

Closed Consultation

Assuring high standards in the police station

23 September 2022

- The deadline for submission of responses is **18 November 2022**.
- You can download the consultation paper [\[#download\]](#) or read it below

Next steps

- Download analysis of responses to the consultation
[\[https://www.sra.org.uk/sra/consultations/consultation-listing/psras-consultation/#download\]](https://www.sra.org.uk/sra/consultations/consultation-listing/psras-consultation/#download)
- Download all consultation responses
[\[https://www.sra.org.uk/sra/consultations/consultation-listing/psras-consultation/#download\]](https://www.sra.org.uk/sra/consultations/consultation-listing/psras-consultation/#download)

About this consultation

We are consulting on proposals to improve our regulation of the Police Station Representatives Accreditation Scheme (PSRAS). We are keen to hear your views on our proposals.

You can find information on our PSRAS updated standards in Annex 1, our proposed PSRAS assessment guidelines in Annex 2 and our proposed PSRAS regulations in Annex 3. We also have an equality impact assessment.

This consultation is running from 23 September to 18 November 2022.

After this consultation closes we will issue a response setting out our final proposals and next steps in 2023.

Open all [\[#\]](#)

Background to the consultation

Our proposals for PSRAS arrangements

1. We regulate solicitors and law firms in England and Wales.
We are the largest regulator of legal services, covering around 90 per cent of the regulated market. We oversee some 217,000 solicitors and around 10,000 law firms.
2. We work to protect members of the public and support the rule of law and the administration of justice. We do this by overseeing all education and training requirements necessary to practise as a solicitor, licensing individuals and

firms to practise, setting the standards of the profession and regulating and enforcing compliance against these standards.

3. As a public interest regulator, we are committed to making sure that the public have access to competent solicitors who meet the high standards we expect. And who reflect the backgrounds of clients they represent.
4. A fair justice system relies on effective advocacy, advice and representation. Without it, there is a risk of consumer detriment, miscarriages of justice and the rule of law is threatened. Wrongs may go unpunished, or clients may lose basic rights and freedoms. In either case, financial redress is inadequate.
5. We have already delivered changes we set out in our 2020 consultation response
[<https://www.sra.org.uk/globalassets/documents/sra/consultations/assuring-advocacy-standards-consultation-response.pdf?version=4a1c3f>] to better assure standards including:
 - a. The introduction in spring 2021 of revised criminal and civil Higher Rights of Audience assessment standards to make sure that solicitors are assessed against the skills and knowledge required for modern day higher court practice.
 - b. Requiring that from spring 2021 only admitted solicitors, rather than trainees, can take the Higher Rights of Audience assessment. This is to make sure that individuals seeking the qualification benefit from experience and exposure to advocacy in practice before attempting the assessment.
 - c. Carrying out a review of training records of solicitors practising in the youth courts [<https://www.sra.org.uk/sra/research-publications/training-records-solicitors-practising-youth-court/>] . This provided us with a greater understanding of how solicitors are maintaining their skills and knowledge
 - d. Publishing comprehensive advocacy resources [<https://www.sra.org.uk/solicitors/resources/advocacy/>] to help solicitors practising criminal and civil advocacy meet the standards we require.
6. We outlined in our 2021-22 business plan
[<https://www.sra.org.uk/sra/corporate-strategy/business-plans/business-plan/archive/business-plan-budget-2021-2022/>] activities to further assure the standards of criminal practice by solicitors we regulate by enhancing the delivery and assessment of the PSRAS, including acting on recommendations made by our External Examiner [<https://www.sra.org.uk/sra/research-publications/police-station-representatives-accreditation-scheme-external->



examiner-annual-report/] . Their role is to provide independent scrutiny to:

1. make sure the assessment is robust
 2. set at the appropriate standard, consistently delivered across the two assessment organisations
 3. check that there are appropriate quality assurance arrangements in place.
7. We are now consulting on minor revisions to our PSRAS arrangements including:
- a. Updating standards used to assess the competence of individuals to reflect changes in the law. And the need for police station representatives to identify and take reasonable steps to meet the needs of individuals who are vulnerable or from minority ethnic groups.
 - b. Revising assessment guidelines to provide greater clarity to organisations delivering the assessment and to candidates on how the assessment should be structured, delivered, and marked.
 - c. Clarifying regulations we place on assessment organisations to allow us to revoke approval or make an approval subject to conditions.
8. We are now seeking the views of stakeholders on these changes.

