

CQS Application Form Guidance Notes

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Overall guidance

1. These guidance notes are to assist a **Practice** applying for membership of the **Conveyancing Quality Scheme ('CQS')**. If you are a locum applying for individual accreditation then please note that there will be a separate application form and guidance issued in due course. For further details on this please contact the **CQS** office on 020 7316 5550.
2. The **Practice** will need to appoint a suitable person to be their **Senior Responsible Officer ('SRO')**. This person will be accountable to the Law Society and required to ensure that the **Practice** complies with the rules of the **Scheme**, which can be found in the Practice Agreement and Declaration.

In addition **SROs** will need to provide an undertaking to the Law Society that they have identified, verified, and carried out all necessary Basic Disclosure checks against all **relevant persons** as required under the **Scheme**.

3. Sections 1, 2 and 4, of this application form are to be completed by the **Senior Responsible Officer** as well as the relevant parts of section 3. It is the **SRO's** responsibility to complete the form and submit it with all supporting documentation as required under **CQS rules**.
4. Please answer all questions and complete all the relevant boxes. You may find it helpful to refer to the **Glossary**. If your answer to any question exceeds the space available, continue on a separate sheet clearly marking the question number to which your comments relate.
5. If you have more than 10 **managers** please contact us to discuss your application before completing the personnel sections of the Application form.
6. Words in **bold** (apart from document headings and advisory notes) are defined in the **Glossary** which follows and will carry the meaning set out therein.
7. References to statutes and regulations include any subsequent statute, legislation or regulation directly or indirectly amending, consolidating, extending, replacing or re-enacting that statute or regulation and to all orders, directions and notices made or served under them.

If any development affecting your practice after submission of this form would affect the answers given by you on this form (whether in relation to complaints, claims, regulatory matters, changes to relevant persons or otherwise), you must notify the **CQS** office of the development as soon as possible and, in any event, within 14 days of the change or the decision to make the change, whichever is the earlier.

Glossary

Term	Definition
Alternative Business Structure (ABS)	an alternative business structure that is licensed by the SRA pursuant to its Practice Framework Rules 2011
Accounts staff	all staff in your accounts department whether full or part time and whether qualified or not
Assigned Risks Pool (ARP)	the arrangement by which an eligible Practice (as defined under the Solicitors Indemnity Insurance Rules 2011 ('SIIR')) may obtain professional indemnity insurance against civil liability by means of an ARP policy on the terms set out in the SIIR
Client Service Charter	the charter that sets out the client service standards to which Member Practices must adhere and which is published at www.lawsociety.org.uk/accreditation
Compliance Officer for Legal Practice (COLP)	a compliance officer required by the SRA Authorisation Rules 2011
Compliance Officer for Finance and Administration (COFA)	a compliance officer required by the SRA Authorisation Rules 2011
Conveyancing Quality Scheme (CQS)	The Law Society's quality standard for residential conveyancing practices as set out in the scheme design. (CQS)
Core Practice Management Standards	those standards set out in the CQS Toolkit
Glossary	the glossary contained within these guidance notes
Head of Conveyancing	a Qualified Conveyancer who is the head of Residential Conveyancing work conducted at the Practice

Head of Finance and Administration (HOFA)	Head of Finance and Administration
Head of Legal Practice (HOLP)	Head of Legal Practice
Key Support Staff	any person not a Qualified Conveyancer or Non Qualified Conveyancer involved in Residential Conveyancing at the Practice including any person involved in financial procedures relating to Residential Conveyancing . This may include, but is not limited to, contact with clients, requisitioning and directing of funds or other involvement in financial procedures
Licensed Conveyancer	a licensed conveyancer within the meaning of s11(2) of the Administration of Justice Act 1985 (who practises Residential Conveyancing) as amended by the Legal Services Act (2007) and who is regulated by the Council for Licensed Conveyancers ('CLC')
Limited Liability Partnership (LLP)	a recognised body within the SRA Practice Framework Rules 2011
Legal Disciplinary Partnership (LDP)	a recognised body within the SRA Practice Framework Rules 2011
Manager	a partner in a partnership, a member in an LLP, or a director in a company
Member Practices	Practices which have attained membership of The Scheme
Conveyancing Protocol	The Law Society's guide to best practice in domestic conveyancing transactions of freehold and leasehold property
Non-Qualified Conveyancer	a person conducting Residential Conveyancing who is not a Qualified Conveyancer . For the avoidance of doubt Particular reference is drawn to s12-19 of the Legal Services Act (2007)

