



Criminal Litigation Accreditation Scheme

Police Station Qualification ("PSQ") portfolio guidance

Magistrates Court Qualification ("MCQ") portfolio guidance

Introduction

This guidance will assist you to correctly complete your portfolios for the Criminal Litigation Accreditation Scheme Police Station Qualification (PSQ) and Magistrates' Court Qualification (MCQ). It is intended to supplement any guidance provided by your selected assessment organisation and should be read in conjunction with any such guidance you may have received or any training which you may choose to attend in this respect.

In providing a suggested approach to the drafting and assembly of a portfolio, this document is not intended to be definitive or to exclude other possible approaches to the task, nor should you assume that if you have followed the guidance here you will automatically pass.

General

The purpose of the portfolio is for you to demonstrate your competence in the chosen area. The assessment organisation assessing your portfolio will have little or no knowledge of you, your abilities or your everyday work.

You are assessed on the basis of the contents of your portfolio and nothing else. The assessment organisation you have chosen will assess your competence according to the standards of competence published by the Law Society. You should make yourself familiar with those standards before embarking on the drafting of your portfolio so that you can see what is required.

It is therefore important that matters are set out by you in such a way that the assessment organisation can be satisfied that you possess the requisite knowledge or skill to the appropriate standard.

For example, candidates quite often make statements such as 'I advised the client about the law regarding theft' without giving details as to what precisely they said to the client. This would not be deemed sufficient to satisfy the assessment organisation that the candidate has demonstrated competence in the area of knowledge of the law.

Your portfolio is also intended to demonstrate the spread of your caseload.

Finally, your portfolio is an opportunity for you to demonstrate your awareness of the ethical issues which regularly arise in this area of work and your capacity to deal with them in an appropriate manner.

It should be clearly understood that a failure to identify ethical issues or to deal with such issues appropriately, may result in your portfolio being failed by the assessment organisation.

Guidance – all portfolios

- **Case identification**

Always include the case unique file number at the top of the case report. The Law Society may conduct random checks to ensure the authenticity of portfolio cases.

Case reports must be anonymised so that the client cannot be identified. Never use the client's name, initials or 'X'. It is recommended that you use expressions such as 'my client', 'my client's file' etc. Do not include your own name anywhere on the case report.

- **Format and length**

Appendix 2 contains a suggested format for the police station qualification and the magistrates' court qualification portfolio reports.

A number of headings are suggested. This suggestion is made in order to assist you in assembling the information in the case into a logical order and to present it in a manner that demonstrates your competence to its best advantage. You may, therefore, find it helpful to adopt it for your portfolio. However, the format is not prescriptive.

No word limit for portfolio cases is set by the Law Society. Candidates are encouraged to be clear and where possible economical in their expression. A detailed case report approximately 2000 words in length should be sufficient to demonstrate your competence but, if you need to exceed this to include something important, you should feel free to do so.

Short case reports (for the Magistrates' Court Qualification) should be no more than one page of A4 in length.

- **Age and order of cases**

If this is the first time you have submitted a portfolio for a given assessment, cases must be no older than 12 months at the date of submission.

If your portfolio is resubmitted, previously passed cases must not be older than 24 months at the date of resubmission. Any cases that were previously failed cannot be resubmitted and must be replaced with fresh cases not more than 12 months old at the date of resubmission.

Cases should be submitted in chronological order; however, if you are resubmitting your portfolio then any resubmitted cases should retain the sequential numbering they were given on the original submission.

Candidates are encouraged to demonstrate a varied caseload, featuring different clients with different problems, in their choice of detailed case reports for the portfolio. This enables competence to be more accurately assessed. If the same client appears more than once, this must be in relation to entirely separate cases, featuring different legal and ethical issues in each case.

Dealing with two or more co-defendants in the same matter can only count as one case.

Police Station Qualification portfolio

The portfolio must consist of five case reports covering cases in which you have personally advised a client at the police station and in respect of each of which you have attended at least one police station interview.

An attendance on an identification procedure may be included, as long as it includes a police interview.

Using the case format attached in Appendix 1, you should address the following matters.

Case description

This is a brief description of the case, to set the scene for the assessor. Very briefly, you should therefore give a synopsis of the following:

- What were the offences alleged?
- What issues were raised?
- What took place at the police station?
- What was the outcome?