Our proposals for changes to the PSRAS

9. Clients who are detained at the police station can be among the most vulnerable people needing legal advice. Detention and interview at the police station represents a crucial stage in the criminal justice process. The evidence collected and advice provided at the interview stage can have a significant impact on whether the client is charged and the eventual outcome at trial.
10. PSRAS is a compulsory qualification for solicitors and non-solicitors who provide legal advice at the police station on a legally aided basis. Practising solicitors need to complete PSRAS or the Police Station Qualification (PSQ) to claim payment for police station advice.
11. To gain the PSRAS qualification, individuals must pass an assessment. There are three parts:
- a. submission of a portfolio
 - b. a practical role-play called the Critical Incidents Test

c. a written examination

12. These are currently delivered by two organisations who administer the assessment on our behalf.

Our rationale for change

13. A recent report by our independent External Examiner recommended we make changes to how we oversee PSRAS, including introducing:
1. Updated standards so that individuals are assessed against the knowledge and skills required for modern and effective police station representation.
 2. Assessment guidelines so that there is clarity and consistency for individuals and assessment organisations on how the assessment is delivered.
 3. Regulations that enhance our oversight of PSRAS assessment organisations.
 4. Engagement with young or vulnerable clients, and those from ethnic minority backgrounds, is fundamental to effective and competent police station representation. The Independent Review of Criminal Legal Aid (paragraph 8.39) recommended that the assessment of PSRAS should be strengthened in relation to this.

Our proposals for updated standards

14. It is in the public interest that we make sure that individuals awarded the PSRAS qualification have been assessed against the knowledge and skills required for effective and modern police station representation. The assessment standards outline the required knowledge and skills. The current standards have not been updated for many years.
15. Our revised standards are outlined in Annex 1. We have taken the current standards and sought to improve them by:
- a. Clarifying the required Assessment Outcome, Assessment Criteria and knowledge and skills where appropriate to do so.
 - b. Making sure that the knowledge and skills required for effective police station representation are assessed.
16. This will help those taking the PSRAS assessment, assessment organisations and wider stakeholders to understand the standard we require. And provides greater assurances that those awarded the qualification are competent.



17. We have therefore restructured Part One and Part Three of the current standards to clarify the required Assessment Outcome and Assessment Criteria. In addition, we have also outlined in these sections the knowledge and skills that an individual must demonstrate. Part Two remains unchanged as our view is that this provides clarity required for candidates and assessment organisations. But we are keen to hear the views of stakeholders.
18. We agree that the standards require updating to strengthen the assessment of engagement skills with young or vulnerable clients, and those from ethnic minority backgrounds. We have therefore made changes to Part One to assess an individual's ability to effectively identify the needs of vulnerable clients detained at a police station and the appropriate action to be taken to meet those needs.
19. We also agree with the recommendation made by the independent External Examiner that the standards need to be updated to reflect recent changes in law enhancing the scope of arrestable offences. We have reflected this in Part 1 of our proposed standards.
20. In addition, our proposed standards will help existing solicitor police station representatives better understand the knowledge and skills they are expected to demonstrate on an ongoing basis. This will help them maintain their competence to carry out their role and keep their professional knowledge and skills up to date.
21. It is important that the updated standards are assessed at an appropriate level. Too high and this could result in fewer individuals obtaining the qualification. Too low and there is a public protection risk that individuals awarded PSRAS are not competent.
22. Our proposed standards are not intended to set a different standard to the one currently used. The existing format of the overall PSRAS assessment outlined in paragraph 11 remains the same. The updated standards simply provide greater clarity and transparency within this framework.
23. The updated standards have been developed with input from the External Examiner and assessment organisations. We are now seeking views from wider stakeholders on whether they reflect the knowledge and skills required for modern and effective police station practice.
24. Following the consultation and subject to any changes, we will publish the updated standards in early 2023. We expect



existing assessment organisations to begin assessing against the updated standards from summer 2023.

