

To:	Board
Date of Meeting:	13 July 2011
Item:	Paper (11) 52

Title:	Quality Assurance Scheme for Criminal Advocates – final proposal for approval in principle
Workstream(s):	Workstream 2F: Developing a Workforce for a Changing Market
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Status:	Protect

Summary:
<p>This paper provides an update on the development of the Quality Assurance Scheme for Criminal Advocates (QASA). It sets out the final proposal from the Joint Advocacy Group (JAG) for the design of the scheme. It recommends that the Board confirm to the JAG that it is content in principle with the approach to the scheme, but highlights some outstanding concerns which we have asked JAG to address in submitting their formal rule change applications in September. The Board is invited to consider nominating two Board members to be involved in considering those applications, which it is proposed will be approved by the CEO under delegated authority.</p>

Risks and mitigations	
Financial:	None.
FoIA:	Initial assessment – paras 6-7,10 – 13 and Annex B (s.36)
Legal:	None.
Reputational:	We have committed publicly to ensuring an effective scheme is implemented as soon as possible
Resource:	Resource currently considered sufficient.

Consultation	Yes	No	Who / why?
Board Members:	✓		David Wolfe and Barbara Saunders
Consumer Panel:	✓		
Others:	N/A.		

Recommendation(s):
<p>The Board is invited to:</p> <ol style="list-style-type: none"> (1) note the update on developments and the outline of the scheme attached at Annex A; (2) agree in principle that the design of the scheme represents an acceptable approach to addressing the quality risks in the criminal advocacy market that is consistent with the regulatory objectives, subject to reassurances being

received on the outstanding concerns highlighted at para 6
(3) nominate two Board members to be involved in formal rule approval process

LEGAL SERVICES BOARD

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Quality Assurance Scheme for Criminal Advocates – final proposal for approval in principle

Background

1. In May 2010 we set out seven key principles for a credible Quality Assurance Scheme for Advocates (see **Annex A**). At its meeting on 28 March 2011 the Board noted that the Joint Advocacy Group (JAG) had demonstrated significant progress in the development of a QASA for criminal advocates, but that there remained some significant challenges in relation to the design of the Scheme.
2. The Chairman, Barbara Saunders and David Wolfe met to discuss this in more detail, based on the recommendations from the report produced by Human Assets which we published in March 2011. A letter was sent to JAG on 20 April setting out our expectations about the changes to the scheme required to ensure it is capable of approval (see table at **Annex B**).
3. Since then, the scheme details have been further developed, and there was significant movement on a number of outstanding concerns (particularly by restricting the ability for advocates to choose by which judge and in which case they are assessed). The final scheme proposal was received from JAG on 5 July, having been approved by the Boards of BSB, SRA and IPS. The detailed rule change applications from each of three regulators, which are necessary to enable implementation of the scheme, will be submitted by early September.

The current proposal

4. The full scheme documentation has been reviewed by the Executive, David Wolfe and Barbara Saunders and is available to other Board members on request and a copy will be available at the Board meeting. The scheme breaks criminal advocacy down into four levels – with level one covering advocacy in the Magistrates Court, up to level four which covers the most serious and complex cases in the Crown Court.
5. **Annex C** summarises the proposed requirements for the initial accreditation of existing advocates, and subsequent accreditation and reaccreditation at each level. A timetable is attached at **Annex D**. Broadly the proposal is that:
 - at level 1, advocates will obtain accreditation by demonstrating that they have completed assessed CPD.
 - at levels 2 – 4 accreditation will be obtained by assessment via one of two routes: (i) judicial evaluation (JE) or (ii) a combination of assessment via an assessment centre and judicial evaluation.

Key issues

6. While we have been reassured by JAG in relation to a number of our concerns, we have discussed the following areas in detail with them
 - **Coverage of standards** - some standards may not be directly observable in the court room (including C1 (Assisted client in decision making) and

potentially others relating to professional ethics and equality and diversity). JAG has committed to do further work to test how best to capture evidence against these standards where advocates are assessed via judicial evaluation. We have for asked for this within 12 months (rather than their initial proposal of 2 years), and for further details of how they propose to approach it. JAG have agreed this.

