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Guidance for Supervising Solicitors re: Police Station Accreditation Scheme

1. INTRODUCTION

- 1.1 This document provides a summary of the requirements of the General Criminal Contract, The Duty Solicitor Arrangements 2001, The Police Station Register Arrangements 2001 and Police Station and Court Duty Solicitor Costs Assessment Manual as they affect representatives at the police station. If any conflict arises between this summary and those documents, this summary will not take precedence.
- 1.2 Your main role of a supervising solicitor for a representative is to act as a mentor, monitoring a representative's progress and offering guidance. This is particularly important for probationary representatives as this is a training role and requires close supervision. Indeed, to encourage the close supervision of all probationary representatives, an amendment to the General Criminal Contract introduced in August 2002 specifies that, from April 2003, a probationary representative may only provide police station advice and assistance for the CDS supplier at which his / her supervising solicitor is based.
- 1.3 Your experience is valuable for a probationary representative. Please do allow sufficient time for supervision.

2. Representatives that require supervising solicitors

- 2.1 All probationary and accredited representatives must have a recognised supervising solicitor at all times. The level of supervision you provide for a probationary representative is expected to be higher than that for an accredited representative.

3. Who is eligible to be a supervising solicitor?

- 3.1 You must be employed by a holder of the General Criminal Contract and be a current police station duty solicitor or alternatively, a solicitor who is acceptable to the Commission as meeting the Crime Category Supervisor Standard.

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4. Registration and the Certificate of fitness

- 4.1 A certificate of fitness is a component of the application form that a candidate must submit to the Commission in order to be registered as a probationary police station representative.
- 4.2 This certificate asks you to declare that to the best of your knowledge the applicant is of suitable character to provide legal advice at police stations.
- 4.3 In determining this, you should consider any criminal convictions that the applicant may have. You should then read the relevant guidance produced by the Criminal Law Committee of The Law Society (a copy of which is available from the CDS Head Office) and make a professional judgement as to whether the individual is of suitable character to provide advice and assistance at police stations.
- 4.4 A candidate with a criminal record is unlikely to be suitable unless the conviction was for a minor offence and is not of recent date e.g. speeding.
- 4.5 Please note also that a serving police officer, a special constable or an individual who is employed in any other capacity that may cause a conflict of interest when undertaking criminal defence service work is not eligible to become a representative.



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5. Portfolio and Supervision

- 5.1 The portfolio forms one element of the accreditation tests and you **the supervising** solicitor play an active role in its compilation.
- 5.2 The Portfolio is split into 2 parts, Part A and Part B. Part A must be completed and submitted to an Assessment Organisation before a candidate may register with the Commission as a probationary representative.

PART A:

5.3 Stage 1

- 5.3.1 Stage 1 consists of two cases in which the candidate observes a solicitor giving advice in a police station. These cases may be conducted by any eligible solicitor and may be duty or own client cases. The cases may be summary, either way or indictable only.

5.3.2 Stage 2:

- 5.3.2.1 Stage 2 consists of 2 cases in which you observe the representative giving advice at a police station. The observing solicitor must be the representative's supervising solicitor and the representative may not offer advice in duty cases, nor in indictable only cases. **If the supervising solicitor has to intervene at the police station then that case will not be valid for inclusion in stage 2**
- 5.3.2.2 There is no provision for a supplier to claim remuneration for both the representative and the solicitor in these cases. Remuneration should be claimed in the normal way, as if only the solicitor were present.

PART B:

- 5.4 Part B is undertaken after the candidate has been registered with the Commission as a probationary representative and will consist of 5 further cases in which the candidate must advise suspects at police stations unaccompanied. A probationary representative is only eligible to provide police station advice and assistance in own client cases. A probationary representative may not advise in indictable-only cases.

