

Family Law Accreditation Scheme

Assessment questionnaire

Education and Training Unit
Version 1

Your are invited to note the following points when completing this assessment questionnaire:

you must ensure you do not exceed 300 words in answer to each of the written questions;

you must answer every question and ensure that all 18 of the supplementary sheets duly completed and submitted;

where possible, you should type your answers and responses to those questions requiring completion of supplementary sheets. **(Any applications deemed illegible by the Solicitors Regulation Authority (SRA) will be returned without being assessed);**

if you find that your answer will not fit into the allotted space provided you may attach additional sheet(s) to the application but must clearly mark the question number up on them;

ensure that you advise your referees of the urgency required when responding to the SRA's request for references;

ensure that you sign and date the declaration at section 3;

ensure the appropriate application fee is submitted with your application.

The Family Law Accreditation Scheme assessment

In order to ensure you have attained the requisite level of experience you will be required to answer ALL the following questions contained in Parts I to IV. The SRA reserves the right to request from you such further information as may be appropriate in order to verify your fitness to join the scheme. You may also be required to attend an interview.

Part I - Personal background

Section 1 – Personal details

Name

SRA ID number

Firm name

1(a) If you are a solicitor, on what date were you admitted?

1(b) Do you have a current practising certificate? Yes No

1(c) If you are a Legal Executive on which date did you become a Fellow of the Institute of Legal Executives (FILEX)?

1(d) How many years have you spent in practice of the law in England and Wales since the date in question 1(a) or 1(c), as appropriate?

1(e) How many years have you been dealing with family law cases in this jurisdiction?

1(f) For how many years, if any, have you been qualified to deal with family law in other jurisdictions?

1(f)(i) If applicable,
Please name the jurisdictions below
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1(g) Are you
(Please tick whichever applies)

- i) a partner?
- ii) a sole practitioner?
- iii) an assistant solicitor?
- iv) a FILEX?
- v) other? (please specify)

.....
 1(h) How many other fee earners carry out family law work in your practice, including fee earners in other offices, if necessary? (if none, please write '0').

1(i) How, if at all, is your family law work supervised? (please describe briefly)

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1(j) What procedures are followed in respect of file reviews?

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1(k) If you are a solicitor

	Yes	No
(a) Did you complete the Legal Practice Course?	<input type="checkbox"/>	<input type="checkbox"/>
(b) If your answer to question (a) was yes did you complete the family law course option?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
1(l) If you are a FILEX did you complete the family law option?	<input type="checkbox"/>	<input type="checkbox"/>

1(m) How many chargeable hours of family law work have you carried out in each of the last three complete calendar years? No. of Hours

Year

Year

Year

1(m)(i) If this is an estimate, how have you calculated the estimate?

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1(n) How many family law files are you currently dealing with?

Section 2 – References

Please provide below the names and addresses of two referees such as other solicitors, barristers, District Judges, Magistrates or court clerks who have knowledge of your family law practice and who are not employed by or a partner in your firm. Please note that references will be taken up when your application is assessed without further contact from us. Please note that we reserve the right to obtain references from other sources if this is deemed necessary by us.

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Section 3 – Declaration & undertaking

Undertaking I understand that I must be a fit and proper person to be a member of the SRA's Family Law Accreditation Scheme and I undertake

immediately to inform the SRA of any matter which may have a bearing on my fitness to be a member of the Scheme. I certify that all information given in this assessment is to the best of my knowledge and belief correct. I have read and agree to abide by the procedures of the Scheme. I undertake to act in compliance with the Protocols relating to Family Law. I further undertake to attain a minimum of five hours CPD in family law in each year of my membership of the accreditation scheme and keep a written record identifying such courses.

Signed..... (Applicant)

Name..... (Block capitals)

Date.....

Declaration (to be completed by Senior Partner in your firm - sole practitioners may self certify).

I confirm that I have checked and verified the accuracy of the information provided in relation to the personal background of the applicant.

Signed.....

Name..... (Block capitals)

Date.....

