



**Clinical
Negligence**



The Law Society

Clinical Negligence Accreditation

Application form guidance notes



Application form guidance notes - Clinical Negligence Accreditation

Contents

Overall guidance	3
Glossary of terms	4
About the accreditation	5
Eligibility to apply	5
Expected standards of competence	5
Application form guidance	6
Section 1 - General information	6
A - Your details	6
B - Organisation information	6
C - Suitability for accreditation	7
Section 2 – Initial Assessment	8
D – Other accreditations held	8
E - Current caseload	8
F - Supervision.....	8
Section 3 - Professional development statement	8
Declarations	9
Application portfolio template - case reports and case handling	10
Appeals	10

Overall guidance

Thank you for applying to the Law Society's Clinical Negligence Accreditation.

1. These guidance notes are to assist you in applying for initial membership of the clinical negligence accreditation. The application form includes basic instructions to help you complete the form correctly.
2. **Emboldened words** (apart from document headings and advisory notes) are defined in the **glossary of terms** which follows.
3. 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.
4. 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 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 **accreditation office** 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.

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, which receives and processes accreditation applications.
FILEx	Fellow of the Institute of Legal Executives
Glossary of terms	The glossary contained within these guidance notes.
Limited Liability Partnership (LLP)	A recognised body within the SRA Practice Framework Rules 2011.
Practice	Any law firm regulated by the SRA , including sole practitioners , partnerships, companies and LLPs .
Professional Development (PD)	<p>A structured approach to learning and development to help ensure continued competence in law, practice and procedure. For the purpose of accreditation, PD should involve structured events or activities.</p> <p>Once accredited all members of the scheme will be required to ensure that they complete at least 30 PD hours of clinical negligence related courses, with not less than 15 hours dedicated to medical issues, in the three years prior to application.</p>
Scheme design	The document setting out the framework of the scheme including its objectives, benefits and the eligibility criteria.
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 Clinical Negligence Accreditation, a quality standard for representation of clients as set out in the scheme design .

About the accreditation

The Clinical Negligence Accreditation covers all work undertaken by solicitors and suitably qualified Fellows of the Institute of Legal Executives (**FILEX**) arising out of any act of negligence, breach of contract and/or statutory duty as a result of which the victim has sustained injuries in the course of medical or dental care.

The scheme is designed for claimants. Lawyers who act solely for defendants in clinical negligence will have no need to be on the scheme. If you act for both sides you will have to satisfy the Law Society that you can conduct actions properly on behalf of patients. The scheme is for confirmed clinical negligence specialists only - not simply for those who wish to carry out this work. The scheme was created and is required so that the public can identify specialist practitioners in this field.

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

Eligibility to apply

You can apply if you have personally been conducting clinical negligence cases for claimants for at least 3 years, as without such experience it is unlikely that you will be able to demonstrate expertise as a clinical negligence specialist. Solicitors and **FILEX** who hold a practising certificate, normally free of conditions, may apply.

You will need to have completed at least 24 clinical negligence cases over the three years prior to the application and had at least six cases taken as far as 'case management conference' and 3 to 'meetings of experts' in the three years prior to the application.

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

Expected standards of competence

Achieving accreditation is based on two elements:

1. Provide evidence that you have the requisite skills and experience to competently run a clinical negligence case from start to finish. Applicants will be expected to have reached a minimum standard of experience before they can submit their application.
2. Meet fitness and propriety standards by passing vetting checks carried out by the **accreditation office** (see section 1, part C - suitability for accreditation).

Once the competency standards and fitness and propriety checks are satisfied, the **accreditation office** will grant membership to the **scheme**.

You may be asked to attend an interview at the discretion of our scheme assessors once your application has been received. Further information as to the format of this interview and any preparation that you will need to undertake, will be provided before your date and time are confirmed.

Application form guidance

Section 1 - General information

All applicants should complete sections A and B. Please note that some questions (where indicated) are only relevant for solicitor and other (non-solicitor) applicants.

A - Your details

Item	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	To be completed by <u>solicitor applicants</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.
5	To be completed by <u>solicitor applicants</u> only. Please indicate whether you currently hold a practising certificate.
6	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.
7	To be completed by <u>other (non-solicitor) applicants</u> only. Please indicate your job title from the list of available options. If your title is not in the list, please select 'Other' and specify the title separately.
8	To be completed by <u>other (non-solicitor) 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

Item	Guidance
9	To be completed by <u>solicitor applicants</u> only. Please provide the name of your practice including any current and former trading names.
10	To be completed by <u>solicitor applicants</u> only. The 'main office' will be the office that you have listed with the SRA as the main address for your practice . 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.
11	To be completed by <u>other (non-solicitor) applicants</u> only. Please provide the full registered name of your organisation, including a trading name if appropriate.
12	To be completed by <u>other (non-solicitor) applicants</u> only.

Item	Guidance
	Please provide the full postal address for your organisation. This will be the address that we use to send you any post communications in connection with your application.

