QUALITY ASSURANCE SCHEME FOR ADVOCATES (CRIME)

SCHEME HANDBOOK

PREFACE

[To be completed prior to publication.]

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1. INTRODUCTION

1.1 The Quality Assurance Scheme for Advocates ('QASA' or 'the Scheme') was developed by the Joint Advocacy Group (JAG), which comprises representatives from the Bar Standards Board (BSB), the Solicitors' Regulation Authority (SRA) and ILEX Professional Standards (IPS). It is the first scheme that systematically assures the quality of advocates appearing in criminal courts in England and Wales.

1.2 The purpose of this Handbook is to provide criminal advocates with the full details of the Scheme.

1.3 JAG will revise and update this Handbook periodically in order to ensure currency, and to provide additional guidance and clarification as necessary. Updated information will also be maintained on the regulators' and the QASA websites. This is the first edition of this new Handbook and comments should be made by February 2014 for consideration for the second edition.

1.4 Comments and queries should be directed to:

SRA: qasa@sra.org.uk
BSB: qasa@barstandardsboard.org.uk
IPS: qasa@ilexstandards.org.uk
JAG: info@qasa.org.uk

2. SCHEME RULES AND PROCESSES

Introduction

2.1 This section includes the rules and processes which must be applied and followed by all regulators and advocates. It signposts advocates to further sections to provide more specific guidance on how the rules will be applied by the individual regulators, and the processes that the regulators will follow.

Scope of the Scheme

2.2 The Scheme will apply to all criminal advocates conducting criminal advocacy in courts in England and Wales, whether they are barristers, solicitors, Chartered Legal Executive Advocates or Associate Prosecutors, and whether they are employed or self-employed. The Scheme will be operated and applied by each regulator for the criminal advocates that they regulate. The regulators are responsible for the accreditation and re-accreditation process for their own regulated communities.

The regulatory frameworks of the BSB, SRA and IPS

2.3 The BSB, SRA and IPS each have different regulatory frameworks. The Scheme has been enshrined within each of these frameworks as set out below.

The regulatory framework for solicitors

2.4 The SRA's rules will be set out in the Quality Assurance Scheme for Advocates (Crime) Regulations 2013 which will be incorporated within the 8th version of the SRA Handbook. There will also be consequential amendments to the SRA Practice Framework Rules 2011, the SRA Training Regulations 2011 and the SRA Higher Rights of Audience Regulations 2011.

The regulatory framework for barristers

2.5 The BSB's rules have been designed to fit within the Bar's Code of Conduct. The QASA rules are contained in their own section of the Code which can be found on the BSB website at www.barstandardsboard.org.uk.

The regulatory framework for chartered legal executive advocates

2.6 The Rights of Audience Certification Rules and the Associate Prosecutor Rights of Audience and Litigation Certification Rules have been amended to incorporate the Quality Assurance Scheme for Advocates.

Application of the Scheme

2.7 Subject to paragraph 2.9, advocates may only undertake criminal advocacy in courts in England and Wales if they have been accredited by their regulator in accordance with the Scheme rules.

2.8 "Criminal advocacy" means advocacy in all hearings arising out of a police-led or Serious Fraud Office-led investigation and prosecuted in the criminal courts by the Crown Prosecution Service or the Serious Fraud Office but does not include hearings arising out of Parts 2, 5 or 8 of the Proceeds of Crime Act 2002.

2.9 Specialist (non-criminal) practitioners may undertake criminal advocacy:

a) in hearings which primarily involve advocacy on matters which are outside of the definition of criminal advocacy; or

b) if they have been instructed specifically as a result of their specialism in work outside of the definition of criminal advocacy. For example, a health and safety specialist might be instructed on a health and safety breach that has resulted in manslaughter charges prosecuted by the CPS.

2.10 Advocates may also only accept instructions to conduct advocacy in criminal cases at their appropriate level and in accordance with the rules and guidance on the Scheme Levels detailed in Part 3. Advocates accredited by judicial evaluation in trials at Levels 2-4 are permitted to undertake trials at their accredited level and below, and non-trial work at one level above their accredited level. Advocates accredited at Level 2 by assessment organisation are permitted to undertake non-trial work at Levels 2 and 3 and trial work at Level 1.

Phased implementation of QASA

2.11 Criminal advocates regulated by the BSB and the SRA will be required to register under the Scheme at different times dependent upon the circuit that they primarily practise in. This will be the circuit in which an advocate undertakes criminal advocacy more frequently than in any other circuit.

- Advocates who primarily practise in the Midland or Western Circuit must register for QASA between 30 September 2013 and 7 March 2014;

- Advocates who primarily practise in the South Eastern Circuit must register for QASA between 10 March 2014 and 13 June 2014; and

- Advocates who primarily practise in the Northern, North Eastern and Wales and Chester Circuit must register for QASA between 30 June 2014 and 3 October 2014

Criminal advocates regulated by IPS must register for QASA between 30 September 2013 and 7 March 2014.

2.12 Advocates who do not undertake criminal advocacy in a particular circuit more frequently than in any other circuit should register within the window that would provide them with the best chance of obtaining the required number of assessment within 24 months.

2.13 The regulators will monitor which advocates are appearing in live circuit areas without having registered for QASA. These advocates might be asked to justify their decision not to register during the window for that circuit.

Level 1 – Registration and re-accreditation

Registration at Level 1

2.14 Advocates are qualified to become accredited at Level 1 by virtue of completing the education and training qualifications to enter their respective professions.

2.15 All newly qualified advocates are entitled to enter the Scheme at Level 1.

Barristers must also hold a current Practising Certificate and register with the BSB as a Level 1 advocate.

Solicitors – until 31 August 2015, solicitors who want to enter the Scheme as a Level 1 advocate must hold a current Practising Certificate, and register with the SRA as a Level 1 advocate. From 1 September 2015, solicitors will automatically be granted Level 1 accreditation when they are given their first practising certificate.

Chartered Legal Executive Advocates must have completed the first renewal of their Advocacy Certification in Criminal Proceedings and register with ILEX Professional Standards as a Level 1 advocate to obtain full accreditation.

Newly qualified Chartered Legal Executive Advocates in Criminal Proceedings will be provided with provisional accreditation and will gain full accreditation on successful completion of the first renewal of their practising certificate.

Associate Prosecutors must hold a current practising certificate and register as a Level 1 advocate to obtain full accreditation.

Re-accreditation at Level 1

2.16 Accreditation at Level 1 expires five years from the date of accreditation by the regulator. In order to re-accredit at Level 1, advocates must complete advocacy-focused, assessed CPD to satisfy Level 1 requirements, and provide details to their regulator, in the manner prescribed, showing how they satisfied the requirements.

2.17 The competence requirements for Level 1 are based on the Level 1 Standards and will be demonstrated through a document adapted from the Criminal Advocacy Evaluation Form.

The regulators will publish on their websites and on the QASA website details of advocacy focussed CPD which is acceptable for this purpose.

