 months, you will have to restart the process and submit a fresh portfolio.

You may change assessment organisation at any time during the assessment process. However, the start date for the 12 month completion period will be the date on which the portfolio was first submitted to any assessment organisation or the critical incidents test was first attempted.

You will be assessed against the expected standards of competence for advocates advising clients in the police station.

### A - The Portfolio

The purpose of the portfolio is to encourage you to constructively reflect upon your police station practice and to enable an assessment organisation to assess your competence to advise clients in a police station by reference to the competence standards.

When you have registered with an assessment organisation of your choice, you will be provided with details of the requirements for completion of the portfolio.

Cases in the portfolio must not be more than 12 months old on the date of submission of the portfolio.

### B - The Critical Incidents Test

The purpose of the critical incidents test is to enable an assessment organisation to assess your practical skills, abilities and effectiveness as an advocate acting for a client in a police station by reference to the competence standards.

The test is a role-play test conducted using an audio-cassette and consists of a number of issues or problems posed to you, either verbally or in terms of their actions, by a police officer, client or third party. The audio-cassette will indicate when a response is expected from you. You will have 30 seconds in which to commence a response. There is no limit on the length of your response, but if you do not start the response within 30 seconds, you will lose the opportunity to do so for that particular issue.

The test is conducted under examination conditions, but you may take any relevant materials into the assessment. You should remember that the time available to refer to materials and texts is limited.

The assessment organisation you are registered with will provide details of the requirements for completion of the critical incidents test and will brief you on these requirements prior to the test commencing.

## **The Magistrates Court Qualification**

To start the assessment process, it is recommended that the majority of applicants will need to have 12 months experience of criminal defence practice before attempting the MCQ assessments.

### **MCQ assessments**

There are two assessments:

- the portfolio
- the interview and advocacy assessment

The assessments may be attempted in any order.

You will be assessed against the standards of competence for the accreditation of court duty advocate.

### **A - The portfolio**

The purpose of the portfolio is to enable you to demonstrate the level and range of your experience of conducting cases in magistrates' courts and, in the case of the detailed summaries, to encourage you to constructively reflect on your magistrate's court practice, and to enable an assessment organisation to assess your competence by reference to the competence standards.

The portfolio comprises

- Part 1 – short notes on 20 cases
- Part 2 – detailed summaries of five cases not including any of the 20 short note cases

Cases used in the portfolio must not be more than 12 months old on the date of submission of the portfolio.

The portfolio must be passed within 12 months of the date it is first received by any assessment organisation. Failure to pass within 12 months will result in the applicant being required to restart the process with the submission of a fresh portfolio.

When you have registered with an assessment organisation of your choice, you will be provided with details of the requirements for completion of the portfolio.

### **B - The interview and advocacy assessment**

The purpose of the interview and advocacy assessment is to enable assessment of your competence and effectiveness as an advocate acting for a client in magistrates' court proceedings by reference to the competence standards.

The assessment consists of two parts:

- a simulated client interview, and
- a simulated appearance in a magistrates' court



In the latter of which you will make representations and/or submissions in respect of three cases, one of which will be a bail application.

Both parts of the assessment will be held on the same occasion, and a applicant will have to achieve at least 50 per cent in each part in order to pass.

The test is conducted under examination conditions, but you may take any relevant materials into the assessment. You should remember that the time available to refer to materials and texts is limited.

The assessment organisation you are registered with will provide you with details of the requirements for completion of the interview and advocacy assessment and will brief you on these requirements prior to the test commencing.

## **Expected standards of competence**

### **At the police station (PSQ only):**

- The definition of crimes commonly dealt with in the police station, and of the means of discovering the definition of a crime where this is not known to the advocate
- The defences commonly available to defendants appearing in the police station, and of the means of discovering the requirements of a defence where these are not known to the advocate
- Vulnerable persons
- Immigration detainees
- Terrorism provisions
- Police and Criminal Evidence Act 1984 (as amended) and Codes of Practice issues under that Act, including (but not limited to): arrest, search, detention, samples, legal advice, charge and bail
- Disclosure
- Evidence: Burden and standard of proof, presumptions, documentary evidence, physical objects, judicial notice, hearsay, opinion, character, unfairly or illegally obtained evidence, adverse inferences, privilege, corroboration, challenging admissibility
- Disposal

### **At court (MCQ only):**

- The definition of crimes commonly dealt with in the magistrates' court, and of the means of discovering the definition of a crime where this is not known to the advocate
- The defences commonly available to defendants appearing in the magistrates' court, and of the means of discovering the requirements of a defence where these are not known to the advocate
- Jurisdiction of the court
- Parents and guardians
- The different classification of offences
- The different modes of participating in a crime
- The different methods of commencing criminal proceedings, and the legal requirements of those methods
- Abuse of process
- Bail and custody time limits
- Disclosure
- Reporting restrictions
- Plea before venue, committal, sending and transfer of cases
- Special measures and common law powers to regulate procedure to deal with vulnerable persons
- Evidence: Burden and standard of proof, presumptions, documentary evidence, physical objects, judicial notice, hearsay, opinion, character, unfairly or illegally obtained evidence, adverse inferences, privilege, corroboration, challenging admissibility
- Sentencing, including default in relation to
- Appeal and review of magistrates' court findings.

### **Additional knowledge (MCQ and PSQ)**

- The role of others within the criminal justice system

- Police disclosure tactics
- Public funding

### **Procedure (MCQ and PSQ)**

- Advising in relation to public funding and the role of a duty advocate
- Advising on the strength of the case against the client
- Advising on interview strategy at the police station
- Appropriately intervening and/or making representations
- Advising on plea and venue at court
- Advising on court procedure, including route to disposal and interlocutory applications
- Advising in relation to sentence and appeal

### **Ethical issues (MCQ and PSQ)**

- Ethical and contractual rules
- Criminal Procedure Rules 2010 (and any successor rules)
- Law Society Practice Notes

### **Professional and specialist skills (MCQ and PSQ)**

- Negotiation
- Advising clients and recognising vulnerability
- Advocacy
- Appraisal of issues

## What happens to the completed application form?

When an application form is received, we will send an acknowledgment email. We will then check the application to confirm that you are eligible to apply for accreditation – for example, that you have completed the prerequisite qualifications. If at this stage you appear not to be eligible, we will contact you and ask for further information in support of your application. If you are eligible, we will carry out a fitness and propriety assessment and make a decision on your application.

## Membership term and re-accreditation

Membership is for an initial term of five years.

Members of the scheme will be expected to attend at least six hours per year of training courses or other approved **continuing professional development (CPD)** events to update your knowledge of criminal law, litigation and practice

The Law Society is expecting to implement a re-accreditation process in 2016.

## Appeals

Any Applicant who is dissatisfied with a decision made on an application for accreditation is entitled to appeal to the Law Society against a refusal of accreditation or a conditional recommendation for accreditation.

Appeals will be determined by **the scheme's** Chief Assessor on the basis of the application form and any written representations made by the Appellant. Please refer to our [General Application Criteria and Guidance](#) for further information on our appeals process.