



Children Law Accreditation

Initial application form guidance notes



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Overall guidance

1. These guidance notes are to assist you in applying for membership of the Children Law Accreditation. The application form includes basic instructions to help you complete the form correctly. Additional guidance notes are provided here.
2. **The scheme** covers all types of children law work. Practitioners who are not scheme members will remain free to undertake children law work but will not be identified as specialists.
3. Accreditation is for three years after which accredited mediators will need to apply for re-accreditation.
4. **Emboldened words** (apart from document headings and advisory notes) are defined in the **glossary of terms** which follows.
5. The application form is designed to be completed electronically in Microsoft Word (1997 and later). Please answer all relevant questions and use the 'tab' key to progress through the form. Questions require a combination of typed answers, choosing an option from a drop-down menu or check box confirmation. You are also required to provide separate supporting documentation, which must be submitted along with your completed application form.
6. References to statutes and regulations include any subsequent statute, legislation or regulation directly or indirectly amending, consolidating, extending, replacing or re-enacting that statute or regulation and to all orders, directions and notices made or served under them.

If any development affecting the Applicant after submission of this form would affect the answers given on this form (whether in relation to complaints, claims, regulatory matters, changes to relevant persons or otherwise), you must notify the Law Society as soon as possible and, in any event, within 14 days of the change or the decision to make the change, whichever is the earlier.

Expected standards of competence

The Children Law Accreditation is committed to robustly assessing members' demonstrable knowledge, skill and expertise in children law, ensuring quality representation of some of the most vulnerable people in the legal system.

Only solicitors and chartered legal executives who are employed by a solicitor and hold the Rights of Audience Matrimonial Proceedings/Family Proceedings Certificate (or other appropriate advocacy qualification) awarded by the Chartered Institute of Legal Executives (**CILEX**), may apply.

Whilst there is no minimum requirement for time spent in practice in this area of law before applying, applicants to **the scheme** must ensure they have sufficient experience to clearly demonstrate the following competencies:

- experience of personal conduct of cases and personal representation of parties in public and other family proceedings as defined in the Children Act 1989 (*here "representation" means personal preparation and, unless impracticable, subject to your overriding duty to provide the best possible representation for your client, undertaking your own advocacy at all hearings*);
- personally undertaking the advocacy for clients, including conducting contested hearings and undertaking cross examination of lay witnesses and professionals such as social workers, children's guardians and experts a thorough knowledge of practice and procedures in the appropriate courts;
- thorough awareness of ethical issues that may arise in children cases; and
- up to date knowledge of the various guidance, rules and regulations, statutes, case law and practice developments and competence in the requisite skills, outlined in the Knowledge and Skill Requirements document on page 12.
- Ability to work directly with children, explore their competence and establish their wishes and feelings.

Questions?

We cannot process your application if any relevant information or documentation is missing from your application form. If you are unable to resolve your query using information provided in **the scheme** guidance notes below, please contact us:

Tel: 020 7320 5797

Email: accreditation@lawsociety.org.uk

Glossary of terms

Term	Definition
Accreditation office	The Law Society's accreditation office , who receive and process accreditation applications.
CILEX	Chartered Institute of Legal Executives
FCILEX	Fellow of the Chartered Institute of Legal Executives
Disclosure and Barring Service (DBS)	The DBS helps make safer recruitment decisions and replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).
EDBS check	Enhanced Disclosure and Barring service check
Glossary	The glossary contained within these guidance notes
LAA	Legal Aid Agency
Professional Development (PD)	A structured approach to learning and development to help ensure continued competence in law, practice and procedure. Once accredited all members of the scheme will be required to ensure that they complete at least six PD hours of children law related courses or activities.
Practice	Any law firm regulated by the SRA , including Sole Practitioners partnerships, companies and LLPs .
Sole Practitioners	A recognised sole practitioner pursuant to the SRA Practising Regulations 2011 until 31/3/2012 and thereafter the Authorisation Rules 2011.
SRA	Solicitors Regulation Authority
The scheme	The Law Society's Children Law Accreditation