Obtaining information

In this section set out what information you obtained during the course of the attendance at the police station and from what party. You may receive information from the police, the client or from another relevant third party (for example a doctor, parent, social worker etc). It is good practice to set out what information you obtained from each party in turn.

It may be important for you to indicate at what stage this information was received during the course of your attendance. It may be that there was a lack of information or that something did not happen as you may have expected – if so, you should state what it was and how you dealt with it.

Assessing information and advice to client

Having obtained information as above, you should now set out your assessment of that information (or lack of it), the advice which you gave to the client and an analysis of why you gave that advice.

It is helpful to take each offence alleged in turn, to break it into its constituent elements and to give your assessment of the strength of the evidence in respect of each element and as a whole. This will include an assessment of whether or not there is a *prima facie* case and the strength of that case.

To do this, you will need to set out the relevance and admissibility of the information you have obtained. If there was a lack of information, you should say what it was and how this affected the position.

You should describe how the law in relation to each offence related to the evidence and the instructions you received from the client. In particular, consider:

- Did the client have a defence?

- If so, what was it?
- Was the client's account credible?
- Did you probe the client's account – if so, how?
- If the client's demeanour or condition (for example, age, physical/mental health or state of mind) raised issues, you should say so, and state in your view what issues were raised and how you assessed and dealt with them.

You should set out and explain what advice you gave to the client including, where appropriate, the advice you gave on the following:

- the terms of the caution
- the circumstances in which inferences may be drawn
- whether or not to answer questions
- how to prepare for police interview
- other matters of police procedures to which you client could be subject

It is very important that, when setting out your advice, you indicate why you gave that advice. If you considered any alternative courses of action, you should say what they were and state why you decided not to pursue them.

Dealing with the police and third parties, and making representations

In this section you should set out an account of what contact you had with the police and any relevant third parties during the course of your attendance at the police station. In particular, you should consider the following:

Did any issues arise during disclosure? If so, how did you deal with them?

How did the interview proceed? If any issues arose, how did you deal with them?

Was there a need for you to make representations to any officer at any stage? If so, what were they, what action did you take and for what reason?

In each case you should describe the outcome of the particular matter in question.

Professional ethics

If any professional or ethical issue arose during the course of your entire police station attendance, you should clearly identify what it was and state how you dealt with it. If there were no professional or ethical issues then you should state 'none'. If, however, you fail to identify ethical issues or do not address them correctly then negative marks will be awarded.

Magistrates' Court Qualification portfolio

As indicated in Appendix 2 and Appendix 3, the Magistrates' Court Qualification portfolio should comprise 20 'short note' case reports and five detailed case reports in which you personally provided representation.

Short note case reports

The 'short note' case reports should:

- demonstrate that your caseload includes a range of offences. At least five summary-only and at least five either-way matters must be included. Indictable only matters may be included but are not essential
- demonstrate that you have appeared for more than one client during the course of a single court session
- demonstrate that your caseload includes a range of applications. You must include at least one procedural application (eg, an application for an adjournment), one bail application, one venue submission and one plea in mitigation
- demonstrate that you have appeared in more than one magistrates' court and have represented a client in youth court proceedings on at least one occasion

Your 'short note' case reports should be no more than one page of A4 in length.

Detailed case reports

The detailed case reports should be five of your 'best' cases, in terms of the advice you gave the client and the issues which were raised. A successful outcome is not always necessary. In following the format set out in Appendix 3, you should address the following matters.

Case description

This should be a brief description of the case to set the scene for the assessor, including the following:

- What were the offences alleged?
- Was the case in the youth court or the magistrates' court?
- What issues arose prior to, during and after the hearing?
- How did you deal with these issues?
- What was the outcome?

Obtaining information

Under this heading you should set out what information you obtained at each stage prior to the hearing. This may be from the prosecutor, the case papers, or a relevant third party (eg, custody record, parent or other appropriate adult, social worker, clerk to the court etc).

Additionally, you will need to state what instructions you received from the client. You should give an accurate account of the information and instructions received at each stage.

Assessing information and advice to client

In this section you are required to show how you assessed the information you have received, how you related that to the charge(s) faced by your client and what advice you gave to the client.

You may find it helpful to take each offence alleged in turn and to break it down into its constituent elements. You can then more easily indicate how you relate the information you have obtained to the constituent elements of each charge, which will assist you in assessing the strength of the case against the client.

