

Professional accreditation schemes

Application criteria and guidance notes

Version 1

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Introduction

The development of professional accreditation schemes is central to the Solicitors Regulation Authority (SRA)'s quality strategy, which aims to champion the provision of good quality services across the solicitors' profession. The SRA operates a number of accreditation schemes that are open only to solicitors and their employees:

- Children Panel Accreditation Scheme
- Civil and Commercial Mediation Accreditation Scheme
- Clinical Negligence Accreditation Scheme
- Criminal Litigation Accreditation Scheme
- Family Law Accreditation Scheme
- Family Law Accreditation Scheme – Advanced membership
- Family Mediation Accreditation Scheme
- Immigration and Asylum Accreditation Scheme
- Licensing of Insolvency Practitioners
- Mental Health Review Tribunal Accreditation Scheme
- Personal Injury Accreditation Scheme
- Planning Law Accreditation Scheme
- Rights of Audience in the Higher Courts

Members of each scheme will have demonstrated, through an assessment process, that they are competent to undertake work in a particular area of law.

The administration of all schemes, and the processing of all applications, is undertaken by the Professional Competence Team within the SRA's Information Directorate, based in Redditch.

How do I know if I am eligible for membership of a scheme?

This document covers the general eligibility requirements of scheme membership, and details the way in which all applications are processed.

Each individual scheme has its own standards against which applications are assessed and also has its own eligibility requirements in respect of knowledge and experience. In view of this, each accreditation scheme has its own document covering the specific criteria against which you would be measured. You should read both documents before you decide if you are eligible for membership.

Each scheme also has its own separate application form that details the information that you would be required to submit in support of your application.

All of the documents you will need can be obtained from the SRA:

- Address:** Information Services, Solicitors Regulation Authority, Ipsley Court, Redditch B98 0TD, or DX 19114 Redditch
- Telephone:** UK: 0870 606 2555; Int: +44 (0) 1527 504450
- Email:** info.services@sra.org.uk
- Website:** www.accreditation.sra.org.uk

How do I apply for membership?

You should complete the relevant application form and prepare all of the supporting documentation that is asked for.

When completing the application form, you must consider the following:

- Please make sure that your application form is legible. Applications that are incomplete, illegible or are unsigned will be returned to the applicant for re-submission.
- Please complete your application form in typescript or black ballpoint pen.
- Please ensure that you answer **all** of the questions asked, and supply all of the additional information that is asked for.
- You must answer all questions personally.

The accreditation scheme application fee

Your application form **must** be accompanied by the appropriate fee, as detailed in the relevant scheme criteria and guidance notes. Cheques should be made payable to "The Law Society" and endorsed "Account Payee Only".

If your application is received without a cheque the Finance Department will return the application form to you with a request that the outstanding fee be paid.

The application fee covers the processing of your application and the ongoing scheme administration costs, including the associated costs of assessments and adjudications.

The SRA will not refund any fees paid, regardless of the outcome, of any application.

The completed application form and the fee should be returned to the following address:

The Finance Department	or	DX 19114
The Law Society		Redditch
Ipsley Court		
Berrington Close		
Redditch B98 0TD		

What happens to my application?

On receipt of your application for membership of an accreditation scheme the Finance Department will process the payment and pass the application form to the Professional Competence Team.

Your application will be registered and acknowledged in writing.

Your details (name and firm) will be sent to the Legal Complaints Service for cross-checking and to seek any available information on your professional record.

Your personal details, such as date of admission, current practising certificate and SRA reference number (your roll number), will be checked against the SRA's records system. If you are a Fellow of the Institute of Legal Executives (FILEX) the SRA will cross-check your details with the Institute.

Once initial processing has been completed, your application will be referred to the SRA's assessment officers to complete the decision making process.

Decision making

The power to decide all applications in respect of professional accreditation schemes has been delegated to staff by the Council of the Law Society.

The Professional Competence Team will complete an initial check of your application form to ensure that you have completed all relevant sections and that you have included any supporting information that is required. The team will also check to make sure that you meet all of the relevant eligibility criteria.