Practice	any law firm regulated by the SRA, including Sole Practitioners partnerships, companies and LLPs
Qualified Conveyancer	a solicitor or fellow of the institute of legal executives who practices Residential Conveyancing or (but in each case only if they are employed by or practise within a Practice) a Licensed Conveyancer or a duly certified notary public who practices Residential Conveyancing . Particular reference is drawn to s12-19 of the Legal Services Act (2007)
Regulatory matter	any investigation or supervision by a regulator (whether concluded or not) irrespective of its outcome
Relevant person	all persons who are managers, Qualified Conveyancers, Non-Qualified Conveyancers, Key Support Staff, or Accounts Staff
Relevant Member of Staff	all persons who are managers, Qualified Conveyancers or Non-Qualified Conveyancers
Residential Conveyancing	the process by which residential properties in England and Wales (whether freehold or leasehold) are legally transferred between parties (to exclude re-mortgages)
Residential Conveyancing Experience	Residential Conveyancing experience obtained in practice (not necessarily private practice) in England and Wales for a minimum period of three years
Scheme design	the document setting out the framework of the scheme including its objectives, benefits and the eligibility criteria
Senior Responsible Officer (SRO)	a senior manager in the Practice or the sole practitioner who will be the nominated responsible person accountable to the Law Society on behalf of the Practice under the Scheme
Sole Practitioner	a recognised sole practitioner pursuant to the SRA Practising Regulations 2011 until 31/3/2012 and thereafter the Authorisation Rules 2011

SRA	Solicitors Regulation Authority
The Scheme	The Law Society's quality standard for Residential Conveyancing Practices as set out in the Scheme design

Part A: General Information about the Practice

In this section the **SRO** will supply all information required about the **Practice**. The numbered paragraphs below are intended to reflect the questions in the **CQS** application form.

- 3 Please specify if the **Practice** is a partnership **LLP** or company. **Sole Practitioners** should say whether they practice as a company or LLP. Please also state whether it is an **LDP** or **ABS**.

You must report any change of status of the **Practice** throughout the life of the **Practice's** membership of the **Scheme** and provide documentary evidence thereof to the Law Society.

- 5 In addition to the number of **managers** in your practice, please give the name and job title of your compliance officers. The latter part of the question applies to **sole practitioners** as well. Arguably the **COLP** and **COFA** should have been 'in post' from 6/10/11 even though there was no need to notify **the SRA** of their details until March 2012.

You are obliged to notify **the SRA** of compliance breaches from 6 October 2011 even if your compliance officers had not then been appointed. Material compliance breaches should be reported as soon as possible, all other breaches need to be recorded and reported in the annual return in October 2012

- 6 The **SRA** number is the **Practice's** reference number which identifies the **Practice** and appears on the Law Society's public register. Each branch office of the **Practice** will have its own individual **SRA** number. The **SRA** number being asked for here is the **SRA** number for the main office.

- 7 The 'main office' will be the office that you have listed with the **SRA** as the main address for your **Practice**. Please provide the DX address for the **Practice**.

- 10 If the **SRO** wishes to establish a new **Practice** or the **Practice** has been in existence for less than three years, then the **SRO** and/or **Head of Conveyancing** will need to prove that they have relevant qualifications and three years' experience in **Residential Conveyancing**.

This should ideally be three continuous years but concessions may be agreed with the Law Society in appropriate cases for reasons such as maternity leave, long term illness, unemployment or a sabbatical.

- 12 For the definition of **Residential Conveyancing** please refer to the **Glossary**.

The overall aim and primary focus of the **Scheme** is targeted at mainstream **Residential Conveyancing** where the transactions are wholly or primarily residential in nature.

It will be at the discretion of the **Practice**, more particularly the **SRO**, to decide what they deem to fall within this definition. When making this decision the **Practice** may wish to consider the nature of the:

- property
- transaction
- parties
- contract
- mortgage

The aim is to ensure that the Law Society has a clear indication as to the amount of residential work that is being carried out by a firm (Q20-21).

Residential transactions are carried out in accordance with preferred practice under the Law Society Conveyancing Protocol where its use is appropriate

It will not include:

- the grant of easements, variations of deed of covenants that take place independently of a transfer
- transactions where standard commercial conditions of sale are being used
- transactions where a commercial mortgage is used
- litigious work associated with this work type
- re-mortgage work

As this part allows for a certain amount of discretion and interpretation by the individual practice then we would suggest the following:

For any **Practices** who are in the process of applying, we would suggest that you record in a covering letter the decision that you have made as to the work you have treated as **Residential Conveyancing** under **The Scheme**, so that we hold a record of what the **Practice** has interpreted the definition to include.

