



*Criminal
Defence Service*



**A GUIDE TO BECOMING AN ACCREDITED POLICE
STATION REPRESENTATIVE**

Version Number 5.0

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This guidance has been redrafted following amendments to the Police Station Register Arrangements 2001 that were published in April 2005 and are available on the LSC website:

[http://www.legalservices.gov.uk/docs/criminal_consultations/LSC Police Station Register Arrangements 2001 amended 30April2005.pdf](http://www.legalservices.gov.uk/docs/criminal_consultations/LSC_Police_Station_Register_Arrangements_2001_amended_30April2005.pdf)

IMPORTANT NOTE

In December 2004 the administration of the Register of Police Station Representatives was transferred from the Criminal Defence Service to the **POLICE STATION REPS SERVICE**.

All correspondence or enquiries regarding the Register should be directed to:

**Police Station Reps Service
First Assist, 32 High Street
Purley, Surrey, CR8 2PP
DX 59609 PURLEY**

**Tel: 0845 600 1022
Fax: 0208 763 3191**

Email: policestationreps@firstassist.co.uk

Abbreviations

The following abbreviations have the following meanings:

LSC – Legal Services Commission
CDS – Criminal Defence Service
PSRS – Police Station Reps Service
DSCC – Duty Solicitor Call Centre

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1. Background

- 1.1 The Access to Justice Act 1999 provides that the LSC shall fund legal advice and assistance to individuals involved in criminal investigations - from initial questioning by the police to the point at which the decision is made as to whether the individual is to be charged.
- 1.2 When legal advice is requested two options are available – the Duty Solicitor and the detainee’s own solicitor.
- 1.3 Duty Solicitor
 - Custody officer calls DSCC
 - DSCC calls Duty Solicitor
- 1.4 Own Solicitor
 - Custody officer calls solicitor directly
- 1.5 Advice given to a detainee by a Duty Solicitor is paid for by the LSC. If the detainee chooses his or her own solicitor, the LSC will pay for the advice given provided the solicitor holds a General Criminal Contract.
- 1.6 In addition to solicitors, Police Station Representatives can attend the police station to give advice and assistance to detainees in certain circumstances – see **Appendix 1**.

2. Police Station Representatives

- 2.1 2 categories:
 - Accredited
 - Probationary
- 2.2 Accredited Representatives are eligible to give advice paid for by the LSC at the police station in certain circumstances – see **Appendix 1**.
- 2.3 A Probationary Representative has not completed the Accreditation Process and can only give advice paid for by the LSC at the police station during a 12 month Probationary Period.

3. Who Can Apply?

- 3.1 Anyone can apply to become accredited as a Police Station Representative, with the following exceptions:
 - Serving police officers
 - Special constables
 - Individuals employed in any capacity that may cause a conflict of interest when undertaking Criminal Defence Service work

4. Pre-Registration Requirements

Supervising Solicitor

- 4.1 Before applying to the PSRS to be registered as a Probationary Representative you must find a suitable Supervising Solicitor.
- 4.2 Your Supervising Solicitor must be a current police station Duty Solicitor or otherwise a solicitor who is acceptable to the LSC as meeting the Crime Category Supervisor Standard – see Specialist Quality Mark;

http://www.legalservices.gov.uk/docs/quality_mark/specialist_standard.pdf

- 4.3 The same solicitor should supervise you throughout the accreditation process. If exceptional circumstances make this arrangement impractical you must contact the PSRS requesting permission to change Supervising Solicitor and setting out the reasons why.
- 4.4 All Probationary and Accredited Representatives must have a designated Supervising Solicitor at all times.

Assessment Organisation

- 4.5 Before applying to the PSRS to be registered as a Probationary Representative you must first register with an Assessment Organisation.
- 4.6 The Assessment Organisations are:
 - Central Law Training, Wrens Court, 52-54 Victoria Road, Sutton Coldfield, Birmingham, B72 1SX (0121 362 7703)
 - Centre for Professional Studies, University of Wales, PO Box 294, Cardiff, CF1 3UX (02920 876 948)
 - Datalaw, 27 Dale Street, Liverpool, L2 2DH (0151 236 1234)
 - School of Law, University of Wales, Singleton Park, Swansea, SA2 8PP (01792 602 251)

5. Registering As A Probationary Representative

- 5.1 Once you have registered with an Assessment Organisation to begin the accreditation process you must pass two tests before you can register with the PSRS as a Probationary Representative: Part A of the Portfolio and the Written Examination (NB. The requirement to pass the Written Examination before registering with the PSRS only applies if you registered with an Assessment Organisation after 30 April 2005).

