

Law Society Accreditation Schemes

Application criteria and guidance notes

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A. An introduction to the Accreditation Schemes

The development of professional accreditation schemes is central to the aims of the Law Society as a means of championing the provision of high-quality services across the solicitors' profession.

The Law Society operates a number of accreditation schemes which are open only to solicitors and their employees:

- Children Panel Accreditation Scheme
- Civil and Commercial Mediation Accreditation Scheme
- Clinical Negligence Accreditation Scheme
- Criminal Litigation Accreditation Scheme
- Family Law Accreditation Scheme
- Family Law Accreditation Scheme – advanced membership
- Family Mediation Accreditation Scheme
- Immigration and Asylum Accreditation Scheme
- Immigration and Asylum Scheme - advanced membership
- Mental Health Accreditation Scheme
- Personal Injury Accreditation Scheme
- Planning Law Accreditation Scheme

Members of each scheme will have demonstrated, through an assessment process, that they are competent to undertake work in a particular area of law.

The administration of all schemes, and the processing of all applications, is undertaken by the Accreditation Unit based at the Law Society's Chancery Lane office.

B. Who is eligible to apply for membership

This document covers the general eligibility requirements of scheme membership, and details the way in which all applications are processed.

Each scheme has its own standards against which applications are assessed, as well as eligibility requirements in respect of knowledge and experience. In view of this, each accreditation scheme has its own document covering the specific criteria against which you would be measured. You should read and consider all the relevant documents before you decide if you are eligible for membership.

Further information, and copies of all accreditation scheme documents, can be obtained from the Accreditation Unit.

www.lawsociety.org.uk/productsandservices/accreditation

accreditation@lawsociety.org.uk

0870 606 2566

Lines are open from 10:00 – 16:00, Monday to Friday

C. How to apply and what you should include

Complete the relevant application forms and prepare any supporting documentation asked for.

Each application form is in three parts

- Section 1 – Organisational Information
- Section 2 – Individual Information
- Section 3 – Scheme specific

Sections 1 and 2 of the application form are common to all schemes and should be completed for all applications.

Section 3 is specific to the scheme you are applying for and should also be completed.

Notes on filling in the application forms:

- Make sure that your application form is complete and legible: if your application is incomplete, illegible or unsigned, it will be returned to you for resubmission
- If possible, complete the form in typescript (our application forms are available in Word format); otherwise, use black ballpoint pen
- Ensure that you answer all the questions and supply all additional requested information
- You must answer all questions personally.

Your application form must be accompanied by the appropriate fee, as detailed in the 'fee schedule'.

Cheques should be made payable to 'The Law Society' and endorsed 'account payee only'.

At the present time, we are unable to process other forms of payment.

If you omit to send in payment, or you have not paid the correct amount, we will not start processing your application until you submit the outstanding correct fee.

The application fee covers the processing of your application and the ongoing scheme administration costs, including the associated costs of assessments and adjudications.

The Law Society will not refund any fees of any application, regardless of the outcome.

Your completed application form and the fee should be returned to:

Law Society Operations Administration
The Law Society
113 Chancery Lane
London
WC2A 1PL
DX 56 London / Chancery Lane

D. What happens to my application?

We aim to process every application within 6-8 weeks of receipt, however on occasions of high application volume, this may take longer.

On receipt of your application, your payment will be processed, and your application registered and acknowledged in writing.

The Accreditation Unit makes an initial check of your application form to ensure that you have completed all relevant sections and that you have included any required supporting information.

The unit also checks that you meet the relevant eligibility criteria.

Your details (name and firm) will be cross-checked against records held by your professional body on your professional record.

Your personal details, such as date of admission, current practising certificate and SRA reference number (roll number), will be checked against the SRA's records.

If you are a Fellow of the Institute of Legal Executives (FILEX) the Law Society will cross-check your details with the Institute.

Once initial processing has been completed, your application will be referred to the Law Society's assessment officers to complete the decision-making process.

E. How you will be assessed

The power to determine all applications in respect of professional accreditation schemes has been delegated to Law Society staff by the Council of the Law Society.

Your application will be sent to a Law Society appointed assessor, who will mark your application against the relevant scheme competence criteria. The assessor will produce a report for the Law Society giving a recommendation based on the mark you have achieved.

If the assessor considers that any or some of your answers given in response to any questions are contradicted by any other answers or materials provided, they may refer your application back to you for clarification.

If the assessor identifies answers which are fundamentally wrong in law and/or practice, or which raise ethical and conduct issues, a decision to refuse your application may be taken irrespective of the overall mark obtained.