When considering **Residential Conveyancing Experience** in relation to **Relevant persons**, please note that they do not have to have been practising in private practice, but that time taken teaching and/or training, for example, will not be considered towards the experience required under **The Scheme**.

- 15 This is the **SRA** number for the branch office.
- 18 If the answer to the question is 'no', please provide full details of your supervision arrangements and explain why they are considered reasonable. Please be as specific as possible about the time spent by **managers** at each location.
- 20 Please give figures for completed transactions only during your last 3 complete financial years, making sure to include your 'year end' date. These figures should not include abortive sales and purchases.

For a definition of what is classified as a sale or purchase of residential property please see the definition of **Residential Conveyancing** in the **glossary** and the further guidance at question 12 of these guidance notes.

The figures should be based on accounts/financial information. If you provide estimated figures please make this clear and explain why actual figures are not available and on what information any estimates have been based.

If you are a newly established **Practice**, please provide actual and estimated figures covering 3 years, including cashflow projections for future years. For further guidance please refer to the Recently Formed Practices Guidance Note on the **CQS** website.

Gross fees in relation to the above transactions

Please state total gross fees arising from work undertaken from your offices in England and Wales. Gross fees should include all professional fees of the **Practice** including remuneration, retained commission and income of any sort whatsoever but excluding disbursements, VAT and interest.

Please make sure that you answer all sections of this question. Completing these questions saying that figures are unavailable will be an unacceptable answer unless, of course, there is a valid reason, which you will need to explain.

- 21 Completing this question by saying that figures are unavailable will be an unacceptable answer unless, of course, there is a valid reason, which you will need to explain.
- 22 If the answer to any of these questions is 'yes', please provide the exact percentage of instructions (if over 10%) from the source over the period mentioned and give brief details of the nature of the arrangement. In some cases, more details may be requested by the **CQS** office.
- 23 Financial Services and Markets Act 2000 ('the Act') provides that regulated activities mean those in accordance with s22 of the Act.
- 24 Please note that this question only relates to referrals that relate to or impact on the **Residential Conveyancing** work in the **Practice**.

If the answer to is 'yes', then please provide the following details in respect of each introducer and/or arrangement.

- The name of the organisation or individual with whom your **Practice** has/will have an arrangement for introducing work;
 - The date of commencement of the agreement, if known;
 - The percentage of the **Practice's** total fee income arising during your last accounting period from your arrangements with each introducer;
 - The total sum or details of any other consideration which the **Practice** has paid or given to the introducer during the **Practice's** last three accounting years.
- 25 In this context property clubs and/or investment clubs will mean an entity that allows or invites individuals or groups to pool their resources and create platforms that enable their members to invest in real estate, collectively, on certain terms.

If the answer to this question is 'yes', please provide full details of the property/investment club, in which financial year the work took place and the percentage income from these transactions for that year.

- 26 Please include the **Practice's** main office in the terminology, 'branches', when answering this question.

This question is not asking if you share an office block with companies that are independently operated companies, on securely separated floors. It is asking if you share 'premises' and/or 'office space' with any other company/organisations. If in doubt please provide the information with a brief overview of the physical lay out of the premises/and or office space.

- 29 In the context of this question 'turnover' means the number of **Relevant persons** in the **Residential Conveyancing** department of your **Practice** who leave, including those who leave due to dismissal, redundancy or retirement as a percentage of the average size of the **Residential Conveyancing** department. The formula is simply:

$$\frac{\text{Number of Relevant persons leaving over last 3 years}}{\text{Average size of the Residential Conveyancing dept over 3 years}} \times 100$$

Remember in the course of the year that the **SRO** will need to advise the **CQS** office of the name of any **Relevant person** when leaving or joining the **Practice** within 14 days.

- 32 The CML Disclosure of Incentives form is required for all newly built property that is yet to be occupied for the first time and any existing property that has yet to be occupied in its current form, for example, due to a renovation or conversion where mortgage finance is required. These are the 'relevant conveyancing transactions' to which the question is making reference .

If your **Practice** is not complying with the CML or individual lender requirements then please advise us of what other arrangement you have in place to notify lenders.

- 33 If the answer to this question is 'no,' please explain how matters are supervised, providing as much detail as possible.

- 34 In order to access some electronic services that the Land Registry has provided under section 92 Land Registration Act 2002, the **Practice** will need to have signed up to the Land Registry Portal. If you have not yet done so, please explain why.

- 35 This question recognises that a **Practice** may not be able to confirm categorically if it has been removed from lender panels as there may be instances where this has happened without its knowledge.