Part A of the Portfolio

- 5.2 Part A of the Portfolio is split into two stages.
- 5.3 Stage 1 consists of 2 cases where you observe a solicitor giving advice to a client in a police station. The advice in these cases can be given by any eligible solicitor and may be Duty or Own Client cases. The cases may be summary, either way, or indictable only.
- 5.4 Stage 2 consists of 2 cases in which a solicitor observes you giving advice in a police station. The observing solicitor must be your Supervising Solicitor. The cases must not be Duty cases or indictable only. If your Supervising Solicitor has to intervene at the police station then that case will not be valid for inclusion in stage 2.

Written Examination

- 5.5 As stated above, if you register with an Assessment Organisation after 30 April 2005 you must have passed, or be exempt from, the Written Examination (in addition to passing Part A of the Portfolio) before you can register with the PSRS as a Probationary Representative.
- 5.6 You can claim an exemption from the Written Examination if you have:
- Passed the Legal Practice Course;
 - Passed the Bar Vocational Course;
 - Qualified as a Fellow or Member of the Institute of Legal Executives who has passed the ILEX Level 4 Professional Higher Diploma in Law (previously known as the Part 2 examinations), which must include the criminal law and criminal litigation papers.
- 5.7 Once the Assessment Organisation has marked and passed both Part A of your Portfolio and Written Examination (unless one of the above exemptions applies) you will be provided with an application form. This form should be completed, and evidence that you have passed or are exempt from the written examination attached, and sent to the PSRS at **Police Station Reps Service, First Assist, 32 High Street, Purley, Surrey, CR8 2PP.**

- 5.8 The PSRS will then register you as a Probationary Representative and issue you with a PIN number within 14 days of receiving the fully completed form.

6. Requirements Following Registration As A Probationary Representative

6 Month Deadline

- 6.1 You must pass one of the remaining Accreditation Tests (Part B of the Portfolio, Critical Incidents Test or, if you registered with an Assessment Organisation on or before 30 April 2005, the Written Examination) within 6 months of registration with the PSRS.

If you do not pass one of the tests within 6 months of registration with the PSRS, you will be suspended from the Register until such time as one of the tests is passed. Upon passing one of the tests, you will be reinstated to the Register, and have a further 6 month Probationary Period to complete the accreditation process – see **Appendix 3**.

12 Month Deadline

- 6.2 You are required to pass all the tests within the 12 month Probationary Period. The Probationary Period is made up of either 2 six month period, if one of the tests is not passed within 6 months of registration, or one continuous 12 month period if a test is passed within the first 6 months. Failure to pass all tests within either 12 month period will result in suspension from the Register. In these circumstances you will only be reinstated to the Register when the PSRS have been informed that all the tests have been passed – see **Appendix 3**.

7. Monitoring Progress

- 7.1 It is both your responsibility and that of your Supervising Solicitor to monitor your progress and ensure that all the tests are passed within the prescribed timeframe.

8. Extending Your Probationary Period

- 8.1 There is no provision within the Register Arrangements to allow any extension to your Probationary Period.
- 8.2 However, you may, with prior written notice, '**Voluntarily Suspend**' yourself from the Register. This can be done on one occasion only. This effectively stops the clock on your Probationary Period so that when you request to be reinstated to the Register, the Probationary Period will be extended by the same amount of time as the suspension lasted for - see **Appendix 3**.

- 8.3 Furthermore, such a suspension can be granted without prior notice if the reason for suspension is illness, pregnancy or loss of employment. Written evidence to support any such request will be required before the suspension can be granted together with confirmation that no remuneration for police station attendances has been or will be claimed from the LSC during the period that suspension is requested.
- 8.4 Voluntary Suspensions can last for a minimum of one month and a maximum of three years.

9. Pass Dates

- 9.1 A pass date is the date the test board of the relevant Assessment Organisation sits and determines that the test has been passed, **not** the date that the test was sat / submitted.
- 9.2 It should be noted that it may take up to 35 working days after the submission / sitting of a test before the result is issued by an Assessment Organisation. Therefore, you should ensure that all tests are booked with sufficient time allowed for marking, in order to prevent suspension.

