



The Law Society

Individual accreditations

General application criteria and guidance notes



General application criteria and guidance notes – Individual accreditations

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Returning applications to us

Step 1 – Complete the application form

- Complete the application form electronically in Microsoft Word (1997 and later). 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 confirmation using a check box.
- Provide separate supporting documentation, which must be submitted along with the completed application form.
- If any development affecting your application after submission would affect the answers given (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.
- Please keep a copy of your completed application form for your records.

Step 2 – Return your application to us

- Email your completed application form to us at accreditation@lawsociety.org.uk.
- We will contact you to confirm the amount payable once we have checked and start processing your application.
- When emailing your application, please do not send files exceeding 18MB. If necessary, please send your supporting documents in separate emails.

Questions?

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

Tel: 020 7320 5797 **Email:** accreditation@lawsociety.org.uk

A - An introduction to the individual accreditations

The development of professional accreditations is central to the aims of the Law Society as a means of championing the provision of high-quality services across the solicitors' profession.

The Law Society operates a number of individual accreditations which award a quality mark to individuals who can demonstrate they have met the Law Society's standards in specific areas of law:

- Children Law
- Clinical Negligence
- Criminal Litigation
- Family Law
- Family Law Advanced
- Family Mediation
- Immigration and Asylum
- Immigration and Asylum Advanced
- Mental Capacity (Welfare)
- Mental Health
- Personal Injury

The individual accreditations are owned and managed by the Law Society of England and Wales. This includes developing the required standards and associated products, administration and review of all applications, overseeing the assessment process and promoting the scheme.

B - Who is eligible to apply for accreditation?

Members include individuals regulated by the Solicitors Regulation Authority (SRA), non-solicitors, such as barristers, Fellowes or Chartered Fellowes of the Institute of Legal Executives (FILEX or CFILEX) and non-solicitor mediators.

This document outlines general eligibility requirements for all individual accreditations and the conditions of membership, each scheme has its own eligibility criteria that outlines the required knowledge, skills and experience. Applicants must demonstrate, through an application and assessment process, that they have attained the Law Society's accreditation standards in a particular area of law.

You should read and consider the relevant criteria for each accreditation to determine your eligibility to apply. For assistance regarding individual accreditations, contact the accreditation office:

Tel: 020 7320 5797 (09:00 - 17:00, Monday to Friday)

Email: accreditation@lawsociety.org.uk

C - How much does accreditation cost?

The cost of accreditation differs between schemes due to the size of the membership base and the different combinations of methods that are used to assess each accreditation. Pricing can be found on our website at: www.lawsociety.org.uk/Accreditation-Fees.

The cost of accreditation is divided into two parts:

- **Application fee** - covers the cost of processing and assessing an application to reach a decision to award or refuse membership.
- **Membership fee** - covers the ongoing costs of managing and promoting the accreditation during the term of the accreditation (usually three years).

Following assessment and any subsequent appeal, if an applicant is refused accreditation, the membership fee will be reimbursed.

We do not require you to pay when submitting your application. We will contact you to confirm the amount payable once we begin processing your application. Payment can be made by credit or debit card or by bank transfer (BACS).

D - What happens to my application?

We aim to process every application within 6 - 8 weeks of receipt; however, on occasions of high application volume, this may take longer.

On receipt of your application, your application will be logged and you will receive an acknowledgement by email. Initial processing will then commence:

1. Your application will be checked to ensure that you meet the relevant eligibility criteria and you have completed all relevant sections and that you have included any required supporting information.
2. Your details (name and firm) will be cross-checked against records held by your professional body on your professional record.
3. Your personal details, such as date of admission, current practising certificate and SRA reference number (roll number), will be checked against the SRA's records.
4. If you are a chartered legal executive with the Chartered Institute of Legal Executives (CILEX), we will crosscheck your details with the Institute.

Once initial processing has been successfully completed, your application will be assessed by one of our assessors to complete the decision-making process.

E - How will my application be assessed?

Your knowledge and experience in the specific area of law will be assessed against the required competencies. We will also undertake additional checks to consider whether you are a fit and proper person to be accredited.

Probity - Fit and proper person

In order to be accredited, 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. We reserve the right during the currency of any scheme membership to investigate any matter which may call into question the fitness and propriety of any accredited member to act as such, and to take whatever action is considered appropriate at whatever stage of the investigation.

We will examine whether your past record reveals that you have committed any offences involving fraud or other dishonesty or violence and may require you to complete a check with the Disclosure and Barring Service (DBS). Please refer to the scheme specific guidance notes for further information.

