



The Law Society

17 April 2012

IMPORTANT INFORMATION RELATING TO YOUR MEMBERSHIP OF THE CRIMINAL LITIGATION ACCREDITATION SCHEME (CLAS)

Background

In November 2011 we wrote to you to inform you that your accreditation would be extended until 31st December 2012. That extension was subject to, and pending the development of, a re-accreditation procedure. We are now writing to consult you about our proposed format for CLAS re-accreditation.

Consultation and action required

We welcome your feedback on how a re-accreditation procedure might impact on you and your practice and, in order to give you the opportunity and the time to respond, we are proposing a consultation period of 90 days. The consultation period will close at midnight on **Monday 16th July 2012**. You will then be contacted regarding the outcome of the consultation and informed how the consultation has influenced the structure of the CLAS re-accreditation process.

The need for re-accreditation

An accreditation scheme that retains credibility with both stakeholders and clients must be subject to re-accreditation. Under our obligations to the Criminal Defence Service (CDS) it is vital that members can demonstrate ongoing competence to the level of knowledge and skill required of a duty solicitor. Our ongoing duty to the CDS, and in turn, The Legal Services Commission (LSC), arises from the *Criminal Defence Service Duty Solicitor Arrangements 2001*. These arrangements require a solicitor to be accredited under the CLAS scheme, therefore it is our responsibility to ensure the quality of that scheme.

The importance of re-accreditation was recently highlighted in a paper commissioned by the Legal Services Consumer Panel. The paper, entitled *Voluntary Quality Schemes in Legal Services*, establishes re-accreditation as one of 10 essential characteristics of any quality accreditation scheme. Structured re-accreditation is defined as "membership [which] should not last indefinitely" and additionally stipulates that members should be able to renew their membership in order to show that they continue to meet the required standards. A copy of the report and its findings can be found at the following address:

<http://www.legalservicesconsumerpanel.org.uk/ourwork/QualityAssurance.html>

We do not consider that a scheme that is meant to be an indicator of quality can be credible in the modern world if those who are accredited are not re-assessed regularly to ensure that they remain competent and up to date. We wish, however, to ensure that the means of achieving re-accreditation are proportionate and do not place unnecessary burdens on practitioners. We are therefore currently finalising a uniform re-accreditation structure across all accreditation schemes administered by the Law Society.

In this letter, we outline the proposed re-accreditation process and invite your comments, views and opinions. We would be grateful for your views by the closing date which is **16th July 2012**.

Who will be affected?

We propose that re-accreditation should be required every 5 years. This is in line with the practice for other similar schemes and is, we propose, sufficient to ensure that there is a regular check of continuing competence.

Members who would be immediately affected are those who were accredited on or before 31st December 2007. **Please refer to the table below to see when you would be affected if you were accredited on or after the 1st January 2008.**

By when will re-accreditation need to be completed?

We propose, subject to your responses to the consultation, to open for re-accreditation on 31st July 2012. Those members who were accredited before 31st December 2007 will need to complete the re-accreditation process by 31st December 2012 in order to maintain a valid CLAS accreditation status. You will therefore have 5 months in which to submit your application. If you were accredited on or after the 1st of January 2008, the date for re-accreditation will be five years from the date you originally accredited, under this proposal. **Please see the table below for information relating to the re-accreditation deadlines. For the avoidance of doubt re-accreditation will apply to all members, including those passported into the scheme in 2001.**

<i>If you were accredited:</i>	<i>You will be required to reaccredit by:</i>
before 31st December 2007	31st December 2012
in 2008	31st December 2013
in 2009	31st December 2014
in 2010	31st December 2015
in 2011	31st December 2016
in 2012	31st December 2017

How will I be re-accredited?

We propose that it would be generally appropriate to re-accredit people if they can show that:

- They continue to have a regular practice in criminal law;
- They have undertaken regular CPD in that time;
- There have been no serious upheld complaints or disciplinary matters against them in the five years prior to re-accreditation.

We are conscious of the pressures criminal practitioners have on both time and resource and have proposed a light-touch re-accreditation scheme as a result. We propose this on the basis that the overwhelming majority of accredited members will be regular practitioners in criminal law and under the constant scrutiny of clients and the judiciary. However, we seek views on whether our proposal will be sufficient to maintain confidence in the scheme and whether there are other more appropriate ways of assessing competence which might be preferable. The LSC has indicated that it considers ours to be a proportionate approach.

We propose that the following be required for CLAS re-accreditation:

- Complete the application form- this will be made available on the website once the scheme is finalised.

- Include details of 6 hours of relevant criminal litigation CPD, undertaken in the year prior to the date of your application for re-accreditation. That is 6 hours of training courses or other approved CPD events to update your knowledge of criminal law/litigation and process.
- Enclose a cheque for £200 (£240 including VAT). This fee covers you for a further 5 years of accreditation. It represents the costs of administering your membership for that time.

The information provided will then be assessed by a member of the Law Society accreditation team and, subject to approval, a certificate will be issued.

Summary

We therefore seek your views on:

1. Is the five year limit appropriate for re-accreditation?
2. Is the mechanism provided proportionate and likely to give adequate assurance of quality?
3. Are there other ways in which competence could be measured and which would provide a more proportionate or less burdensome mechanism?

How do I submit my response?

You can submit your responses to this consultation by post or via email to either of the following addresses:

Email - clasconsultation@lawsociety.org.uk

Address -

CLAS Consultation
c/o Accreditations
The Law Society
113 Chancery Lane
London
WC2A 1PL

Please let us have your comments no later than **midnight on Monday 16th July 2012.**

Yours sincerely,



Ben Harrison
Accreditation Operations Manager
Accreditation Unit

Phone: 0870 606 2566

Fax: 0207 831 0170

E-mail: clasconsultation@lawsociety.org.uk

[Facsimile of letter sent to all CLAS members in November 2011]

Dear **[MEMBER]**

The Law Society's Criminal Law Accreditation Scheme (CLAS) – Extension of Membership

NO ACTION REQUIRED

I write to inform you that your membership to the above scheme is being extended to **31st December 2012.**

You do not need to take any action in respect of this extension and you may use this letter as proof of your continuing membership to the scheme.

The Law Society is currently undertaking a review of CLAS which includes the development of a re-accreditation procedure. We will keep you informed as to the development of any re-accreditation process and any action you may be required to take.

Please contact the Accreditation Unit if you no longer wish to maintain your scheme membership and in order that we can update our records accordingly.

Yours sincerely



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