2.18 There is no limit to the number of times that advocates can re-accredit at Level 1.

2.19 If an advocate fails to complete the required CPD and re-accredit by the end of their accreditation period, they will automatically drop out of the Scheme and will not be permitted to undertake criminal advocacy.

Registration at Levels 2, 3 and 4

2.20 This section on registration at Levels 2, 3 and 4 applies to:

a. All advocates entering the scheme for the first time during the implementation phases;

b. Advocates entering the Scheme for the first time outside of the implementation phases, for example because they were on a career break during the implementation phases or they are transferring from one branch of the profession to another;

Advocates who are re-entering the Scheme because they dropped out voluntarily, for example due to a career break, should refer to paragraphs 2.89 and 2.90.

2.21 Accreditation for advocates at Levels 2, 3, and 4 of the Scheme is a two-stage process. First, advocates must register with their regulator at the level at which they believe that they are practising to receive provisional accreditation at that level. Second, advocates must apply to their regulator for full accreditation within 24 months of the date that their regulator granted provisional accreditation.

Stage one

2.22 Advocates must reach a reasoned decision as to the level at which they register and be able to justify their decision if asked to do so by their regulator.

2.23 If successful, advocates will be provided with provisional accreditation at the appropriate level.

Guidance: You can determine the level you should register at by reviewing the trials that you have appeared in against the QASA levels table, which can be found in Part 3. You may have undertaken work at a range of levels so you need to decide the level that you feel most competent performing at. To determine this, you may want to take into account:

- The frequency of each case level that you appeared in recently,
- Your confidence performing at each level.

Registration spot checks

2.24 To check whether advocates are selecting an appropriate level on registration, and to ensure the effectiveness of the guidance on grading, a sample of advocates will be randomly selected and asked to explain, with reference to the guidance, how they determined the level they registered for.

2.25 Advocates who fail to respond to the spot check may be considered for disciplinary action by their regulator.

2.26 Advocates who are found to have misled their regulator will be downgraded to the appropriate level, as agreed with their regulator, and may be considered for disciplinary action by their regulator

Advocates who are selected for the registration spot check will be sent a short list of questions to answer relating to how they chose their registration level, and will be provided with further details as to how the process will proceed.

Stage two

2.27 Advocates who have completed stage one and obtained provisional accreditation at their selected level must obtain full accreditation within 24 months of the date provisional accreditation was granted, unless they have been granted an extension of time before the end of the 24 months.

2.28 To obtain full accreditation, advocates undertaking trials must be assessed by judicial evaluation in a minimum of two and a maximum of three of their first consecutive, effective trials at their selected level. For each evaluation, the judge will complete a Criminal Advocacy Evaluation Form (CAEF).

An effective trial is one which allows for assessment against Standards 1 – 4.

Assessment in a third trial will be required if the first two do not demonstrate the required level of competence as set out in Competence Framework (Part 4)

2.29 For a full summary of the requirements for registration at each individual level, please refer to the Competence Framework in Part 4.

Guidance: You are able to appear in cases below your selected level, but these cannot be used for judicial evaluation at your selected level.

2.30 Advocates must submit all judicial evaluations obtained. Advocates should not wait until the end of the 24 months to make their application if they are in a position to do so earlier. Applications for full accreditation should be made as soon as is practicable once the required number of CAEFs have been obtained.

2.31 Full accreditation is valid for five years from the date it is granted by the regulator.

Registration for Level 2 advocates who do not undertake trials

2.32 Level 2 advocates whose work is focussed on non-trial hearings in the Crown Court rather than trials should follow the assessment organisation route to obtain full accreditation. First, advocates must register with their regulator and obtain Level 2 provisional accreditation. Advocates registering at Level 2 will be asked to indicate whether they intend to proceed by way of assessment organisation or judicial evaluation.

2.33 Upon registration, advocates will be granted provisional accreditation to undertake all non-trial hearings at Levels 2 and 3, valid for 24 months from the date of accreditation. Advocates who have been granted provisional accreditation must obtain full accreditation at the earliest opportunity within 24 months of being granted provisional accreditation, unless they have been granted an extension of time before the end of the 24 months.

2.34 To obtain full accreditation, the advocate must attend an approved assessment organisation and be assessed as competent against all of the Level 2 standards and the Level 3 non-trial standards.

2.35 Full accreditation is valid for five years from the date it is granted by the regulator.

JAG will publish on its website details of approved assessment organisations.

2.36 Full accreditation at Level 2 through assessment organisation permits advocates to undertake all non-trial hearings at Levels 2 and 3 as well as all Level 1 work.

2.37 Having obtained full accreditation through assessment organisation, the advocate may at any time during their period of accreditation begin to undertake trial work. In these circumstances, the advocate must re-register and must be judicially evaluated in a minimum of their first two and maximum of their first three effective, consecutive trials at level 2.

An effective trial is one which allows for assessment against Standards 1 – 4.

Assessment in a third trial will be required if the first two do not demonstrate the required level of competence as set out in Competence Framework (Part 4)

Registration for recently appointed QCs

2.38 Transitional arrangements for registration are available for all advocates who have been appointed QC between 2010 and 2013 and who specialise in crime. QCs appointed by QCA from 2010, and who indicated on their QCA application form crime as their broad area of practice, will receive full accreditation (as opposed to provisional accreditation) when they register for the Scheme, with their 5 year accreditation running from the date when they were appointed QC. Therefore, after entry, re-accreditation will be due as follows:

Date became QC	Re-accreditation due date
2010	2015
2011	2016
2012	2017
2013	2018

Registration for solicitors who recently obtained higher rights

2.39 Solicitors who have obtained their Higher Rights of Audience since April 2010 in accordance with the SRA Higher Rights of Audience Regulations will be given an initial period of full accreditation on registration. The full accreditation will enable these solicitor advocates to undertake all non-trial work at Levels 2 and 3 as well as all Level 1 work.

2.40 These solicitor advocates will still be required to register within the scheme in accordance with the circuit by circuit timetable set out previously but will be given initial full accreditation as follows:

Date HRA obtained by assessment	Date advocate must register within QASA	L2 Full Accreditation granted until:
2010	2013 or 2014 (according to circuit)	2015
2011	2013 or 2014 (according to circuit)	2016
2012 or 2013	2013 or 2014 (according to circuit)	2016

2.41 This will give the solicitor advocates who have recently completed a formal assessment by assessment organisation a maximum extension of three years before they have to attend at an assessment organisation again to be assessed against the QASA standards. If these solicitor advocates are already undertaking trials or wish at any time within their initial period of accreditation to do so, they must re-register and must be judicially evaluated in a minimum of their first two and maximum of their first three effective, consecutive trials at Level 2.

Re-accreditation at Levels 2, 3 and 4

2.42 Advocates who remain at the same level must be re-accredited every five years. Advocates' accreditation will lapse if they fail to re-accredit by their deadline and have not been granted an extension. If an advocate's accreditation lapses, they will no longer be permitted to undertake criminal advocacy in England and Wales.

2.43 Full re-accreditation for Level 2 advocates who don't undertake trials must be achieved through attending at and passing the assessments at an approved assessment organisation.

