



The Law Society

# Personal Injury Accreditation

Initial application guidance notes



## Initial application guidance notes - Personal Injury Accreditation

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## Overall guidance

Thank you for applying to the Law Society's Personal Injury Accreditation.

1. These guidance notes are to assist you in applying for initial membership of the personal injury 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](mailto:accreditation@lawsociety.org.uk)

## Glossary of terms

Term	Definition
<b>Accreditation office</b>	The Law Society's accreditation office, which receives and processes accreditation applications.
<b>CILEx or FILEx</b>	Fellow or member of the Institute of Legal Executives
<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>	A structured approach to learning and development to help ensure continued competence in law, practice and procedure.  Once accredited all members of <b>the scheme</b> will be required to ensure that they complete at least 24 <b>PD</b> hours of personal injury law related courses.
<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 Personal Injury Accreditation, a quality standard for representation of clients as set out in the <b>scheme design</b> .

## About the accreditation

The personal injury accreditation covers all work undertaken by solicitors and suitably qualified Fellows and members of the Chartered Institute of Legal Executives (CILEx), on behalf of victims, and their dependants, who have suffered personal injuries or fatal injuries as a result of an alleged act of negligence or breach of statutory duty.

The accreditation covers all types of personal injury work, regardless of how this is funded. There is no distinction between cases funded by private means, trade unions or legal expenses insurance. The scheme is open to those who act exclusively for claimants or defendants as well as those with a mixed practice.

Practitioners who work in a supervisory capacity may apply to the scheme, providing that they undertake some fee-earning in their day-to-day work. Personal injury lawyers who are not scheme members will remain free to undertake personal injury work but will not be identified as specialists.

### Eligibility to apply

You can apply if you have personally been conducting personal injury 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 personal injury specialist. Solicitors and **CILEx** who hold a practising certificate, normally free of conditions, may apply.

You will need to show experience of taking or defending at least 10 cases to reach Costs and Case Management Conference over a three year period, with at least one case being set down for trial. Additionally, you will need demonstrable experience of handling at least two issued claims involving a dispute on liability and one claim involving a minor or Protected Party.

We will consider applications that do not exactly fulfil the entry criteria but which demonstrate a detailed and up-to-date understanding of personal injury litigation. An example would be a practitioner acting in a supervisory capacity, where the caseload may be smaller in number but potentially more complex.

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 personal injury 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**.

## 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 <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 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 <b>practice</b> 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 <b>SRA</b> as the main address for your <b>practice</b> . The <b>SRA ID</b> 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 ID</b> . The <b>SRA ID</b> being asked for here is the <b>SRA ID</b> 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 Personal Injury 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 personal injury 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.

## D - Panel memberships

Item	Guidance
17	Please provide details of any other accreditations you hold personally, for example APIL, Headway, MASS. 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 personal injury work.

## E - Current caseload

Item	Guidance
18	Please state the usual percentage of your time that is spent handling personal injury cases as a day-to-day fee earner.
19 - 20	Please provide the requested detail regarding your current caseload and the number that you have concluded over the last 12 months.

## F - Supervision

21	Please state the usual percentage of your time that is spent handling personal injury cases in a supervisory capacity.
22	Please provide the requested detail regarding the number of cases which you regularly supervise.
23	You can use this free format box to outline any details regarding your experience in personal injury to date that have not been covered by your answers in the application form so far. Maximum word limit 500 words.

## Section 3 - Professional development statement

The Law Society requires all initial Personal Injury Accreditation applicants to provide full **PD** records for the last three complete **PD** years preceding submission of the application. Applicants should also have gained at least 24 **PD** hours in the last three complete **PD** year in the subject area of personal injury 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 personal injury law and practice.



- **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 18 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 24 **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 personal injury 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 form within this template document which you should use to supply this information.

You should select cases which you believe best demonstrate your specialist skills as a personal injury practitioner. You are free to select those cases, but the 'Recording competencies evidenced' section shows the key competencies expected of an accredited personal injury 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.

### Case handling

The final section of this form asks you to provide responses and give examples to questions about how you usually approach your casework with respect to the following:

- Retainer arrangements
- Procedural matters
- Damages
- Counsel and experts
- Library and resources
- Settlements and alternative dispute resolution.

Please provide answers in the spaces shown. Where example documentation is requested, please ensure that all client details are anonymised to protect their confidentiality.

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.

## 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.