

Immigration and Asylum Accreditation Scheme

Advanced caseworker criteria and guidance

Education and Training Unit
Version 2

Contents

Introduction	2
Who can apply?	2
Criteria and evidence requirements	3
General conditions of membership	5
Character and suitability	5
Complaints	5
How to apply	6
How will your application be assessed?	6
Powers of the selection panel	7
Appeals from decisions of the selection panel	7
Period of accreditation	7
Re-accreditation	8
Removal of advanced caseworker accreditation	8
Other information	9

Introduction

From 1 April 2004, the Law Society, in conjunction with the Legal Services Commission (LSC), introduced an accreditation scheme for all individuals performing publicly funded work in the immigration and asylum category.

From 1 August 2005, accreditation has been mandatory for all immigration and asylum practitioners performing public funded work.

The Solicitors Regulation Authority (SRA) encourages solicitors who perform private funded immigration work to seek accreditation for themselves and their employees under this scheme.

The LSC has set out the terms for the implementation of accreditation for publicly funded work in immigration and asylum in its letter to all suppliers dated 9 March 2005. A summary of the main points of this letter can be found on the SRA website – [accreditation.sra.org.uk](http://www.accreditation.sra.org.uk) (select Immigration and Asylum Accreditation Scheme).

Nobody will be permitted to perform publicly funded immigration and asylum work unless they have achieved accreditation at one of the levels set out below:

- accredited caseworker
- senior caseworker
- advanced caseworker

Accreditation to accredited and senior caseworker levels is achieved by passing assessment programmes provided by approved organisations under a contractual arrangement with the SRA. Central Law Training (CLT) is currently the only organisation approved to provide these assessments.

In addition, the LSC requires that each firm or organisation holding an immigration and asylum contract will have at least one accredited or senior caseworker who has been assessed against the supervisor standards.

The registers for probationary, accredited and senior caseworkers and supervisors are administered and controlled by the Legal Services Commission. In addition, the SRA maintains a register for solicitors and their employees who are accredited as senior caseworkers. The Office for the Immigration Services Commissioner (OISC) will maintain its own records as appropriate. The SRA's register of accredited immigration and asylum solicitors and their employees can be found on the website [accreditation.sra.org.uk](http://www.accreditation.sra.org.uk) (select Immigration and Asylum Accreditation Scheme).

The SRA administers and operates the advanced caseworker selection process.

These guidance notes deal only with the criteria and processes for accreditation to advanced caseworker status.

Who can apply?

Any immigration and/or asylum practitioner in England and Wales, irrespective of professional background, who can comply with the criteria set out below may apply for accreditation to advanced caseworker.

Criteria and evidence requirements

To be accredited as an advanced caseworker, you must satisfy a selection panel that you meet the criteria by demonstrating with statements, case reports and supporting evidence that you have:

1.	<p>A high level of understanding of immigration and asylum law and practice.</p> <p>Demonstrated by you:</p> <p>a. having passed the senior caseworker assessments and having achieved an average mark of 70% (but not less than 65% in either assessment) in the written assessments and be graded as not less than competent in the client interview assessment. If you have re-sat any of the written assessments, the average of all the marks awarded at all attempts must be 70% and you must have achieved not less than 65% in both papers;</p> <p>or</p> <p>b. having passed the senior caseworker assessments and in addition evidencing your high level of understanding of immigration and asylum law and practice by; for example: holding a masters degree, diploma or the equivalent in immigration law and practice; or have been closely involved in the lecturing on degree diploma or the equivalent courses in immigration law and practice; or authorship of texts on immigration and asylum law and practice.</p> <p>The examples above are not exhaustive and there may be other ways in which you can demonstrate your high level of understanding. Evidence submitted to support criteria 4 and/or 5 may also be relevant for this criterion.</p> <p>The results of all of your attempts at the senior caseworker assessments must be attached to your application and be evidenced by certified copies of the marks transcript for each attempt.</p>
and	
2.	<p>Successfully managed a range of complex cases (of a kind not routinely encountered in practice) which may include, but does not require, successful conduct of your own advocacy.</p> <p>Demonstrated by the provision of detailed reports on five cases for which you had lead responsibility during the two years preceding the date of application and an outline of your career in immigration and asylum work.</p> <p>To ensure that all the relevant information is provided, the suggested case report format attached to this document should be used. You will be required to certify that each of your case reports are genuine and your own work. The authenticity of your case reports may be verified by reference to the LSC or court records.</p>
and	