- **Transparency** - we have asked for reassurances about the evaluation that JAG proposes and a commitment to publish raw data about assessments – to enable analysis and build confidence about the integrity of the scheme. For example, this might cover differences in pass rates and variations in assessments by judges in different courts (and between judges and assessment organisations). It might also enable analysis of equality impacts. Although not visible at this level of granularity in the documents thus far submitted, JAG have confirmed that this is part of their approach;
- **Simplicity** – in some areas we have suggested that the scheme could be simplified –for example we have sought reassurance that responsibility for the operation of the scheme and decision making rests with the relevant approved regulator rather than JAG (as much for reasons of maintaining a perception of independence as for efficiency). We were offered credible reassurance on this and related points;
- **Choice of assessment methods** – on entry to levels 3 & 4, advocates can choose to use an assessment centre, supplemented by one piece of judicial evaluation, to obtain their 'green plate' at the new level. However, they will then need to complete two further pieces of judicial evaluation to confirm their accreditation at the new level (in common with advocates who are assessed via the judicial evaluation route). While we can understand the argument that advocates should not be able to avoid judicial evaluation completely, this approach does raise issues of proportionality. However, in the Executive's view this is not so significant that the rule change applications should be refused on this basis, although we will need to ensure that there is proper monitoring of its impact in practice – in particular to ensure that the assessment centre and judicial evaluation are each used as a validation check on the other, rather than the flow being all one way;
- **Timescales** – We have discussed with JAG the need to implement the scheme as quickly as possible, perhaps by offering fee incentives to advocates to register early within the three month self-assessment period – the BSB already have this planned and the SRA agreed to consider. They confirmed that the current go live timetable was deliberately drafted on pessimistic assumptions of most self assessments being made at the last minute and have agreed to look at plans for acceleration should that prove not to be the case;
- **Level 1 advocates** - for level 1 advocates, it is proposed those who qualified in the last five years are not required to demonstrate their competence within 24 months of the scheme being implemented, but can wait for five years from their initial qualification. We have suggested that advocates who qualified within the last five years might be required to demonstrate their experience and formal training in criminal advocacy before being accredited. We await a detailed response on that point.
- We have also asked JAG to confirm that it considers that the standards in place for level 1 advocates via QASA are sufficient to ensure advocacy meets the appropriate minimum quality standard – and hence that the magistrates'

court quality scheme run by the Law Society should not be regarded as a prerequisite for advocates operating in the magistrates' court. (Assuming that they make this judgement, then the LSC will need to consider to what extent it wishes to specify this as a requirement over and above the basic regulatory requirements and ILEX will need to find a non-regulatory route to pursue their concerns about the current operation of the scheme).

- **Implications for Foreign Qualified Lawyers** – JAG acknowledge that this is an important point of detail that needs resolution before final applications are made.
7. There remain risks attached to successful implementation. A key risk is the possibility of judicial non-cooperation with the scheme. Although Thomas LJ has provided assurances about judicial support, given the recent judicial opposition to participating in the scheme to select new CPS Advocate Panels, there is a risk that Circuit Judges in particular will not be willing to participate (on grounds of principle and/or practicality because of the additional administrative burden). This makes contingency planning important – for example developing plans to scale up availability of the assessment organisation route.
 8. There has also been significant opposition from a significant number of solicitor advocates, who highlight the potential difficulties that judicial evaluation could cause in their relationships with judges, and a lack of transparency and coherence in the assessment process. These concerns have led SRA to seek further reassurances from Thomas LJ about the approach to judicial evaluation and the training judges will receive prior to carrying out the assessments.
 9. It will be crucial to ensure that the scheme is thoroughly evaluated, to ensure:
 - the process is applied in a fair and consistent way
 - the scheme is effective in identifying advocacy which is below the acceptable standard, and
 - appropriate action is taken in such cases to ensure consumers are protected.
 10. However, the Executive's overall assessment from our most recent discussions is significantly more positive than previously. Although much remains to be done operationally, our most recent interactions with JAG have shown a considerably greater grasp of detail and willingness to adjust positions than previously.

Assessment by rule approval team

11. The rule approval team have reviewed a near-final version of QASA. They consider that if the Approved Regulators submit rule change applications that have similar provisions to the QASA then it is *likely* that it would be approved under Part 3 of Schedule 4 process. There may be a some points of detail which will need to be queried, but overall if the rule changes give effect to the scheme as presented they are capable of approval.