Section 1: General information

All applicants should complete sections A and B

A - Your details

Question	Guidance
2	Please provide the daytime telephone number for the practice or organisation at which you work. This will be the telephone number we will use in the event that we need to contact you to discuss your application.
3	Please provide the email address for the practice or organisation at which you work. This will be the email address we will use in the event that we need to contact you to discuss your application.
4 - 5	Please provide information on any languages spoken to a litigation competent and list any other jurisdiction(s) you are qualified to practice in.
6	Please select up to three court regions in which you regularly represent a child.
7	To be completed by <u>solicitor applicants</u> only. Everyone regulated by the SRA has a unique ID. The SRA ID being asked for here is the SRA number found on your practising certificate.
8	To be completed by <u>solicitor applicants</u> only. Please indicate whether you currently hold a practising certificate. Please note, in order to remain accredited you must hold a practicing certificate for the duration of your accreditation. You must contact the accreditation office if you no longer hold a valid practicing certificate.
9	To be completed by <u>solicitor applicants</u> only. Please indicate whether you have held an unconditional practising certificate. If your answer is 'no', please provide further details.
10	To be completed by <u>CILEX applicants</u> only. Please confirm the date in DD/MM/YYYY format.
11	To be completed by <u>CILEX applicants</u> only. Please indicate whether you currently hold a practising certificate. Please note, in order to remain accredited you must hold a practicing certificate for the duration of your accreditation. You must contact the accreditation office if you no longer hold a valid practicing certificate.
12	To be completed by <u>CILEX applicants</u> only. Please indicate whether you have held an unconditional practising certificate. If your answer is 'no', please provide further details.
13	All CILEX applicants <u>must</u> hold a Rights of Audience Family Proceedings/Matrimonial Proceedings certificate. If you do not hold this qualification and/or cannot provide evidence of holding this qualification, your application cannot proceed.
14	All CILEX applicants <u>must</u> be employed by an SRA regulated practice and be supervised by a solicitor specialising in Children Law.
15	To be completed by <u>CILEX applicants</u> only. Where professional qualifications are held, please confirm the full name of the qualification held, along with the professional body it was awarded by, your membership number and the date the qualification was attained.

B - Organisation information

Question	Guidance
16	To be completed by <u>solicitor applicants or those employed by an SRA regulated practice</u> only. The 'main office' will be the office that you have listed with the SRA as the main address for your practice .
17	To be completed by <u>solicitor applicants or those employed by an SRA regulated practice</u> only. The SRA ID is the practice's reference number which identifies the practice and appears on the Law Society's public register. Each branch office of the practice will have its own individual SRA ID . The SRA ID being asked for here is the SRA ID for the main office.

Section 2: Initial assessment

A - Suitability for scheme membership

Applications for membership of **the scheme** may be accepted from solicitors and chartered legal executives.

Applicants will be expected to meet a set of minimum requirements before their application can proceed to interview stage. We will reject applications on initial assessment, if applicants are unable to demonstrate they meet the minimum requirements.

We also carry out checks to ascertain whether an Applicant is a fit and proper person to be accredited by **the scheme**. Further details can be found below and in the [General Application Criteria and Guidance](#) on the website.

Disclosure and Barring Service (DBS)

Please note we cannot process applications unless we receive your **Enhanced Disclosure and Barring Service (EDBS)** check results or certificate. Whilst we can accept a previously issued enhanced disclosure, it must be no more than three months old at the date the **accreditation office** receives your application.

All applicants are required to apply for an enhanced disclosure check from the **DBS**, whether pursuing an initial or re-accreditation application. Our preferred provider is Atlantic Data, who can be contacted via the following link: <https://accreditation.disclosures.co.uk/LawSociety/>.

If you choose Atlantic Data, you will not need to provide a copy. You can however, use any other provider of your choice, but must ensure that we are provided with a copy of the **DBS** check certificate in support of your application, which is certified by the same manager who has countersigned your application. The statement will need to read:

'I have seen the original document and I certify that this is a complete and accurate copy of the original'.
The certifier then needs to sign and date the document and include position.

