



Family Law Accreditation Scheme

Guidance

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A. An introduction to the Accreditation Scheme

The Family Law Accreditation Scheme covers all types of family law work (except public law Children Act work, which is covered by the Children Law Accreditation Scheme).

Practitioners who are not scheme members will remain free to undertake family law work but will not be identified as specialists.

B. Who is eligible to apply for membership?

Solicitors and FILEX may apply.

C. What types of membership are available?

There is one type of membership available - Law Society Accredited Practitioner.

Memberships last for 5 years, after which members are required to apply for re-accreditation.

Members of the scheme are also apply to go on to apply for membership of our Family Law Advanced Accreditation Scheme, details of which can be found on our website.

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

Applicants are expected to have carried out at least 350 chargeable hours of family law work in the jurisdiction of England and Wales, as opposed to experience gained working abroad, in both of the past two years.

The family law work must be sufficiently broad to demonstrate knowledge of the core areas listed above and at least an awareness of the non-core areas listed.

Applicants must satisfy minimum experience criteria as follows:

- minimum general litigation experience – 1,000 chargeable hours carried out in the law of England and Wales within the previous three years, and
- minimum family law experience – 350 chargeable hours carried out in the law of England and Wales within the previous five years.

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.

For case reports (required for re-accreditation) please limit your response to 2000 words per case report. For questions where you are asked to summarise advice, please limit your answers to 500 words, unless otherwise specified. Written answers should demonstrate expertise in all relevant fields.

For question 24 (under the heading "Experience - Financial Provision Disputes") only, please include:

- concise details of the relevant circumstances of both parties
- your understanding of current pensions law
- clear details of the advice tendered to the client
- brief details of the outcome

Referees

Please provide the details of two referees, (for example, other solicitors, barristers, district judges, magistrates) who have knowledge of and can comment on the your family law practice and who are not employed by or a partner in your firm.

References may be taken up when your application is assessed without further contact from this office. It is essential, therefore, that your referees are aware of the fact that you have nominated them.

Please also note that the Law Society reserves the right to obtain references from other sources if considered necessary or desirable.

F. How you will be assessed

On receipt of your application form, we will send your application to be marked by one of our independent assessors.

Each subset of questions within Section 3 of the application form, and the case reports, will be marked **A B C D** or **F**.

- **A** is acceptable
- **B** is borderline
- **C** is incomplete or confusing when compared to other answers and written clarification is required before final assessment can take place.
- **D** is defer and relates to training only
- **F** is fail

To be admitted or re-admitted an Applicant requires an A in every section.

Should a candidate score a B in any section they may be asked to explain how they can further demonstrate their expertise. They will be clearly guided by the assessor as to what further information is required.

Should a candidate score a C in any section, they may be asked for further clarification and/or information. They will be clearly guided by the assessor as to what is incomplete or confusing and what is required.

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?

The fees payable for this scheme are;

£500 + vat for an initial application (total £600.00)

£450 + vat for an application for reaccreditation (total £540.00)

I. Information on re-accreditation

The purpose of re-accreditation is to ensure that members are maintaining the standards, systems and experience necessary to satisfy the Law Society as to their competence. It is not a re-examination of a members' original submissions.

Members will be sent a reminder 3 months prior to the expiry of their membership that they are due to re-accredit.

Applications for re-accreditation have the same sections 1 and 2 and all Law Society Accreditation Scheme applications, with a separate section 3 specific to reaccreditation for the scheme.

Case reports

You are asked to complete four case reports. Please limit your response to 2000 words per case report.

Each of these reports should be cases for which you have had personal conduct. The cases you choose should be those that best demonstrate the strength, depth and breadth of your expertise in family law.

You should also mention what case law and precedent you utilised, and why.

J. Our requirements for continued professional development

Members will be expected to have attended at least six hours per year of training courses or other approved CPD events to update their knowledge of family law when they apply for re-accreditation.

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

Core areas

Core areas of law are those which competent family lawyers and members of the Scheme are expected to have detailed working knowledge.

- divorce, judicial separation and nullity
- private Children Act proceedings
- financial provisions disputes (including pensions), and including those concerning cohabitants
- the Child Support Agency jurisdiction and powers of enforcement
- the courts' jurisdiction in domestic abuse matters (including between cohabitants)
- emergency remedies and enforcement
- impact of taxation and welfare benefits
- impact of legal aid
- the role and scope for mediation

Non-core areas

These are areas of law which could be regarded as specialist areas, of which applicants would need to have awareness and know where to get expert advice if necessary.

- adoption
- child abduction
- public law matters in Children Act proceedings