

Family Law Accreditation Scheme

Criteria and guidance notes

Education and Training Unit
Version 1

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Please note

The document contains information specific to the Family Law Accreditation Scheme.

Before making your application for accreditation you should ensure that you are familiar with the general procedures, criteria and membership conditions for the Solicitors Regulation Authority (SRA) accreditation schemes.

These are available on our website www.accreditation.sra.org.uk

Introduction and eligibility

The Family Law Accreditation Scheme covers all types of family law work (except public law Children Act work, which is covered by the Children Panel Accreditation Scheme).

You can apply to become a member of the scheme if

- you have practised as a solicitor in private practice for at least three years and have held a practising certificate throughout that period. You must hold a current, unconditional practising certificate throughout your membership and remain in private practice
- you have been a Fellow of the Institute of Legal Executives (FILEX) for at least three years, and are employed by a solicitor.

In exceptional circumstances the Solicitors Regulation Authority (SRA) may consider applications to waive the requirement for applicants to have three years' post-qualification experience (eg those who have equivalent experience in comparable jurisdictions, or have transferred from the Bar, or who were FILEX and have since been admitted as solicitors).

Types of membership

The Scheme has two categories of membership.

- The Family Law Accreditation Scheme member covers all types of family law work. Applicants can apply for membership via two routes – the assessment route and the interview route
- The Family Law Accreditation Scheme advanced member will additionally demonstrate an advanced knowledge of family law and practice in accordance with the established criteria and standards.

What are the knowledge requirements of a Scheme member?

Applicants are required to have knowledge of family law work as follows.

Core areas – areas of law of which competent family lawyers and members of the Scheme are expected to have a detailed working knowledge

- divorce, judicial separation and nullity
- private Children Act proceedings
- financial provisions disputes (including pensions), and including those concerning cohabitants
- the Child Support Agency jurisdiction and powers of enforcement
- the courts' jurisdiction in domestic abuse matters (including between cohabitants)
- emergency remedies and enforcement
- impact of taxation and welfare benefits
- impact of legal aid
- the role and scope for mediation

Non-core areas – areas of law which could be regarded as specialist areas of which applicants would need to have awareness and know where to get expert advice if necessary

- adoption
- child abduction
- public law matters in Children Act proceedings

What are the eligibility criteria for each route to membership?

The assessment route

- An applicant will be expected to have carried out at least 350 chargeable hours of family law work in the jurisdiction of England and Wales, as opposed to experience gained working abroad, in each of the last two years. The family law work must be sufficiently broad to demonstrate knowledge of the core areas listed above and at least an awareness of the non-core areas listed.
- An applicant must complete a detailed assessment form which will examine the range and extent of the applicant's family law practice. It will be marked by an assessor, appointed by the SRA.
- Pay a fee of £450.00 plus VAT (total payable £528.75) to cover a five-year period of membership

The interview route

- Applicants will need to satisfy minimum experience criteria as follows
 - i. minimum **general litigation** experience – 1,000 chargeable hours carried out in the law of England and Wales within the previous three years; and
 - ii. minimum **family law** post-qualification experience – 350 chargeable hours carried out in the law of England and Wales within the previous five years.
- An applicant must complete a detailed assessment form which will examine the range and extent of the applicant's family law practice. It will be marked by an assessor, appointed by the SRA, working under the guidance of a chief assessor.
- Applicants must attend a mandatory interview with two Scheme assessors appointed by the SRA
- Pay a fee of £450.00 plus VAT (total payable £528.75) to cover a five year period of membership

Guidance for candidates when completing Question 5(m)

Applicants are advised that their answers in relation to Question 5(m) ancillary relief, should

- (1) include concise details of the relevant circumstances of both parties
- (2) demonstrate an understanding of current law and particularly if possible in relation to pensions
- (3) provide clear details of the advice tendered to the client
- (4) include brief details of the outcome

In a number of applications, which have been initially unsuccessful, there have been noted deficiencies in the quality of information provided. Applicants are reminded that they are being tested on the levels of their technical knowledge, advice to their clients and practical application of the law.

In completing their written answers, applicants are expected to demonstrate their expertise in all the relevant fields. Applicants are expected to pay particular care as to the accuracy of all their answers, to check the application has been correctly completed in every respect and where appropriate to make sure that reference to relevant law is included in answers to each question.