Recommendations

12. In the Executive's view, and based on the advice on best practice received from Human Assets, the overall approach to the scheme (providing a choice of judicial evaluation or assessment organisation as assessment routes) is reasonable and could be implemented in a way which is consistent with the regulatory objectives. Significant progress has been made on a number of our key concerns, and the

benefits of proceeding with implementation (and thorough evaluation) outweigh the disruption – in particular the loss of implementation momentum and the danger of loss of coordination between ARs - that would be caused by refusal at this stage,

13. The Board is therefore invited to agree in principle to approve the scheme, subject to satisfactory reassurances being received on the issues outlined above. The Board is also invited to nominate two members to consider the rule change applications, which it is proposed will be signed off under delegated authority.

Stakeholder handling

14. We have continued to stay in contact with key stakeholders in the process, including Thomas LJ, CPS, LSC and MoJ (who are particularly concerned about timetable).
15. There was some negative coverage in the legal press of the SRA Board discussion on QASA, highlighting the opposition of some solicitor advocates to judicial evaluation as a method of assessment. The Law Society issued a press release on 6 June criticising the proposed scheme and highlighting that it is developing its own schemes to support solicitor advocates which it considers would be a more proportionate approach. It also criticised LSB directly – “Linda Lee said it is surprising that the Legal Services Board should, rightly, be requiring strong evidence before prohibiting referral fees or the regulation of will writers but should be requiring this scheme to go ahead when there has been no academic or other evidence to show that there is a problem justifying this solution.” We understand that the Law Society may write formally ahead of the Board meeting and we will update orally as necessary.
16. We do not plan proactive media engagement on QASA in the near future. Communications with the profession should properly be led by the ARs, although we will respond to specific requests for comment where appropriate and prepare reactive lines.

07.07.11

LSB KEY PRINCIPLES FOR QAA

1. **Independence** - of the scheme and assessment process from those being assessed or their professional bodies;
2. **Consistency** - one scheme (with the possibility of multiple providers delivering it or parts of it);
3. **Differentiation** - multiple levels of assessment, from entry level to the most senior level;
4. **Tailored assessment** – according to area of law and level;
5. **Compulsory participation** - any advocate wishing to practice in an area of work covered by the scheme would need at least the minimum level of accreditation for that area of work, but with clients choosing above that level the relevant level of advocate that suits their case, budget and personal preference subject only to limited restrictions in place to protect the interests of justice;
6. **Limited exceptions** - passporting and exemption only where this is demonstrably in the consumer interest and supported by proper evidence;
7. **Periodic reaccreditation** – probably at least five yearly.

LSB EXPECTATIONS FOR QAA (CRIME)

Expectation	Related “key principles”	Comments (based on our understanding of JAG’s current proposal)
1. The scheme enables minimum standards to be enforced	5	For the scheme to have the right incentive effect, rule changes must be clear that failure at a particular level will mean that an advocate is no longer able to hold themselves out as an advocate accredited at that level until they make a further successful attempt at accreditation (perhaps following remedial training). The potential should also be highlighted for disciplinary action if an advocate persisted to practice in cases which were beyond their competence.
2. Letting the candidate decide on which case or by which judge they are pro-actively assessed biases the process in the candidate’s favour to an unacceptable degree. A scheme based wholly or primarily on this approach is unlikely to be approved	1	Where judicial evaluation is the primary assessment method, some of the assessment evidence gathered about every advocate must be based on unannounced observation (by a judge or external assessor) of live courtroom advocacy, to remove any danger of “reference shopping”.
3. Advocates must have a genuine and unfettered choice of assessment methods	1, 4, 5	Judicial evaluation evidence should form part of a range of evidence sources – to enable ‘triangulation’. If this is not possible and advocates have to choose one or other of the assessment routes, there must be a genuine choice (not just a theoretical one that is ruled out by the cost).
4. Evidence must be gathered about each advocate’s performance against all of the agreed standards	4	<p>Inferred competence through “potentially observable” courtroom behaviour is not a sound basis for a rigorous assessment process. There needs to be actual evidence of <i>all</i> the already agreed standards – for example based on self-assessment, client feedback or external assessment.</p> <p>The scheme is about ensuring <i>advocates</i> provide an appropriate level of service to their clients, which is a broader question than simply the quality their courtroom advocacy.</p>