JAG will publish on its website details of approved assessment

2.44 Full re-accreditation for advocates conducting trials at Levels 2, 3 and 4 must be achieved through judicial evaluation.

2.45 To re-accredit by judicial evaluation, the advocate must be assessed by judicial evaluation in a minimum of two and a maximum of three consecutive

effective trials at their level within 24 months of being advised by their regulator that re-accreditation is now required.

> An effective trial is one which allows for assessment against Standards 1 – 4.
>
> Assessment in a trial will be required if the first two do not demonstrate the required level of competence as set out in Competence Framework (Part 4)

2.46 For a full summary of the requirements for re-accreditation at each individual level, please refer to the Competence Framework on Part 4.

2.47 Advocates must submit all evaluations obtained to their regulator. It will constitute a breach of each regulator's rules to fail to disclose a completed CAEF.

2.48 Advocates must also satisfy any other requirements set by their regulator for re-accreditation, such as payment of a fee.

Progression up levels

2.49 At Levels 2-4, advocates undertaking trials can apply to their regulator to progress up levels.

> **Guidance:** You can apply to progress up a level so as to be able to accept more complex cases when you feel ready to do so.
>
> You should also review the QASA levels framework in Part 3 to help you decide whether you are ready to progress to the next level.

Level 1 to Level 2

2.50 The regulators have different requirements for progressing from Level 1 to Level 2.

Barristers

2.51 Barristers must notify the BSB of their intention to progress. The BSB will then grant the advocate provisional accreditation at Level 2, which is valid for 24 months.

2.52 Barristers obtain full accreditation at Level 2 by being assessed by judicial evaluation in a minimum of two trials, out of a maximum of three trials, out of their first consecutive effective trials at their level.

An effective trial is one which allows for assessment against Standards 1 – 4.

Assessment in a third trial will be required if the first two do not demonstrate the required level of competence as set out in Competence Framework (Part 4)

2.53 For a full summary of the requirements for progression at each individual level, please refer to the Competence Framework in Part 4.

2.54 Barristers who do not obtain full accreditation by the expiry of their provisional accreditation and have not been granted an extension will be automatically returned to Level 1.

2.55 Barristers who do not undertake trials and who wish to progress to Level 2 accreditation must attend at an approved assessment organisation and be assessed as competent against all of the Level 2 standards and the Level 3 non-trial standards. Successful completion will enable the barrister to be fully accredited at Level 2. Should barristers who achieve accreditation through the assessment organisation route wish to undertake trials they must be assessed by judicial evaluation in the manner set out above.

Solicitors

2.56 Solicitors wishing to progress to Level 2 must obtain their Higher Rights of Audience and their Level 2 accreditation. To do this they must attend at an approved assessment organisation, successful completion of which will enable the solicitor to apply for both their Higher Rights of Audience (Crime) and Level 2 full accreditation Once granted, the solicitor's Higher Rights of Audience will not expire or require renewal; the Level 2 accreditation will be valid for five years.

2.57 Having obtained their Higher Rights of Audience and Level 2 accreditation, solicitors who intend to undertake trials at Level 2 must re-register with the SRA and must be assessed by judicial evaluation in a minimum of two trials, out of a maximum of three trials, out of their first consecutive effective trials at their level.

2.58 For a full summary of the requirements for progression at each individual level, please refer to the Competence Framework in Part 3.

2.59 Solicitors who do not obtain the required number of judicial evaluations within 24 months of re-registering will retain Level 2 full accreditation but will not be able to undertake trials at Level 2.

2.60 Full accreditation is valid for five years from the date it is granted by the regulator.

Chartered Legal Executive Advocates

2.61 Chartered Legal Executive Advocates do not have full rights of audience in the Crown Court and cannot progress to Level 2 accreditation.

Level 2 to Level 3 and Level 3 to Level 4

2.62 Progression from Level 2 to 3 and Level 3 to 4 is a two-stage process and can only be accomplished by judicial evaluation.

Progression stage one – provisional accreditation

2.63 Advocates must obtain a minimum of two judicial evaluations and a maximum of three evaluations in consecutive, effective trials over a twelve month period at their current level. These must show that the advocate is Very Competent at their current level.

> An effective trial is one which allows for assessment against Standards 1 – 4.
>
> Assessment in a third trial will be required if the first two do not demonstrate the required level of competence as set out in Competence Framework (Part 4). The Competence Framework sets out what constitutes Very Competent for the purposes of assessment.

2.64 When the judicial evaluations have been submitted to show that an advocate is "Very Competent" at their current level, the regulator will grant provisional accreditation at the higher level, which will be valid for twelve months from the date granted by the regulator.

Progression stage two – full accreditation

2.65 To obtain full accreditation at the new level, the advocate must be assessed by judicial evaluation in a minimum of two and a maximum of three of their first consecutive effective trials at the higher level.

2.66 For a full summary of the requirements for progression at each individual level, please refer to the Competence Framework in Part 4.

2.67 Advocates who do not obtain full accreditation by the expiry of their provisional accreditation will be automatically returned to full accreditation at their previous level.

2.68 Full accreditation is valid for five years from the date granted by the regulator.

Awarding accreditation

2.69 Once an advocate's submission has been assessed against the competence framework and they have met requirements as in the Competence Framework, the regulator will then review an application before making a final decision.

2.70 This review takes into consideration any data gathered as part of the routine compliance monitoring activities which serve to ensure the integrity of the Scheme. Such activities may include, ongoing monitoring referrals, on site monitoring visits to court centres, monitoring court data and reviewing assessment records from judges.

Extensions of time

2.62 Each regulator will consider applications to grant extensions of time to advocates for deadlines throughout the Scheme. Advocates will need to apply to their individual regulator for an extension of time.

2.63 Advocates who require an extension should make an application to their regulator before the relevant deadline. Provided the advocate has submitted the application to the regulator before the accreditation deadline, the advocate's accreditation will be extended until the date on which the regulator makes a decision on the application.

2.64 The following list of factors may be relevant to an application for an extension:

a. A career break due to maternity or paternity leave;
b. Serious illness which prevents the advocate from practising;
c. Acting as the temporary sole provider of care for a family member;
d. Lack of availability of trials at the relevant level (for example, due to cracked trials or if an advocate has appeared in a single long trial);
e. Being unable to attend an assessment centre due to an administrative error on the part of the centre or because the centre is fully subscribed;
f. Delay or errors made by the regulator when processing applications;
g. Delay by a Judge in completing a judicial evaluation.

2.65 The following list of factors will not be relevant to an application for an extension:

a. Pressure of work and/or undertaking administrative or management responsibilities in chambers, the firm, or for an employer;
b. Expense;
c. Inconvenience;
d. Forthcoming holiday.

2.66 If an advocate requires an extension of longer than 3 months they should make an application to their regulator which is supported by evidence. Appropriate evidence includes a note from a doctor or a letter from a Head of Chambers, Partner, Director or Manager.

2.67 It will rarely be appropriate for a regulator to grant an extension for longer than 12 months. If an advocate requires longer than 12 months, they should contact their regulator to discuss whether it is appropriate to drop out of the Scheme for a temporary period of time and then re-enter the Scheme.