If an assessor fails an application, the Law Society will send it to a further assessor for second marking.

F. What other checks and assessments are made

You must demonstrate that you are a fit and proper person to become an accreditation scheme member, and must continue to be so throughout your membership. The Law Society reserves the right during the currency of any voluntary scheme membership to investigate any matter which may call into question the fitness and propriety of any scheme member to

act as such, and to take whatever action is considered appropriate at whatever stage of the investigation.

The Law Society will examine whether your past record reveals that you have committed any offences involving fraud or other dishonesty or violence.

The Law Society will also be concerned with any practice in which you may have engaged in the course of any business or employment which do not conform with the best standards of professional conduct. Evidence showing delays in dealing with cases, failure to answer correspondence and failures or delays in responding to enquiries from regulatory and revenue authorities will raise doubts as to your competence to remain a scheme member.

The assessment of fitness is not a mechanical exercise whereby compliance with a number of specific requirements ensures the grant of an authorisation. It is rather a judgement based on the review of your whole record and individual circumstances.

If the Law Society, with due regard to the rules of procedural fairness, determines that you have ceased to be a fit and proper person to continue to be a member of the scheme, or that the fitness or propriety to act as such has been compromised, it may refuse, revoke or suspend the membership or attach conditions to it. Members affected by a decision taken under this paragraph have a right to request a review in accordance with the procedures set out elsewhere in this document.

Where a complaint or other matter which may affect your suitability to remain on the scheme is considered to be of sufficient seriousness, the Law Society may suspend your membership pending the completion of the investigation and any proceedings as may arise.

In cases where issues in respect of character and suitability arise, your application may be either investigated by the accreditation unit, and references sought, or exceptionally referred to the Chief Assessor for the scheme for decision.

After the assessors have completed their consideration of the application form and supporting evidence, the Law Society will make a decision regarding your application. We will consider the recommendations made, taking into consideration other issues arising from references, fitness and propriety checks.

G. What fees are payable for making your application

The fees applicable to each application can be found on our 'fee schedule' document on our website.

H. Decision making

Once the Law Society has decided your application, you will receive written confirmation of the outcome. In the case of decisions other than unconditional acceptance, full reasons for the decision are given, including any relevant comments that have been made during the assessment process by the assessors or adjudicators.

The decisions that could be taken on your application are as follows:

- **Acceptance (unconditional)**

If your application is accepted and membership of the scheme is granted without any conditions of membership being attached, we will send you a letter confirming our decision. The decision will confirm the level of scheme membership appropriate to your knowledge and experience.

You will be awarded a certificate of membership, which will confirm your selection date and when you should apply for re-accreditation.

- **Acceptance (conditional)**

You may be accepted onto the scheme but with conditions attached (such as your required attendance on a designated training course). In this case, your decision letter will confirm the level of membership appropriate, and clearly outline the expectation in respect of satisfying any conditions imposed. You will also receive a certificate of membership.

- **Deferral**

It may be decided that your application is deferred for a period (not exceeding six months) to allow you achieve the required standard, without having to make a fresh application.

If your application is deferred you will be notified in writing, and you will be given a clear explanation of exactly what is required of you within the deferral time period.

When you have fulfilled the requirements, you may then approach the Accreditation Unit detailing what you have done to comply with the recommendations originally made. Your application will then be reconsidered, and you will be informed of our decision.

If your application is deferred but you have been unable to fully comply with the recommendations made within six months, your application will be closed. If this happens and you still wish to become a scheme member, you will need to make a new application and pay another application administration fee.

We will keep deferred applications for 18 months, after which they will be destroyed.

- **Interview**

In exceptional circumstances, it may be decided that you should attend an interview, for example to clarify some of the points you have made within your application, or if your application is considered borderline for acceptance onto the scheme. In these circumstances the Law Society will write to you to arrange a suitable date and venue.

You would be interviewed by a panel of assessors who would ask you about your application, your knowledge and experience, and your approach to the particular area of practice.

If you are invited for interview, you may bring with you any files or papers that you think will assist the assessors or support your application.

The Law Society reserves the right to request that you attend the interview with case files. The Law Society accepts no liability for damage to, or loss of, case files or their contents in transit or on Law Society property.

The Law Society will not reimburse you for any expenses incurred for attending the interview. This includes for example, travelling expenses and loss of earnings while away from the office.

The decision to invite you for an interview or to defer your application for further information does not constitute a final decision, and cannot therefore be the subject of a review or appeal.

- **Refusal of scheme membership**

It is Law Society policy to second mark all applications that

If your application is refused you will be notified in writing, with the reasons given for the decision. You may request a formal review of that decision, but must make such a request within 28 days of the notification of refusal, addressing it to the Accreditation Unit.