As **DBS** checks can take up to six weeks, we strongly encourage you to start the process as soon as possible, as failure to provide the **DBS** certificate within 21 days of submitting your application to **the scheme** may result in your application being refused.

If a disclosure check reveals information that raises doubt about your suitability to be a member of **the scheme**, your application may be rejected by the **accreditation office** after initial assessment. For further details, regarding the Law Society's Initial Eligibility Checks, please refer to the Individual Accreditation Schemes, [General Application Criteria and Guidance](#) on the website.

Item	Guidance
18 - 21	Please ensure that you provide full details of any issues that may affect your application and the Children Law Accreditation's reputation. Kindly note this information will be crosschecked against information we hold.

B - Case management volumes

Question	Guidance
22 - 26	Please provide details on your caseload over the last three years to give a picture of the volume and breadth of children law work you have undertaken. These must be matters for which you have been personally responsible.

C - Advocacy

Question	Guidance
27 - 33	Please provide details of your advocacy over the last three years to give a picture of the volume and breadth of children law cases for which you have personally conducted the advocacy.

D - Requirements for initial accreditation

Question	Guidance
34	<p>It is a requirement of the scheme to provide an example of your drafting as part of the assessment process. Applicants must provide a copy of a skeleton argument, written submissions, or a detailed position statement (including relevant law as well as factual matters), which they have drafted in respect of a case where they personally represented a party.</p> <p><u>Please note: In accordance with data protection legislation, names and any other details which may identify any individual involved in the case must be redacted. Applications may be refused where an applicant has failed to properly redact this information.</u></p>
35	<p>Applicants must attend an approved training course prior to applying for membership of the scheme.</p> <p>Applications must be submitted within six months of attendance on the approved course and a copy of the course certificate must be enclosed with the application.</p> <p>The compulsory training course must be provided by specifically approved training organisations and will be of two days' duration. A list of course providers can be found on our website. Those applying for re-accreditation do not need to attend a compulsory training course.</p>

Section 3: Professional development statement

The Law Society requires all initial Children Law Accreditation applicants to provide full **PD** records for the last three complete **PD** years preceding submission of the application. In addition to the three-day mandatory course, applicants should also have gained at least six **PD** hours in the last complete **PD** year in the subject area of children law, or related areas such as family law.

Please complete the professional development training record for each year:

- **Date** - the month and year the professional development was completed.

- **Description of the development** - summarise the development undertaken.
- **Course provider** - where applicable, state the name of the organisation/provider that provided the development.
- **Learning outcomes** - explain what you learnt from the development undertaken; clearly outline how it was delivered, the learning outcomes and how it has benefitted you in your ongoing professional development in children law.
- **Category of learning and relevant competence** - select the appropriate category of learning and the relevant SRA competence that your development meets. Where the development undertaken was prior to the implementation of the [SRA's new approach to continuing competence](#), you only need to select the relevant category of learning.
- **Number of hours** - state the duration of the development undertaken, in hours.

At least four of the required **PD** hours must consist of structured activities/courses (see table). Activities such as observations, discussions, team meetings and reading journals will not be accepted as structured activities/courses for the purposes of accreditation. Any in-house training must consist of an organised program of learning with clearly defined learning objectives and outcomes to be considered structured and you may be asked to provide copies of the related learning materials.

Category of learning	Structured / Unstructured
Reading and self-reflection	Unstructured
Attending a course/training	Structured
In-house training	Structured, subject to conditions above
Team meetings/discussions	Unstructured
Online webinar/similar	Structured

All applicants are expected to complete six **PD** hours in each complete **PD** year. If you have not completed the required hours for any reason, you must specify a reason. If the reason for non-completion is due to maternity or long-term sick leave, please tick the appropriate box and state the period of leave. You must also provide supporting documentation to confirm the reason for this period of leave (e.g. a maternity certificate (MAT B1) or a doctor's fit note). If you have been unable to complete the required hours for any other reason, please explain why in 'Other'. Reasons for non-completion will be considered by the accreditation office in order to determine whether your application can proceed.