2.68 Advocates who are granted an extension of time, but do not comply with the new deadline, will be treated as though their accreditation has lapsed and they will not be permitted to undertake Criminal Advocacy.

2.69 Details of any fee requirements for applications can be found in each regulator's fee schedule on their websites or on the QASA website.

Other requirements

Submitting all judicial evaluations obtained

2.70 Advocates must ensure that all judicial evaluations obtained are submitted as part of their application for any part of the process. Advocates will be required to make a positive declaration that they have done so as part of their application. The regulators will treat seriously any attempt by an advocate to withhold an evaluation.

Fees

2.71 Advocates must comply with any fee requirements set by their regulator when making an application under the Scheme. The regulators' fees will be published on their websites and on the QASA website.

Client notification

2.72 Each regulator will ensure that they have in place clear and appropriate regulatory arrangements to ensure proper communication with and disclosure to individual clients about how far the individual advocate will be able to progress their case. These arrangements will be in a form which is capable of being monitored and audited.

Judicial Evaluations

2.73 To obtain a judicial evaluation, the advocate must ask the trial judge to complete a Criminal Advocacy Evaluation Form (CAEF).

Guidance:

- You should notify the Judge **before the start of the trial** that it will be used for judicial evaluation, provide a copy of the CAEF to the judge, and ask the Judge to complete the CAEF and return the completed form
- You must keep your CAEFs so you can provide copies to your regulator in accordance with their regulatory arrangements.

2.74 The requirements for obtaining judicial evaluation refer to "effective trials". For a trial to be effective for the purposes of judicial evaluation it must allow for assessment against standards 1-4.

2.75 Where the advocate is relying on two judicial evaluations, these must come from two different judges. For example, if an advocate is applying for re-reaccreditation, they are required to obtain a minimum of two positive judicial evaluations, which must be obtained from two different judges. In a situation where an advocate has to obtain three judicial evaluations (ie because one of the evaluations results in a "not competent" assessment), this can be obtained from one of the judges who undertakes either of the other two evaluations or from a third judge.

2.76 Advocates cannot be evaluated by their husband, wife, civil partner, or any current or former partner. If an advocate has a connection with a judge who evaluates them, this must be disclosed to the regulator when the advocate submits their evaluations. A connection includes:

a. Someone who has been in the same chambers or firm at the same time as you,
b. A business/work partner, employee or associate of your firm or any organisation that employs you,
c. Your former pupil master, pupil supervisor or training principal,
d. Any member of your family, including similar connections through a divorced spouse.

Criminal Advocacy Evaluation Form

2.77 All evaluations will involve the completion of a Criminal Advocacy Evaluation Form (CAEF). Annexed to the CAEF are the Competency Standards and performance indicators which show in more detail the expectations of advocates for each standard at each level.

You can see the CAEF in Part 6. The CAEF is best viewed in colour.

Guidance: Where an advocate is applying for registration, re-accreditation, or to progress to a higher level, they should complete the top part of the CAEF with their name, regulator ID (where appropriate), court, nature of case, name of case, date of appearance, current level and the case level.

The "nature of case" should be a brief description of the offence and the Level of the case, for example "Domestic Burglary".

"Date of appearance" should include the full range of dates for the trial, but does not need to list each individual date separately, for example "17/10/11 – 28/10/11" is sufficient, even if the court did not sit every day in the date range.

"Current level" is your current level of accreditation under the Scheme, whether you have provisional or full accreditation. For example, if you are in the process of progressing from Level 2 to Level 3, and have been granted provisional accreditation at Level 3, your current level is

Ongoing monitoring

2.78 Where a judge who is participating in the Scheme (i.e. has been trained to assess advocates) has concerns about an advocate's competence, outside of any formal assessment process requested by the advocate, the judge can complete a judicial evaluation and return it to the advocate's regulator.

2.79 When a regulator receives an ongoing monitoring form, it will consider the following issues:

a. The seriousness of the issue identified: This will include whether the advocate was marked "Not Competent" on individual standards, and whether the individual standards receiving negative evaluations are mandatory or non-mandatory for competence at the advocate's level. It will also take into account comments provided by the judge, in particular, the consequences of the concerns identified, such as whether the advocate's actions had a detrimental impact on the client.

b. The history of the advocate (for example, whether other references have been made, including of a similar nature): If any advocate receives two or more referrals, this indicates a higher level of risk and will be treated more seriously by the regulator. Regulators may also consider any previous evaluations relating to the advocate, including whether any negative evaluations were received as part of applications under the Scheme.

c. The source of the reference: If a single judge is consistently providing negative evaluations for a particular advocate or group of advocates,

but otherwise the advocate's history in the Scheme is positive, this may indicate bias by a judge. However, if an advocate receives two or more negative evaluations from different judges, this indicates a higher level of risk and will be treated more seriously by the regulator.

2.80 If the regulator receives a properly completed ongoing monitoring referral, it will seek comments from the advocate.

2.81 When considering an ongoing monitoring referral and the advocate's comments, a regulator may decide to:

a. Take no further action.

b. Mark the advocate's record as a potential risk – this would involve no immediate action being taken, but would highlight to the regulator to carefully consider the advocate if a further referral is received, or when the advocate makes an application for full accreditation, progression or re-accreditation under the Scheme.

c. Recommend that the advocate undertake further training.

d. Direct that the advocate be assessed by an independent assessor in a hearing or trial at their level.

2.82 The regulator will consider the independent assessor's assessment, along with any other relevant information relating to the advocate when making a decision.

2.83 All ongoing monitoring referrals received will be retained on the advocate's record until the outcome of the initial two year review period has been reported on.

2.84 If a single or a series of evaluations give rise to any conduct issues, the regulator may consider whether to take appropriate action under its conduct rules.

Independent assessors

2.85 JAG may appoint independent assessors to observe and assess advocates. Appointment of independent assessors to evaluate advocates is at the discretion of the individual regulators.

2.86 Regulators may appoint an independent assessor to assess an advocate as a response to receipt of one or more ongoing monitoring referrals, or if an advocate does not have access to sufficient judges to make judicial evaluation viable.

Appointment of an independent assessor as a result of a regulator's concerns

2.87 If an advocate has been assessed by an Independent Assessor as a result of concerns raised by the regulator (whether as a result of ongoing monitoring referrals or concern relating to an application by the advocate under the

Scheme), the regulator will consider all the relevant information and may decide to:

a. Take no further action.

b. Mark the advocate's record as a potential risk – this would involve no immediate action being taken, but would highlight to the regulator to carefully consider the advocate if a further referral is received, or when the advocate makes an application for full accreditation, progression or re-accreditation under the Scheme.

c. Recommend the advocate undertake further training.

d. Remove the advocate's full accreditation at their current level and grant provisional accreditation at their current level or at a level below.

Appointment of an independent assessor at the request of an advocate

2.88 If an advocate believes that they require assessment by an independent assessor due to a lack of access to a sufficient number of judges, the advocate should contact their regulator to discuss the issue.