Once the initial checks have been completed, your application will be sent to an SRA appointed **assessor** who will mark your application against the relevant scheme competence criteria. The assessor will produce a report for the SRA giving a recommendation based on the mark that you have achieved.

If the assessor considers that any or some of your answers given in response to any questions are contradicted by any other answers or materials provided, they may refer your application back to you for clarification or may recommend that you attend for interview irrespective of the overall mark awarded.

If the assessor identifies answers which are fundamentally wrong in law and/or practice, or which raise ethical and conduct issues, a decision to refuse your application may be taken irrespective of the overall mark obtained.

In cases where issues in respect of character and suitability arise, your application may be referred to an appointed **adjudicator**. Adjudicators are solicitors, appointed under contract to the SRA, who consider casework arising from a range of matters, including professional accreditation. As adjudicators might not be specialists in the particular area of the law covered by the accreditation scheme, they may be assisted by one of the scheme's assessors.

The SRA will subsequently make a decision regarding your application, once the assessors have completed their consideration of the application form and supporting evidence, or once any interviews have been completed. The SRA will consider the recommendations made, and will also take into consideration any other issues as may arise from references, fitness and propriety checks.

What happens when a decision has been made?

Once the SRA has decided your application, you will receive written confirmation of the outcome. In the case of decisions other than unconditional acceptance, full reasons for the decision are given, including any relevant comments that have been made during the assessment process by the assessors or adjudicators.

The decisions that could be taken on your application are as follows:

- **Acceptance (unconditional)**

Where your application is accepted, and membership of the scheme is granted without any conditions of membership being attached, a letter will be issued to you confirming the SRA's decision. The decision will confirm the level of scheme membership appropriate to your knowledge and experience.

You will be awarded a **certificate of membership**. The certificate will confirm your selection date and when you should apply for re-accreditation.

- **Acceptance (conditional)**

You may be accepted onto the scheme, but with specific conditions attached (such as your required attendance on a designated training course). Your decision notification will confirm the level of membership appropriate, and clearly outline the expectation in respect of satisfying any conditions imposed. Your certificate of membership will also be issued to you.

- **Deferral**

It may be decided that your application is deferred for a period (not exceeding six months) to allow you achieve the required standard, without having to make a brand new application.

If your application is deferred you will be notified in writing, and you will be given a clear explanation of exactly what is required of you within the deferral time period. When you have fulfilled the requirements, you may then approach the Professional Competence Team detailing what you have done to comply with the recommendations originally made. Your application will then be looked at afresh and a further decision issued to you.

If your application is deferred, but you have been unable to fully comply with the recommendations made within six months, then your application will be closed. In these circumstances it would be necessary for you to make a wholly new application if you wished to continue to gain membership, and again pay the application administration fee.

- **Interview**

The decision may be made that you are required to attend an interview. This may be to clarify some of the points you have made within your application, or could be where your application is considered borderline for acceptance onto the scheme.

In these circumstances the SRA will write to you to arrange a suitable interview date and venue. Your interview would be before a panel of assessors who would question you about your application, your knowledge and experience, and your approach to the particular area of practice.

If you are invited for interview, you may bring with you any files or papers that you think will assist the assessors or support your application.

The SRA reserves the right to request that you attend the interview with case files. The SRA accepts no liability for damage to, or loss of, case files or their contents in transit or on Law Society property.

The SRA will not reimburse you for any expenses incurred for attending the interview. This includes for example, travelling expenses and loss of earnings while away from the office.

A determination to invite you for an interview or to defer your application for further information does not constitute a final decision and cannot therefore be the subject of a review.

- **Refusal of membership to the scheme**

If your application is refused you will be notified in writing, with the reasons given for the decision.

If your application is refused, you may request a formal review of that decision in accordance with the procedure outlined elsewhere in this document. The request for a

review must be made in writing within 28 days of the notification of refusal, and addressed to the Professional Competence Team.

If you do not take up the right of request to a review you may not reapply for membership of the scheme until 12 months have elapsed from the date of final refusal.