If the **Practice** has been notified that it has been removed, but the lender has not given any reasons, please provide full details.

This should include for example: what enquiries have been made and the nature of those enquiries, did the **Practice** ask for reasons as to why it has been removed and did the **Practice** appeal?

- 36 If your **Practice** is insured through the **ARP** please provide a copy of the **ARP** policy schedule as you would with open market cover.

You will also need to provide evidence from your insurers of the number of conveyancing claims for the **Practice**. This evidence should cover the last five years (redacted to remove any client identity information) from the date of your application to the **Scheme**.

Please highlight all **Residential Conveyancing** claims. In addition to the Claims Summaries provided by insurers, we require brief details from you of each **Residential Conveyancing** notification. If required, the **CQS** office will call for more information.

When answering this question please also confirm whether the **Practice** has top up insurance. In certain circumstances further details may be required.

- 37 If the **Practice** has had any qualifications imposed on its accountants' report form during the last three financial years, you must provide copies of all those relevant reports. If the nature of the qualification is not clear from the report you will need to provide additional details by way of explanation.
- 39 Please provide full details of all regulatory matters affecting the **Practice**, its **managers** or staff during the last five years including copies of relevant correspondence. This does not relate solely to **Residential Conveyancing**. Relationship management is the **SRA's** name for supervision under Outcomes Focused Regulation. Remember to notify the **CQS** office of any matters that come to light after completion of the form.

In relation to visits by the Practice Standards Unit (PSU) please provide a copy of the letter sent by the Practice Standards Adviser following the visit.

- 40 Please also give your definition of what amounts to a complaint. Note that in its scheme rules, the Legal Ombudsman defines a complaint as being an oral or written expression of dissatisfaction which alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience or other detriment.

Please include details of all complaints relating to **Residential Conveyancing** that have been dealt with through the **Practice's** complaints procedure. This is consistent with the **SRA's** definition of first tier complaints on its website.

Any matters not disclosed here that come to the attention of the **CQS** office *at any time* that were subsisting at the time that the application was submitted may be cause for the **practice's** application to be rejected or the **practice's** membership of the **Scheme** to be revoked.

- 42 If you have destroyed full details of any complaint to comply with the Data Protection Employment Practices Code, please provide as much detail as you are able.

- 43 The Law Society Transaction Scheme includes the use of the Law Society's Transaction forms, the Law Society Conveyancing Protocol, and the Standard Conditions of Sale (5th edition).

In practice, you may have only used some of the items under the Transaction scheme, in which case then please specify the **Practice's** normal approach. For example, if you have used the forms but not the protocol then please detail this here. If possible please provide a percentage, even if it is a best estimate. Completing this question saying that figures are unavailable will be an unacceptable answer unless, of course, there is a valid reason, which you will need to explain.

Core Practice Management Standards (Questions 45-69)

This section should be completed by those Practices that do not currently hold Lexcel accreditation. Please note that additional help will be made available to any Practice that does not currently have adequately documented processes in place.

If you are in the process of going through Lexcel accreditation, then please specify this on the form and inform us as to what stage you have reached in the assessment.

The Core Practice Management Standards referred to in this question include the following:

- Financial Management
- Supervision and Operational Risk Management
- Client Care
- File and Case Management

further details of which are contained in the CQS Toolkit. The CQS Toolkit should be read in conjunction with the current edition of the SRA Handbook 2011.

These questions are not asking you to supply The Law Society with documentary evidence of these processes at this stage (apart from the sample client care letter), but merely to indicate whether or not you have the processes in place or are 'working towards' them as at the date of the application. In the context of these questions 'working towards' means that 'the Practice has taken proactive steps towards producing and/or developing and/or implementing the policy/process in question' in the expectation that these will be implemented shortly, ie within 3 months of the date of the application form.

The SRO should bear in mind when completing these questions that the Practice could be subject to audit. The Practice may be asked to provide documentary evidence at any time of the processes in place or being 'worked towards'. This may result in recommendations as to how the Practice could take appropriate remedial action within a given time frame.

There will be serious consequences and sanctions for any Practice which gives false information here or elsewhere in the form.

Section 3: Personnel

70 SRO and Head of Conveyancing

Please note that both individuals have an obligation to check that the information about them in this question is true and sign an individual form of declaration to this effect as set out at the end of the question.

PART ONE

Current home address

Please provide the current home address for the **SRO** and the **Head of Conveyancing** to enable the Law Society to carry out the necessary background checks.