JAG will recruit a pool of independent assessors that the regulators will have access to, and the independent assessors will receive the same training as the judiciary to ensure consistency of assessment.

Career breaks

2.89 If an advocate takes a career break that is likely to extend beyond the end date for their accreditation, they should contact their regulator to discuss the implications for their accreditation.

2.90 If the advocate returns to work more than 24 months from the end of their accreditation period, the advocate will be expected to re-accredit by the deadline. If the advocate returns to work within less than 24 months of the end of their accreditation period, it may be appropriate to apply for an extension of time. If the advocate does not know when they will be returning to work, or anticipates that their career break will span the deadline for re-accreditation, it may be appropriate for the advocate to drop out of the Scheme temporarily, and then re-enter with provisional accreditation when they return to work. Advocates should contact their regulator to discuss the most appropriate option.

Appeals

2.92 There are three decision by a regulator that an advocate may appeal:

a. a decision to **refuse accreditation** at the advocate's current level (including refusal to convert provisional accreditation to full accreditation).

b. a decision to **remove accreditation** at the advocate's current level (including a decision to grant accreditation at a lower level), and

c. a decision to **refuse progression** to the next level.

2.93 Each regulator has in place a process to deal with appeals.

For information about the BSB's appeal process, see [insert details].

For information about the SRA's appeal process, see paragraphs [xx].

For information about IPS' appeal process, see paragraph [xx].

Data Protection

2.94 Your personal information will be held and used in accordance with the Data Protection Act 1998. The Solicitors Regulation Authority, the Bar Standards Board, and ILEX Professional Standards will process your personal data in accordance with the data protection principles and will not disclose such information to any authorised person or body but, where appropriate, will use such information in carrying out its various functions and services.

2.95 You can view the Chartered Institute of Legal Executives (CILEx) privacy policy on its website at http://www.cilex.org.uk and click on 'privacy policy' at the bottom left of the home page.

2.96 You can view the Bar Standards Board's privacy policy on its website: http://www.barstandardsboard.org.uk/footer-items/privacy-statement/.

2.97 You can view the SRA's privacy policy on its website at http://www.sra.org.uk

Disclosure

2.98 It is foreseeable that disclosure of completed judicial evaluation forms might be requested by courts in the context of civil or criminal proceedings. In these circumstances the regulators will be able to raise an argument of public interest immunity in order to prevent disclosure. It would be for the court to decide whether disclosure would present a serious prejudice to the public interest and therefore whether disclosure would be required. In circumstances where disclosure is thought to be necessary, the court could impose restrictions on further disclosure of any evaluations that are disclosed to the court.

Summary of requirements per level

Level 1

Registration at the start of the Scheme	**For barristers and solicitors:** the advocate must have completed the education and training requirements for entry into the profession and hold a current practising certificate. Register for Level 1. **For Chartered Legal Executives:** For Chartered Legal Executive Advocates who have previously completed their first renewal and who hold a criminal proceedings certificate they should register for full accreditation for 5 years at Level 1. For Chartered Legal Executive Advocates who have yet to complete their first renewal, they should register for provisional accreditation. Full accreditation for 5 years will be granted on successful completion of the first renewal process. Associate Prosecutors should have completed their education and training requirements, hold a current practising certificate and register at Level 1 for 5 years full accreditation
Entry on qualification	**For barristers:** Complete education and training requirements for entry into profession. Register for Level 1. **For solicitors:** Complete education and training requirements for entry into the profession, be admitted and applying for their first practising certificate. Level 1 accreditation is granted to all solicitors with their first practising certificate. **For Chartered Legal Executives:** On receipt of their first advocacy certificate in criminal proceedings, Chartered Legal Executive Advocates will receive provisional accreditation, this will be valid until June or December following the elapse of 12 months post qualification. Once they have successfully completed their first renewal, full accreditation at Level 1 will be granted, valid for a period of 5 years. Associate Prosecutors, on completion of their education and training requirements and receipt of their first practising certificate, will receive full accreditation for 5 years.
Re-accreditation	Completion of assessed advocacy CPD to re-accredit for five years (or by any other method as approved by JAG from time to time).
Progression (to Level 2)	**For barristers:** Notify BSB of intention to progress - BSB grants provisional accreditation valid for 24 months. Obtain full accreditation (valid for five years) by obtaining a minimum of two and a maximum of three CAEFs in first effective level 2 trials. **For solicitors without higher rights:** Complete Level 2 assessment centre (which will also satisfy the requirements of the SRA Higher Rights of Audience Regulations) – SRA grants full accreditation for five years. Solicitors who want to conduct trials must re-register with the SRA and must then obtain a minimum of two and a maximum of three CAEFs out of first three Level 2 effective trials to obtain full accreditation valid for five years.

	For solicitors with higher rights: Notify SRA of intention to progress and obtain provisional accreditation for 24 months. If the advocate wishes to undertake trial work then obtain a minimum of two and a maximum of three CAEFs in the first three Level 2 effective trials. Advocate is granted full accreditation valid for five years. If the advocate does not wish to undertake trials then attend at an assessment organisation. On satisfactory completion the advocate is granted full accreditation valid for five years.

Level 2

Registration at the start of the Scheme	**For advocates undertaking trials:** Register for Level 2 to obtain provisional accreditation, valid for 24 months. Obtain a minimum of two and a maximum of three CAEFs out of first three Level 2 effective trials to obtain full accreditation, valid for five years. **For advocates not undertaking trials:** Register for Level 2 to obtain provisional accreditation, valid for 24 months. Attend an assessment organisation and pass assessments at Levels 2 and 3 to obtain full accreditation, valid for five years (nb if choose to do trials, must get judicial evaluations).
Re-accreditation	**Option 1 (judicial evaluation)**: Advocates undertaking trials must obtain a minimum of two and a maximum of three CAEFs in consecutive effective Level 2 trials to re-accredit for five years. **Option 2 (assessment organisation):** Advocates not undertaking trials must attend an assessment organisation and pass assessments to re-accredit for five years.
Progression (to Level 3)	Obtain a minimum of two and a maximum of three CAEFs assessed as Very Competent at Level 2 in consecutive effective trials to obtain provisional accreditation at Level 3, valid for 12 months. Obtain a minimum of two and a maximum of three CAEFs out of first Level 3 effective trials undertaken to obtain full accreditation at Level 3, valid for five years.

Level 3

Registration at the start of the Scheme	Register for Level 3 to obtain provisional accreditation, valid for 24 months. Obtain a minimum of two and a maximum of three CAEFs out of first three effective Level 3 trials to obtain full accreditation, valid for five years.
Re-accreditation	Obtain a minimum of two and a maximum of three CAEFs in consecutive effective Level 3 trials to re-accredit for five years.
Progression (to Level 4)	Obtain a minimum of two and a maximum of three CAEFs assessed as Very Competent at Level 3 in consecutive effective trials to obtain provisional accreditation, valid for 12 months. Obtain a minimum of two and a maximum of three CAEFs in first effective Level 4 trials undertaken to obtain full accreditation for five years.