We will also consider any practice, business or employment in which you may have engaged in which does not conform to professional conduct standards. 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 we determine 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, we may refuse or revoke your membership, or attach conditions to it. Members affected by a decision taken under this paragraph have a right to request an appeal in accordance with the procedures set out in section G of this guidance.

Where a complaint or other matter which may affect your suitability to remain on the scheme is raised during the currency of your accreditation and is considered to be of sufficient seriousness, we may revoke your membership prior to or following the completion of any investigation or related proceedings. If such a complaint or matter is received or comes to light at the time of re-accreditation, we may refuse your re-accreditation application and your accreditation will either lapse at the date shown on your accreditation certificate or will be revoked with immediate effect if considered appropriate. Again, members affected by a decision taken under this paragraph have a right to request a review in accordance with the procedures set out in section G of this guidance.

In cases where issues in respect of character and suitability arise, your application may either be investigated by the accreditation office and references sought, or exceptionally referred to the Chief Assessor for the scheme for a decision.

Knowledge and experience

After the accreditation office has completed its consideration of your application form, supporting evidence and probity checks, your application will progress to the next stage, assessing your knowledge and experience.

The format of this assessment stage will depend on the scheme being applied for. Please refer to the scheme specific guidance notes for further information on the assessment process you will have to undertake. With the exception of the Criminal Litigation Accreditation and the Immigration Law Accreditation, you will be required to provide case reports and/or attend for interview. Assessors will review and mark your case reports against the relevant scheme competence criteria; and where applicable will conduct and mark your interview.

If the assessor considers that any of your answers given in response to any questions are contradicted by any other answers or materials provided, they may refer your application back to you for clarification.

If the assessor identifies answers which are fundamentally wrong in law and/or practice, or which raise ethical and conduct issues, a decision to refuse your application may be taken irrespective of the overall mark obtained. Should an assessor fail an application, we will send it to another assessor for second marking.

Once marked, the assessor will provide their feedback and recommendations to the accreditation office for consideration. The accreditation office will then take any other issues arising from our fitness and propriety checks into account and make the decision regarding accreditation.

Guidance on interviews

In exceptional circumstances, and where it is not a mandatory part of the assessment process, it may be decided that you should attend an interview, for example to clarify some of the points you have made within your application, or if your application is considered borderline for acceptance onto the scheme. In these circumstances, we will write to you to arrange a suitable date and venue.

Where you are required to attend for interview, you will be contacted with an offer of an interview date. Whilst we appreciate that there may be reasons why an applicant may be unable to attend the initial interview date offered, the accreditation office will be unable to keep your application open indefinitely and/or offer you an unlimited number of interview dates. Please be aware that should you fail to accept an interview date after a reasonable number of offers, your application may be terminated.

Interviews will be conducted by two assessors who may ask you about your application, your knowledge and experience, and your approach to the particular area of practice.

If you are invited for interview, you may bring with you any files or papers that you think will assist the assessors or support your application.

We reserve the right to request that you attend the interview with case files. We accept no liability for damage to, or loss of, case files or their contents in transit or on Law Society property.

We will not reimburse you for any expenses incurred for attending an interview. This includes for example, travel expenses and loss of earnings while away from the office.

The decision to invite you for an interview or to request further information does not constitute a final decision and cannot therefore be the subject of a review or appeal.

Guidance on portfolios

Where accreditation requires the completion of a portfolio or case report, members should refer to specific accreditation guidance.

Where a portfolio application form exists, members must use this form for their submission.

Any portfolio of case work, case report, client file, matter list and/or sample work provided by an applicant as part of the application for accreditation must be anonymised and suitably redacted to remove any confidential information and/or personal data belonging to any clients or other third party where the applicant does not have either explicit and informed consent or another lawful basis to disclose in order to comply with member obligations under:

1. current data protection law; and
2. the SRA Handbook (Outcomes 4.1 and 4.5) (for solicitor applicants only)

F - Decision making

Once a decision has been made in respect of your application, you will receive written confirmation of the outcome. In the case of decisions other than unconditional acceptance, reasons for the decision will be given, including any relevant comments that have been made during the assessment process by the assessors.

The possible decisions are as follows:

Award of accreditation

If your application is accepted and membership of the accreditation is granted without any conditions of membership being attached, we will confirm our decision in writing, and where relevant, confirm the level of accreditation that is appropriate to your knowledge and experience.