SRA Roll Number or CLC number

Every solicitor has a unique individual roll number and a Licensed Conveyancer a unique Council of Licensed Conveyancers number. The **SRA** roll number can be found on a solicitor's practising certificate or it can be found by visiting:

www.lawsociety.org.uk/choosingandusing/findassolicitor.law.

If you cannot find an individual's number then the **SRA** contact centre should be able to assist you. (Tel 0870 606 2555)

SRA number of main practising address

Main practising address is the normal place of work within the **Practice**.

Position in Practice

In addition to detailing the individual's job title within the **Practice**, please specify here who is to act in the capacity as the **SRO/Head of Conveyancing**.

E-mail and Telephone number

The Law Society will use these to contact the **SRO**, as the **SRO** will be the main point of contact for the **Scheme**.

Date joined the Practice

Please provide the full date here including the day/month/year.

Where individuals have been with their current **Practice** for a period of less than two years (as at the date of the **Practice's** application to **The Scheme**) please provide the full name of the company/firm, address contact details, position held and dates of employment. If it was a position within a **Practice** regulated by the **SRA** then please provide the **SRA** number for that **Practice**.

Professional qualifications

This means the legal qualifications for the **SRO/Head of Conveyancing**, for example: LLBft, LLB Sand, LLB pt, LLBdl CPE, GDL.

Are individuals involved in any other solicitors' Practice(s) or any business ventures?

Please provide the full name and address of the **Practice** or business venture, and explain the nature of the business venture.

PART TWO

Number of hours spent on Residential Conveyancing

Please indicate the number of hours that you have spent on **Residential Conveyancing** within the last three years.

These figures can be based on accounts/financial information and the **SRO's** own individual records of ongoing matters. Failing this, please provide a figure based on your best estimate. If you estimate this figure please specify that you have done so and on what information, if any, that this has been based. Completing this question saying that figures are unavailable will be an unacceptable answer unless, of course, there is a valid reason, which you will need to explain.

For a definition of what is classified as **Residential Conveyancing** please refer to the **Glossary** and further guidance at question 12 of these guidance notes.

Unlike question 12 however, this estimate will include all work, including abortive matters.

Relevant education or training

Examples of this may be training seminars, conferences, networking events, reading articles. For example, how do you ensure that you keep up to date on matters relating to **Residential Conveyancing**? What **Residential Conveyancing** related continuing professional development have you undertaken/do you undertake?

CPD record

Every solicitor is required to keep a record of their annual CPD points. Please indicate here that you have enclosed a copy of the CPD training record in relation to both the **SRO** and the **Head of Conveyancing**. When answering this question you need only provide the CPD record for the latest complete CPD year. Please highlight clearly those entries on the enclosure relating specifically to or including elements of **Residential Conveyancing**. If you do not highlight the appropriate entries we will send it back to you to complete before continuing to process your application.

Experience and proven management ability to run Residential Conveyancing department

Please provide evidence of your experience(s) in running a conveyancing department. This may include the number of people for whom you are responsible within the team, the length of time you are/were in charge and what your day-to-day activities entailed in this lead role.

FOR COMPLETION BY THE SRO

Form of ID checked?

It is the **SRO's** sole responsibility in their capacity as **SRO** under The Scheme to ensure that they have taken the appropriate form of identification for the **Head of Conveyancing** (if different to the **SRO**) of the **Practice**. The **SRO** will need to ensure that another Partner in the **Practice** is satisfied that the appropriate form of identification has been taken by the **Practice** for the **SRO**.

Obviously if you are a **Sole Practitioner**, then it will be necessary for you to seek independent validation of your identification in accordance with the guidelines as set out below.

The forms of identification acceptable to The Law Society under **The Scheme** are:

- Current photocard driver's licence
- Current signed passport.

In most cases of face to face verification, producing a valid passport or photocard identification should enable most **SROs** to meet the identification requirements.

Only in cases where the employee does not have either of the above forms of identification available will we consider accepting the following sources of identification:

- birth certificate
- current EEA member state identity card

In cases where a person is unable to supply photo identification, the identification supplied will need to be accompanied by the following:

- statement from a member of the **Practice** or other person in the regulated sector who has known the employee for a number of years attesting to his/her identity - bear in mind the employee may be asked to contact this person to give an assurance supporting that statement at a later date.

Any identification document supplied must be valid and not reached its expiry date. Please note that if the person has recently changed his/her surname, then documentary evidence should be provided. This may, for example, be a certified copy of the marriage certificate or a change of name deed.

A copy of the passport or driving licence must be enclosed with the application form. If you are not in a position to enclose the copy when initially submitting your application form, then you can indicate this on the application form but the enclosures must follow within the course of the application being considered by the CQS Office.