Please note that should you fail to provide a complete training record and you are unable to provide a valid reason, your application may be returned to you.

Declaration

The Applicant and a Supervising Partner or Manager must each complete a declaration to confirm that:

- the information provided by the Applicant is accurate and true
- the Applicant has personally prepared the attached skeleton argument and position statement
- the Applicant understands how the information provided by them will be used by the Law Society

Please note: a Manager is defined as a partner in a partnership, director in a company, member of a limited liability partnership or in relation to any other body, a member of its governing body.

About the assessment process

What happens to the completed application form

When an application form is received, we will send an acknowledgment email. We will then check the application to confirm that you are eligible to apply for accreditation – for example, that you have attended an approved training course and undertaken the required amount of **PD** hours. If at this stage you appear not to be eligible, we will contact you and ask for further information in support of your application. If you are eligible, we will follow the processes set out below for initial accreditation and reaccreditation.

Initial accreditation process

We will send you an email with a proposed time and date for interview.

The interview

All interviews take place at The Law Society's London Office. The interview will be conducted by two of **the scheme's** assessors, who will have read the application form.

It is essential that applicants arrive one hour before the scheduled time of the interview.

On arrival, applicants will be given a case study to read, which will be based upon a Children Law scenario. They will have an hour to read and consider the case study and prepare for interview. The task, on the basis of the information provided in the case study, is to consider the relevant and applicable statute, principles, case law and practice and procedure, with a view to advising and representing your client.

Applicants will have to consider how best to prepare and present the client's case, what further information, documents or reports they may request and how to deal with the issues of law, procedure and evidence which arise in the case study. These matters will be tested by questions asked in the accreditation interview.

Applicants may make use of books and other reference materials when preparing the case study and may take these and any notes into the interview. Please note that applicants are not permitted to speak to anyone about the case study before the interview and will be required to return all documents provided to them at interview before they leave. Applicants should apply their knowledge of local experience, practice, issues and circumstances.

How decisions will be made

Following your interview, the assessors conducting the interview will consider and mark the answers provided. They will also consider the skeleton arguments and position statements provided with each application. The assessors will then make a recommendation on the basis of the score achieved, as to whether the Applicant should be accredited or refused. In making their recommendations, assessors may exercise their discretion in those instances where an Applicant has narrowly missed achieving accreditation.

If the assessors consider that there were any special factors which may have affected the Applicant adversely during the interview they may record their views in writing and what they say will be taken into consideration, should the Applicant wish to appeal the decision.

Information to be provided following the interview

It will not be possible to give a decision on the day of the interview. Applicants will be informed of the Law Society's decision on their application by email within two weeks of the interview.

Membership term and re-accreditation

Membership is for an initial term of three years, after which time a member will be required to demonstrate their continued suitability to remain on **the scheme** by successfully completing a process of re-accreditation.

Thereafter, re-accreditation occurs every three years. A reminder will be sent to members three months prior to the due date. Please note, however, that it remains the responsibility of each accredited member to ensure that they submit their application for accreditation in good time and before their current accreditation lapses. The **accreditation office** will not accept failing to receive a reminder as a valid reason for late application.

Should the **accreditation office** fail to receive your application for accreditation before your current application lapses your accreditation will come to an end on the expiry date and you may be at risk of having to reapply as an initial applicant should you wish to be accredited to **the scheme** once again.

If you believe that you will be unable to submit your reaccreditation in time, please contact the **accreditation office** for further guidance.