10. Notification On Passing A Test / Gaining Accreditation

- 10.1 It is possible that you will receive notification of having passed a test before your Assessment Organisation emails the result to the PSRS. Therefore, the PSRS would encourage you to contact them directly, providing evidence that you have passed a test, so that the Register can be immediately updated.

11. Accreditation Costs Contribution

- 11.1 The LSC will contribute £400 towards the cost of your accreditation. This is available to all representatives who have successfully completed the accreditation process on or after 1 April 2002.
- 11.2 The contribution will be paid to the firm employing the solicitor who is your Supervising Solicitor at the time of accreditation.
- 11.3 A claim form (CDS13) is available on the LSC website:
www.legalservices.gov.uk

12. Remaining Accredited / Training

- 12.1 Accredited Representatives may be designated fee earners for their Supervising Solicitors' firms.
- 12.2 Training requirements for all designated fee earners are now contained within Section D5.1 of The Specialist Quality Mark. The requirement is that:
- “In each 12 month period, every designated casework member of staff receives a minimum of six hours’ training that directly relates to the relevant category of law.”*
- 12.3 Furthermore, a supplier is required to ensure that all its designated fee earners have a job description, annual appraisal, training record and undergo file review.
- 12.4 To remain an Accredited Representative you must:
- Undertake a minimum of 25 police station attendances per annum
 - Undertake 6 hours Continuous Professional Development training on issues relevant to criminal law (which may include internal courses).
- 12.5 In addition you must advise the PSRS if:
- Employer or employer’s address changes
 - Supervising Solicitor changes
 - Employed as a special constable or in any other capacity that may cause a conflict of interest
 - Under investigation, faces an outstanding criminal charge or has been convicted of an offence or is the subject of an investigation by the Office for the Supervision of Solicitors or the Solicitors Disciplinary Tribunal

13. Certificate of Fitness

- 13.1 The application form that must be submitted to the PSRS in order to be registered as a Probationary Representative includes a Certificate of Fitness. This certificate asks the Supervising Solicitor to declare to the best of his or her knowledge that you are of suitable character to provide legal advice at police stations. In determining this, the Supervising Solicitor should consider any criminal convictions you may have. The Supervising Solicitor should then read the relevant guidance produced by the Criminal Law Committee of the Law Society at:

<http://lawsocietyinternetp.aspective.com/documents/downloads/panels/policestationrepguidev12004.pdf>

and make a professional judgment as to whether you are of suitable character to provide advice and assistance at police stations.

- 13.2 If a complaint is received or any concerns over the competency or character of a representative arise, the LSC, before taking action, may ask the Supervising Solicitor to comment and also to sign a Certificate of Fitness on behalf of the representative.
- 13.3 There is no longer a requirement to submit a Certificate of Fitness annually.

14. Freelance Representatives

- 14.1 Subject to the limitations in Part D of the Contract Specification, the General Criminal Contract does not restrict an Accredited Representative from undertaking work for more than one CDS supplier.

15. Probationary Representatives Only Working For One Firm

- 15.1 In August 2002, Part B, Rule 3.3 of the General Criminal Contract was amended to include the provision that:

“From 1 April 2003, a Probationary Representative may only provide Police Station Advice assistance for the firm at which his or her supervising solicitor is based. The firm must hold a General Criminal Contract.”

16. Certificates of Registration and Accreditation

- 16.1 In May 2005 the PSRS sent Certificates of Registration to all Probationary Representatives and Certificates of Accreditation to all Accredited Representatives whose records are held on the Register.
- 16.2 Candidates who register with the PSRS to become Probationary Representatives will now receive a Certificate of Registration when they receive their PIN number.
- 16.3 Probationary Representatives who complete the accreditation process and become Accredited Representatives will receive a Certificate of Accreditation.
- 16.4 These certificates should be retained as you may be asked to produce them by future employers and LSC auditors.

Appendix 1

WHO CAN DO WHAT AT THE POLICE STATION?