<p>5. A pass/fail assessment is required for entry to, and regular reaccreditation at, each level.</p>	<p>7</p>	<p>Automatic reaccreditation at level 1 if structured advocacy CPD is completed and there are no adverse comments from on-going monitoring is not sufficiently rigorous as a basis for assessment.</p> <p>We will also need detailed proposals about the approach to and regularity of reaccreditation at other levels.</p>
<p>6. Definition of standards should be benchmarked to ensure consistency of understanding and consistency of actual assessments monitored against these benchmarks</p>	<p>2, 3, 6</p>	<p>We need to see the arrangements to achieve a degree of consistency of understanding through initial training or other means. We consider that the complexity of the current assessment form and number of indicators carries with it a danger of impressionistic judgements by assessors.</p> <p>We also expect to see detailed proposals for data and sample analysis, equality impacts, and the examination of samples of assessments to ensure standards are being applied in a consistent way (for example via monitoring visits to courts and training providers by external assessors, to double mark assessments).</p>
<p>7. Arrangements for initial accreditation of existing advocates ensure all practising criminal advocates undertake a full assessment within 12 months of initial registration (i.e. by the end of 2012).</p>	<p>5, 6</p>	
<p>8. Information about an advocate's level of accreditation is communicated to the client/purchaser, enabling them to make an informed choice</p>	<p>5</p>	<p>QAA should not limit a client/purchaser's choice of which advocate to instruct, but clients should be properly informed about their advocate's level. The advocate remains subject to the professional obligation not to act outside their competence.</p>
<p>9. The decision making process for initial accreditation and subsequent reaccreditation should be transparent and based on objective criteria</p>	<p>1, 2</p>	<p>The assessment framework documentation we have seen refers to JAG considering the AEFs submitted by the candidate and confirming their accreditation. It is not clear who will make these decisions, what the extent of their discretion will be, how they will go about assessing the evidence, and whether this assessment process will be transparent and consistent.</p>

Assessment Framework

Initial accreditation for existing advocates at levels 2, 3 and 4

JAG proposes a two-stage approach to initial accreditation at levels 2, 3 and 4:

- (i) Identification of advocates currently practising at each level

Advocates would be given a three month window in which to submit an application to JAG setting out the level at which they are currently practising. This would involve setting out evidence of the number of cases/hearings undertaken at this level that they have been involved in over the last 12-18 months. The window will open for level 3 and 4 advocates on Thursday 1 December 2011 and close on Tuesday 28 February 2012. It will open for level 2 advocates on [date] and close on [date].

Advocates would have regard to the categorisation of levels of cases when self assessing their level and would be provided with guidance on the other issues to take into account.

Advocates who self-assess as currently practising at level 3 or 4 would be given a green plate licence to practise at that level.

- (ii) Validation of "green plate" licence

Initial green plate licences would be granted on the same terms as those obtained through applications to move up a level (once the Scheme is fully operational). Therefore advocates on a green plate would be required to submit themselves for judicial evaluation in their first two cases or appearances at their new level. Two positive evaluations would result in substantive accreditation for the usual five year term. If the evaluations revealed any concerns JAG would either seek further evidence or revoke the green plate. In the event that a green plate is revoked, the advocate would be automatically given a green plate at the level below and would need to submit themselves for evaluation in their first two cases at this level. Where evaluations reveal significant concerns, JAG might also involve the regulators in order to set remedial training in place.

Initial accreditation for existing advocates at level one

The process of initial accreditation for level 1 advocates will begin after the initial three month window for self-certification of level 2, 3 and 4 advocates.

JAG has agreed that the education and training pathways will equip advocates for level 1 QASA advocacy. This means that all advocates will qualify with level 1 certification. We are reviewing the current education and training pathways to ensure that they are entirely consistent and compliant with level one requirements. Any necessary amendments to the education and training pathways will be implemented with effect from the academic year commencing September 2012.

The proposals for reaccreditation at level one are that the advocate will achieve this by satisfactory completion of assessed CPD against the level one standards over the five year period of accreditation.

Having concluded the initial self-accreditation at levels 2, 3 and 4, we will deal with initial self-assessment at level 1 as follows:

- From 1 September 2012 we will invite initial self-accreditation from advocates who consider themselves to be level 1 advocates. This process will be completed by 31 December 2012.
- Level 1 advocates who are initially registered at level 1 and who are more than 5 years PQE will be required to undertake assessed advocacy CPD within the first 24 months of level 1 accreditation. Assuming the advocate demonstrates competence against the standards at that point, the advocate will then be given their first five-year period of accreditation.
- JAG will undertake at least 2 audits of level 1 advocacy within the first 18 months of operation of the Scheme to identify performance issues or particular practice risks and trends associated with level 1 advocacy.