You should assess the relevance and admissibility of the evidence and information you have been told about.

You should consider the instructions you have received from the client. Consider in particular:

- What were you seeking to achieve on behalf of your client?
- Did the client have a defence?
- If so, what was it?
- Was the client's account credible?
- Did you probe the client's account in any way and if so how?

You should set out what advice you gave to the client and also the reasons for that advice. If you took any alternative courses of action into account and decided not to pursue them, you should state what they were and why you made that decision.

You should set out an account and analysis of how you prepared for the court hearing and how the hearing was conducted. Consider in particular what submissions you made and why you made them, what you expected to achieve and what you felt was actually achieved: if you decided not to pursue any point, you should say what it was and why you made that decision.

Did your client's age, physical or mental health, or state of mind raise any issues? If so, what were they and how did you deal with them?

Was it necessary for you to make further enquiries whilst at court in order to support your application or submission on behalf of your client? If so, what were they and what action did you take?

Representations made to the court and/or the prosecution

Under this heading you should firstly state what submissions you made either to the prosecutor or to the court or both. You should indicate how you formulated those submissions and how they were presented. You should then set out the outcome of the submissions that you made.

Professional ethics

Under this section, you must indicate whether or not any professional or ethical issues arose.

If issues did arise, you should describe what they were and how you dealt with them. If any professional or ethical issue arose during the course of your entire magistrates' court attendance, you should clearly identify what it was and state how you dealt with it. If there were no professional or ethical issues then you should state 'none'.

If, however, you fail to identify ethical issues or do not address them correctly then negative marks will be awarded.

Appendix 1:

Suggested Police Station Qualification case report form

- Case number
- Unique file reference number (UFN)
- Date of police station attendance

Section 1 – case details

- Case description
- Obtaining information
- Assessment of information and advice to client
- Dealing with the police and third parties and representations made
- Professional and ethical issues

Note: you should write up your case following the above headings. You should aim for 1,500 words – but you should not adhere to this amount at the expense of relevant detail.

Section 2 – training and personal study

In this section, you should set out personal study and training that you have undertaken that is relevant to police station work. In particular, set out any study or training that you have undertaken during the period covered by the portfolio. You will not be assessed on this section but the information you include may be used to give you feedback on your portfolio.

Section 3 – certification

When you submit the portfolio, you will also be required to certify that:

- all sections have been completed
- the five cases are presented in chronological order
- the reports are real cases of which you had personal conduct, are separate cases involving separate clients in respect of which you personally attended at a police interview with your client, in which (other than in the case of a resubmission or in circumstances where an interval is permitted) the police station attendance took place within the 12 months up to the date of submission of the portfolio
- you completed the portfolio yourself
- all the information you have given in the portfolio is true to the best of your knowledge and belief

Appendix 2: Suggested Magistrates' Court Qualification short notes case report form

Case number

Unique file reference number (UFN)

Date of court appearance

Set out details of the case under the following headings:

- A description of what the case was about, what you did and what the result was
- The offence(s) concerned and its mode of trial classification
- The application(s) and/or submission(s) made
- Whether you appeared for other clients during the same court session and, if so, how many and what those cases were about
- Which magistrates' or youth court you appeared in

Note: the case reports in this part of the portfolio should be relatively brief. In preparing the case reports, you should have regard to the assessment criteria set out above.

Appendix 3: Suggested Magistrates' Court Qualification detailed summary case report form

Case number

Unique file reference number (UFN)

Date of court appearance

Section 1 – case details

- Description of case
- Obtaining information
- Assessment of information and advice to client
- Representations/submissions made to the prosecution and/or court
- Professional and ethical issues

Note: you should write up your case following the above headings and having regard to the criteria set out above. Your assessment organisation may give you guidance on the length of each case report.

Section 2 – certification

When you submit the portfolio, you will also be required to certify that:

- all sections have been completed
- Section 2 comprises 20 'short notes' case reports and five 'detailed summary' case reports
- the reports are real cases of which you had personal conduct, are separate cases involving separate clients in respect of which you personally advised your client, and represented them in a magistrates' court (or youth court) on at least one occasion, in which (other than in the case of a resubmission or in circumstances where an interval is permitted) the court appearance took place within the 12 months up to the date of submission of the portfolio
- you completed the portfolio yourself
- all the information you have given in the portfolio is true to the best of your knowledge and belief