



The Law Society

## **Mental Health Accreditation**

Application and re-accreditation application forms  
guidance notes and policies



# Application form guidance notes - Mental Health Accreditation

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## Overall guidance

1. These guidance notes are to assist you in applying for membership of the Mental Health Accreditation. The application form includes basic instructions to help you complete the form correctly. Additional guidance notes are provided here.
2. The Mental Health Accreditation covers the representation of patients in all proceedings before the First-tier Tribunal (Mental Health) under the Mental Health Act 1983.
3. From August 2014, it is a requirement of the Legal Aid Agency (LAA) that all publicly funded representatives in proceedings before the First-tier Tribunal are members of the Law Society's Mental Health 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 developments after submission of this form would affect the answers given (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

Applicants to the Mental Health Accreditation scheme are expected to have undertaken a substantial amount of mental health casework for a period at least six months within the 12 months preceding the application to **the scheme** and must demonstrate the following competencies:

- Knowledge of the law and procedure which is essential to representing clients before the First-tier Tribunal
- Ability to prepare and present cases effectively for clients in proceedings before the First-tier Tribunal
- Sufficient knowledge of those areas of law, such as mental capacity, community care and human rights, which are relevant to advising and representing clients in proceedings before the First-tier Tribunal
- Sensitivity to and awareness of the particular difficulties clients may face because of mental disorder and by virtue of being subject to Mental Health Act powers
- Commitment to representing clients with mental disorder
- Adherence to the ongoing requirements of Law Society Accreditation Membership and to the [Mental Health Accreditation code of practice](#).

### 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](mailto:accreditation@lawsociety.org.uk)

## Glossary of terms

| Term  | Definition   |
|---|--|
| <b>Accreditation office</b>                           | The Law Society office that will deal with applications to <b>the scheme</b> .   |
| <b>Disclosure and Barring Service (DBS)</b>           | The DBS helps make safer recruitment decisions and replaces the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA).  |
| <b>Enhanced Disclosure and Barring Service (EDBS)</b> | As accredited members will be working with vulnerable clients, whether children or adults, an <i>enhanced</i> check is required. The EDBS check looks at spent and unspent convictions, cautions, reprimands, final warnings and any additional information held by local police that is reasonably considered relevant to the role in question.   |
| <b>Glossary of terms</b>                              | The glossary contained within these guidance notes.  |
| <b>Limited Liability Partnership (LLP)</b>            | A recognised body within the <b>SRA</b> Practice Framework Rules 2011.   |
| <b>Practice</b>                                       | Any law firm regulated by the <b>SRA</b> , including <b>sole practitioners</b> , partnerships, companies and <b>LLPs</b> .   |
| <b>Professional Development (PD)</b>                  | <p>A structured approach to learning and development to help ensure continued competence in law, practice and procedure.</p> <p>At initial application, applicants will need to provide evidence that they have gained at least <u>six</u> <b>PD</b> hours in the last complete <b>PD</b> year in the subject area of mental health law, in addition to the two day mandatory course.</p> <p>Once accredited, all members of <b>the scheme</b> will be required to ensure that they complete at least six <b>PD</b> hours of mental health law courses for each of the three years of accreditation.</p> |
| <b>Scheme design</b>                                  | The document setting out the framework of <b>the scheme</b> including its objectives, benefits and the eligibility criteria.   |
| <b>Sole practitioners</b>                             | A recognised sole practitioner pursuant to the <b>SRA</b> Practising Regulations 2011 until 31/3/2012 and thereafter the Authorisation Rules 2011.   |
| <b>SRA</b>  | Solicitors Regulation Authority.   |
| <b>The scheme</b>                                     | The Law Society's Mental Health Accreditation, a quality standard for representation of patients under the Mental Health Act 1983, as set out in the <b>scheme design</b> .  |