25. We will publish information about this on our website and in our SRA Update enewsletter. We will work with assessment organisations so that all stakeholders have sufficient notice of the introduction of new standards. This will help individuals and training providers prepare for and understand the content and the required assessment standard.

Question 1

Do our proposed assessment standards reflect the knowledge and skills required for effective police station representation?

Introducing new assessment guidelines

26. We are also proposing to introduce PSRAS assessment guidelines (Annex 2). These give assessment organisations and candidates greater clarity on the requirements of the PSRAS assessment. We have developed the assessment guidelines with input from our External Examiner and current assessment organisations.
27. They also help us monitor whether organisations are delivering the assessment in line with the guidelines and to the standard we expect. Assessment guidelines adopted by each organisation will help increase consistency and standardisation in the delivery of the assessment. This is fairer for candidates.
28. Our proposed assessment guidelines provide greater clarity on:
- a. What the assessment is and how it should be structured, delivered, and marked.
 - b. Roles and responsibilities of those involved in the administration of the assessment.
 - c. How feedback, reviews, appeals and mitigating circumstances procedures should be delivered.
29. We have not included in our proposed guidelines a period or number of attempts by which a candidate must complete the three assessments. There are advantages in specifying a limit as it maintains the integrity of the assessment and competence of individuals. It does this by making sure that the knowledge and skills that the candidate has accumulated from earlier assessments remains current and valid. It also helps direct a candidate's training.



30. Our proposed changes are designed to improve the robustness of the assessment and make sure that those awarded the PSRAS qualification are competent. Introducing a period within which the assessments must be completed, or a maximum number of attempts a candidate can have at the assessments, could act as a barrier. This could restrict the supply of police station representatives in geographic areas where the duty solicitor and police station representative market is at risk of a supply side failure. This is particularly due to the age of legal professionals currently undertaking this work

[<https://www.gov.uk/government/consultations/response-to-independent-review-of-criminal-legal-aid/response-to-independent-review-of-criminal-legal-aid#chapter-3-the-police-station>] . In addition, feedback from our assessment providers suggest most candidates pass within three attempts.

31. We want to hear from stakeholders on whether they agree with our position and any other wider views on our proposed guidelines.

Question 2

Do you agree with the content of our proposed assessment guidelines?

Question 3

Do you agree with our position to not include a period or number of attempts by which a candidate must have completed the three assessments?

Enhancing regulatory oversight of PSRAS assessment organisations

32. We are proposing to introduce regulations to enhance and regularise our oversight of PSRAS. Our proposed regulations (Annex 3) provide clarity to existing (and future) organisations on the requirements of our authorisation, and what action we may take where these guidelines are not met.
33. Existing providers can continue to deliver PSRAS assessments under their existing authorisation. There is no need to reapply.
34. We will consider comments from stakeholders raised in this consultation before submitting our rule changes to the Legal Services Board (LSB) for approval in early 2023.
35. Subject to approval of our proposed regulations by the LSB, we will also review and update our PSRAS provider

authorisation terms and conditions.

36. We welcome comments from stakeholders on the content of our proposed regulations.

Question 4

Do you agree with the content of our proposed regulations?

Equalities impact assessment

1. This impact assessment explores the potential impacts of our proposal to:
 - a. Update the Police Station Representative Accreditation Scheme (PSRAS) standards so that individuals are assessed against the knowledge and skills required for modern and effective police station representation.
 - b. Introduce PSRAS assessment guidelines so that there is clarity and consistency for individuals and assessment organisations on how the assessment is delivered.
 - c. Introduce regulations that enhance our oversight of PSRAS assessment organisations.
2. Where we have identified potential risks, we have set out how we intend to mitigate them.
3. We have already obtained views from current assessment organisations and some representative groups on our proposed standards and assessment guidelines. However, we welcome comments from all stakeholders on our proposals and this impact assessment.
4. We will use our consultation and ongoing stakeholder engagement to further explore potential impacts. We will publish a final impact assessment alongside our consultation response in early 2023.