Any copy passport or driving licence (or any other form of acceptable identification) enclosed with the application form will need to be a certified copy. The Law Society will accept documents certified by the individuals authorised by the Home Office identity and passport service www.ips.gov.uk/cps/rde/xchg/ips_live/hs.xsl/index.htm.

The statement will need to read *'I have seen the original document and I certify that this is a complete and accurate copy of the original and I certify that this is a true likeness of Mr, Mrs, Ms Miss or other title and their full name'*



The certifier then needs to sign and date the document and include position or capacity e.g. lawyer and contact address. The official company/institutional stamp must be clearly impressed. The address and telephone number contact details must be provided.

Copy identification documents can be certified by the SRO and/or other Partners within the Practice but they may not certify their own identification.

A **Sole Practitioner** will need to seek independent certification of his/her identification.

Criminal records check (Basic Disclosure)

The Law Society requires only a 'basic' criminal records disclosure check to be carried out to satisfy the requirements of **the Scheme**.

The Basic Disclosure contains details of unspent convictions in accordance with the Rehabilitation of Offenders Act 1974, which are held on central police records or will state that there are no such convictions ('Basic Disclosure'). The information is taken directly from the Police National Computer; and printed on an official Disclosure certificate from the Government's Criminal Record Office.

If the **Practice** has already conducted a Basic Disclosure check on the individuals, then no further check will be needed at this time, provided that the check has been carried out within a period of 12 months immediately preceding the date that the application form for membership to the Scheme is received by The Law Society.

Please note - the CQS office cannot generally accept checks other than Basic Disclosure checks. This is because Standard and Enhanced checks can only be obtained for the purposes of 'exempted questions' under the relevant legislation. Questions asked for the purposes of CQS are not exempt.

You will need to enclose evidence of these current checks with your application form, and confirm this where the question asks if the disclosure check is enclosed for the individual. **You must supply the original certificate**; legislation does not permit these to be replicated in any way. The original certificate will be returned to you at such time as the Law Society no longer requires this, which at the latest will be upon the **Practice** being informed of its accreditation status.

If you choose to pursue your checks through another provider, or even through a different account with Atlantic Data, then please be aware that we will not accept a copy of the form of 'receipt' that you receive from the provider. You will need to ensure that you obtain the original certificates.

If a check has been carried out, but not within the last 12 months, then it will not be acceptable. A new check will be required.

If no criminal records checks have been carried out, then the **SRO** will need to answer 'no' where indicated on the application form. Once the Law Society receives the application form, a unique link will be sent to the **Practice** inviting it to register



with Atlantic Data Ltd (www.disclosures.co.uk), who are a registered Umbrella Body with the both the Criminal Records Bureau and the Disclosure Scotland. Take up of the registration will then enable any employee that is required by the **SRO** to carry out the basic disclosure check, to complete an on-line form with their own details.

There is nothing to prevent the **Practice** from processing these disclosure checks before submitting the application, as it may minimise the potential for delay.

The on-line process is estimated to take each employee no longer than 10 minutes to complete. The form is then printed, signed and forwarded to Atlantic Data, this can be done by either faxing the form or scanning and forwarding electronically.

If the result does not contain any conviction information, it will be sent to the Law Society. It will not be sent to anyone else. Atlantic Data Ltd will store the result securely for one month before destroying it. If the result does contain conviction information, the result will be sent to the applicant. The Law Society and the **Practice** will be told this has happened, but will not receive a copy of the result themselves. Before your application can progress, the Law Society will need sight of the result with the applicant's consent. **Please note: you are responsible for ensuring the individual concerned is aware of this and has provided written consent before his/her application is submitted.**

The time to process the check by Atlantic Data Ltd is currently estimated to be between 7-10 working days after they have received the identification documents required from the **Practice**.

As a registered body, the Law Society must comply with the Criminal Records Bureau Code of Practice. The code sets out obligations regarding the storage of, and access to, disclosure information that must be met by the Law Society and all individuals who have cause to use disclosure information.

A criminal record check is required for the **SRO** and the **Head of Conveyancing**, (subject to them already having a current valid check in place).

71 Managers

In this question details are required for every **manager** in the firm, regardless of whether or not they are involved with **Residential Conveyancing**, (with the exception of large firms, who should contact the **CQS** helpline)

Please note that each individual **manager** has an obligation to check that the information about them in this question is true and sign an individual form of declaration to this effect as set out at the end of the question.

SRA Roll Number or CLC number

Please see the notes to question 70 for guidance.

SRA number of main practising address

Please see the notes to question 70 for guidance.