Part II – Professional experience

Section 4 – Divorce, Judicial Separation and Nullity

- 4(a) Have you ever issued divorce proceedings or advised/represented a respondent to proceedings based on each of the following facts:-
- | | Yes | No |
|--|--------------------------|--------------------------|
| i) adultery? | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) unreasonable behaviour? | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) desertion? | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) two years separation with consent? | <input type="checkbox"/> | <input type="checkbox"/> |
| v) five years separation? | <input type="checkbox"/> | <input type="checkbox"/> |

- 4(b) Summarise on the attached sheet no 1; if asked to advise a respondent to a petition based on five years separation what defences might be available?

- 4(c) Have you ever dealt directly with a defended divorce case(s)?
- | | Yes | No |
|-----------------------------------|--------------------------|--------------------------|
| Have you | | |
| i) drafted an answer? | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) drafted a reply? | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) attended a Pre-trial review? | <input type="checkbox"/> | <input type="checkbox"/> |
| iv) prepared for a final hearing? | <input type="checkbox"/> | <input type="checkbox"/> |

- 4(d) Please give your best estimate as to how many undefended divorces you have dealt with in the past 12 months.

- 4(e) Summarise on the attached sheet no 2; the circumstances in which the Courts of England and Wales have jurisdiction in divorce cases.

- 4(f) Have you ever issued proceedings on a petitioner's behalf or represented a Respondent in proceedings for a decree of nullity?
- | | Yes | No |
|--|--------------------------|--------------------------|
| | <input type="checkbox"/> | <input type="checkbox"/> |

- 4(g) Summarise on the attached sheet no 3 what matters you bear in mind when advising a client whether or not they should name a third party when issuing an adultery petition.

Section 5 - Financial Provision Disputes

- 5(a) Please give your best estimate as to how many ancillary relief applications you have dealt with in the past 12 months (whether issued or defended, including applications for maintenance pending suit and applications for consent orders).

- 5(b) In respect of the ancillary relief applications you have issued or defended in the past 12 months have you:-
- | | Yes | No |
|--|--------------------------|--------------------------|
| i) Dealt with advocacy at first directions appointments? | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) Dealt with advocacy at a FDR? | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) Dealt with advocacy at a final hearing? | <input type="checkbox"/> | <input type="checkbox"/> |

- 5(c) Have you, within the last three years, applied for or defended proceedings for an injunction under s37 of the Matrimonial Causes Act 1973? Yes No
- 5(d) Have you ever made or defended an application - Yes No
 i) to vary a maintenance order?
 ii) to set aside or appeal a final order?
- 5(e) Please give your best estimate as to how many ancillary relief consent orders you have drafted or considered in the last 12 months.
- 5(f) Have you within the last 12 months Yes No
 i) advised clients in relation to the Trusts of Land and Appointment of Trustees Act 1996.
 ii) advised clients about beneficial interests, trusts or severance?
- 5(g) Have you ever dealt with an application involving pension earmarking/sharing? Yes No
 If so, please provide details of one case and summarise your advice on the attached sheet no 4.
- 5(h) Approximately how many deeds of separation have you drafted or considered within the last 12 months?
- 5(i) Summarise on the attached sheet no 5. How you would advise a client to protect an interest in
 i) The former matrimonial home.
 ii) Other real property owned in the sole name of his/her spouse.
- 5(j) Have you drafted any co-habitant agreements within the last 12 months? Yes No
- 5(k) Summarise on the attached sheet no 6, what factors you take into account when considering whether the stage has been reached to issue ancillary relief proceedings.
- 5(l) Summarise on the attached sheet no 7, your advice and the next steps in relation to a client who has advised you he has an offshore bank account he has not disclosed to the Inland Revenue to avoid paying tax.
- 5(m) Summarise on the attached sheet no 8 details of one case issued which you have dealt with within the last 12 months which incorporate as far as possible the matters raised in Section 5, setting out the facts and figures and the basis of your advice. Please also give details of the Court and matter number

Section 6 - Private Law Children Act Proceedings

6(a)(i) Please give your best estimate as to how many proceedings you have issued or defended in the past 12 months for a

- i) residence order
- ii) contact order
- iii) specific issue order
- iv) prohibited steps order
- v) parental responsibility order

6(a)(ii) Summarise on the attached sheet no. 9 what your advice would be to a client seeking a change of name of his/her child?

