



# **Criminal Litigation Accreditation Scheme**

## **Approved assessment organisations and their role**

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## **Role of the assessment organisation**

### **1. Authority**

The Law Society authorises organisations to provide police station and magistrates' court assessments for solicitors in accordance with specifications and standards approved by the Law Society.

An organisation is approved following an application and validation process, and is known as an assessment organisation, and enters into a service agreement with the Law Society.

### **2. The role of the assessment organisation**

The role of the assessment organisation is to provide a process to enable solicitors to be assessed to become eligible for membership of the Criminal Litigation Accreditation Scheme (CLAS) in accordance with the procedures and to the standards set by the Law Society and agreed with the Legal Services Commission (LSC).

### **3. Duties of the assessment organisation**

Under the service agreement, an assessment organisation is required to:

have experience of dealing with appropriate assessment processes or have assessors who are able to demonstrate such experience

appoint a team of appropriately experienced and qualified assessors

appoint an assessment board of which 50 per cent of membership will be current duty solicitors

appoint an external moderator who will be a member of the assessment board and have appropriate experience and be approved by the Law Society.

The functions of the assessment board are to:

(a) ensure that draft assessments are properly scrutinised and approved

(b) ensure the proper conduct of assessments

(c) ensure that all assessments are correctly assessed and marked

(d) decide whether a candidate has passed or failed the assessment

(e) decide what action should be taken in the case of a candidate who has committed an assessment offence

(f) decide what action should be taken in the case of a candidate who asks for extenuating circumstances to be considered

(g) decide on the information that should be provided to a candidate who has failed any of the assessments

(h) make recommendations to the assessment organisations on any matter concerning the assessment scheme

## **Training**

An assessment organisation may provide additional training programmes to assist candidates to complete the assessments. Attendance at such training is not a compulsory part of the assessment process. Non-attendance at such training will not influence the results awarded by an assessment organisation.

You should, however, carefully consider your training needs throughout this process.

## **Professional and ethical issues**

Assessment of professional and ethical issues is a pervasive element of all assessments. Assessment organisations are required to take into account any professional or ethical errors.

If, in the opinion of the assessment organisation's assessment board, a candidate provides a case report or gives an answer that constitutes a gross professional or ethical error, the assessment organisation may fail the assessment whether or not a pass standard has been achieved.

The assessment organisation has discretion to report any serious professional or ethical errors to the Law Society and the SRA. The Law Society may take whatever action it considers appropriate in such cases.

## **Assessment offences**

Assessment offences will be dealt with by the assessment board in accordance with the assessment organisation's procedures.

The assessment board may fail a candidate who is proven to have committed an assessment offence. Assessment offences include;

- plagiarism
- falsification of case reports
- cheating, including submitting work which is not the candidate's own
- submitting cases for the portfolios in which the candidate was not personally involved in the required capacity
- making false representations in a portfolio or in connection with the submission of a portfolio.

This list is not exhaustive, and there may be other actions that would constitute an assessment offence.

The assessment organisation may report proven assessment offences to the Law Society.

Such offences may be reported to the Legal Ombudsman or another other regulatory authority and be taken into consideration as a fitness and suitability issue in relation to membership of the scheme or the award of the Police Station Qualification or Magistrates' Court Qualification alone.

## **Reviews of decisions by assessment organisations**

The assessment organisation's internal review process must be used if you have a complaint relating to decisions or actions taken by the assessment organisation during any part of the assessment process.

All assessment organisations have a moderation process in place that has been approved by the Law Society and includes an external moderator.

No marks will be released to you until this process has been completed. For this reason, complaints arising purely from an academic judgement will not be considered by an assessment organisation.

You may only make a complaint to the Law Society when the assessment organisation's review process has been concluded and you remain dissatisfied with the outcome.

The Law Society will only consider such complaints where there is prima facie evidence that the assessment organisation acted unreasonably, negligently, outside its powers or contrary to the rules of natural justice.

Such complaints will be considered by way of review by the Law Society. There are no provisions for any appeal to the Law Society from a decision taken by an assessment organisation. This does not of course preclude any remedies permitted by statute or common law that may be available through the courts.