Position in Practice

Please detail the Partner's 'title' within the **Practice**.

Date joined the Practice

Please see the notes to question 70 for guidance.

Professional qualifications

Please see the notes to question 70 for guidance.

Are individuals involved in any other solicitors' Practice(s) or any business ventures?

Please see the notes to question 70 for guidance.

CPD record

Please see the notes to question 70 for guidance. Please indicate that you have enclosed a copy of the CPD training record in relation to each Partner, if he/she practises **Residential Conveyancing**. You do not need to provide CPD training records for Partners who do not practise **Residential Conveyancing**.

FOR COMPLETION BY THE SRO

Form of ID checked?

It is the **SRO's** sole responsibility in their capacity as **SRO** under **The Scheme** to ensure that they have taken the appropriate form of identification for each Partner of the **Practice**. For the avoidance of doubt this extends to all Partners, regardless of whether they practise **Residential Conveyancing**.

For the forms of acceptable identification please see the notes to question 70 ..

A copy of the passport or driving licence for each Partner must be enclosed with the application form.

Criminal records check (Basic Disclosure)

Please see the notes to question 70 of the guidance.



The information in that question sets out clearly the obligations and the process in terms of carrying out necessary criminal records checks.

A criminal record check is required for all **managers**, regardless of whether they practise **Residential Conveyancing** (subject to them already having a current valid check in place).

72 **Qualified Conveyancers**

Please note that each individual has an obligation to check that the information provided about them is true and sign an individual form of declaration to this effect as set out at the end of the question.

Although this question asks for details of all **Qualified Conveyancers**, please do not provide details here concerning the individual who is to act as the **Head of Conveyancing** at the **Practice**. The details of this individual will be completed in the form at section 70.

SRA Roll Number or CLC number

Please see the notes to question 70 for guidance.

SRA number of main practising address

Please see the notes to question 70 for guidance.

Date joined the practice

Please see the notes to question 70 for guidance.

Professional qualifications

Please see the notes to question 70 for guidance.

CPD record

Please indicate here that you have enclosed a copy of the CPD training record for each **Qualified Conveyancer**. When answering this question you need only provide the CPD record for the latest complete CPD year.

FOR COMPLETION BY THE SRO

Form of ID checked

For the acceptable forms of identification please see the notes to question 70 for guidance.

Please note that for the category of individuals (ie **Qualified Conveyancers**) under this question you are not required to enclose evidence of their identification.

Where the question asks if the identification has been verified it is asking whether the **SRO** has taken steps to ensure that the person is who he or she claims to be. . You will need independent and reliable verification of your employees' identity.

The **SRO** must take whatever are steps necessary to ensure that he/she is satisfied with the form of identification provided.

You may choose to verify the identification through electronic verification. There are numerous providers in the market offering this service to legal practices. You may well already use the services of such a provider for anti-money laundering checks on clients, in which case you may choose to use them for the additional identification checks required under **The Scheme**.



For assistance on electronic verification you can refer to www.192.com. The service is called 'proveID-KYC'. This service will check a number of databases and will satisfy our requirements with regard to a credit check against an individual.

If for any reason you are not able to answer 'yes' to having carried out and being satisfied with the identification checks, then it may be necessary to undertake further enhanced due diligence.

Fraud Check

The 'Fraud Check' is not mandatory as the **SRO** will need to take a risk based approach to the situation. You are not required to conduct extensive investigations, but must have regard to information that is in your possession or is publicly known.

For example, if the checks have revealed adverse results or pending investigation(s) or you feel further due diligence on the individual's identification and background checks are necessary, then you will be expected to do so under your responsibilities operating as the **SRO**. You may choose to carry out these further checks (which we refer to in the application form as fraud checks) through a provider, such as Accuity (www.AccuitySolutions.com).

Criminal records check (Basic Disclosure)

Please refer to the notes to question 70 for further details on criminal records checks.

The information in that question clearly sets out the obligations and the process in terms of carrying out necessary criminal records checks.

For the avoidance of doubt criminal records checks are required for all named individuals under Q72, namely, **Qualified Conveyancers**.

Please note that in addition to notifying The Law Society that the **Practice** has carried out all the required checks, the **SRO** will be asked to provide a declaration to this effect. The precise wording of the declaration is set out in the practice agreement and published on the **CQS** webpage.

73. **Non-Qualified Conveyancers and Key Support Staff**

Please list the employees according to their status within the **Practice**. This may include, but not be limited to, trainee solicitors, paralegals, research assistants, non-lawyer consultants, specialist support staff and support/administrative staff conducting fee earning work.