3.	<p>Consistently delivered high quality services to your clients.</p> <p>Demonstrated by a good conduct and practice record at the Consumer Complaints Service (CCS previously the Office for the Supervision of Solicitors), the Office for the Immigration Services Commissioner (OISC) and the LSC.</p> <p>This will be established by self-certification and confirmed by record checks and contact with OISC and the LSC carried out by the SRA.</p>
and either	
4.	<p>Shared your expertise and experience of immigration and asylum work.</p> <p>This can be demonstrated by your written work (sole or co-author of appropriate legal texts, published articles in legal journals, press etc.), teaching or lecturing on in-house or external training events, active coaching or mentoring of junior colleagues/trainees.</p> <p>Evidence of your achievements will be required and may include</p> <ul style="list-style-type: none"> • details of books published • copies of articles published and details of where published • testimonials from those attending training events or copies of course feedback; you should provide details of your witnesses and the Law Society will send them a specific questionnaire • testimonials from colleagues you have coached or mentored; you should provide details of your witnesses and the SRA will send them a specific questionnaire
or	
5.	<p>Influenced the development of immigration/asylum law, policy and practice, with credibility, if not success.</p> <p>Can be demonstrated by reported cases in which you are named, or effective lobbying, written or verbal contributions to policy development.</p> <p>Evidence of your achievements will be required and may include</p> <ul style="list-style-type: none"> • copies of published case reports • copies of media reports • debate minutes and notes • testimonials from persons who have witnessed your contribution to policy development; you should provide details of your witnesses and the SRA will send them a specific questionnaire • or certified copy letters with replies or papers of such contributions
and	

6.	<p>Respect and credibility in immigration and asylum practice.</p> <p>You must be able to demonstrate that you have earned the respect of the judiciary, practitioners and others who work in immigration and asylum by your contribution to developments in the field and your personal commitment to high standards of service.</p> <p>Evidenced by at least three personal testimonials from members of the judiciary and/or fellow practitioners. No more than one of these may be provided by someone within your own practice. You should not use the same witnesses as have been nominated to evidence other criteria. You should provide details of your witnesses and the SRA will send them a specific questionnaire.</p>
----	--

General conditions of membership

Character and suitability

You must demonstrate that you are a fit and proper person to become an advanced caseworker, and you must continue to be so throughout the period of accreditation.

The SRA reserves the right to investigate any matter which may call into question the fitness and propriety of any advanced caseworker to act as such and to take whatever action is considered appropriate at whatever stage of the investigation.

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 determines that you are not, or ceased to be, a fit and proper person to be a member of the scheme, or that the fitness or propriety to act as such is compromised, then it may refuse, revoke or suspend the membership or attach conditions to it.

For non-solicitor applicants, the SRA will contact the Legal Services Commission (LSC) and Office of the Immigration Services Commissioner (OISC) for information on any concluded and outstanding complaints, which will be taken into consideration during the selection process. Where matters are outstanding, the selection panel may defer the application until those matters are completed.

Complaints

If a complaint against an advanced caseworker is notified to the SRA, the complainant's permission will be sought to disclose the complaint. When permission is received, the advanced caseworker will be notified and invited to make written submissions.

The complaint and the written submissions will be referred for investigation and decision to an adjudicator appointed by the SRA.

Where a referral is made to the Legal Complaints Service (LCS), a final decision as to the advanced caseworker's suitability to remain accredited will be considered by the adjudicator after the Legal Complaints Service investigation and any subsequent proceedings have been completed. The SRA reserves the right to suspend advanced caseworker accreditation pending the outcome of any investigation and 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.

How to apply

All applications must be made using the prescribed application form and case report forms.

The completed application form, supporting documents and application fee of £100.00 plus VAT (total payable £117.50) should be submitted to:

The Finance Department
The Law Society
Ipsley Court
Redditch
Worcestershire
B98 0TD

or use DX 19114 Redditch

Applications by fax will **not** be accepted.