Under the re-accreditation procedures and criteria, you will be asked to demonstrate your continued competence by:

- providing relevant information on the application form
- completing and returning your answers to a case study provided on receipt of your re-accreditation application
- providing two case reports, compiled from cases completed during the past 12 months. Please ensure that the following requirements are met:
 - The applicant must have acted for the client themselves throughout the matters, including at the final/contested hearing
 - The applicant must have undertaken all advocacy where possible; and if counsel was instructed, an explanation must be provided stating the reasons for counsel's instruction
 - At least one case report must deal with a complex element of either fact or law
 - At least one case report must deal with an application under the Adoption and Children's Act 2002, which could include an application for placement.
 - Case reports should be detailed and must not exceed 1000 words each
 - Applicants must ensure that each case reports is anonymised or will have their application returned to them, with the risk of no further consideration being given
- providing an example of your drafting; applicants must provide a copy of a position statement and/or skeleton argument as part of their application
- providing details of continuing professional development training or activities completed throughout the duration of accreditation
- confirming the mandatory course for your accreditation period has been completed (to be rolled out in 2016)
- having a satisfactory professional record and satisfactory **EDBS** check.

The Law Society will also carry out checks against internal records and other sources as may be considered appropriate.

Members must continue to familiarise themselves with changes in law, practice and procedure, by completing at least six hours of Children Law related **PD** training per year throughout their period of accreditation. **PD** hours undertaken must be structured PD activities/events or training courses.

As part of the re-accreditation process, we will require scheme members to supply details of **PD** training they have completed during the period of their membership.

Appeals

Any Applicant who is dissatisfied with the accreditation decision is entitled to appeal to the Law Society against a refusal or revocation of accreditation.

Appeals will be determined by **the Scheme's** Chief Assessor on the basis of the application form and the interview documentation, where applicable, and any written representations made by the Appellant. Please refer to our [general application criteria and guidance](#) for further information on our appeals process.

Knowledge skill & competence requirements

Understanding - the identification, assimilation and comprehension of information. Members can correctly paraphrase or summarise information and can relate it to other material, including its practical application.

Awareness - acquaintance with general concepts, topics, rules, methods, process or settings, without necessarily being able to summarise or paraphrase information. Members should be able to identify the limits of their awareness and be able to refer to source material for more in-depth knowledge

	Understanding of:	Awareness of:
Primary legislation	<ul style="list-style-type: none"> • Administration of Justice Act 1960 s12 • Family Law Reform Act 1969 Parts 1, 3 and 4 • Senior Courts Act 1981 Parts 2 and 3 • Family Law Act 1986 Part 1 • Children Act 1989 , Parts I - V (CA 1989) • Family Law Act 1996, Part 4 and 4A • Human Rights Act 1998 • Access to Justice Act 1999 • Children (Leaving Care) Act 2000 • Adoption and Children Act 2002 (ACA 2002) • Children Act 2004 • Mental Capacity Act 2005, Part 1 • Children and Adoption Act 2006 • Children and Families Act 2014 • Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) 	<ul style="list-style-type: none"> • Local Authorities Social Services Act 1970, s7. • Immigration Act 1971 & 2014 • Matrimonial Causes Act 1973 • Contempt of Court Act 1981 • British Nationality Act 1981 • Child Abduction Act 1984 • County Courts Act 1984 • Child Abduction and Custody Act 1985 • Surrogacy Arrangements Act 1985 • Family Law Act 1986 Parts 2 and 3 • Human Fertilisation and Embryology Act 1990 and 2008 Part 2 • Courts and Legal Services Act 1990 SS9-10 • Child Support Act 1991 • Education Act 1996, Part 6 • Protection from Harassment Act 1997 • Crime and Disorder Act 1998, Part 1 • Protection of Children Act 1999 • Adoption Intercountry (Aspects) 1999 • Youth Justice and Criminal Evidence Act 1999, Part II, Chapter 1 • Criminal Justice and Court Services Act 2000, Chapter 2 • Civil Partnership Act 2004 Parts 1, 2 and 5 • Gender Recognition Act 2004 • Children and Young Persons Act 2008 • Borders Citizenship and Immigration Act 2009 • The Children and Families (Wales) Measure 2010 • Rights of Children and Young Persons (Wales) Measure 2011 • Social Services and Well-Being (Wales) Act 2014 (<i>in force April 2016</i>)
Rules and Regulations	<ul style="list-style-type: none"> • Blood Tests (Evidence of Paternity) Regs 1971 • Arrangements for Placement of Children (General) Regs 1991 • Emergency Protection Order (Transfer of Responsibilities) Regs 1991 • Parental Responsibility Agreement Regs 1991 • Children (Secure Accommodation) Regs 1991 • Civil Procedure Rules 1998 • Framework for the Assessment of Children in Need and Their Families, Department of Health 2000 • Children (Leaving Care) (England) Regs 2001 	<ul style="list-style-type: none"> • Magistrates Courts (Family Law Act 1986) Rules 1988 • Children (Admissibility of Hearsay Evidence) Order 1993 • Community Legal Service (Cost Protection) Regulations 2000 • Community Legal Services (Costs) Regulations 2000 • Community Legal Services (Financial) Regs 2002 • Council Regulation (EC) 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (Brussels II revised) • Adoptions with a Foreign Element Regulations 2005 • Special Guardianship Regulations 2005