Applicants should not exceed the stated number of words in reply to each question and should ensure that the replies are comprehensive and concise.

How we will deal with your application

Your application will be subject to the general application procedures described in the Professional Accreditation Schemes booklet.

There are additional assessment processes that are specific to the Family Law Accreditation Scheme.

References

All applicants are required to provide the details of two referees, (eg other solicitors, barristers, district judges, magistrates) who have knowledge of and can comment on the applicant's family law practice and who are not employed by or a partner in the applicant's firm.

Please note that references will be taken up when your application is assessed without further contact from this office. It is essential therefore that your referees are aware of the fact that you have nominated them. Please also note that the SRA reserves the right to obtain references from other sources if considered necessary or desirable.

Re-accréditation

Members of the Scheme, and members of the Advanced Scheme are required to apply for re-accréditation on the expiry of five years, or whatever period may be approved by the SRA from time to time, from the date of obtaining membership, or the date of obtaining advanced membership, whichever is the later. Successful re-accréditation will entitle the member to a further five-year period of membership at the relevant level.

The procedures, guidance notes, criteria and application form for re-accreditation will be provided to you at least two months prior to the end of your membership period.

Continuing professional development (CPD)

You are required to undertake six hours per year of CPD in family law. Failure to do so may constitute grounds for refusal of re-accreditation. Your training record will be called for when you apply for re-accreditation.

Advanced membership – additional requirements

Applications for advanced membership are accepted from

- Solicitors who have been admitted to the roll for at least five years, who hold a current practising certificate, and who are Family Law Accreditation Scheme members.
- Fellows of the Institute of Legal Executives with at least five years experience after achieving Fellowship, who have passed the **part two** exams in family law and practice, and who are Family Law Accreditation Scheme members.

What are the knowledge requirements for an advanced member?

General knowledge of the law

An applicant for advanced membership will have demonstrated a general knowledge and awareness of the law outside the area of family law, including for example, knowledge of the law relating to wills and transfers of property, by having been selected as a member of the Family Law Accreditation Scheme.

Knowledge of family law

Applicants for advanced membership are required to be able to demonstrate a general knowledge and awareness of the core areas of family law by being a member of the Family Law Accreditation Scheme at the time of application.

Specialist areas of family law

Applicants for advanced membership must be able to demonstrate an in depth knowledge and understanding of at least two areas of family law selected from the following list:

- children law private
- child abduction & wardship
- cohabitation
- violence in the home
- limited means cases
- advice in and conduct of ancillary relief proceedings
- complex asset cases (knowledge of pensions is required in this area)

What are the experience requirements?

Applicants must be able to demonstrate that they have carried out at least 550 chargeable hours of family law work in the jurisdiction of England and Wales in each of the three years preceding the date of application.

How will I be assessed?

Assessment will be by means of an examination based on set case studies and case reports. All applicants applying for advanced membership must

- complete case reports, one detailed case report, of up to 3,000 words, from each of the two selected areas and supply any other information requested. These case reports must be drawn from the applicant's own caseload and be based on cases that the applicant has personally conducted;
- respond to questions posed in a set case study from each of the selected areas in no more than 3,000 words per case study;
 - i. the set case studies will be sent to the applicant in a sealed envelope not to be opened until the date specified on them and in accordance with published programmes for the conduct of this part of the assessment;
 - ii. the set case studies will be completed according to the timetable and under the conditions notified with them;
 - iii. the completed case reports and the answers to the set case studies must be returned to the SRA to arrive on or before the published deadline date;
 - iv. case reports and answers to the case studies will be marked by assessors in accordance with the criteria.

The SRA does not release marked examination scripts to candidates nor does it disclose detailed information on how papers were marked. The Family Law Accreditation Scheme Examination Board will prepare a report on each assessment round detailing percentages of successful and unsuccessful candidates, pass mark, passes and failures in each paper. The report will also highlight any general weaknesses that may have been demonstrated during an assessment round.

Where an applicant passes the set case studies but is borderline on either or both of the case reports a final decision regarding the outcome of the application will not be made until the applicant has been interviewed.

Completion of the advanced membership assessment is considered to be "study towards a professional qualification" (as detailed in the SRA's guidance on CPD activities) and will, therefore count for CPD. This means that solicitor members of the Scheme may claim actual time up to a maximum of 75 per cent (12 hours) of their CPD requirement for completing the advanced assessment process.