The proposals above are proportionate and consistent with the proposed approach to assessment and reaccreditation at level 1. Those advocates who do not initially self-accredit at level 1 will fall outside of the Scheme and will not be able to undertake criminal advocacy in any court without re-establishing their competence to do so.

Once the Scheme is fully operational we will deal with level 1 as follows:

- The education and training pathways will equip solicitors, barristers and ILEX professionals as level 1 advocates. At the point of qualification all new barristers, ILEX professionals and solicitors will therefore be accredited QASA level 1 advocates for a period of 5 years.
- At the end of the five year period of accreditation, barristers and solicitors will have either progressed to a higher level within the Scheme, be continuing to practise advocacy at level 1 or have undertaken no or little criminal advocacy. ILEX professionals will, based on current rights of audience, be continuing to practise advocacy at level 1 or will have undertaken no or little criminal advocacy.
- Those who continue to practise advocacy at level 1 will need to be reaccredited
- Those who are no longer practising criminal advocacy will fall outside of the QASA Scheme. The expectation will be that they no longer practise criminal advocacy without demonstrating their competence to do so and breach of this requirement will be managed through the regulators codes of conduct
- Advocates who, for whatever reason, fall outside of the Scheme (i.e. who do not renew their accreditation) will be able to come back within the Scheme by undertaking assessed CPD and demonstrating that they are competent against the level 1 QASA standards.

At level 1, the link and overlap between the requirements of qualification and acquiring QASA level accreditation mean that we will need to have transitional arrangements.

These will reflect the fact that since the proposals above mean that all qualified solicitors, barristers and ILEX professionals will have an immediate post-qualification initial 5-year accreditation, we need to deal with those advocates who have qualified in the previous four years. The table below sets out how JAG will deal with this:

Date of advocate's admission	Date QASA goes live for level 1	Date on which advocate becomes 5 years PQE	Date on which advocate could be required to reaccredit under QASA	Proposed transitional adjustment	Date by which advocate will be required to reaccredit
2008	2012	2013	2013	+ 1 year	2014
2009	2012	2014	2014	None	2014
2010	2012	2015	2015	None	2015
2011	2012	2016	2016	None	2016
2012	2012	2017	2017	None	2017

The proposals set out in the table above show how, in line with the proposals for those advocates who are more than 5 years PQE when the Scheme goes live, all advocates will have a period of at least 24 months in which to undertake some assessed advocacy CPD to demonstrate their continuing competence at level 1.

The four tables below set out the assessment requirements for entry into, progression within and reaccreditation under the QASA scheme following the one-off initial accreditation of existing advocates.

Key:

CAEF = Criminal Advocacy Evaluation Form

AO = assessment organisation

JE = judicial evaluation

Level One

Entry	Continuing practice
The advocate will enter the scheme via the current education and training qualification routes	Advocates who choose to base their practice at this level will be able to continue to do so provided they demonstrate on application for reaccreditation that they have undertaken assessed advocacy CPD which confirms their continuing competence against the Advocacy Standards

Level Two

At levels 2, 3 and 4 JAG has defined its requirements for competence to remain at the advocate's existing level and competence for the purposes of progression. These requirements are included within the tables below.