You will be awarded an accreditation certificate, which will confirm the period of your accreditation (usually three years). In order to maintain your continuous accreditation to the scheme you will need to apply for re-accreditation before the end of your accreditation period. We strongly urge you to commence this process (particularly in respect of completing case reports) as soon as possible as access to matter files will be immediately denied should you cease employment.

Refusal of accreditation

If you have not met the required standard for accreditation, your application will be refused.

If your application is refused, you will be notified in writing of the reasons given for the decision. You may request a formal review of that decision via our appeals procedure but must make such a request to the accreditation office within 28 days of the notification of refusal.

If you do not request a formal review, you may reapply for accreditation but must ensure that you meet all of the requirements of the scheme and have addressed any issues that were set out in the original outcome.

G - Appeals process

If your application is refused or if you are an existing member and your membership has been revoked, you may request an appeal.

You must put your request for an appeal in writing to the accreditation office, detailing the grounds for appeal within 28 days of the date you received written notification from us. If you fail to produce your representations within the 28-day period, your application will be terminated without further written notification. Please note, we will only consider written representations.

An appeal fee of £258 +VAT (£309.60, inclusive of VAT) is payable for all appeals. We do not require you to pay when submitting your written request for an appeal. We will contact you to take payment once we have received and logged the request. Payment can be made by credit or debit card or by bank transfer (BACS).

The chief assessor will undertake the review and will reconsider your original application and take into account any additional representations you have made in support of your appeal. They may also raise issues relating to your application, character and/or suitability, asking any questions they consider relevant.

Once we have received confirmation from the chief assessor of the outcome of the appeal, we will, where practicable, notify you in writing within seven days.

H - Continuing requirements of accreditation

The requirement that an applicant must be a fit and proper person to be an accredited member is ongoing. We will investigate any matter arising which may call into question your fitness and propriety as a scheme member.

If we determine that you have ceased to be a fit and proper person to retain your accredited membership, or that your fitness or propriety to act as such has been compromised, we may revoke your membership or attach such conditions to it as may be considered appropriate.

We reserve the right to impose specific training requirements on initial applicants, as well as current members of any accreditation, which are considered necessary. This includes training to take account of changes to current legislation and/or practice or the introduction of new legislation and/or practice.

Whilst all solicitors are subject to the SRA's requirement in respect of continuing competence, all accredited members, whether solicitors, chartered legal executives or non-qualified practitioners, must ensure that they undertake the required amount of Professional Development (PD) courses for their respective accreditation. You will be required to complete a record of your PD hours when applying for accreditation or re-accreditation to evidence that you have met this requirement.

Failure to comply with specific training requirements or to acquire the requisite number of PD hours may constitute grounds for refusal, revocation or non re-accreditation.

It is important that accredited individuals ensure that they continue to meet the PD requirements of the scheme throughout the period of their accreditation in order to maintain their accredited status.

We do, however, recognise that there may be short periods of time when an individual may struggle to meet the PD requirements due to a change in personal circumstances such as long-term illness or maternity/paternity leave.

If you have been unable to fulfil your professional development requirements at any point during your period of accreditation, please provide full details with your application. Broadly, we would expect individuals seeking to maintain their accredited status throughout the period of their maternity/paternity leave to meet the requirements for PD on a pro-rated basis. For example, if you were required to complete 10 hours of professional development within a 12-month period in order to maintain your accreditation, and you were away on maternity/paternity leave for 6 months of that 12-month period, we would expect you to have completed 5 hours of professional development in the 6 month period during which you were working. We appreciate however that each individual's circumstances may vary and will consider every person's application on an individual basis.

The above approach would equally apply to those who are applying for initial accreditation.

I - Guidance on membership continuance, inactive membership and extensions

The term of membership of each individual accreditation is for a specified period, usually three years. Your accreditation will lapse at the end of this period unless you submit an application for re-accreditation. See section J.

We do however, understand that there may be times when a membership needs to be rendered inactive or extended.

Continuance

An individual's membership of an accreditation will continue for the duration of the term of membership, provided the member continues to meet the eligibility criteria. We will on occasion, carry out checks to ensure that members continue to meet the scheme's eligibility criteria.

If you are a non-solicitor scheme member, you must be employed by an SRA or, where applicable, OISC regulated organisation for your accreditation to remain active. Should you cease to be employed by such an organisation you must notify the accreditation office or your accreditation will become inactive.