	Understanding of:	Awareness of:
	<ul style="list-style-type: none"> • Disqualification from Caring for Children (England) Regs 2002 • The Advocacy Services and Representation Procedure (Children) (Amendment) Regulations 2004 • Adoption Agency Regulations 2005 • Adoption Support Services Regs 2005 • Allocation and Transfer of Proceedings Order 2008 Supreme Court Fees Order 2009 • Family Procedure Rules 2010 and related Practice Directions • The Care Planning Placement and Case Review England Regulations 2010 • Hague Convention on Child Protection 1996 • United Nations Convention on Rights of the Child 1989 • Brussels II Revised 	<ul style="list-style-type: none"> • Justices Clerks Rules 2005 • Family Proceedings Fees Order 2008 • Magistrates Courts Fees Order 2008 • Supreme Court Rules 2009 • Family Proceedings (Allocation to Judiciary) Directions 2009 • Special Educational Needs and Disability Code of Practice 2015 • Special Guardianship (Wales) Regulations 2005 • Adoption Agency (Wales) Regulations 2014
Guidance	<ul style="list-style-type: none"> • Children Act 1989 Guidance and Regulations Vol. 1: Court Orders (2014) • Volume 1: statutory guidance about court orders and the roles of the police and the Children and Family Court Advisory and Support Service. • Acting in the Absence of a Children's Guardian Law Society 2009 • Practice Direction (Residence and Contact Orders: Domestic Violence and Harm) 2009 • Good Practice in Child Care Cases, Law Society 2015 • Working Together 2015 	<ul style="list-style-type: none"> • Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses and Guidance on using Special Measures (MOJ, 2011) • Practice Guide for the Application of the New Brussels II Regulation • Making an Asylum Application – Best Practice Guide: Immigration Law Practitioners Association 2002 • Working with children and Young People Subject to Immigration Control: Guidelines for Best Practice, Immigration Law Practitioners' Association, 2004 • When is a child not a child? Asylum, Age Disputes and the Process of Age Assessment – Immigration Law Practitioners Association 2007 • Practice Direction (Allocation and Transfer of Proceedings) (2008) • President's Guidance (Applications Consequent upon the Attendance of the Media in Family Proceedings) (2009). • Immigration Law – Law Society 2009 • Reporting Restrictions in the Criminal Courts – JSB 2009 • Children Cases with a Criminal Element – Law Society 2010 • Good Practice in Child Care Cases – Law Society 2010 • The Munro Review of Child Protection – Interim Report: the Children's Journey (Feb 2011). • Children Act 1989 Guidance and Regulations Vols 4-5 Fostering Services and Children's Homes (March 2011). • Criminal Prosecutions of Victims of Trafficking – Law Society 2011 • The Law Society Family Law Protocol 2015 • The Special Guardianship Regulations 2005 Guidance - April 2006 - NAW • Adoption Agencies (Wales) Regulations 2005: Guidance