TYPE OF WORK	DUTY SOLICITOR	ACCREDITED REP	PROBATIONARY REP	SOLICITOR WITH PSQ	SOLICITOR WITHOUT PSQ
Duty – accept telephone initial call from DSCC?	YES	YES	NO*	YES	NO
Own – accept initial telephone call from Police?	YES	YES	YES	YES	YES***
Duty – provide initial telephone / in person advice?	YES	YES	NO	YES	NO
Own – provide initial telephone / in person advice?	YES	YES	YES**	YES	NO
Duty – attendance?	YES	YES	NO	YES	NO
Own – attendance?	YES	YES	YES**	YES	NO
Duty – swaps?	YES	YES****	NO	YES****	NO

NOTE - THE DISTINCTION BETWEEN A SOLICITOR WITH PSQ (POLICE STATION QUALIFICATION) AND ONE WITHOUT IS ONLY RELEVANT AFTER 1 NOVEMBER 2005. UNTIL THAT DATE ALL ADMITTED SOLICITORS HAVE THE STATUS GIVEN ABOVE TO SOLICITORS WITH PSQ.

***Unless CDSM has given written approval to the contrary.**

****Not indictable only offences – can be flexible if case starts as summary/either way offence.**

***** Any persons from the firm are permitted to take case details of own client matters.**

****** Only for the firm where you're supervising solicitor is based.**

Appendix 2

Accreditation Tests

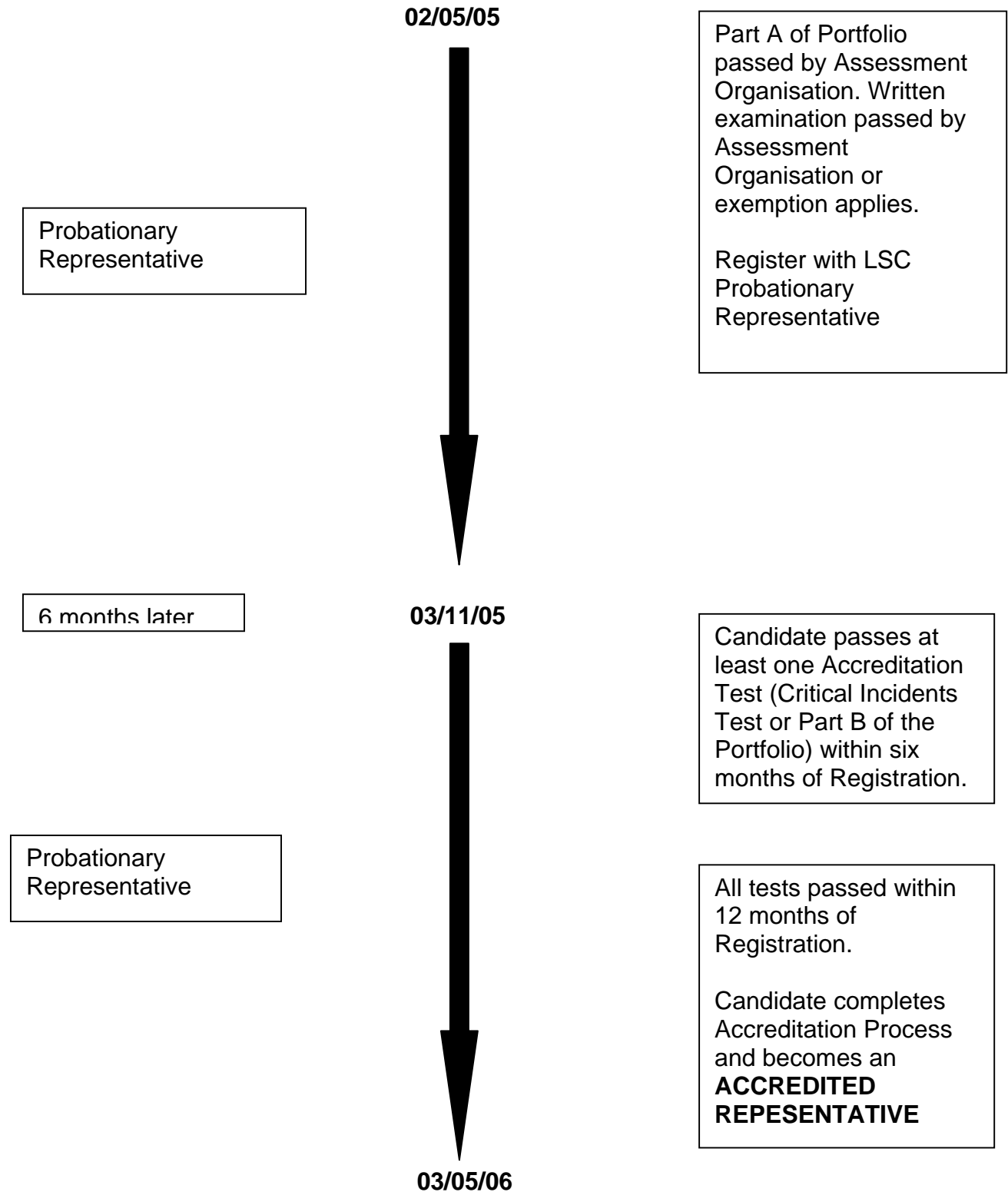
The Law Society provides comprehensive guidance on the Accreditation Test requirements on their website:

<http://lawsocietyinternetp.aspective.com/documents/downloads/panelspolice/estationrepguidev12004.pdf>

Appendix 3

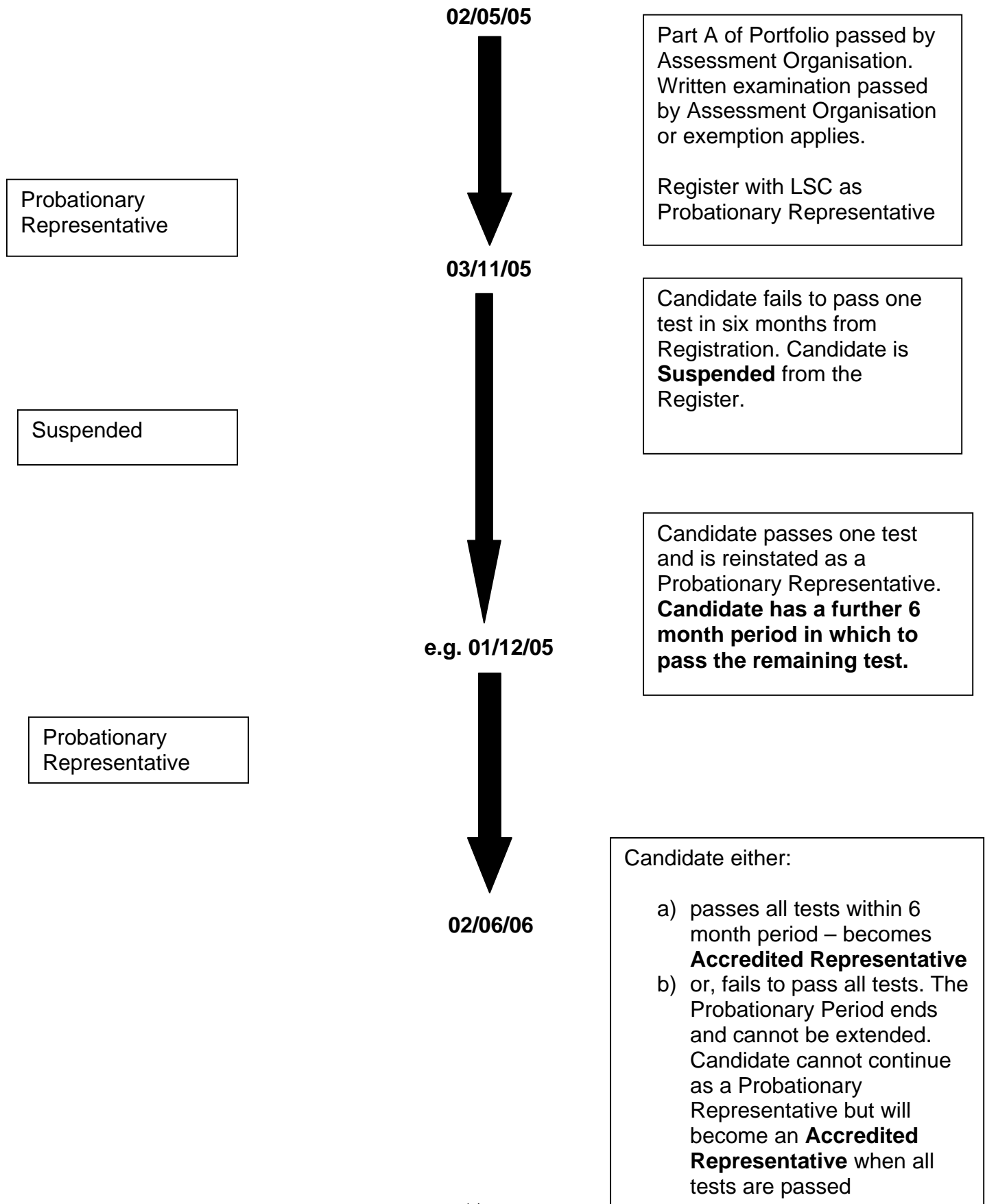
Accreditation Process – Flowcharts

1. The Accreditation Process

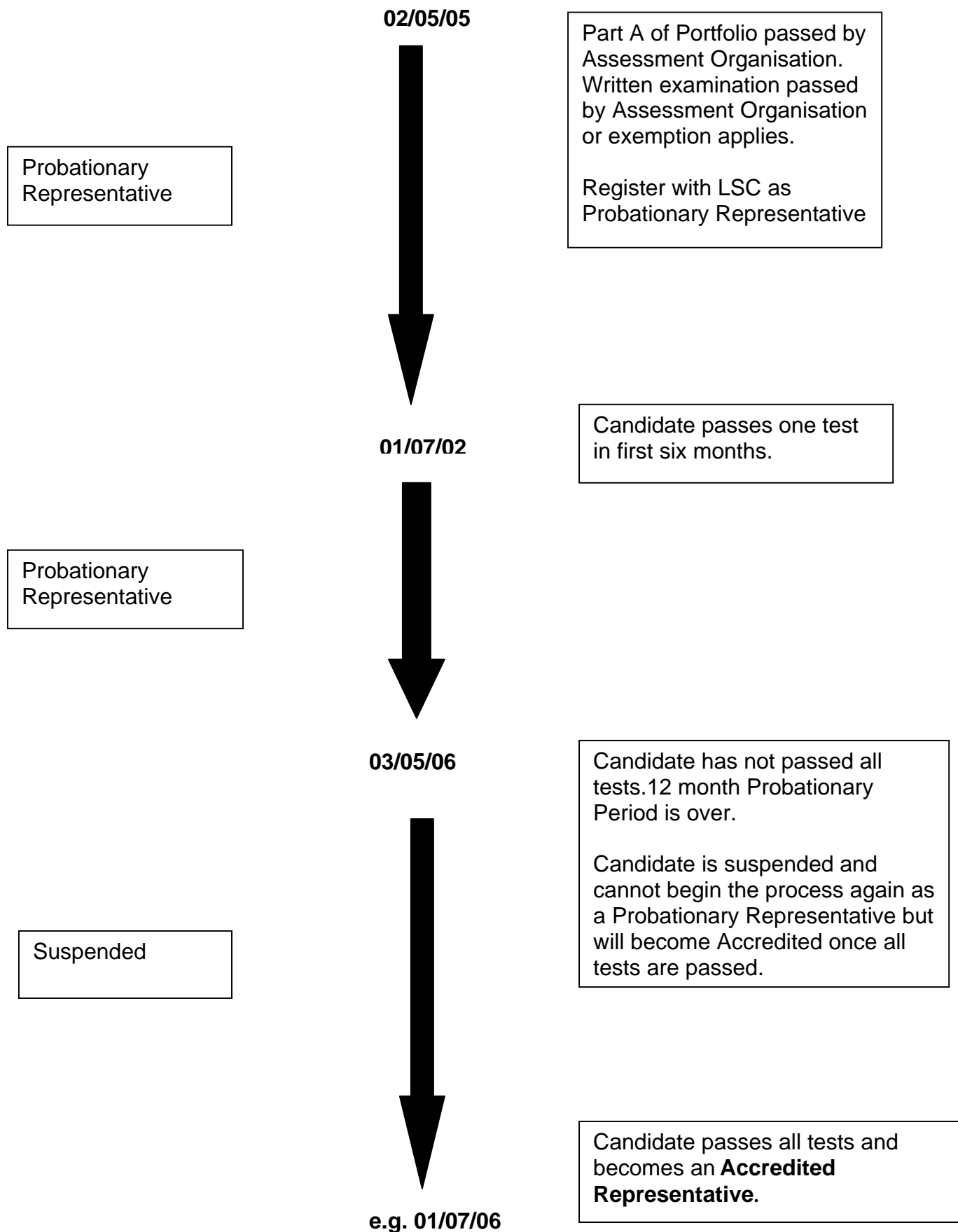


