



Criminal Litigation Accreditation Scheme

Guidance

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A. An introduction to the Accreditation Scheme

In June 1999, the Council of the Law Society approved the establishment of the Criminal Litigation Accreditation Scheme (CLAS).

This guidance covers the criteria, assessment processes, and other matters relating to the scheme. The criteria and procedures may be revised from time to time in the light of experience and if the statutory or regulatory position changes.

CLAS is designed to enable you to qualify to apply for inclusion on local duty solicitor rotas under the Legal Services Commission's (LSC) Criminal Defence Service Duty Solicitor Arrangements 2001.

B. Who is eligible to apply for membership?

Only solicitors, Fellows of the Institute of Executives (FILEX) or European lawyers (registered with the SRA under the Establishment of Lawyers Directive 98/5/EC) can become members of CLAS.

Barristers should contact the Legal Services Commission (LSC) for information on applying to be entered on a duty rota.

All firms that have a General Criminal Contract with the LSC must have at least one duty solicitor.

C. What types of membership are available?

Initial membership periods are for five years, after which a member must apply for reaccreditation, which also lasts five years.

For guidance on reaccreditation, please see below.

D. The level of experience you will be required to demonstrate

There are three stages to attaining membership:

- Pass the Police Station Qualification ("PSQ")
- Pass the Magistrates Court Qualification ("MCQ")
- Meet fitness and propriety standards

If you intend to join a duty solicitor panel, you will be expected to pass both the PSQ and the MCQ assessments and apply for membership of the CLAS within three years.

You may attempt the PSQ and the MCQ in any order, or simultaneously.

E. How to apply and what you should include

All applications for Law Society Accreditation Schemes are in three sections.

Section 1 covers details of the practice you work for.

Section 2 covers your individual details.

Section 3 is scheme specific.

You will be required to fully complete each section, and forward your completed application, with the relevant fee, to the Law Society.

F. How you will be assessed

The Police Station Qualification

When you pass the PSQ, you can apply for inclusion on the CDS Police Station Representative Register and can then act in the same capacity as a police station representative (see the LSC Police Station Register Arrangements 2001 as amended for further details) and have duty solicitor cases referred to you, provided that the duty solicitor has given the initial advice.

If you have previously completed the Police Station Representative Accreditation Scheme in accordance with the LSC Police Station Register Arrangements 2001 as amended, or previous arrangements, and comply with the requirements set out in Annex B, you can apply for exemption from completing the PSQ assessments.

The PSQ is awarded, subject to suitability, to solicitors who hold a current practising certificate and have:

- successfully completed the assessments set out below, or
- successfully completed the Police Station Representative Accreditation Scheme prior to admission to the roll
- were passported onto the CLAS in 2001

PSQ Assessments

There are two assessments:

- the portfolio
- the critical incidents test

You may attempt the police station assessments at any time following admission to the roll.

Both PSQ assessments must be passed within 12 months of the date of submission of the portfolio or the date the critical incidents test was first attempted, whichever is earlier.

If you do not pass both assessments within the 12 months, you will have to restart the process and submit a fresh portfolio.

You may change assessment organisation at any time during the assessment process. However, the start date for the 12-month completion period will be the date on which the portfolio was first submitted to any assessment organisation or the critical incidents test was first attempted.

You will be assessed against the standards of competence for solicitors and representatives advising clients in the police station, which can be found here, along with further guidance on the PSQ.

The Portfolio

The purpose of the portfolio is to encourage you to constructively reflect upon your police station practice and to enable an assessment organisation to assess your competence to advise clients in a police station by reference to the competence standards.

When you have registered with an assessment organisation of your choice, you will be provided with details of the requirements for completion of the portfolio.

Cases in the portfolio must not be more than 12 months old on the date of submission of the portfolio.

The Critical Incidents Test

The purpose of the critical incidents test is to enable an assessment organisation to assess your practical skills, abilities and effectiveness as a solicitor acting for a client in a police station by reference to the competence standards.

The test is a role-play test conducted using an audio-cassette and consists of a number of issues or problems posed to you, either verbally or in terms of their actions, by a police officer, client or third party. The audio-cassette will indicate when a response is expected from you. You will have 30 seconds in which to commence a response. There is no limit on the length of your response, but if you do not start the response within 30 seconds, you will lose the opportunity to do so for that particular issue.

The test is conducted under examination conditions, but you may take any relevant materials into the assessment. You should remember that the time available to refer to materials and texts is limited.

The assessment organisation you are registered with will provide details of the requirements for completion of the critical incidents test and will brief you on these requirements prior to the test commencing.

The Magistrates Court Qualification

The MCQ is awarded, subject to suitability, to solicitors who hold a current practising certificate and who:

- have successfully completed the assessments outlined below, or
- were passported onto the CLAS in 2001

To start the assessment process, it is recommended that the majority of candidates will need to have 12 months experience of criminal defence practice before attempting the MCQ assessments.

There are two assessments:

- the portfolio
- the interview and advocacy assessment

The assessments may be attempted in any order.