Level 4

Registration at the start of the Scheme	Register for Level 4 to obtain provisional accreditation, valid for 24 months. Obtain a minimum of two and a maximum of three CAEFs out of first three effective Level 4 trials to obtain full accreditation, valid for five years.
Re-accreditation	Obtain a minimum of two and a maximum of three CAEFs in consecutive effective Level 4 trials to re-accredit for five years.

3. LEVELS - FRAMEWORK AND GUIDANCE

Allocation of level to a case

3.1 Every case must be given a level at the earliest opportunity, and the case level should be kept under review during the course of proceedings. It is the individual case which holds the level, and all hearings associated with that case hold the same level as the case.

3.2 Except as otherwise provided in this guidance, advocates may only undertake trials in respect of cases which are at their level or below.

Setting the level

3.3 The level of the case should be set by the instructing party and then agreed with the advocate at the earliest stage possible. The level should be kept under review during the proceedings as the case may become more or less complex as it develops.

3.4 Judges will be informed of the level when an advocate is seeking assessment.

3.5 The levels table (below) should always be the starting point to determine the level of a case. There may be circumstances when it is appropriate to deviate from the table, by taking the case up or down from the starting point.

3.6 In situations where the level of a case is not immediately clear to the parties, additional factors could be taken into account in reaching a decision as to whether the case is at the higher or lower level.

3.7 In all cases, if a case goes up or down a level due to the relevant factors, the instructing party and the advocate will need to be able to justify that decision if they are called upon to do so by their regulator or by the judiciary. The final decision on the case level will always need to be formally recorded and, if necessary, reference should be made to the additional factors relied upon in reaching that decision.

3.8 Factors to be taken into account that might suggest a different level is appropriate include:

- Trial characteristics: multi-handed prosecutions, contested expert evidence, expected length of trial.
- Witness characteristics: the nature of the witness' relationship with the defendant, age, learning difficulties, otherwise vulnerable witnesses.
- Offender characteristics: vulnerable defendant including a youth in an adult court or those with learning difficulties, previous convictions if they could trigger certain greater sentencing provisions.

- Offence characteristics: particular violence, use of a weapon, very high cost of damage or loss.

- Circumstances that make the proceedings substantially easier than other cases at this level, including, for example, substantial agreement on evidence or with the case against the defendant.

The levels table

Level 1 is All Magistrates' Court work, including Youth Court work, along with:	Level 2 is the first level in the Crown Court and includes:	Level 3 is a Crown Court level and includes:	Level 4 is a Crown Court level and includes:
➢ Appeals from Magistrates' Court to the Crown Court where the advocate's firm has represented the client in the Magistrates' Court or Youth Court ➢ Bail applications before a judge at the Crown Court ➢ Committal for sentencing where the advocate's firm has acted for the client in the Magistrates' Court or Youth Court ➢ Preliminary s51 hearings	➢ All either-way offences where the Magistrates accepted jurisdiction but the defendant has elected a Crown Court trial ➢ Straightforward Crown Court cases, for example: • lesser offences of theft • deception or handling • assault (section 47 and section 20); • burglary • less serious drug offences • lesser offences involving violence or damage • straightforward robberies • non-fatal road traffic offences • minor sexual offences	➢ More complex Crown Court cases, for example: • more serious dishonesty and fraud cases • more serious drug offences (such as possession with intent to supply) • blackmail • aggravated burglary • violent disorder • arson • complex robberies • more serious assaults • driving offences involving death • child abuse • more serious sexual offences	➢ The most complex Crown Court cases for example: • serious sexual offences • substantial child abuse • murder • cases involving issues of national security • serious organised crime • terrorism • complex and/or high value dishonesty

"Leader – junior" categorization

3.8 In cases where there is a leading and junior advocate, the starting point should be that the junior should be no more than one level below the leader. Advocates at Levels 1 or 2 should not act as leaders.

3.9 Those instructing may use their discretion when appointing a junior and may, in certain circumstances, seek to deviate from the 'one below' approach. For example, a Level 4 case may require someone to review a large amount of detailed but not complex material and it would be disproportionate to require a Level 3 advocate to do a task that could be done by a Level 1 or Level 2

advocate. The junior would need to be satisfied that they were competent to act in these circumstances.

Non-trial Hearings

3.10 Subject to the necessary rights of audience, advocates are permitted to undertake non-trial hearings (including guilty pleas) in cases at one level above their own accredited level, provided the advocate believes they are, in all the circumstances, competent to act. For example, an advocate who is accredited at Level 2 will be entitled to undertake non-trial hearings in Level 3 cases, provided they have demonstrated competence to act at that level.

Other types of Hearing

3.11 Newton hearings can range in content and complexity. If the Newton is more like a full trial, for example with witnesses being called for examination and cross-examination, advocates should only undertake the Newton hearing if they are accredited to conduct a full trial at the level. In such a case, the advocate will be able to get judicially evaluated as if the hearing were a full trial. If the Newton hearing is straightforward and doesn't involve multiple witnesses, it should be treated as a non-trial hearing and therefore undertaken by advocates fully accredited at the relevant level or at one level below. In these circumstances, the advocate will not be able to be judicially evaluated against the full range of standards.

Changes to complexity

3.12 Normally a case will remain at the same level for the duration of the case; however, in some circumstances there might be unexpected and substantial changes which might cause the level of the case to change part-way through the instruction. If there is such a change, advocates and instructing parties should review the level of the case and consider whether the level should be revised.

3.13 If a case level changes part way through the instruction because it has become more complex, the advocate must consider whether they are still competent to act in the matter and also whether the client's interests or the administration of justice would be prejudiced should they decide to withdraw at short notice. If the advocate believes they are still competent, they should continue to act, even though the case is now at a higher level than their current accreditation. If the advocate believes they are no longer competent to act, they must consider their position in relation to their respective regulatory requirements.

Appeals

3.14 It is normally in the client's interest for the trial advocate to continue to represent the client in any appeal. If there is a change in the complexity, the advocate should consider whether they feel competent to continue to act.

4. COMPETENCE FRAMEWORK

Registration

Level 1

4.1 The process for registration at Level 1 is outlined at page 23 above.

Level 2 and 3

Valid submission

4.2 The submission must be valid, which means judicial evaluation in a minimum of **two** and a maximum of **three** of the advocate's first three consecutive effective trials following provisional accreditation at level 2 or 3.

Competent evaluations

4.3 To be assessed as Competent the advocate must submit **two** evaluations with an overall mark of "Competent" which means the advocate:

a. must be marked "**Competent**" in standard 1
b. must be marked "**Competent**" in **at least two** of the core standards, 2, 3 and 4
c. must only be marked as "**Not Competent**" in a maximum of **two** standards (standards 6 to 9)
d. if assessed against standard 5, must be marked as "**Competent**"

4.4 Each of A, B, C and D must be met on each CAEF.

Core standards threshold

4.5 From the two "**Competent"** evaluations there must be no more than **one** mark of **"Not Competent"** against the same **core** standard.