If you do not take up the right of request to a review, you may not reapply for membership of the scheme until 12 months have elapsed from the date of final refusal.

- **Revocation of scheme membership**

The Law Society reserves the right to revoke membership of an accreditation scheme if it is subsequently discovered that information given in your application form is incorrect, or where new information comes to light that casts doubt on your ability or suitability to continue as an accredited scheme member.

The requirement that an applicant must be a fit and proper person to be a member of an accreditation scheme is ongoing. The Law Society remains under a duty during the currency of any membership which it grants to investigate any matter arising which may call into question your fitness and propriety as a scheme member.

If the Law Society, with due regard to the rules of procedural fairness, determines that you have ceased to be a fit and proper person to retain accreditation scheme membership, or that your fitness or propriety to act as such has been compromised, it may revoke or suspend your membership or attach such conditions to it as may be considered appropriate.

- **What if I disagree with the decision?**

If your application is refused or, if you are an existing member, your membership has been suspended or revoked, you may ask for the Law Society's decision to be reviewed.

If you wish to apply for the decision to be reviewed, you must send written notice and the grounds of your request to the Accreditation Unit within 28 days of the date of your notification of Law Society's decision. If you fail to produce your representations within the 28-day period, the matter will be terminated without further written notification.

A fee of £300.00 (inclusive of VAT) is charged for processing reviews. We will not begin processing a review until payment has been made.

The review will reconsider your original application and take into account any additional representations that you have made in support of your case. The assessor may raise issues relating to your application and character and suitability, asking any questions they consider relevant.

We will only consider written representations.

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

I. General conditions of membership

For all accreditation schemes it is you who is the member of the scheme and not your firm or the organisation you work for. Recognition will therefore remain with you if you change practising address or firm.

If you are a non-solicitor and you leave the employment of a solicitor, your scheme membership will be inactive. If you intend to seek further employment with a solicitor, a temporary suspension of membership may be granted on application to the Law Society for a period not to exceed 12 months. When appropriate employment is found, you must inform the Law Society and request that the membership be reinstated.

Your membership details will normally appear under the declared main practising address compiled from information contained on the Solicitors Regulation Authority (SRA) solicitor database. Scheme members must notify the SRA Operations Unit (operations@sra.org.uk) of all such changes.

As a member of a Law Society accreditation scheme, you may use the designation 'Law Society accredited' by your name on letterheads and other publicity materials sanctioned by Rule 7 of the Solicitors Code of Conduct July 2007.

The schemes are non-exclusive. Solicitors, FILEX and other employees of solicitors who are not members of an accreditation scheme remain free to undertake all areas of work, subject to the Law Society's rules and guidelines.

A solicitor who is also an accreditation scheme member must maintain a current practising certificate, normally free of conditions, throughout the period of scheme membership. Failure to do so may result in your membership being revoked.

A FILEX who is an accreditation scheme member must continue as a paid-up Fellow throughout the period of membership. Failure to do so may result in membership being revoked.

J. Our requirements for continued professional development

The Law Society reserves the right to impose specific training requirements on applicants to, and members of any accreditation scheme, as considered necessary to take account of changes to current legislation and/or practice and the introduction of new legislation and/or practice.

All solicitors are subject to the SRA's compulsory continuing professional development scheme.

If we require a copy of your CPD record, that will be made clear on the application form.

Failure to comply with specific training requirements or acquire the requisite number of CPD hours may constitute grounds for refusal and/or non re-accreditation.

K. How to complain about members of an accreditation scheme

Complaints against scheme members will usually be investigated at first instance by and under the procedures of the Legal Ombudsman.

Where a complaint concerns the individual's work as a scheme member, or raises issues regarding their suitability to remain on a scheme, the matter may be referred for a decision regarding continued membership of the scheme to an assessor appointed by the Law Society (who may be assisted by an assessor).

A final decision as to the member's suitability to remain on the scheme will be considered by the assessor after the Legal Ombudsman's investigation and any subsequent proceedings have been completed. If a complaint is of a serious nature, the Law Society may suspend membership pending the completion of the investigation and any subsequent proceedings.

The Law Society will give notice of suspension or revocation of membership to scheme users, as considered appropriate. A member suspended or revoked under this section may exercise a right to request a review.

L. How to complain about the application process

Complaints about the application process must be submitted in writing with full details of the issues complained of.

All complaints will be handled by the Accreditation Operations Manager. Such complaints may arise from procedural irregularities, delays or other issues arising from the handling of the application.