You will be assessed against the standards of competence for the accreditation of court duty solicitors, which are available [here](#).

The portfolio

The purpose of the portfolio is to enable you to demonstrate the level and range of your experience of conducting cases in magistrates' courts and, in the case of the detailed summaries, to encourage you to constructively reflect on your magistrate's court practice, and to enable an assessment organisation to assess your competence by reference to the competence standards.

The portfolio comprises

- Part 1 – short notes on 20 cases
- Part 2 – detailed summaries of five cases not including any of the 20 short note cases

Cases used in the portfolio must not be more than 12 months old on the date of submission of the portfolio.

The portfolio must be passed within 12 months of the date it is first received by any assessment organisation. Failure to pass within 12 months will result in the candidate being required to restart the process with the submission of a fresh portfolio.

When you have registered with an assessment organisation of your choice, you will be provided with details of the requirements for completion of the portfolio.

You may find our guidance for candidates completing the MCQ portfolio useful, which can be found on our website.

The interview and advocacy assessment

The purpose of the interview and advocacy assessment is to enable assessment of your competence and effectiveness as a solicitor acting for a client in magistrates' court proceedings by reference to the competence standards.

The assessment consists of two parts:

- a simulated client interview, and
- a simulated appearance in a magistrates' court

In the latter of which you will make representations and/or submissions in respect of three cases, one of which will be a bail application.

Both parts of the assessment will be held on the same occasion, and a candidate will have to achieve at least 50 per cent in each part in order to pass.

The test is conducted under examination conditions, but you may take any relevant materials into the assessment. You should remember that the time available to refer to materials and texts is limited.

The assessment organisation you are registered with will provide you with details of the requirements for completion of the interview and advocacy assessment and will brief you on these requirements prior to the test commencing.

The assessment organisations

A list of approved assessment organisations and their role can be found on our website.

G. 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.

H. What fees are payable for making your application?

£250.00 +vat (total £300.00) for initial scheme membership or renewal.

£125.00 + vat (total £150.00) to register either a PSQ or MCQ qualification to an existing membership.

I. Information on re-accreditation

The Law Society is expecting to bring in a re-accreditation process in 2013.

J. Our requirements for continued professional development

Members of the scheme will be expected to attend at least 6 hours per year of training courses or other approved continuing professional development (CPD) events to update your knowledge of criminal law, litigation and practice.

K. What standards of competence are expected of a member of the scheme?

At the police station (PSQ only):

- The definition of crimes commonly dealt with in the police station, and of the means of discovering the definition of a crime where this is not known to the solicitor
- The defences commonly available to defendants appearing in the police station, and of the means of discovering the requirements of a defence where these are not known to the solicitor
- Vulnerable persons
- Immigration detainees
- Terrorism provisions
- Police and Criminal Evidence Act 1984 (as amended) and Codes of Practice issues under that Act, including (but not limited to): arrest, search, detention, samples, legal advice, charge and bail
- Disclosure
- Evidence: Burden and standard of proof, presumptions, documentary evidence, physical objects, judicial notice, hearsay, opinion, character, unfairly or illegally obtained evidence, adverse inferences, privilege, corroboration, challenging admissibility
- Disposal

At Court (MCQ only):

- The definition of crimes commonly dealt with in the magistrates' court, and of the means of discovering the definition of a crime where this is not known to the solicitor
- The defences commonly available to defendants appearing in the magistrates' court, and of the means of discovering the requirements of a defence where these are not known to the solicitor
- Jurisdiction of the court
- Parents and guardians
- The different classification of offences
- The different modes of participating in a crime
- The different methods of commencing criminal proceedings, and the legal requirements of those methods
- Abuse of process
- Bail and custody time limits
- Disclosure
- Reporting restrictions
- Plea before venue, committal, sending and transfer of cases

- Special measures and common law powers to regulate procedure to deal with vulnerable persons
- Evidence: Burden and standard of proof, presumptions, documentary evidence, physical objects, judicial notice, hearsay, opinion, character, unfairly or illegally obtained evidence, adverse inferences, privilege, corroboration, challenging admissibility
- Sentencing, including default in relation to
- Appeal and review of magistrates' court findings

Additional knowledge (MCQ and PSQ)

- The role of others within the criminal justice system
- Police disclosure tactics
- Public funding

Procedure (MCQ and PSQ)

- Advising in relation to public funding and the role of a duty solicitor
- Advising on the strength of the case against the client
- Advising on interview strategy at the police station
- Appropriately intervening and/or making representations
- Advising on plea and venue at court
- Advising on court procedure, including route to disposal and interlocutory applications
- Advising in relation to sentence and appeal

Ethical issues (MCQ and PSQ)

- Ethical and contractual rules
- Criminal Procedure Rules 2010 (and any successor rules)
- Law Society Practice Notes

Professional and specialist skills (MCQ and PSQ)

- Negotiation
- Advising clients and recognising vulnerability
- Advocacy
- Appraisal of issues