Our proposal to introduce updated standards

Impact on the public

5. Our proposal to introduce updated standards means that individuals obtaining PSRAS accreditation will have been assessed against the skills and knowledge for effective and modern police station practice. This includes a greater focus on ensuring that individuals have the right skills to better engage and represent vulnerable clients and those from diverse backgrounds.
6. This provides greater assurances to the public (and wider stakeholders) that individuals have the necessary skills and



knowledge to represent them effectively. This could increase public confidence in the scheme.

7. Updating standards to strengthen the assessment of engagement skills may also improve the quality of representation that vulnerable clients and those from diverse groups receive.
8. Our proposed standards define and explain more precisely the knowledge and skills required for effective police station representation. This increases transparency and clarity on what to expect from police station representatives. We are interested in the views of consumer representative groups and wider stakeholders as to whether we develop additional material to help articulate these standards for the public.

Impact on access to police station advice

9. The current assessment already includes standards. Introducing updated standards does not therefore change the overall structure and format of the current assessment.
10. However, we recognise our proposed standards introduce the requirement for additional skills to be demonstrated and assessed, for example, understanding the challenges that can be faced by clients detained at a police station from diverse groups and backgrounds. It is possible that this requirement could result in an increase in the cost of delivering and taking the assessment.
11. The current cost of taking the PSRAS assessment (written, portfolio and critical incident test) ranges between £475 and £485. This excludes any preparatory training.
12. Our overriding objective is to protect the public by making sure that individuals are robustly assessed and demonstrate that they have the appropriate skills and knowledge for effective police station representation. But we are also mindful of the need to not introduce barriers that could restrict the supply of police station representatives in geographic areas where the duty solicitor market is at risk of a supply side failure, particularly due to age of legal professionals.
13. A significant increase in the cost of assessment could deter individuals from seeking PSRAS accreditation, reduce supply and reduce access to accredited police station representatives.
14. Our proposed standards include assessment against a widened scope of legal knowledge and strengthened assessment of engagement skills with vulnerable clients. We



recognise that this may lead to an increase in the cost of delivering the assessment, however, we do not consider that this will be significant enough to act as a deterrent. This is because revised standards can be incorporated without fundamental change to the current assessment framework, for example, knowledge on arrestable law can be assessed through the written exam.

15. We will use this consultation and ongoing stakeholder engagement with existing assessment organisations and wider stakeholders to further explore the cost impact of implementing updated standards. We will consider this information in making our final decision.
16. We will put in place mechanisms if we implement this proposal. For example, monitoring monthly numbers taking the assessment and working with representative groups to understand whether the cost change has deterred individuals seeking PSRAS accreditation.

Impact on individuals looking to obtain PSRAS

17. We know from data provided by current assessment organisations that around 500 individuals are assessed each year. However, we do not hold data on individuals who may be considering taking the PSRAS qualification.
18. We do not consider that our proposal to introduce updated standards will have a detrimental impact on those looking to obtain PSRAS.
19. Updated standards are not intended to set a different assessment standard to the one currently used and make it more difficult to obtain the qualification. The standards define more precisely the competencies needed for safe and effective police station representation practice and how they will be assessed. This clarity could increase the number of individuals looking to obtain to PSRAS, for example, greater clarity over the skills required.
20. We will make sure that the revised standards are assessed at the appropriate level through our quality assurance arrangements with the appointed assessment organisations, for example, our External Examiner.
21. As we have outlined in paragraph 14, we do not consider there will be a significant increase in the cost of the assessment. We outline in paragraph 15 and 16 how we will further understand and monitor any potential cost impact on individuals looking to obtain PSRAS.