Complaints should be made in writing and addressed to:

The Accreditation Unit
The Law Society
113 Chancery Lane
London
WC2A 1PL
DX 56 London/Chancery Lane

or email accreditation@lawsociety.org.uk, specifying all concerns, which will be considered and investigated.

M. Guidance on membership continuance, extension and suspension

The term of membership of each accreditation scheme is for a specified period, generally between 2 and 5 years.

We do, however, understand that there may be times when a membership needs to be either suspended or extended.

• Continuance

The Law Society will continue an individuals' membership of a scheme for the duration of that scheme's membership where the member continues to meet the entry criteria for the scheme.

We will, on occasion, carry out checks to ensure that members continue to meet the entry criteria of the scheme.

- **Inactive memberships**

If, for any reason, a member no longer meets the entry criteria for a scheme, their membership will be noted as "inactive " for a maximum of 12 months.

Where a membership has been noted as inactive, it does not extend the length of a membership period.

It is for the individual member to advise the accreditation unit of any reasons for which they might require membership to be noted inactive, however the Law Society may inactivate a membership where it considers it necessary to do so.

Special arrangements have been established to account for the need to take a career break for reasons such as maternity leave, long illness, unemployment or a sabbatical.

You must inform the Accreditation Unit of your intention to take a career break, or the fact that you have commenced a career break, as soon as is reasonably practicable.

We will consider extending a membership period on a case by case basis, for a maximum of 12 months.

If a member considers that a membership period should be extended, they should contact the accreditation unit. We will consider extensions in such circumstances as;

- Maternity leave
- Career breaks
- Extended holidays
- Any other reasonable circumstances

N. Guidance for Registered European lawyers

Registered European Lawyers (REL) are entitled to make an application to join any of the Law Society's professional accreditation schemes.

In order to do this you must establish to the satisfaction of the scheme assessors that you have the relevant experience, knowledge of the relevant law of England and Wales, and appropriate skills to comply with the criteria for membership of the scheme.

Appropriate experience may be gained in this jurisdiction or in your home jurisdiction. Where, however, experience gained in your home jurisdiction is relied upon it will be for you to provide sufficient details and evidence to demonstrate that such experience is the equivalent to that which would be relied upon by a solicitor of England and Wales.

Where the membership criteria of a scheme contains specific training requirements, you must comply with them in full, although where you have undertaken training outside England and Wales which you consider to be the equivalent of a specific training requirements, it will be for you to provide sufficient details of such training to satisfy the assessor of its equivalence.

Likewise, where there is not a specific training requirement, you may rely upon training undertaken outside of England and Wales, although you must provide sufficient details of such training to satisfy the Law Society of its equivalence. You are responsible for arranging for appropriate translations of any materials provided.

A registered European lawyer can only advocate in open court and conduct litigation before the courts of record in conjunction with a solicitor or barrister. This means that where a professional accreditation scheme has specific requirements regarding the representation of clients, you must provide sufficient information and evidence that appropriate reporting lines to a solicitor admitted in England and Wales exists within the firm.

O. Guidance on Equal Opportunities

(‘Applicant’ throughout this statement means those applying for initial membership of and reselection, re-accreditation or reinstatement to the scheme.)

The Law Society aims to ensure that no applicant for membership of an accreditation scheme receives less favourable treatment on the grounds of sex, marital status, sexual orientation, disability, race, religion, colour, nationality, ethnic origin or age, or is disadvantaged by conditions, requirements or practices which cannot be shown to be justifiable.

Selection criteria, assessment processes and procedures will be frequently reviewed to ensure that applicants are selected on the basis of their relative merits and abilities.

Applicants are required to demonstrate that they comply with the relevant selection criteria for membership as set out in the appropriate section of the procedures.

Applicants who have a disability and find it difficult to complete the application questionnaires or assessment processes should contact the Law Society for assistance. You can help us by informing us of what reasonable adjustments you need to enable you to apply to the scheme and participate in the assessment process as equally as other individuals.

It is unlawful to discriminate positively in favour of certain groups on the grounds of race or sex. However, the Law Society is committed to having a profession which is diverse and representative of the society it serves, and will use positive action to enable greater representation of under-represented groups which is permitted by law.

Selection for membership of a scheme will continue to be based on the merits and abilities of each applicant.

If an applicant feels that the selection criteria or the selection process is directly or indirectly discriminatory, they can contact or write to the

The Accreditation Unit
The Law Society
113 Chancery Lane,
London
WC2A 1PL
DX 56 London/Chancery Lane

or email accreditation@lawsociety.org.uk, specifying their concerns, which will be considered and investigated.