Entry/Progression	Reaccreditation
<p>The advocate will progress to level 2 via one of the following methods:</p> <ol style="list-style-type: none"> 1. Submission of 3 x CAEFs confirming the advocate's competence against all of the level 1 standards in a level 1 trial and that the advocate appears ready to progress to level 2. In situations where the advocate will struggle to access JE from 3 x different judges, the advocate may also approach JAG for an external assessor who would be instructed to attend at court and assess the advocate in a workplace context. The advocate may obtain a maximum of five CAEFs over a single 12 month period, three of which must confirm the advocate's competence. All five CAEFs (if five are obtained) must be identified on and included within the advocate's application for progression. Having initiated the process of application for progression, the advocate will have to obtain their CAEFs in consecutive trials. 2. Submission of 5 x CAEFs obtained under a green plate so the advocate would be assessed against the level 2 advocates in a level 2 trial. This may be an attractive option for advocates who may struggle to obtain 3 x CAEFs at level 1 because of the availability and accessibility of judicial evaluation at this level and who feel ready to take on level 2 work. 3. Attendance at an assessment organisation where the advocate would be assessed via a range of assessment methods against all of the level 2 standards. In the case of solicitor advocates, this could be the same assessment as they would take to demonstrate that they have met the requisite Higher Rights standards. <p>To progress to level 2 either by JE or AO, the advocate must be assessed as Very Competent. For level 2 this means demonstrating competence against Advocacy Standards A1/A2/B1/B2/D1/E1 and the advocate may be assessed as partially competent against no more than one other assessed standard</p> <p>Regardless of assessment method, the advocate would be "green-plated" to appear as a level 2 advocate and would need to obtain 2 x CAEFs via JE from their first five trials at their new level and within the following 12 months, confirming the advocate as competent (see definition as per reaccreditation) as a level 2 advocate in a level 2 trial.</p>	<p>The advocate will be required to submit for reaccreditation once every five years.</p> <p>Reaccreditation methods:</p> <ol style="list-style-type: none"> 1. Submission of 3 x CAEFs (the advocate may obtain a maximum of five) obtained in the previous 12 months confirming the advocate's competence against the level 2 standards in a level 2 trial. These CAEFs must be obtained in consecutive trials so whilst the advocate will initiate the process, thereafter the advocate must obtain his/her CAEFs from the judge conducting their next 2/4 trials. In situations where the advocate will struggle to access JE from 3 x different judges, the advocate may also approach JAG for an external assessor who would be instructed to attend at court and assess the advocate in a workplace context 2. Attendance at an assessment organisation where the advocate would be assessed against all of the level 2 standards via a range of assessment methods <p>In order to be deemed competent for reaccreditation the advocate will need to be assessed as competent against Advocacy Standards A1/D1/E1, and at least two of A2, B1 and B2 and be assessed as competent against at least seven standards overall</p>

Level Three

Progression	Reaccreditation
<p>The advocate will progress to level 3 via one of the following methods:</p> <ol style="list-style-type: none"> Submission of 3 x CAEFs confirming the advocate's competence against all of the level 2 standards in a level 2 trial and that the advocate appears ready to progress to level 3. In situations where the advocate will struggle to access JE from 3 x different judges, the advocate may also approach JAG for an external assessor who would be instructed to attend at court and assess the advocate in a workplace context. The advocate may obtain a maximum of five CAEFs over a single 12 month period, three of which must confirm the advocate's competence. All five CAEFs (if five are obtained) must be identified on and included within the advocate's application for progression. Having initiated the process of application for progression, the advocate will have to obtain their CAEFs in consecutive trials. Attendance at an assessment organisation where the advocate would be assessed via a range of assessment methods against all of the level 3 standards PLUS 1 x CAEF obtained via JE (assessing the candidate against the level 2 standards in a level 2 trial). Candidates using this assessment method would be required to indicate on their application for progression the number of trials in which they had appeared in the previous 12 months and the number of opportunities which they had to obtain a CAEF via JE. If more than 3, the advocate would be required to explain their reasons for using the assessment organisation route. <p>In order to progress to level 3 either by JE or AO, the advocate must be assessed as Very Competent. For level 3 this means demonstrating competence against Advocacy Standards A1/A2/B1/B2/D1/E1 and the advocate may be assessed as partially competent against no more than one other assessed standard</p> <p>Regardless of assessment method, the advocate would be "green-plated" to appear as a level 3 advocate and would need to obtain 2 x CAEFs via JE from their first five trials at their new level and within the following 12 months, confirming the advocate as a competent (see definition for reaccreditation aside) level 3 advocate in a level 3 trial.</p>	<p>The advocate will be required to submit for reaccreditation once every five years.</p> <p>Reaccreditation methods:</p> <ol style="list-style-type: none"> Submission of 3 x CAEFs (the advocate may obtain a maximum of five) obtained in the previous 12 months confirming the advocate's competence against the level 3 standards in a level 3 trial. These CAEFs must be obtained in consecutive trials so whilst the advocate will initiate the process, thereafter the advocate must obtain his/her CAEFs from the judge conducting their next 2/4 trials. In situations where the advocate will struggle to access JE from 3 x different judges, the advocate may also approach JAG for an external assessor who would be instructed to attend at court and assess the advocate in a workplace context Attendance at an assessment organisation where the advocate would be assessed against all of the level 3 standards via a range of assessment methods <p>In order to be deemed competent for reaccreditation, the advocate must demonstrate competence against Advocacy Standards A1/D1/E1 and at least two of A2, B1 and B2 and be assessed as competent against at least seven standards overall</p>

