



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 Chartered Legal Executives may apply.

C. The types of membership that are available

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

Membership lasts for 5 years, after which members are required to apply for re-accreditation.

Members of the scheme may also 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 a minimum of 350 chargeable hours of family law work in the jurisdiction of England and Wales, as opposed to experience gained working abroad, in each of the last two years.

The family law work must be sufficiently broad to demonstrate knowledge of the core areas listed on page 5 of this document and at least an awareness of the non-core areas listed.

Applicants must satisfy the minimum experience criteria below:

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

E. How to apply and what you should include with your application

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

Section 1 - Individual's details and Organisation's details

Section 2 - Scheme specific application form

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 required 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") you will be required to 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

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.

Referees

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

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

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

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.

Applications are scored according to the range of practical experience you are able to demonstrate over the period leading up to your application. Depending on the overall score achieved, you may be invited to attend (and required to pass) an interview at the Law Society's London office, deferred or requested to provide further information, or failed.

In the case of re-accreditation, an applicant will either be re-accredited, deferred or requested to provide further information, or failed. The assessor has discretion, if they consider it necessary, to invite you to attend an interview at the Law Society's London office.

G. Other checks and assessments conducted

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 period of any 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, other dishonesty, violence or criminal conduct.

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 to the best standards of professional conduct. Evidence showing delays in dealing with cases, failure to answer correspondence and failure 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 or revoke 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 revoke your membership pending the completion of the investigation and any proceedings that may arise.

H. Fees that are payable for making your application

Please see the website for the most up to date fee schedule.

I. The process for 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 member's 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 Section 1 as all Law Society Accreditation Scheme applications, with a separate section 2 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 CPD events to update their knowledge of family law when they apply for re-accreditation.

K. The standards of competence that 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. The core areas of law are:

- divorce, judicial separation and nullity
- private Children Act proceedings
- financial provisions disputes (including pensions), and including those concerning cohabitants
- the Child Maintenance Service jurisdiction and powers of enforcement
- the courts' jurisdiction in domestic abuse matters (including between cohabitants)
- forced marriage
- 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. The non-core areas of law are:

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