## Application form guidance notes

### 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

| 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        | To be completed by solicitor applicants only.<br>Everyone regulated by the <b>SRA</b> has a unique ID. The <b>SRA</b> ID being asked for here is the <b>SRA</b> number found on your practising certificate.  |
| 5        | To be completed by <u>solicitor applicants</u> only.<br>Please indicate whether you currently hold a practising certificate.  |
| 6        | To be completed by <u>solicitor applicants</u> only.<br>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.<br>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.<br>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  |
|----------|---|
| 9        | To be completed by <u>solicitor applicants</u> only.<br>Please provide the name of your <b>practice</b> including any current and former trading names.   |
| 10       | To be completed by <u>solicitor applicants</u> only.<br>The 'main office' will be the office that you have listed with the <b>SRA</b> as the main address for your <b>practice</b> .<br>The <b>SRA</b> ID is the <b>practice's</b> reference number which identifies the <b>practice</b> and appears on the Law Society's public register. Each branch office of the <b>practice</b> will have its own individual <b>SRA</b> ID. The <b>SRA</b> ID being asked for here is the <b>SRA</b> ID for the main office. |
| 11       | To be completed by <u>other (non-solicitor) applicants</u> only.<br>Please provide the full registered name of your organisation, including a trading name if appropriate.  |

| Question | Guidance   |
|----------|--|
| 12       | <p>To be completed by <u>other (non-solicitor) applicants</u> only.</p> <p>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.</p> |

## Section 2 - Initial assessment

### A - Suitability for accreditation

Applications for membership of **the scheme** may be accepted from solicitors, fellows and members of the Chartered Institute of Legal Executives, trainee solicitors, and other caseworkers, subject to approval by the Law Society.

Non-solicitor applicants must be employed by a practice regulated by the **SRA**. There must be at least one solicitor within the practice who specialises in mental health work and provides supervision.

Applicants will also 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 that 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.

### Enhanced Disclosure and Barring Service (EDBS)

Please note we cannot process applications unless we receive an **Enhanced Disclosure and Barring Service (EDBS)** check certificate which is no more than three months old at the date the **accreditation office** receives your application. Please be aware that we may request additional **EDBS** checks to be undertaken at any point during your accreditation or re-accreditation. Compliance with such a request will be required to ensure your continued membership of **the scheme**.

All applicants are required to apply for an enhanced disclosure check from the **DBS**, whether pursuing an initial or re-accreditation application. This can be obtained online using our preferred provider, [Atlantic Data](#).

You can, however, use any other provider of your choice, but must ensure that we are provided with the original **EDBS** check certificate in support of your application, regardless of which organisation that certificate is obtained through. As **EDBS** checks can take up to six weeks, we strongly encourage you to start the process as soon as possible, as failure to provide the **EDBS** certificate within 21 days of submitting your application to **the scheme** will 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.

| Question | Guidance  |
|----------|---|
| 13 - 16  | Please ensure that you provide full details of any issues that may affect your application and the reputation of the Mental Health Accreditation. Kindly note this information will be cross checked against information we hold. |

## B - Accreditation specific requirements

| Question | Guidance  |
|----------|---|
| 17       | <p>Applicants must attend an approved training course prior to applying for membership of <b>the scheme</b>. 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 <a href="#">website</a>.</p> <p>Applicants for re-accreditation do not need to attend a compulsory training course.</p> |
| 18       | <p>Applicants must be able to confirm that within the period of not more than 12 months preceding submission of the application they have represented at, or observed, 4 hearings before the First-tier Tribunal (mental health) including:</p> <ul style="list-style-type: none"> <li>• one section 2 hearing</li> <li>• one section 3 or unrestricted section 37 hearing</li> <li>• one restricted hearing</li> <li>• one other hearing of whatever type.</li> </ul>  |
| 19       | <p>Applicants must ensure that they meet the expected standards of competence and have the requisite level of experience, prior to applying for membership to <b>the scheme</b>.</p> <p>All applicants should have undertaken a substantial amount of mental health casework for a duration of at least six months within the 12 months prior to their application.</p>   |

## C - References

| Question | Guidance  |
|----------|---|
| 20 - 21  | Please note we do not request references unless considered necessary by the <b>accreditation office</b> , interview panel or chief assessor. If we decide to contact your referees, we may do so at any point during the application process. |

## Section 3 - Professional development statement

The Law Society requires all initial Mental Health Accreditation applicants to provide full **PD** records for the last complete **PD** years preceding submission of the application. In addition to the two-day mandatory course, applicants should also have gained at least six **PD** hours in the last complete **PD** year in the subject area of mental health 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 mental health 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.