Level Four

Progression	Reaccreditation
<p>The advocate will progress to level 4 via one of the following methods:</p> <ol style="list-style-type: none"> Submission of 3 x CAEFs via JE confirming the advocate's competence against all of the level 3 standards in a level 3 trial and that the advocate appears ready to progress to level 4. In situations where the advocate will struggle to access JE from 3 x different judges, the advocate may also approach JAG for an external assessor who would be instructed to attend at court and assess the advocate in a workplace context. The advocate may obtain a maximum of five CAEFs over a single 12 month period, three of which must confirm the advocate's competence. All five CAEFs (if five are obtained) must be identified on and included within the advocate's application for progression. Having initiated the process of application for progression, the advocate will have to obtain their CAEFs in consecutive trials. Attendance at an assessment organisation where the advocate would be assessed via a range of assessment methods against all of the level 4 standards PLUS 1 x CAEF obtained via JE (assessing the advocate against the level 3 standards in a level 3 trial). Candidates using this assessment method would be required to indicate on their application for progression the number of trials in which they had appeared in the previous 12 months and the number of opportunities which they had to obtain a CAEF via JE. If more than 3, the advocate would be required to explain their reasons for using the assessment organisation route. <p>To progress to level 4, either by JE or AO, the advocate must be assessed as Very Competent. For level 4 this means demonstrating competence against Advocacy Standards A1/A2/B1/B2/D1/E1 and the advocate may be assessed as partially competent against no more than one other assessed standard</p> <p>Regardless of assessment method, the advocate would be "green-plated" to appear as a level 4 advocate and would need to obtain 2 x CAEFs via JE from their first five cases at their new level and within the following 12 months, confirming the advocate as a competent advocate (see definition for reaccreditation aside) level 4 advocate in a level 4 trial.</p>	<p>The advocate will be required to submit for reaccreditation once every five years.</p> <p>Reaccreditation methods:</p> <ol style="list-style-type: none"> Submission of 3 x CAEFs (the advocate may obtain a maximum of five) obtained in the previous 12 months confirming the advocate's competence against the level 4 standards in a level 4 trial. These CAEFs must be obtained in consecutive trials so whilst the advocate will initiate the process, thereafter the advocate must obtain his/her CAEFs from the judge conducting their next 2/4 trials. In situations where the advocate will struggle to access JE from 3 x different judges, the advocate may also approach JAG for an external assessor who would be instructed to attend at court and assess the advocate in a workplace context Attendance at an assessment organisation where the advocate would be assessed against all of the level 4 standards via a range of assessment methods <p>In order to be deemed competent for reaccreditation, the advocate must demonstrate competence against Advocacy Standards A1/A2/B1/B2/D1/E1 and be assessed as competent against at least eight standards overall.</p>

QASA DELIVERYTIMELINE

The tables below set out the broad timetable for implementation of the Scheme, following approval of the Scheme and the related rules and regulations.

Timetable of Scheme Delivery

Activity	Date
Road shows and educational shows on circuit	From November 2011
Initial accreditation window opens for levels 3 and 4	From December 2011
Initial accreditation window opens for levels 1 and 2	From April 2012
Scheme becomes operational for levels 3 and 4	From April 2012
Scheme becomes operational for levels 1 and 2	From August 2012

Timetable of Accreditation

	Levels 3 and 4	Levels 1 and 2
December 2011	<ul style="list-style-type: none"> Window for self-certification 	
January 2012		
February 2012		
March 2012	<ul style="list-style-type: none"> Processing of self-certification applications 	
April 2012	<ul style="list-style-type: none"> Processing green plate applications 	<ul style="list-style-type: none"> Window for self-certification
May 2012		
June 2012		
July 2012		<ul style="list-style-type: none"> Processing of self-certification applications
August 2012		<ul style="list-style-type: none"> Processing green plate applications
September 2012		
October 2012		
November 2012		
December 2012		