Non-core standards threshold

4.6 From the two **"Competent" evaluations**, the advocate must not be marked as **"Not Competent"** in the same standard (standards 6 to 9) **more than once**.

Level 4

Valid submission

4.7 The submission must be valid, which means judicial evaluation in a minimum of **two** and a maximum of **three** of the advocate's first three consecutive effective trials following provisional accreditation at level 4.

Competent evaluations

4.8 To be assessed as “Competent” the advocate must submit **two** evaluations with an overall mark of “Competent” which means the advocate;

a. must be marked “**Competent**” in standard 1;
b. must be marked “**Competent**” in all **three** of the core standards, 2, 3 and 4;
c. must only be marked as “**Not Competent**” in a maximum of **one** standard (standards 6 to 9); and
d. if assessed against standard 5, must be marked as “**Competent**”

4.9 Each of A, B, C and D must be met on each CAEF.

Non-core standards threshold

4.10 From the two **“Competent”** evaluations, the advocate should not be marked as "Not Competent" in the same standard (standards 6 to 9) **more than once**.

Progression

Level 1 to Level 2 by judicial evaluation

Valid submission

4.11 The submission must be valid, which means judicial evaluation in a minimum of **two** and a maximum of **three** of the advocate’s first three consecutive effective trials following provisional accreditation at level 2

4.12 The advocate must also have obtained their Higher Rights to progress from Level 1 to Level 2 by judicial evaluation.

Competent evaluations

4.13 To be assessed as “Competent” the advocate must submit **two** evaluations with an overall mark of “Competent” which means the advocate;

a. must be marked “**Competent**” in standard 1;
b. must be marked “**Competent**” in **at least two** of the core standards, 2, 3 and 4;
c. must only be marked as “**Not Competent**” in a maximum of **two** standards (standards 6 to 9); and
d. if assessed against standard 5, must be marked as “**Competent**”

4.14 Each of A, B, C and D must be met on each CAEF.

Core standards threshold

4.15 From the two **"Competent"** evaluations there must be no more than one mark of **"Not Competent"** against the same **core** standard.

Non-core standards threshold

4.16 From the two **"Competent"** evaluations, the advocate must not be marked as "Not Competent" in the same standard (standards 6 to 9) **more than once**.

Levels 2 to 3 and 3 to 4

4.17 Progression from L2 to L3 or from L3 to L4 is a two-stage process:

- Stage one – the advocate must obtain judicial evaluations which demonstrate that they are Very Competent at their current level. The advocate will then be granted provisional accreditation at the higher level.

- Stage two – the advocate must obtain judicial evaluations which demonstrate that they are competent at their new level and as a result of which the advocate will be granted full accreditation at the new level.

<u>Stage One</u>

Valid submission

4.18 The submission must be valid, which means judicial evaluation in a minimum of two and a maximum of three of the advocate's first three consecutive effective trials at their existing level (Level 2 or 3).

Very competent evaluations

4.19 The advocate must submit **two** evaluations with an overall mark of **"Very Competent"** which means the advocate;

a. must be marked "**Competent**" in standard 1;

b. must be marked "**Competent**" in all **three** of the core standards, 2, 3 and 4;

c. must be "**Competent**" in any "non-core" standard against which they are assessed (standards 6 to 9); and

d. if assessed, must be marked as "**Competent**" in standard 5.

4.20 Each of A, B, C and D must be met on each CAEF.

<u>Stage two – Full Accreditation</u>

Level 3

Valid submission

4.21 The submission must be valid, which means judicial evaluation in a minimum of **two** and a maximum of **three** of the advocate's first three consecutive effective trials following provisional accreditation at level 3.

Competent evaluations

4.22 The advocate must submit **two** evaluations with an overall mark of "**Competent**" which means:

a. must be marked "**Competent**" in standard 1;

b. must be marked "**Competent**" in **at least two** of the core standards, 2, 3 and 4;

c. must only be marked as "**Not Competent**" in a maximum of **two** standards (standards 6 to 9); and

d. if assessed, must be marked as "**Competent**" in standard 5.

4.23 Each of A, B, C and D must be met on each CAEF.

Core standards threshold

4.24 From the two **"Competent"** evaluations there must be no more than **one** mark of **"Not Competent"** against the same **core** standard.

Non-core standards threshold

4.25 From the two "**Competent"** evaluations, the advocate must not be marked as "Not Competent" in the same standard (standards 6 to 9) **more than once**.

Level 4

Valid submission

4.26 The submission must be valid, which means judicial evaluation in a minimum of two and a maximum of three of the first three consecutive effective trials at level 4.

Competent evaluations

4.27 **Two** evaluations from the submission with an overall mark of **"Competent"** which means the advocate;

a. must be marked "**Competent**" in standard 1;

b. must be marked "**Competent**" in **all three** of the core standards, 2, 3 and 4;

c. must only be marked as "**Not Competent**" in a maximum of **one** standard (standards 6 to 9); and

d. must not be marked as "**Not Competent**" in standard 5.

4.28 Each of A, B, C and D must be met on each CAEF.

Non-core standards threshold

4.29 From the two **"Competent"** evaluations, the advocate should not be marked as "Not Competent" in the same standard (standards 6 to 9) **more than once**.

Re-accreditation

Level 1

4.30 The specific requirements for Level One re-accreditation are as follows:

- the assessed advocacy CPD may be completed with any CPD provider; this includes the advocate's employing firm or organisation or the chambers at which the advocate works;
- the advocate can choose to be assessed against all of the QASA standards at a single assessment event or to spread the assessment process over a period of time and pick off one or several standards at a time;
- if the advocate is assessed against all of the QASA standards at a single assessment event, this must be during the final 12 months of the 5-year accreditation period;
- if the advocate chooses to be assessed on a number of separate occasions over the five-year period, at least one of those assessment events must occur during the final 12 months of the 5-year accreditation period;
- the credit obtained for CPD undertaken as part of the advocacy assessment will count towards satisfaction of the advocate's CPD requirement (including, if relevant, any requirement to undertake accredited CPD) in the year in which the advocate does the assessment;
- using an adapted version of the CAEF, the advocate will need to keep a record of the assessed advocacy which they undertake; this must be counter-signed by the CPD provider for every assessment event which the advocate attends confirming that the advocate had met the L1 requirements for the relevant standard(s);
- before the expiry of the five-year accreditation period, the advocate will be asked by their regulator if they want to be reaccredited and to confirm that they have met the required standards for reaccreditation;
- on receipt of the advocate's response, the regulator will issue the advocate's reaccreditation at L1 for a further five years;
- the regulator may ask to see the advocate's CAEF to check that the advocate has met the required standards for L1 reaccreditation and that this has been independently verified by the CPD assessor(s);
- if in response to a request from the regulator, the advocate is not able to submit a completed CAEF or one which shows independent verification that the advocate has met all of the QASA standards for L1 reaccreditation, the

advocate will be required within 6 months to undertake further assessed CPD to demonstrate meeting each of the completed standards;

- the advocate will need to retain the CAEF for a period of two years after the date on which the advocate's reaccreditation is confirmed;
- if the advocate does not progress within the next five years, the advocate will need to undertake assessed advocacy CPD at L1 in order to meet the reaccreditation requirements in a further five years' time

Level 2 and 3

Valid submission

4.31 The submission must be valid, which means judicial evaluation in a minimum of **two** and a maximum of **three** of the advocate's first three trials at Levels 2 or 3.