Illegible or incomplete applications will not be considered by The SRA and will be returned to the applicant.

How will your application be assessed?

The SRA has appointed a selection panel to assess applications for advanced caseworker accreditation. The selection panel will comprise of one representative from each of the Legal Services Commission and SRA and a judge with immigration experience.

An application that does not contain sufficient or appropriate evidence of the applicant's achievements against the selection criteria will not be presented to the selection panel.

A programme of meetings will be published on the SRA's website, www.accreditation.sra.org.uk, together with the latest submission dates for applications.

Applications received after the published latest submission dates will be held over until the next meeting of the selection panel.

Applications will not be assessed other than as part of a scheduled meeting of the selection panel.

The selection panel's decisions will be notified to applicants in writing within 14 days of the meeting.

Details of successful applicants will be notified to the LSC and, if appropriate, OISC within 14 days of the meeting.

Powers of the selection panel

The selection panel has been delegated the power to:

- Consider applications from solicitor and other immigration practitioners for accreditation to advanced caseworker status.
- Decide the outcome of an application and make recommendations where appropriate.

The selection panel may decide to:

- Accredit the applicant to advanced caseworker.
- Defer consideration of the application pending the receipt of further information.
- Refuse the application.

Appeals from decisions of the selection panel

An appeal from a decision of the selection panel can be made where the applicant can establish grounds based on unfair treatment. Such appeals will be considered by an adjudicator.

If you wish to appeal, you must send written notice and the grounds of your appeal to the SRA **within 28 days of the date of your decision notification**. If you fail to produce your representations within the 28-day period, your application will be closed without further notification.

A fee of £235.00, inclusive of VAT, is charged for considering an appeal. This fee may be refundable at the discretion of the adjudicator.

The adjudicator will only consider submissions about the process and procedures for the consideration of your application. They will not reconsider your application or any additional information that is supplementary to your application.

Appeals will normally be considered by written submissions only although the adjudicator may decide that you should be asked to attend a hearing.

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

Period of accreditation

Initial advanced caseworker accreditation will be valid for three years from the first of the month following the selection panel approval.

Re-accreditation

Persons accredited to advanced caseworker will have to successfully complete the re-accreditation assessments for senior caseworker when called.

Failure to successfully re-accredit as a senior caseworker will result in the removal of advanced caseworker accreditation.

Advanced caseworkers will have to re-accredit at both senior caseworker and advanced caseworker levels. You will be advised when senior caseworker reassessment is due and the SRA will inform you when your advanced caseworker reassessment is due.

Removal of advanced caseworker accreditation

The SRA reserves the right to revoke advanced caseworker accreditation if it is 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 advanced caseworker.

The requirement that an immigration and asylum practitioner must continue to be a fit and proper person to remain accredited is constant.

The SRA remains under a duty during the currency of any accreditation which it grants to investigate any matter arising which may call into question your fitness and propriety as a scheme member.

If the SRA determines that you have ceased to be a fit and proper person to retain accreditation as an advanced caseworker 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 your membership as it sees fit.

Some circumstances when the SRA might consider removing advanced caseworker accreditation include:

- provision of false information
- finding of a serious conduct matter by the SRA
- finding of a serious conduct matter by OISC
- termination of contract by the LSC for reasons other than in a competitive bid round
- ceasing to do any of the activities that you were doing when advanced caseworker accreditation was granted
- convictions for dishonesty or resulting in a custodial sentence

This list is not exhaustive, and the SRA might consider removing advanced caseworker accreditation in other circumstances.

Accreditation to advanced caseworker will be terminated if the caseworker ceases to be registered by OISC or to be exempt from registration under the provisions of the Immigration and Asylum Act 1999.

Other information

If you would like any further information or advice on the criteria, selection process or administration of advanced caseworker accreditation, please contact Patricia Fearn, Senior Assessment Officer:

Telephone – 0870 606 2555 x 3286

Email – patricia.fearn@sra.org.uk

or by post:

Solicitors Regulation Authority
Ipsley Court
Berrington Close
Redditch
Worcestershire
B98 0TD

OR

DX19114 Redditch