22. We do not have details of the protected characteristics of clients seeking PSRAS accreditation. We have used data that is available about solicitors working for criminal legal aid funded firms to try and understand whether introducing updated standards could have a disproportionate impact. Data suggests that:
- a. There is a broadly equal split between females (51 per cent) and males (49 per cent) carrying out this work. There are slightly more females carrying out this work than females within the wider solicitors' profession (48 per cent).
 - b. There are fewer solicitors in the 25-34 age group (20 per cent) when compared with the overall solicitor's profession (45 per cent).
 - c. People from ethnic minority backgrounds account for 18 per cent of all solicitors working for criminal legal aid funded firms. This is consistent with solicitors from ethnic minority backgrounds working in all law firms.
 - d. One per cent of solicitors working in criminal legal aid funded firms have a disability. This is consistent with the wider solicitors' profession.
23. We recognise that there may be more females potentially carrying out this work, however, given the small percentage difference, we do not consider that introducing updated standards will have a disproportionate impact on this group.
24. We have not at this stage identified any negative impact on individuals from other protected characteristic groups because of their particular protected characteristic. In addition, in line with how current standards are assessed, disabled candidates will still be able to request a reasonable adjustment.

Impact on solicitors and firms we regulate

25. Our proposal to introduce updated standards does not directly impact on the majority of solicitors we regulate who do not carry out criminal work or those who already have the qualification.
26. Existing solicitors providing police station representation may indirectly benefit because of increased public confidence that police station representatives are assessed against the skills and knowledge for effective and modern police station representation.
27. Updated standards can also be used by solicitors who already have the PSRAS qualification to meet their



regulatory obligation to keep their skills and knowledge up to date. The standards can be used as a tool to identify training and development needs.

28. We have identified a possible risk that introducing updated assessment standards could increase the cost of taking PSRAS. We recognise that this could impact on smaller firms and sole practitioners given our data suggest they are more likely to carry out this work. We explain in paragraph 14 that at this stage we do not expect the increase to be significant and outline in paragraphs 15 and 16 how we will monitor the impact of any potential cost increase.

Our proposal to introduce assessment guidelines

Impact on the public

29. Our proposed assessment guidelines provide greater clarity for the public on the administration and delivery of the assessment. This could help increase confidence that the assessment is robustly delivered and that individuals awarded PSRAS have been assessed against the knowledge and skills for effective police station representation.

Impact on access to police station advice

30. There is a small risk that our proposed assessment guidelines could increase the cost of delivering the assessment and deter individuals from taking it. This is because they introduce new requirements on assessment organisations, for example, additional reporting and providing more detailed feedback to candidates.
31. We have engaged with current assessment organisations to develop the assessment guidelines. Our overriding objective is to protect consumers by making sure that delivery of the assessment is consistent and robust so that those awarded the PSRAS qualification have met the required standard.
32. At this stage, we do not anticipate adopting them will significantly increase the cost of the assessment. We outline in paragraph 16 how we will monitor any potential cost impact on individuals looking to obtain PSRAS.

Impact on individuals looking to obtain PSRAS

33. Our proposed guidelines are intended to increase consistency and standardisation in how the assessment is delivered. This benefits those looking to obtain PSRAS because it ensures that there is no significant difference between how organisations deliver the assessment, for



example, it is not easier or harder to pass the assessment at one provider.

34. Our proposal increases transparency on the administration of the assessment and the required standard. This could lead to more individuals looking to obtain PSRAS.
35. However, there is a risk that introducing assessment guidelines could increase the cost of the PSRAS assessment, for example, additional reporting to the SRA and providing feedback to failed candidates. This could act as a deterrent to seeking the qualification. We explain in paragraph 15 and 16 how we will understand and monitor any potential cost increase.
36. We have not identified any disproportionate negative impact of introducing assessment guidelines on individuals from protected characteristic groups.

Impact on solicitors and firms we regulate

37. Our proposal to introduce assessment guidelines does not directly impact on the majority of solicitors we regulate or those who already have the qualification.
38. We have identified a possible risk that introducing assessment guidelines could increase the cost of taking PSRAS. We recognise that this could impact on smaller firms and sole practitioners given our data suggest they are more likely to carry out this work.
39. If we implement this proposal, we will monitor any impact on numbers seeking PSRAS accreditation through the measures outlined in paragraphs 15 and 16.

Our proposal to introduce regulations

Impact on the public

40. The public will have greater confidence that we can address assessment organisation performance, if required, to make sure that those awarded PSRAS have been robustly assessed and are competent. This should increase confidence in the assessment and competence of those awarded who obtain accreditation.