Competent evaluations

4.32 **Two** evaluations from the submission with an overall mark of "Competent" which means the advocate:

Must be marked "**Competent**" in standard 1;

a. Must be marked "**Competent**" in **at least two** of the core standards, 2, 3 and 4;

b. Must only be marked as "**Not Competent**" in a maximum of **two** standards (standards 6 to 9); and

c. If assessed, must be marked as "**Competent**" in standard 5.

4.33 Each of A, B, C and D must be met on each CAEF.

Core standards threshold

4.34 From the two **"Competent"** evaluations there must be no more than **one** mark of **"Not Competent"** against the same **core** standard.

Non-core standards threshold

4.35 From the two **"competent"** evaluations, the advocate must not be marked as "Not Competent" in the same standard (standards 6 to 9) **more than once**.

Level 4

Valid submission

4.36 The submission must be valid, which means judicial evaluation in a minimum of **two** and a maximum of **three** of the advocate's first trials at Level 4.

Competent evaluations

4.37 **Two** evaluations from the submission with an overall mark of “Competent” which means the advocate:

a. Must be marked “**Competent**” in standard 1;
b. Must be marked “**Competent**” in **all three** of the core standards, 2, 3 and 4;
c. Must only be marked as “**Not Competent**” in a maximum of **one** standard (standards 6 to 9); and
d. If assessed, must be marked as “**Competent**” in standard 5

4.38 Each of A, B, C and D must be met on each CAEF.

Non-core standards threshold

4.39 From the two **“Competent”** evaluations, the advocate must not be marked as "Not Competent" in the same standard (standards 6 to 9) **more than once.**

Awarding accreditation

4.40 Once the advocate’s submission has been assessed against the competence framework and they have met requirements as prescribed above, the regulator will then review the application before making a final decision.

4.41 This review takes into consideration any data gathered as part of the routine compliance monitoring activities which serve to ensure the integrity of the Scheme. Such activities include, ongoing monitoring referrals, on site monitoring visits to court centres, monitoring court data and reviewing assessment records from judges.

Level	Stage	Composite factors				
		Valid submission	***Competent evaluations (Level)**	***Very competent evaluations (Level)**	**Core standards threshold** (*An advocate must not be marked "Not Competent" against the same core standard between the two evaluations)	**Non-core standards threshold**
		Min-Max from total	Number of evaluations	Number of evaluations	Maximum number of non competence across standards (2-4)	Maximum number of non competence against same standard(6-9)
1	Registration (entry)	N/A	N/A	N/A	N/A	N/A
1	Progression to Level 2	2-3 from 3	2 (Level 2)	N/A	2	1
1	Re-accreditation	N/A	N/A	N/A	N/A	N/A
2	Registration (entry)	2-3 from 3	2 (Level 2)	N/A	2	1
2	Progression to Level 3 (Stage 1)	2-3 from 3	N/A	2 (Level 2)	0	1
2	Progression to Level 3 (Stage 2)	2-3 from 3	2 (Level 3)	N/A	2	1
2	Re-accreditation	2-3 from 3	2 (Level 2)	N/A	2	1
3	Registration (entry)	2-3 from 3	2 (Level 3)	N/A	2	1
3	Progression to Level 4 (Stage 1)	2-3 from 3	N/A	2 (Level 3)	0	1
3	Progression to Level 4 (Stage 2)	2-3 from 3	2 (Level 4)	N/A	0	1
3	Re-accreditation	2-3 from 3	2 (Level 3)	N/A	2	1

Level	Stage	Composite factors				
		Valid submission	***Competent evaluations (Level)**	***Very competent evaluations (Level)**	**Core standards threshold** (*An advocate must not be marked "Not Competent" against the same core standard between the two evaluations)	**Non-core standards threshold**
		Min-Max from total	Number of evaluations	Number of evaluations	Maximum number of non competence across standards (2-4)	Maximum number of non competence against same standard(6-9)
4	Registration (entry)	2-3 from 3	2 (Level 4)	N/A	0	1
4	Re-accreditation	2-3 from 3	2 (Level 4)	N/A	0	1

5. GLOSSARY

Accreditation	The status required under the Scheme to be permitted to undertake criminal advocacy in the courts in England and Wales. Also see "provisional accreditation" and "full accreditation".
Assessment organisation / centre	An approved organisation or location where advocates can be assessed in simulated courtroom exercises to obtain accreditation at Level 2.
Bar Standards Board (BSB)	The regulatory body for barristers
Criminal advocacy	Includes advocacy in all hearings arising out of a police-led or Serious Fraud Office-led investigation and prosecuted in the criminal courts by the Crown Prosecution Service or the Serious Fraud Office but does not include hearings brought under the Proceeds of Crime Act 2002.
Criminal Advocacy Evaluation Form (CAEF)	The form used by judges to complete assessments/evaluations of advocates appearing before them.
Effective trial	A trial that allows for assessment against standards 1-4.
Full accreditation	Accreditation that permits an advocate to undertake criminal advocacy in the courts in England and Wales for a period of up to five years.
ILEX Professional Standards (IPS)	The regulatory body for Chartered Legal Executive Advocates and Associate Prosecutors.
Independent assessor	An individual that has been appointed by the Joint Advocacy Group to undertake assessments/evaluations of advocates in court.
Joint Advocacy Group (JAG)	The joint body, made up of representatives from the SRA, BSB, and IPS, responsible for the development and oversight of the Scheme.
Judicial evaluation	The process of obtaining an assessment by a judge during a trial, or a completed assessment by a judge during a trial or hearing.
Level (1-4)	On entry to the Scheme, advocates will have a Level which corresponds to their level of experience, competence and rights of audience, ranging from Levels 1 to 4.
On-going monitoring	The process by which a judge can undertake an evaluation/assessment of an advocate of their own volition and submit the completed evaluation to the advocate's regulator.
Progression	The process by which an advocate can increase their Level under the Scheme.
Provisional accreditation	Accreditation that permits an advocate to undertake criminal advocacy in the courts in England and Wales for a period of up to 12 or up to 24 months, but which requires further steps to be taken to obtain full accreditation.
Quality Assurance Scheme for Advocates (QASA or the Scheme)	The scheme under which the competence of criminal advocates appearing in the courts in England and Wales is assured by the SRA, BSB, and IPS.

Re-accreditation	The process by which an advocate demonstrates their competence and renews their accreditation for a further five years.
Scheme (the)	The Quality Assurance Scheme for Advocates (QASA or the Scheme)
Solicitors Regulation Authority (SRA)	The regulatory body for solicitors.
Standards	The nine expectations which are assessed by judicial evaluation, assessment organisation, assessed CPD, an independent assessor, or any other method approved by the JAG.

6. ADDITIONAL DOCUMENTS

[insert CAEF]