You should consider who is to be excluded from the definitions of categories of individuals under this question. There may be those individuals who work in the **Residential Conveyancing** department but do not fall into any of the above categories.

As a practical example this may include secretarial staff who may be client facing, but only carry out basic administrative task, such as typing, taking messages, photocopying or filing.

SRA number of main practising address

See the notes to question 70 for guidance.

Date joined the practice

See the notes to question 70 for guidance

Professional qualifications

Please list all relevant professional qualifications.

FOR COMPLETION BY THE SRO

Please see the notes to question 70 for guidance.

Please note where the SRO believes that an employee has a good reason for not meeting the standard verification requirements, the Law Society may, in exceptional circumstances, accept written confirmation of identity from an appropriate individual who is properly able to verify the identity of the employee.

An example of this would be in respect of a work experience student who is able to provide a birth certificate and written confirmation of his or her address from a parent or guardian or the head teacher or principal of the school or higher education attended by the student. Acceptance of such confirmation as proper verification of identity is at the sole discretion of the Law Society.

Please note that for the category of individuals under this question you are not required to enclose evidence of their identification.

Fraud Check

Please see the explanation provided in the notes to question 72 of these guidance notes.

Criminal records check (Basic Disclosure)

Please refer to the notes to question 70 for further details on the process for criminal records checks.

The information in this question sets out clearly the obligations and the process in terms of carrying out necessary criminal records checks.

Please note that whilst it is not mandatory for these checks to be carried out on these members of staff, namely **non-qualified conveyancers** and **key support staff**, it is advisable. The onus will be upon the **SRO** to decide upon these checks. Please note that if the checks are not carried out then it will be reflected in the score attributed to the **Practice** on assessment for membership to the **Scheme**.

74 Accounts Staff

SRA number of main Practising office

See the notes to question 70 for guidance.

Date joined the practice

See the notes to question 70 for guidance

Qualifications

In addition to professional qualifications in this discipline, please also provide details of the regulatory accountancy body for each individual if applicable, which may include for example, Association of Chartered Certified Accountants (ACCA), Institute of Chartered Accountants – England and Wales, Institute of Financial Accountants (IFA). Equally the individual may have membership of a professional governing body such as the Institute of Legal Cashiers and Administrators (ILCA).

If the individual does not have any formal accountancy qualifications please confirm here how long they have been with the **Practice** and the extent of their experience.

FOR COMPLETION BY THE SRO

Please see the notes to question 70 for guidance.

Please note that for the category of individuals under this question you are not required to enclose evidence of their identification.

Fraud Check

Please see the explanation provided in these guidance notes in relation to question 72.

Criminal records check (Basic Disclosure)

Please refer to the notes to question 70 for further details on Criminal records check.

The information in this question sets out clearly the obligations and the process in terms of carrying out necessary criminal records checks.

Please note that whilst it is not mandatory for these checks to be carried out on these members of staff, namely **Accounts staff**, it is advisable.

The onus will be upon the **SRO** to decide upon these checks. However, please note that if the checks are not carried out then it will be reflected in the score attributed to the **Practice** on assessment for membership to the **Scheme**.

NOTE: Throughout the time that the Practice has membership of the Scheme the SRO will need to complete the details in section 3 for every Relevant Member of the Staff who joins or leaves the Practice. These details will need to be submitted to the Law Society within 14 days from the date on which the individual has ended or started their employment with the Practice.



Signatures and acknowledgement and declaration of compliance with the terms of the Scheme

The form must be signed, where indicated, by the **SRO** of the **Practice** at the end of section 2 of the form.

Each individual is then required to sign a declaration that the information detailed in the applicable questions within section 3 of the form is accurate and true. They are also required to sign a statement regarding how that information will be used by the Law Society.

Please note that section 3 of the form is to be detached from section 1 and 2 of the form when it is completed. The SRO will need to make as many copies as necessary of section 3, in order to provide a separate page for each individual. Under no circumstances are the employees within the Practice to see the details of any other employee that the SRO may have referred to within the application form, or on the separate details completed and referred to in section 3 of the form.

In addition to the above the **SRO** is also required to sign a declaration which is set out in the **CQS** Practice Agreement and will be published at www.lawsociety.org.uk/accreditation then click on the link Conveyancing Quality Scheme.

The Law Society will not accept any amendments to the form of declaration outlined in the Practice Agreement. Any amendments will make the declaration unacceptable and the application will be returned to you to re-sign in the correct format.

How to contact us

You can contact us at;

CQS@lawsociety.org.uk

or

0207 316 5550