Inactive memberships

If, for any reason, a member no longer meets the eligibility criteria for an accreditation, their membership will become "inactive". The period of inactivity will commence upon the date the member ceased to meet the eligibility criteria, or (if this is not known) the date that we discovered or were notified of the same. Membership may remain inactive for a maximum of 12 months. Thereafter we may revoke it at any time.

Consideration will be given for the need to take a career break for reasons such as maternity leave, long-term illness, unemployment or any other reasonable circumstance. You must inform the accreditation office of your intention to take a career break, or the fact that you have commenced a career break, as soon as is reasonably practicable.

Where a membership has been noted as inactive, it does not extend the length of a membership term.

It is for the individual member to advise the accreditation office of any reasons for which their membership should be noted inactive. Members must do so promptly. We may also render a membership inactive on our own initiative, where we consider it necessary or appropriate to do so.

Extensions

We may, from time-to-time, make the unilateral decision to extend membership periods.

J - Guidance on re-accreditation

Your membership to a Law Society individual accreditation will continue for the duration of the term for that scheme and will lapse at the end of this period. Should you wish for your accreditation to the scheme to continue beyond the expiry date, you must complete and submit an application for re-accreditation.

Whilst the accreditation office will send a reminder ahead of the expiry of your accreditation, it is your responsibility as an accredited member to ensure that your application for re-accreditation is submitted before the expiry of your current accreditation. This will ensure the continuation of your membership to the accreditation. If a complete re-accreditation application is not received by the accreditation office by the time your current accreditation lapses, your accreditation will end and you will need to submit a new initial application in order to be considered for accreditation again.

The requirements for re-accreditation of each scheme are outlined in the scheme specific guidance notes. Please ensure that you continue to meet the requirements of the scheme throughout your accreditation and that you satisfy the re-accreditation requirements.

K - General conditions of membership

The type of applicants that are eligible to apply, vary for each accreditation. Please refer to the specific scheme guidance notes for further information on the entry requirements.

For all accreditations covered by these guidance notes, it is you who is the member of the scheme and not your firm or the organisation for whom you work. It is your responsibility to inform the accreditation office if you change practising address or firm.

If you are a non-solicitor and you leave the employment of a solicitor or, where applicable, an OISC regulated organisation, you will not be able to hold yourself out as an accredited member of the scheme until you resume employment with an SRA or OISC regulated organisation. For more information, please see section I.

Your accredited status will normally appear on our Find a Solicitor website, both on your own profile and the profile of your organisation's declared main practising address. Find a Solicitor contains regulated data from the Solicitors Regulation Authority (SRA). It is your responsibility as an accredited member to update any change in regulated data via your MySRA account or by notifying the SRA Contact Centre (www.sra.org.uk/contact-us).

As a member of a Law Society accreditation, you may use the designation 'Law Society accredited' by your name on letterheads and other publicity materials sanctioned by Rule 7 of the Solicitors Code of Conduct July 2007.

Please note that non-accredited practitioners, whether solicitors, chartered legal executive and/or other employees of a solicitors' firm, remain free to undertake all areas of work, subject to regulatory requirements, including those laid down by the Legal Aid Agency.

If a scheme requires you to be a solicitor or chartered legal executive, you must maintain either a current practicing certificate, normally free of conditions, or continue to be a paid up fellow of the Institute of Legal Executives, throughout the period of accreditation. Failure to do so may result in your membership being revoked.

We reserve the right to revoke membership of an accreditation if it is subsequently discovered that information given in your application form is incorrect, or where new information comes to light that casts doubt on your ability or suitability to continue as an accredited scheme member.

L - Terms and conditions of accredited membership

The Law Society Individual Accreditations General application criteria and guidance notes, together with any documents referred to within them (the "conditions of membership") constitute the entire agreement between the Law Society and you with respect to your accreditation scheme membership.

Liability

You acknowledge and agree that the Law Society shall not be liable, whether in contract, tort (including negligence), breach of statutory duty, or otherwise, for any special, indirect, consequential or economic loss (including loss of profits, business, revenue, sales, goodwill, contract, savings or opportunity), however caused and even if foreseeable.

In addition, our total liability to you arising under or in connection with your scheme membership, whether arising in contract, tort (including negligence) breach of statutory duty, or otherwise, shall be limited to an amount equal to 150% of the fees payable by you for making an application for accreditation under the scheme.

Nothing in these conditions of membership seeks to exclude or limit our liability for death or personal injury caused by our negligence, for fraudulent misrepresentation or for any other liability that cannot legally be limited or excluded.