- **Removal from scheme membership**

The SRA reserves the right to revoke membership of an accreditation scheme if it is subsequently discovered that information given in your application form is incorrect, or where new information comes to light that casts doubt on your ability or suitability to continue as an accredited scheme member.

The requirement that an applicant must be a fit and proper person to be a member of an accreditation scheme is an ongoing one. The SRA remains under a duty during the currency of any membership which it grants to investigate any matter arising which may call into question your fitness and propriety as a scheme member.

If the SRA, with due regard to the rules of procedural fairness, determines that you have ceased to be a fit and proper person to retain accreditation scheme membership or that your fitness or propriety to act as such has been compromised, then it may revoke or suspend your membership or attach such conditions to it as may be considered appropriate.

What if I disagree with the decision?

If your application is refused or, if you are an existing member, your membership has been suspended or revoked, you may ask for the SRA's decision to be reviewed.

If you wish to apply for the decision to be reviewed, you must send written notice and the grounds of your request to the Professional Competence Team **within 28 days** of the date of your notification detailing the SRA's decision. If you fail to produce your representations within the 28-day period, the matter will be terminated without further written notification.

A fee of £252.50 inclusive of VAT is charged for processing and hearing reviews.

The review will reconsider your original application and take into account any additional representations that you wish to make in support of your case. The adjudicator, and/or assessor if present, may raise any issue relating to your application and character and suitability and ask any questions that they feel are relevant.

On receipt of notification that you wish to apply for a review of the decision the SRA will decide whether the review will be considered on paper or by oral hearing.

You will be invited to an oral hearing if it is decided that the matter will progress by this method. You will be invited to make additional representations if the review is to be by way of paper submissions.

You must gain prior approval of the SRA in writing at least 20 days before the hearing if you wish to produce expert witnesses, counsel or any other individual to support the review. Production of witnesses or counsel without notice may result in the review being postponed.

You may be accompanied by a friend or may be represented by a third party. The SRA will not be liable for expenses incurred. You may wish to consider whether representation is appropriate in view of the nature of the hearing.

All decisions will where practicable be notified to you in writing within 14 days of the review hearing.

General conditions of membership

- For all accreditation schemes it is you that is the member of the scheme, and not your firm or the organisation you work for. Recognition will therefore remain with you if you change practising address or firm.
- If you are a non-solicitor and you leave the employment of a solicitor, your scheme membership will cease. If, however, you intend to seek further employment with a solicitor a temporary suspension of membership may be granted on application to the Law Society for a period not to exceed 12 months. When appropriate employment is found you must inform the SRA and request that the membership be re-instated.
- Your membership details will normally appear under the declared main practising address that is compiled from information contained on the Law Society's records database. Scheme members must ensure that any changes are advised to The Registration Department, Solicitors Regulation Authority, Ipsley Court, Redditch B98 0TD, or us DX 19114 Redditch, you can also email to info.services@sra.org.uk
- As a scheme member, you may use the designation "SRA accredited" by your name on letterheads and other publicity materials sanctioned by Rule 7 of the Solicitors Code of Conduct July 2007.
- The schemes are non-exclusive. Solicitors, FILEX and other employees of solicitors who are not members of an accreditation scheme remain free to undertake all areas of work, subject to the SRA's rules and guidelines.
- A solicitor who is also an accreditation scheme member must maintain a current practising certificate, normally free of conditions, throughout the period of scheme membership. Failure to do so may result in your membership being revoked.
- A FILEX who is a panel member must continue as a paid-up Fellow throughout the period of membership. Failure to do so may result in membership being revoked.

Character and suitability

The full regulatory powers of the SRA will apply to all accreditation scheme members. The full regulatory powers of the Institute of Legal Executives will apply to all accreditation scheme members who are FILEX. Scheme members who are members of mediation organisations will continue to be subject to any regulatory powers of those organisations.

You must demonstrate that you are a fit and proper person to become an accreditation scheme member and must continue to be so throughout your membership. The SRA reserves the right during the currency of any scheme membership to investigate any matter which may call into question the fitness and propriety of any scheme member to act as such, and to take whatever action is considered appropriate at whatever stage of the investigation.