C - Suitability for accreditation

Item	Guidance
13 - 16	Please ensure that you provide full details of any issues that may affect your application and the reputation of the Clinical Negligence Scheme. Kindly note this information will be cross checked against information we hold.

You must demonstrate that you are a fit and proper person to remain a member of the accreditation. The **accreditation office** reserves the right 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 **accreditation office** will examine whether your past record reveals that you have committed any offences involving fraud or other dishonesty or violence. It will also check for 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 an accredited 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 **accreditation office**, 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 such a decision have a right to request a review in accordance with the appeal procedures.

Where a complaint or other matter which may affect your suitability to remain accredited is considered to be of sufficient seriousness, your membership may be suspended pending the completion of the investigation and any proceedings as may arise.

For all applications, the **accreditation office** carries out vetting checks against its database and, if considered necessary, will request vetting checks from other professional and regulatory bodies.

When applying for accreditation, you must declare any matters that may affect your fitness and propriety to conduct clinical negligence work; this will include, but is not limited to:

- criminal convictions, cautions and pending charges or investigations
- disciplinary findings by the Solicitors Disciplinary Tribunal, SRA adjudicator or any other regulatory body
- complaints found or pending with the Legal Ombudsman or any other regulatory body
- personal bankruptcy, voluntary arrangements and county court judgements.

If the **accreditation office** considers it necessary to obtain vetting checks from other bodies you will be notified of which body is being approached and the reason.

Section 2 – Initial Assessment

D – Other accreditations held

Item	Guidance
17	Please provide details of any other accreditations you hold personally, for example AvMA, Headway, APIL. Please add the year of initial membership of the scheme, if known, and the level of accreditation achieved if applicable. There are spaces for the details of five memberships to be added, if you are a member of more than five alternative schemes please provide the details of the five most relevant to clinical negligence work.

E - Current caseload

Item	Guidance
18 - 24	Please provide the requested detail regarding your current caseload using the drop-down options where indicated.
25	Please provide a list of the <u>anonymised</u> matters in your current caseload, showing the information requested. You can submit this information either by providing your own report (e.g. case management system report or Excel spreadsheet) or alternatively you can use the Excel template provided on our website. This can be downloaded from the 'How to Apply' page at http://www.lawsociety.org.uk/clinical-negligence
26 - 27	Please provide the requested detail regarding your current caseload using the free format boxes where indicated.
28	You can use this free format box to outline any details regarding your experience in clinical negligence to date that have not been covered by your answers in the application form so far. Maximum word limit 500 words.

F - Supervision

29 - 33	<p>Please provide the requested detail regarding your current supervisory responsibilities using the free format boxes where indicated. Where a question does not apply, please indicate this in the response box.</p> <p>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.</p>
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Section 3 - Professional development statement

The Law Society requires all initial Clinical Negligence Accreditation applicants to provide full **PD** records for the last three complete **PD** years preceding submission of the application. You must have undertaken at least 30 hours' training related to clinical negligence, with not less than 15 hours dedicated to medical issues, in the three years prior to your application.

Members of **the scheme** will be expected to attend at least 10 hours per year of training courses or other **PD** events to update your knowledge of clinical negligence litigation and practice.

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 clinical negligence.
- **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 22 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 30 **PD** hours. 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.

Declarations

The scheme's reputation rests on the professional integrity of its members. By submitting an accreditation application you agree to accept the terms and conditions outlined in the [general application criteria and guidance for individual accreditations](#).

Applicants must complete a declaration to confirm that:

- the information provided by is accurate and true

- they understand and agree to the terms and conditions of membership
- the applicant has at least three years' experience in practising clinical negligence prior to application
- the applicant understands how the information provided by them will be used by the Law Society

A partner or senior manager must complete a declaration to confirm that the information provided in the application is correct to the best of their knowledge.

Application portfolio template - case reports and case handling

Case reports

We also ask for the completion of three case reports. These must be taken from cases you have personally conducted and concluded in the last three years. There is a case report template document which you should use to supply this information.

You should select cases which you believe best demonstrate your specialist skills as a clinical negligence practitioner. You are free to select those cases, but the 'Recording competencies evidenced' section shows the key competencies expected of an accredited clinical negligence practitioner, which may guide your choice. Please note, we do **not** expect every competency box to be evidenced in all or any of your submissions - this list is intended as guide to assist you in preparing your case reports and the assessor in reviewing your application.

Applicants who have a disability and find it difficult to complete the application, case reports or assessment process should contact the Law Society for assistance. You can help us by informing us of what reasonable adjustments you need to enable you to apply to the scheme and participate in the assessment process as equally as other individuals.

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. Please use job roles / titles where necessary to avoid using names.

Appeals

Any applicant who is dissatisfied with a decision made by **the scheme's** assessors on an application for accreditation or re-accreditation is entitled to appeal to the Law Society against a refusal of accreditation or a conditional recommendation for accreditation.

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