Intellectual property

Accredited membership permits you to use the relevant scheme logo solely in connection with your practice on all marketing/promotional material, signage, stationery and website, provided that:

- The logo is used in the form stipulated by the Law Society and in accordance with the Law Society's branding policy from time-to-time in force.
- All use is in keeping with and maintains the integrity of the accreditation and Law Society brands.
- You shall not use the accreditation logo in any way that that would bring the scheme and its brand or the Law Society into disrepute or undermine their reputation.
- You may only use the accreditation logo for the duration of your membership, and only while your membership remains active. You must immediately cease using the accreditation logo upon cessation or revocation of your membership, or for the duration of any period for which your membership becomes inactive.
- All elements of the accreditation brands, including the accreditation names and logos and all associated goodwill are the property of the Law Society. Nothing in these conditions of membership shall be construed as transferring any ownership interest in such property to you.
- You shall not at any time register or attempt to register, use or adopt any domain name, company name, trade name, trade mark, logo or the like relating to the accreditations, their brands or logos.

Miscellaneous

The Law Society may update these conditions of membership from time-to-time, including for legal or regulatory reasons and to allow the proper operation and provision of the individual accreditations. Any changes will be notified to you via the contact details provided in your application or via a suitable announcement on our website. The changes will apply after we have given notice. If you do not wish to accept the new terms and conditions, you may terminate your membership. If you continue to promote your membership in marketing/promotional material after the date on which the change comes into effect, this will indicate your agreement to be bound by the new conditions of membership.

You may not transfer any of your rights or obligations under these conditions of membership.

If you breach these conditions of membership and we choose to ignore this, we will still be entitled to use our rights and remedies at a later date or in any other situation where you breach these conditions of membership.

We shall not be responsible for any breach of the conditions of membership caused by circumstances beyond our reasonable control.

A person who is not a party to these conditions of membership, including your firm or the organisation you work for, shall have no right under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this contract.

These conditions of membership shall be subject to the laws governing England. We will try to resolve any disagreements quickly, but if you are not happy with the way we deal with any disagreement and you want to take court proceedings, you must do so within England.

M - Guidance on equal opportunities

(‘Applicant’ throughout this statement means those applying for initial membership of and reselection, re-accreditation or reinstatement to the scheme.)

The Law Society aims to ensure that no applicant for membership of an accreditation scheme receives less favourable treatment on the grounds of sex, marital status, sexual orientation, disability, race, religion, colour, nationality, ethnic origin or age, or is disadvantaged by conditions, requirements or practices which cannot be shown to be justifiable.

Selection criteria, assessment processes and procedures will be frequently reviewed to ensure that applicants are selected on the basis of their relative merits and abilities.

Applicants are required to demonstrate that they comply with the relevant selection criteria for membership as set out in the appropriate section of the procedures.

Applicants who have a disability and find it difficult to complete the application, questionnaires or assessment processes 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.

It is unlawful to discriminate positively in favour of certain groups on the grounds of race or sex. However, the Law Society is committed to having a profession which is diverse and representative of the society it serves, and will use positive action to enable greater representation of under-represented groups which is permitted by law.

Selection for membership of a scheme will continue to be based on the merits and abilities of each applicant.

If an applicant feels that the selection criteria or the selection process is directly or indirectly discriminatory, they should contact the accreditation office, specifying their concerns, which will be considered or investigated.

N - How to complain about the application process

Complaints about the application process must be submitted in writing with full details of the complaint to the accreditation office.

All complaints will be handled by the relevant manager. Such complaints may arise from irregularities, delays or other issues arising from the handling of the application.

O - How to complain about a member of an accreditation

Complaints against accredited members will usually be investigated at first instance by and under the procedures of the Legal Ombudsman.

Where a complaint concerns the individual’s work as an accredited member or raises issues regarding their suitability to remain accredited, a decision on the individual’s continued membership of the scheme will be made by the accreditation office or referred to the chief assessor of the respective scheme.

Any final decision as to the member’s suitability to remain accredited will be considered after the Legal Ombudsman’s investigation and any subsequent proceedings have been completed. However, if a complaint is of a serious nature, the Law Society may revoke membership with immediate effect

notwithstanding/regardless of the outcome of the Legal Ombudsman's investigation and any subsequent proceedings.

The Law Society will give notice of revocation of membership to scheme members, as considered appropriate. A member revoked under this section may exercise a right to request an appeal.