6(b) In respect of any of the proceedings referred to in 6(a) have you:-

- i) conducted advocacy at directions appointments?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>
- ii) conducted advocacy at final hearings?

<input type="checkbox"/>	<input type="checkbox"/>
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6(c) Have you ever issued an emergency application in private Children Act proceedings?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

6(d) Summarise on the attached sheet no 10 the advice given and the outcome of one private law Children Act case you have dealt with in the last 12 months.

6(e) Summarise on the attached sheet no 11 the advice you would give to a father who was instructing you to issue an application for a residence order in respect of his children in order to put pressure on the mother in the hope that she would then agree more favourable terms on the financial issues between them.

Section 7 – Injunctions

7(a) Please give your best estimate as to how many cases you have issued or defended for a non-molestation and/or an occupation order in the last 12 months.

7(b) Summarise on the attached sheet no 12 details of ancillary remedies available to clients applying for an occupation order under Part IV of the Family Law Act 1996.

Section 8 - Child Support Agency Jurisdiction and Enforcement

8(a) Do you have access to a computer system, draft precedent or any other method for carrying out a Child Support Agency calculation?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

8(a)(i) If so, please give your best estimate as to how many times you have used this in the past 12 months.

8(b) Have you ever advised clients of the procedures for appealing a Child Support Agency assessment? Yes No

Section 9 – Welfare benefits and taxation

9(a) Have you given welfare benefits advice in a family law matter in the last 12 months? Yes No

9(b) In the last 12 months have you advised clients in writing about the CGT implications of family breakdown? Yes No

9(c) Have you given insolvency advice in relation to a family law matter in the last 12 months? Yes No

9(d) If so, briefly summarise on the attached sheet no. 13 your advice in relation to one of the above, including the matters you took into account in advising your client.

Section 10 - The role and scope for mediation

10(a) Please provide below the names and addresses of two mediation services in your area.

(1) (2)
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10(b) In the last 12 months, have you explained to a client the role of mediation in disputes regarding finances and children? Yes No

10(c) Have you attended a course on the role of mediation in family law? Yes No

10(c)(i) If so, please state the providers and date of the course(s).
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10(d) Summarise on the attached sheet no 14 which factors you take into account when advising a client whether or not to undertake mediation on issues relating to children or financial matters.

Section 11 – Adoption

- 11(a) Have you ever dealt with an adoption case? Yes No
- 11(b) If so, give details of one case on the attached sheet no 15.

Section 12 - Child abduction

- 12(a) Have you ever dealt with a case involving abduction of a child to or from England and Wales? Yes No
- 12(b) If so, give details of one case on the attached sheet no 16.

Section 13 - Public law matters in Children Act proceedings

- 13(a) Have you within the last three years represented a party in contested public law Children Act proceedings? Yes No
- 13(b) If so give details of one case on the attached sheet no 17.

Part III – Professional practice and development

Section 14 – Client care

- 14(a) Have any of your cases in the last 12 months been funded by the Legal Services Commission (irrespective of when they commenced)? Yes No

14(b) If the answer to 14(a) is yes, please give your best estimate as to how many publicly funded family law files you have opened during the last 12 months.

- 14(c) If the answer to 14(a) is no, do you:-
- | | | |
|---|------------------------------|-----------------------------|
| i) have access to an up to date Legal Services Commission Manual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| ii) have you an awareness of the practices and procedures relating to public funding and have you given advice to a client about these? | <input type="checkbox"/> | <input type="checkbox"/> |
| iii) do you, where appropriate, refer clients to a solicitor who deals with publicly funded cases? | <input type="checkbox"/> | <input type="checkbox"/> |

- 14(d) Please enclose a copy of your firm's standard client care letter for:
- i) a publicly funded case
 - ii) a privately funded case
 - iii) your firm's client complaints procedure

An extract from your office manual will suffice

14(e) Summarise on the attached sheet no 18 the matters you take into account when advising a publicly funded client whether they should seek an order for costs from the other party. Please include in your answer a reference to the operation of the Statutory Charge.

Section 15 - Access To information

15(a) Do you keep a list of the counsel that you use? Yes No

15(b) Do you keep a list of the experts that you use? Yes No

15(c) List the titles and dates of publication of the family law books, journals and other publications kept at your office dealing with the subjects addressed in this assessment. Please list up to 10 publications.