The SRA will examine whether your past record reveals that you have committed any offences involving fraud or other dishonesty or violence.

The SRA will also be concerned with any practice in which you may have engaged in the course of any business or employment which do not conform with the best standards of professional conduct. Evidence showing delays in dealing with cases, failure to answer correspondence and failures or delays in responding to enquiries from regulatory and

revenue authorities will raise doubts as to your competence to remain a scheme member.

The assessment of fitness is not a mechanical exercise whereby compliance with a number of specific requirements ensures the grant of an authorisation. It is rather a judgement based on the review of your whole record and individual circumstances.

If the SRA, with due regard to the rules of procedural fairness, determines that you have ceased to be a fit and proper person to continue to be a member of the scheme, or that the fitness or propriety to act as such has been compromised, then it may refuse, revoke or suspend the membership or attach conditions to it. Members affected by a decision taken under this paragraph have a right to request a review in accordance with the procedures set out elsewhere in this document.

Where a complaint or other matter which may affect your suitability to remain on the scheme is considered to be of sufficient seriousness the SRA may suspend your membership pending the completion of the investigation and any proceedings as may arise.

Training and continuing professional development (CPD)

The SRA reserves the right to impose specific training requirements on applicants to, and members of any accreditation scheme, as considered necessary to take account of changes to current legislation and/or practice and the introduction of new legislation and/or practice.

All solicitors are subject to the SRA's compulsory continuing professional development scheme.

A copy of your CPD training record must be produced with all applications.

Failure to comply with specific training requirements or acquire the requisite number of CPD hours may constitute grounds for refusal and/or non re-accreditation.

Best practice

Accreditation scheme members will be required to adhere to best practice standards as may be published or adopted by the SRA from time to time.

If a complaint is made against you to the Legal Complaints Service, you must inform the Professional Competence Team of the complaint within 21 days of being notified of it by the Legal Complaints Service.

Complaints against scheme members

Complaints against scheme members will usually be investigated at first instance by and under the procedures of the Legal Complaints Service. Where a complaint concerns the individuals' work as a scheme member, or raises issues regarding their suitability to remain on a scheme the matter may be referred for a decision regarding continued membership of the scheme to an adjudicator appointed by the SRA (who may be assisted by an assessor).

A final decision as to the member's suitability to remain on the scheme will be considered by the adjudicator after the Legal Complaints Service investigation and any subsequent proceedings have been completed. If a complaint is of a serious nature the

SRA may suspend membership pending the completion of the investigation and any subsequent proceedings.

The SRA will give notice of suspension or revocation of membership to scheme users, as considered appropriate. A member suspended or revoked under this section may exercise a right to request a review.

Complaints regarding the applications process

Complaints regarding the application process must be submitted in writing with full details of the issues complained of. Such complaints may arise from procedural irregularities, delays or other issues arising from the handling of the application.

Complaints should be made in writing and addressed to:

Professional Competence Team Manager
Solicitors Regulation Authority
Ipsley Court
Redditch, B98 0TD
or DX 19114, Redditch

Exchange of information

Applicants must be aware that the SRA may, as part of the reciprocal arrangement, have to disclose information about the applicant or decisions on their applications and any disciplinary complaint or action against them to relevant Government departments and offices and other professional bodies.

Applicants who are accepted to a professional accreditation scheme will be recorded in the SRA's database. Information in respect of scheme members may be notified to members of the public, or any other interested parties. Membership may also be published in various lists, directories issued by the SRA or any other authorised third party supplier of information. Membership may also be published on websites including www.solicitors-online.org.uk.

Career breaks

Special arrangements have been established to account for the need to take a career break for reasons such as maternity leave, long illness, unemployment or a sabbatical.

You must inform the Professional Competence team of your intention to take a career break, or the fact that you have commenced a career break, as soon as is reasonably practicable.

New applicants

Where it is established that your inability to comply with the experience criteria for acceptance to membership of an accreditation scheme is caused by a career break resulting from maternity leave, long illness, unemployment or sabbatical for a period **not exceeding 12 months** during the three years preceding the date of the application, you may be permitted to discount that period and take into consideration relevant experience gained immediately prior to the three years.