2. Suspension

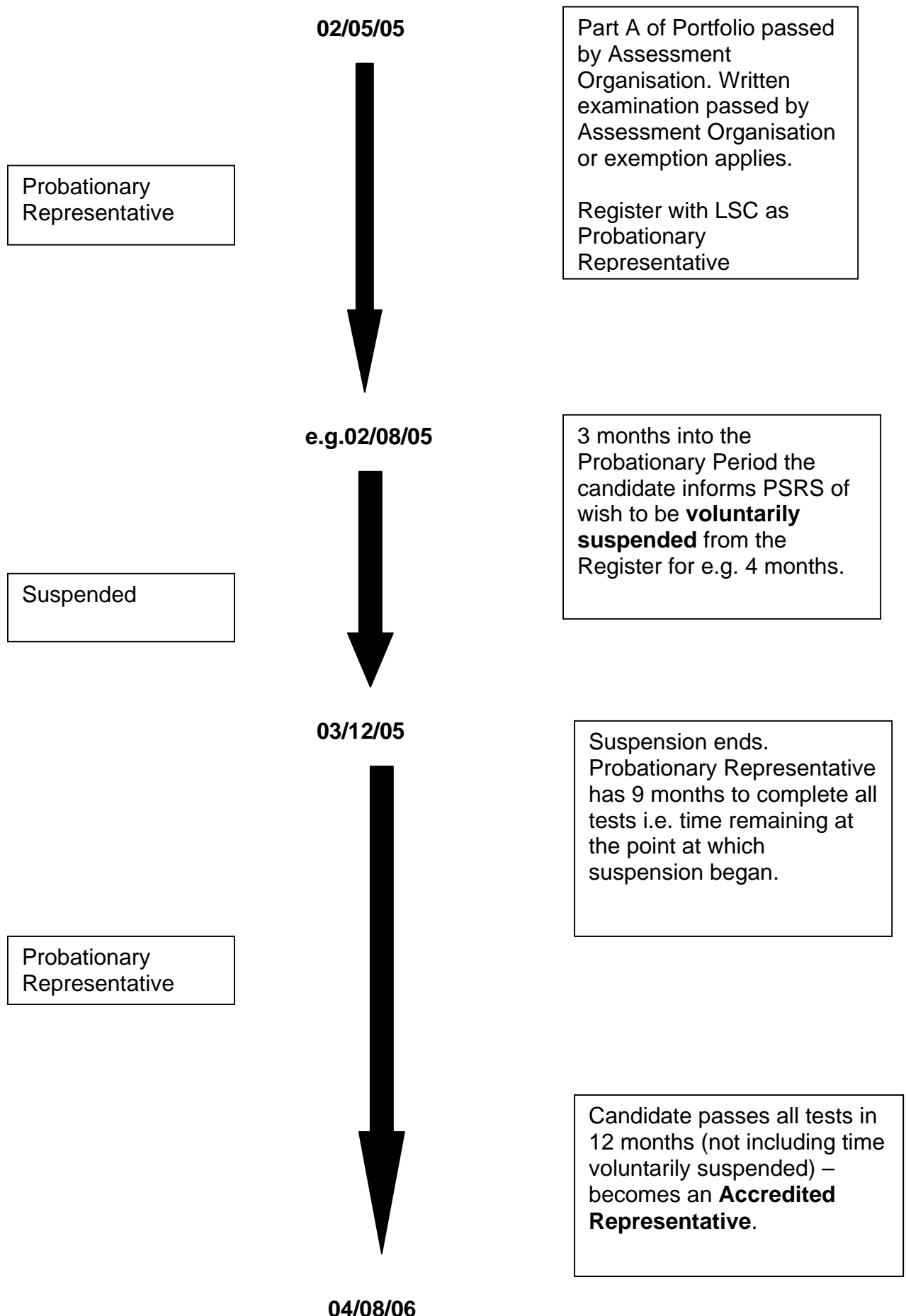
a) Failure to pass one test within six months of Registration



b) Candidate passes one test within 6 months of Registration but fails to pass all tests by the end of the 12-month Probationary Period.



3. Voluntary Suspension



Appendix 4 – Frequently Asked Questions

I have submitted Part A of the portfolio and sat the written examination (am exempt from the written examination), has a PIN been allocated?