Impact on access to police station advice

41. The introduction of the new regulations will not require existing organisations to apply for reauthorisation. As a result, there should not be a change in the current availability of assessments. But it does mean that the



regulations enable us to remove an organisation's authorisation if we have cause to.

Impact on individuals looking to obtain PSRAS

42. Our proposal formalises our relationship with current and future assessment organisations. We have not identified any direct impact on those looking to obtain PSRAS. Individuals may benefit from increased clarity and confidence on the requirements of our authorisation, and what action we may take where the performance of a provider does not meet our requirements.

43. We have not identified any impact on individuals from protected characteristic groups because of their particular protected characteristic from our proposal to introduce new regulations.

Impact on solicitors and firms we regulate

44. We have not identified any impact on solicitors or firms we regulate if we implement this proposal. This is because our proposal formalises our relationship with current and future existing providers.

Question 5

Do you agree with the conclusions in our equality impact assessment?

Question 6

Do you have any information about the impact of our proposals on any other groups?

Consultation questions

We are seeking your views on our proposed changes outlined in this PSRAS consultation. The full list of questions to answer are:

Question 1

Do our proposed assessment standards reflect the knowledge and skills required for effective police station representation?

Question 2

Do you agree with the content of our proposed assessment guidelines?

Question 3

Do you agree with our position to not include a period or number of attempts by which a candidate must have completed the three assessments?

Question 4

Do you agree with the content of our proposed PSRAS regulations?

Question 5

Do you agree with the conclusions in our equality impact assessment?

Question 6

Do you have any information about the impact of our proposals on any other groups?

How to respond

Online questionnaire

Our online consultation questionnaire is a convenient, flexible way to respond. You can save a partial response online and complete it later. You can download a copy of your response before you submit it.

[Start your online response now](https://form.sra.org.uk/s3/PSRAS-consultation) [https://form.sra.org.uk/s3/PSRAS-consultation]

Reasonable adjustment requests and questions

We offer reasonable adjustments. Read our policy to find out more.

[https://www.sra.org.uk/sra/equality-diversity/diversity-policies/policy/reasonable-adjustment-policy/]

Contact us [mailto:PSRAS.consultation@sra.org.uk] if you need to respond to this consultation using a different format or if you have any questions about the consultation.

Publishing responses

We will publish and attribute your response unless you request otherwise.

Downloads

- Assuring high standards in the police station consultation (11 pages, 158Kb)
[https://www.sra.org.uk/contentassets/804eb82bd62a45bf810b7e51d65c05a8/assuring-high-standards-in-the-police-station-consultation.pdf?version=4a77bc]
- Equality impact assessment (6 pages, 104kb)
[https://www.sra.org.uk/contentassets/804eb82bd62a45bf810b7e51d65c05a8/equality-impact-assessment---assuring-high-standards-in-the-police-station.pdf?version=4a734d]
- Annex 1 PSRAS updated standards (38 pages, 342Kb)
[https://www.sra.org.uk/contentassets/804eb82bd62a45bf810b7e51d65c05a8/annex-1-psras-updated-standards.pdf?version=4a7338]

- Annex 2 PSRAS assessment guidelines (8 pages, 140kb)
[<https://www.sra.org.uk/contentassets/804eb82bd62a45bf810b7e51d65c05a8/annex-2-psras-assessment-guidelines.pdf?version=4a7342>]
- Annex 3 PSRAS regulations (2 pages, 77Kb)
[<https://www.sra.org.uk/contentassets/804eb82bd62a45bf810b7e51d65c05a8/annex-3-psras-regulations.pdf?version=4a77c2>]
- Response to consultation -Assuring high standards in the police station (PDF 15 pages, 280KB)
[<https://www.sra.org.uk/globalassets/documents/sra/consultations/2023/sra-consultation-response---assuring-standards-in-the-police-station.pdf?version=4964b6>]
- Consultation responses -Assuring high standards in the police station (PDF 4 pages, 144KB)
[<https://www.sra.org.uk/globalassets/documents/sra/consultations/2023/sra-consultation-responses--assuring-standards-in-the-police-station.pdf?version=4964b6>]