All six 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. 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 partner or senior partner must each complete a declaration to confirm that:

- the information provided by the applicant is accurate and true
- the applicant has undertaken a substantial amount of mental health casework for a duration of at least six months within the 12 months preceding their application
- the applicant understands how the information provided by them will be used by the Law Society.

## About the assessment process

This section provides information about the application and 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 observed the requisite number and types of tribunal hearings. 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

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

Prior to attending the interview, you will need to complete a multiple-choice questionnaire on law and procedure. To access the questionnaire, you will need a Professional Development Account. You will be sent an email requesting you to create an account with the [Professional Development Centre](#). You will need to create the account within 48 hours of receipt of the email. Once you have created your account, you will need to email the accreditations office on [accreditation@lawsociety.org.uk](mailto:accreditation@lawsociety.org.uk) with your username so that we can assign the multiple-choice questionnaire to your account.

You will have 5 working days to complete the questionnaire once it has been assigned to your account. The time allowed for its completion is 10 minutes. The questionnaire is comprised of 20 questions to be answered without access to books or other reference materials. Your account will automatically submit your selected answers once the time is over. You will have one attempt to complete the questionnaire.

Following completion of the multiple choice questionnaire, applicants will then be invited in for interview.

## The interview

All interviews take place at the Law Society's office in London. 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 concern a person detained under the Mental Health Act who has applied to the First-tier Tribunal. The case study is several pages in length. The task, on the basis of the information provided in the case study, is to prepare to represent that person at a tribunal hearing. Applicants will have to consider how best to prepare and present the client's case 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 material 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. The total time allowed for the interview is one hour.

The interview comprises two elements:

1. **Practice and professional conduct assessment** - Applicants will be asked 10 questions on practice and professional conduct.

2. **Case study assessment** - Applicants will be asked 12 questions on the case study provided on arrival. These questions cover law, procedure, evidence, case preparation and presentation.

## How decisions will be made

Once all three elements of the assessment have been completed, the assessors conducting the interview will consider and mark the answers provided. They will then make a recommendation on the basis of the score achieved, as to whether the applicant should be accredited, either conditionally or unconditionally, 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.

## Term of 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.

## Re-accreditation assessment

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 not from the same section (ie. one section 2 hearing or one section 3 or unrestricted section 37 hearing or one restricted hearing or one other hearing of whatever type), compiled from cases completed during the past 12 months.
- completing the professional development statement to show that you have completed at least six hours of structured PD in the field of mental health law in each complete year.

### **Additional Guidance on PD:**

The Mental Health Accreditation covers the representation of patients in all proceedings before the First-Tier Tribunals (Mental Health) under the Mental Health Act 1983, as amended.

The current guidance notes for initial applications require applicants to provide evidence that they have gained 6 PD hours in the last completed PD year in the subject area of mental health law. For re-accreditation, all members of the scheme are required to ensure that they completed at least 6 PD hours

in the subject area of mental health law for each of the three years of accreditation. We recognise that considering only completed PD years results in some training not being taken into account. In order to continue supporting our members, we have therefore moved to accepting the last 3 years of PD hours, at the point of application.

For the avoidance of doubt, when referring to training in the subject area of mental health law we are referring to training and courses which contribute directly to representing clients in the First-Tier Tribunals (Mental Health). We recognise that there is an overlap between mental health law and other areas such as mental capacity and community care. In order to accommodate applicants we will accept 2 PD hours from other related areas. This includes for example courses related to developing knowledge and skill for representing clients before the First-Tier Tribunals (Mental Health) but which are not directly attributable to such representation. Applicants should provide details on the PD form as to how the training is related and how it improves their ability to act in the First-Tier Tribunals.

In house training is acceptable as structured training provided it meets the following criteria:

- There is an organised program of learning
- There are clearly defined learning objectives

This should be evidence in detail on the PD form and/or the provision of the training material.

We understand that for members applying shortly they may not be able to meet the requirement for the last 3 years. For those members, please submit an explanation on your PD form with your application.

- 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.

Referees should include at least one Tribunal Judge (either salaried or fee-paid).

Re-accreditation will usually be via an application form, but if the chief assessor or an assessor considers it necessary, you will be invited to attend an interview at the Law Society.

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.

## 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 interview 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.

