

CQS Reaccreditation Application Form

Guidance Notes

- These guidance notes are to assist a **practice** applying for reaccreditation to the **Conveyancing Quality Scheme ('CQS')**.
- The **practice** will have already appointed 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 already signed by the **practice**.
- The reaccreditation form is to be completed by the **SRO**. It is the **SRO's** responsibility to complete the form and submit it with all supporting documentation as required.
- 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 or no space is given, continue on a separate sheet clearly marking the question number to which your comments relate.
- 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.
- 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

'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 .
'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) 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 this person would be in breach s22 of the Solicitors Act 1974 (as amended by the Legal Services Act 2007) if he or she prepared a contract for sale or a transfer, conveyance or mortgage relating to land in expectation of fee, gain or reward.
'Practice'	any law firm regulated by the SRA, including Sole Practitioners partnerships, companies and LLPs.
'Qualified Conveyancers'	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 .
'Relevant person'	all persons who are managers, Qualified Conveyancers, Non-Qualified Conveyancers, Key Support Staff, or Accounts Staff .
'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 consecutive 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 .
'Regulatory matter'	any investigation or supervision by a regulator (whether concluded or not) irrespective of its outcome.

- ‘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**.

Section 1 General information about Practice

- 1 In this section, please confirm that the information held by the CQS Office at date of your accreditation is accurate. This relates to questions 1 to 19 of the initial application form.

The Practice Agreement signed by your **practice** sets out the obligations on the member practice which include providing the CQS Office with updates as set out therein.

- 20 Please give figures for completed transactions only during your financial year, 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**.

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.

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.

- 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 this question is yes, 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.

- 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 enquires, 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 **residential conveyancing** claims for the **practice**. This evidence should cover the last five complete years plus the current year (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 contact you 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 accountant's report form during the last 12 months, it must provide copies of 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.
- 40 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. Further any misrepresentations made in the application form may be referred to the SRA.

Core Practice Management Standards

This question is asking you to confirm whether the information held by CQS Office at the time of your accreditation is correct. If it is not then please provide details for the CQS Office to consider.

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 2: Supporting documentation

This section requires you to confirm that you have enclosed with your application the documentation required.

In relation to the claims summary, this document must come from your insurer or broker and be clearly marked as such.

You are asked to indicate that you have enclosed a copy of the CPD training records for all **relevant persons** where applicable. 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 may send it back to you to complete before continuing to process your application.

**How to contact us**

If you have any queries, please do not hesitate to contact the CQS Office. You can contact us at CQS@lawsociety.org.uk or 0207 316 5550