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15(d) Which family law journals or law reports have you read over the last six months? Please list up to three publications.

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Section 16 – Other qualifications/experience

16(a) Are you a member of any organisation relevant to family law? If so please state which?

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16(b) Please give brief details of any other qualifications or experience you have and which you believe are relevant to membership of the accreditation scheme, for example, regarding the development and understanding of interpersonal skills and relationships?

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16(c) Please give brief details of your qualifications/training to demonstrate awareness of diversities including racial awareness, disabilities, gender, equal opportunities.

Section 17 - Continuing Professional Development

17(a) Have you attended a course or courses in relation to the following:

	Yes	No
i) Ancillary Relief update.	<input type="checkbox"/>	<input type="checkbox"/>
ii) Pensions on divorce.	<input type="checkbox"/>	<input type="checkbox"/>
iii) Money laundering.	<input type="checkbox"/>	<input type="checkbox"/>

17(a)(i) if so please provide details of date(s) attended, course provider(s) and length of course(s)

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17(b) Apart from the above courses in the last three years have you undertaken any CPD in family law by:

(NB. Solicitors who are subject to the CPD scheme can answer this question by providing a copy of their CPD Training Record for the three years preceding the date of application. Family law and practice courses should be highlighted for ease of reference).

i) courses attended?; (where appropriate, please state date attended, course provider, length of course and subject matter)

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ii) other relevant activities? (Please describe briefly)

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Part IV– Demonstration of understanding

(Sheet 1)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 4(b) (If asked to advise a Respondent to a petition based on five years separation what defences you would consider?)

(Sheet 2)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 4(e) (Summarise the circumstances in which the Courts of England and Wales have jurisdiction in divorce cases)

(Sheet 3)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 4(g) (What matters you would bear in mind when advising a client whether or not they should name a third party when issuing an adultery petition.)

(Sheet 4)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 5(g) (Have you ever dealt with an application involving pension earmarking/sharing? If you have explain the advice you gave and the actions you took.)

(Sheet 5)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 5(i) (How would you advise a client to protect an interest in the former matrimonial home/other real property owned in the sole name of his/her spouse?)

(Sheet 6)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 5(k) (What factors would you take into account when considering whether the stage had been reached to issue ancillary relief proceedings?)

(Sheet 7)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 5(l) (Summarise your advice and next steps in relation to a client who has advised you he has an offshore bank account he has not disclosed to the Inland Revenue to avoid paying tax.)

(Sheet 8)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 5(m) (Summarise the advice you gave in, and the outcome of one case issued that you have dealt with within the last 12 months which incorporated as far as possible the matters raised in Section 5; set out the basis of your advice. Please also give details of the Court and matter number.)

(Sheet 9)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 6(a)(ii) (Summarise your advice to a client seeking a change of name of his/her child.)

(Sheet 10)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 6(d) (Summarise the advice given and the outcome of one private law Children Act case you have dealt with in the last 12 months.)

(Sheet 11)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 6(e) (Summarise the advice you would give to a father who was instructing you to issue an application for a residence order in respect of his children in order to put pressure on the mother in the hope that she would then agree more favourable terms on the financial issues between them.)

(Sheet 12)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 7(b) (Summarise details of ancillary remedies available to clients applying for an occupation order under Part IV of the Family Law Act 1996.)

(Sheet 13)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 9(d) (Briefly summarise your advice in relation to one of 9(a), 9(b) or 9(c) including the matters you took into account in advising your client.)

(Sheet 14)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 10(d) (Summarise which factors you take into account when advising a client whether or not to undertake mediation on issues relating to children or financial matters.)

(Sheet 15)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 11(b) (Give details of one adoption case you have dealt with.)

(Sheet 16)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 12(b) (Give details of one case involving child abduction you have dealt with.)

(Sheet 17)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 13(b) (Give details of one case involving Public Law Children Act Proceedings you have dealt with in the last three years.)

(Sheet 18)

Please give a type written/word processed outline on this sheet in up to a maximum of 300 words of your answer to

Question 14(e) (Summarise the matters you take into account when advising a publicly funded client whether they should seek an order for costs from the other party. Please include in your answer a reference to the operation of the Statutory Charge.)