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- 5.5 For all 9 cases of the portfolio you will be required to undertake individual, face to face feedback sessions with the candidate. For the latter 7 cases, the purpose of this feedback is to review the quality of advice provided by the candidate and to advise the candidate on areas for future improvement.
- 5.6 It is recommended that the review session should take the following format:
- The representative should outline the details of the case and identify the prevalent issues and explain how they proceeded.
 - Both you and the representative should then discuss whether the case could have been dealt with more effectively and if so, how. Future actions to help the representative improve performance on future occasions should also be agreed.
 - If practicable, the review session should take place no more than 7 days after the advice was given and before the next case that is to be included in the portfolio is undertaken. The review session must take place before the portfolio case report is written up.
- 5.7 The representative must include his / her comments about the feedback review within the portfolio write up. Further, in Part A, Stage 2 cases, you will also contribute written comments on the feedback review.
- 5.8 All submitted portfolios must have their contents confirmed and signed by you.

6. Written Examination

- 6.1 The Police Station Register Arrangements 2001 were amended in April 2005 to require that all candidates who apply to be registered with the Commission on or after 30 April 2005 have passed or be exempt from the written examination.
- 6.2 Exemptions from the written examination are only available to:
- Individuals who have passed the Legal Practice Course;
 - Barristers (who have passed 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 (previously known as the Part 2 examinations) which must include the criminal law and criminal litigation papers.



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7. Monitoring progress

- 7.1 The Police Station Register Arrangements 2001 provide that a probationary representative must pass one of the accreditation tests (Portfolio or Critical Incidents) within 6 months of the date of registration as a probationary representative with the Commission, and must pass all the tests within 12 months of the date of registration. Failure to meet these requirements will result in the representative being suspended from the Register
- 7.2 It should be noted that it may take up to 35 working days after the submission / sitting of a test before the result is issued by an Assessment Organisation. Please ensure that all tests are booked with sufficient time allowed for marking in order to prevent suspension.
- 7.3 It is the responsibility of the representative and yourself to monitor the progress of the representative in passing the relevant accreditation tests within the prescribed timeframes. The Commission will send a letter to a representative following any enforced suspension, but this will not be sent until after the representative has been suspended.
- 7.4 Please note that the Commission cannot remunerate a CDS supplier for any police station advice and assistance given to their clients by a representative who is suspended.
- 7.5 In the event of a representative being suspended from the Register, the Commission may wish to contact you to enquire about any difficulties that the representative has encountered.

8. Accreditation costs contribution

- 8.1 The Commission has pledged to contribute £400 towards the cost of accreditation for accredited representatives. This is available to all representatives who have successfully completed the accreditation process on or after 1 April 2002.
- 8.2 The contribution will be paid to the contracted supplier employing the supervising solicitor at the time of accreditation.
- 8.3 A new claim form (CDS13) has been produced and is available on the web site: www.legalservices.gov.uk



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9 Questions of competence / character

- 9.1 If a complaint is received or any concerns over the competency or character of a representative arise, before considering taking action, the Commission may ask you for your comments and whether you would remain willing to sign a certificate of fitness on behalf of the representative.

10. Ongoing requirements

- 10.1 As a representative's supervising solicitor the Commission encourages you to continue to play an active role in the supervision of a representative once he / she has gained accreditation. In general terms, this means monitoring the quality of the representative's work and helping to provide the representative with the tools and support required for the representative to perform as effectively as possible in advising suspects at the police station.
- 10.2 In particular, you should be aware of the requirements that accredited representatives must meet in order to remain accredited.
- a) If designated, representatives are required to comply with the training requirements detailed in Section 5.1 of The Specialist Quality Mark: "In each 12 month period, every designated casework member of staff receives a minimum of six hours' training that directly relates to the relevant category of law".
 - b) Accredited representatives must undertake at least 25 police station attendances annually.
 - c) Undertake 6 hours Continuous Professional Development training on issues relevant to criminal law (which may include internal courses).
- 10.3 Furthermore, under the terms of the General Criminal Contract, a supplier is required to ensure that all its designated fee earners have a job description, annual appraisal, training record and that they undergo file review. The Commission suggests that you take an active role in ensuring that these requirements are met.

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11. Ceasing to supervise

- 11.1 The Police Station Register Arrangements 2001 also provide that you must inform the Commission if you cease to supervise the representative or no longer meet the definition of supervising solicitor.
- 11.2 Attached is a copy of the information sheet that has been sent to the representative you supervise.