Existing scheme members

Where you take an extended break from practice due to maternity leave, long illness, unemployment or sabbatical during the period of your membership, the Professional Competence Team **must be informed** wherever possible before the start of the career

break. Your scheme membership may then be suspended for the period of the break or for a period **not exceeding 12 months** whichever is the lesser.

Where the break exceeds a period of 12 months scheme membership will be revoked and you would be required to make an application for re-instatement to the accreditation scheme on your return to practice. Extensions to the twelve-month period may be granted only in exceptional circumstances.

Re-accreditation

If your re-accreditation falls during the period of suspension the re-accreditation procedure must be completed immediately following your return to practice, having consideration for the experience gained prior to suspension and appropriate update or other relevant training undertaken during the period of suspension or within six months of your return to practice.

If your re-accreditation falls due after the period of suspension, you will be required to apply for re-accreditation on the due date but the period of suspension can be discounted from the consideration of relevant experience.

In both circumstances you will be required to comply with all criteria for re-accreditation.

Registered European lawyers

If you are a Registered European Lawyer (REL) you are entitled to make an application to join any of the SRA's professional accreditation schemes.

In order to do this you must establish to the satisfaction of the scheme assessors that you have the relevant experience, knowledge of the relevant law of England and Wales, and appropriate skills to comply with the criteria for membership of the scheme.

Experience

Appropriate experience may be gained in this jurisdiction or in your home jurisdiction. Where, however, experience gained in your home jurisdiction is relied upon it will be for you to provide sufficient details and evidence to demonstrate that such experience is the equivalent to that which would be relied upon by a solicitor of England and Wales.

Training

Where the membership criteria of a scheme contains specific training requirements, you must comply with them in full, although where you have undertaken training outside of England and Wales which you consider to be the equivalent of a specific training requirements it will be for you to provide sufficient details of such training to satisfy the assessor of its equivalence.

Likewise, where there is not a specific training requirement, you may rely upon training undertaken outside of England and Wales, although you must provide sufficient details of such training to satisfy the SRA of its equivalence. You are responsible for arranging for appropriate translations of any materials provided.

Advocacy and litigation

A registered European lawyer can only advocate in open court and conduct litigation before the courts of record in conjunction with a solicitor or barrister. This means that where a professional accreditation scheme has specific requirements regarding the representation of clients, you must provide sufficient information and evidence that appropriate reporting lines to a solicitor admitted in England and Wales exists within the firm.

Equal opportunities

(‘Applicant’ throughout this statement means those applying for initial membership of and reselection, re-accreditation or reinstatement to the scheme.)

The SRA aims to ensure that no applicant for membership of an accreditation scheme receives less favourable treatment on the grounds of sex, marital status, sexual orientation, disability, race, religion, colour, nationality, ethnic origin or age, or is disadvantaged by conditions, requirements or practices which cannot be shown to be justifiable.

Selection criteria, assessment processes and procedures will be frequently reviewed to ensure that applicants are selected on the basis of their relative merits and abilities.

Applicants are required to demonstrate that they comply with the relevant selection criteria for membership as set out in the appropriate section of the procedures.

Applicants who have a disability and find it difficult to complete the application questionnaires or assessment processes should contact the SRA for assistance. You can help us by informing us of what reasonable adjustments you need to enable you to apply to the scheme and participate in the assessment process as equally as other individuals.

It is unlawful to discriminate positively in favour of certain groups on the grounds of race or sex. However, the SRA is committed to having a profession which is diverse and representative of the society it serves, and will use positive action to enable greater representation of under represented groups which is permitted by law.

Selection for membership of a scheme will continue to be based on the merits and abilities of each applicant.

If an applicant feels that the selection criteria or the selection process is directly or indirectly discriminatory, they can contact or write to The Manager, Professional Competence Team, Solicitors Regulation Authority, Ipsley Court, Redditch, Worcestershire, B98 0TD or email info.services@sra.org.uk and specify their concerns which will be considered and investigated.