Once Part A of the portfolio has been submitted and the written examination sat, they have to be assessed as passes by the testing organisation. Once this is done an application form will be sent to the candidate, who will complete (attaching evidence of either the written exam having been passed or an exemption applying) and send to the PSRS. Once this has been received the PSRS will process within two days, and at this point a PIN number will be generated.

Can I fax a copy of my application form to the CDS?

Where an individual or firm of solicitors can demonstrate good reason they can submit their application to join the Register of Police Station Representatives by fax.

Good reason could include:

- Delays in the post
- Missing or lost applications
- In cases where a firm would otherwise be unable to undertake their police station attendances

Where the PSRS decides that good reason applies they will process the application on receipt of fax, provided that the copy application form received is clear and legible.

The faxed copy will be processed as if it were the original and a PIN number issued.

What advice can a Representative give?

Probationary Representatives can provide advice on Own Client cases (including the taking the initial call & providing advice and attendance); they cannot provide any advice in Duty cases.

Probationary Representatives cannot give advice in indictable only matters (including bail backs and ID procedures)

Accredited Representatives can provide advice in Own Client cases (including the taking the initial call & providing advice and attendance); they can also attend the police station for Duty cases (although they cannot take the initial call from the DSCC or provide initial telephone advice).

Does my supervising solicitor have to be a Duty Solicitor?

Your supervising solicitor should be a current Police Station Duty Solicitor or be acceptable to the Commission as meeting the Crime Category Supervisor Standard. Details can be found in the Specialist Quality Mark Standard.

Can I work for more than one firm?

An Accredited Representative can be paid for work for more than one CDS supplier (subject to limitations in Part D of the Contract Specification).
A Probationary Representative can only undertake work for the CDS supplier at which his/her Supervising Solicitor is based.

What do I need to do to remain accredited?

Undertake a minimum of 25 police station attendances per annum

If designated as a fee-earner by a supplier who is a holder of the General Criminal Contract the Representative must complete six hours of training that directly relates to the relevant category of law.

The supplier is also required to make sure all Representatives who are designated fee-earners have a job description, annual appraisal, training record, and undergo a file review.

How often do I need to complete a Certificate of Fitness?

The Certificate of Fitness is completed as part of the application form
There is no longer a requirement to submit a Certificate of Fitness annually

What are the rates for PS work?

The rates, which are paid to the firm rather than the Representative directly, are contained in the General Criminal Contract (each firm will have a copy)

The fee for any attendance undertaken by representatives is to be agreed between themselves and the firm.

I am due to be suspended because I have not passed a test within six months / all tests within 12 months. Can I still attend police stations?

Representatives cannot bill the LSC for police station attendances whilst suspended. If they feel that there are grounds to review their suspension (eg sickness), then the Representative must write to the PSRS with details.

I have received a letter stating I am suspended, but I have passed 1 test within 6 months / all tests?

If a Representative has passed tests and the PSRS have not been informed then the Representative should contact their Assessment Organisation to advise. If the Representative has evidence to show a test has been passed a copy of a certificate should be sent to the PSRS.

If a Rep holds evidence that they should not be suspended they are able to continue to work and claim for police station attendances.

Does the Commission provide any financial help towards PS Accreditation?

The Commission will contribute £400 to the cost of accreditation This is paid to the firm, not the Representative.

When the PSRS is informed that a Representative has achieved Accreditation, they will send a CDS13 form, which can be used to claim payment

I have been off work due to illness/maternity leave/loss of employment and will not complete all tests in time. Can I extend my probationary period?

There is no provision within the Register Arrangements to allow any extension to your probationary period. However, where an individual can show good reason (i.e. illness/pregnancy/loss of employment) the Commission will consider a retrospective suspension from the Register. This in effect stops the clock on your probationary period so that your probationary period will be extended by the same amount of time as the suspension lasted for. Written evidence to support any such request will be required before the suspension can be granted together with confirmation that no police station attendances have been or will be claimed during the period that suspension is requested.

I am due to be suspended in 2 weeks and won't get my portfolio mark for another 4 weeks. Can I have an extension whilst I wait for the assessment organisation to mark my paper?

There is no provision within the Register Arrangements to allow any extension to your probationary period. It is the responsibility of both the Representative and the Supervising Solicitor to monitor progress in passing the relevant tests within the prescribed time frame. This includes ensuring all tests are booked with sufficient time allowed for marking in order to prevent suspension.