



*Criminal  
Defence Service*



**POLICE STATION REPRESENTATIVES' SCHEME:**  
**INFORMATION SHEET**

**Version Number 3.0**

**January 2005**

## **IMPORTANT NOTE**

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

Any correspondence or enquiries regarding the Police Station Representatives Scheme and the Register itself should be directed to:

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

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

**Email: [policestationreps@firstassist.co.uk](mailto:policestationreps@firstassist.co.uk)**

## **Abbreviations**

In this document the following abbreviations have the following meanings:

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

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## **1. Background**

- 1.1 Any person detained at the police station is entitled under the General Criminal Contract to free and independent legal advice and assistance. However, in certain circumstances that advice can only be provided by telephone.
- 1.2 When legal advice is requested two options are available – the Duty Solicitor and the detainee’s own solicitor.
- 1.3 Duty Solicitor
  - Custody officer calls DSCC
  - DSCC calls Duty Solicitor
- 1.4 Own Solicitor
  - Custody officer calls solicitor directly
- 1.5 Advice given to a detainee by a Duty Solicitor is paid for by the LSC. If the detainee chooses his or her own solicitor, the LSC will pay for the advice given provided the solicitor holds a General Criminal Contract. The detainee is entitled to be advised by a solicitor who does not hold a General Criminal Contract but the LSC will not pay for the solicitor’s time: the solicitor’s remuneration must be settled between the solicitor and the detainee.
- 1.6 In addition to solicitors, Police Station Representatives can attend the police station to give advice and assistance to detainees in certain circumstances – see **Appendix 1**.

## **2. Police Station Representatives**

- 2.1 2 categories:
  - Accredited
  - Probationary
- 2.2 An Accredited Representative is eligible to give advice paid for by the LSC at the police station provided he or she fulfils the necessary continuous Training Requirements – see **13**.
- 2.3 A Probationary Representative has not completed the Accreditation Process and can only give advice paid for by the LSC at the police station during a 12 month Probationary Period (provided one test is passed within the first 6 months – see **6**).

### **3. Who Can Apply?**

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

There is no requirement for a qualified solicitor to register as a Probationary Representative. A solicitor may wish to obtain the Police Station Qualification (PSQ) so that he can have duty cases referred to him by a Duty Solicitor. In this situation, the solicitor should obtain the PSQ and hold a copy on the supplier's personnel file.

### **4. Pre-Registration Requirements**

#### **Supervising Solicitor**

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

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

and make a professional judgment as to whether the candidate is of suitable character to provide advice and assistance at police stations.

- 4.3 The Supervising Solicitor must be a current police station Duty Solicitor or otherwise a solicitor who is acceptable to the Commission as meeting the Crime Category Supervisor Standard.
- 4.4 The same solicitor should supervise a Probationary Representative for the entire Accreditation Process. If exceptional circumstances make this arrangement impractical, the Probationary Representative must write to the PSRS requesting permission to change supervisor and setting out the reasons why.

- 4.5 All Probationary and Accredited Representatives must have a designated Supervising Solicitor at all times.

#### Assessment Organisation

- 4.6 Before applying to the LSC to be registered as a Probationary Representative the individual must apply to, and be accepted by, an Assessment Organisation.
- 4.7 The Assessment Organisations are:
- Central Law Training, Wrens Court, 52-54 Victoria Road, Sutton Coldfield, Birmingham, B72 1SX (0121 362 7703)
  - Centre for Professional Studies, University of Wales, PO Box 294, Cardiff, CF1 3UX (02920 876 948)
  - Datalaw, 27 Dale Street, Liverpool, L2 2DH (0151 236 1234)
  - BPP Professional Education, The Granary, 50 Barton Road, Worsley, M28 2EB (0845 226 2422)

### **5. Registering As A Probationary Representative**

#### Part A Portfolio Cases

- 5.1 In order to register with the PSRS as a Probationary Representative, the candidate must first complete Part A of the Portfolio.
- 5.2 Part A of the Portfolio is split into two stages.
- 5.3 Stage 1 consists of 2 cases in which the candidate observes a solicitor giving advice in a police station. The advice in these cases can be conducted by any eligible solicitor and may be duty or own client cases. The cases may be summary, either way or indictable only cases.
- 5.4 Stage 2 consists of 2 cases in which the Supervising Solicitor observes the candidate giving advice in a police station. The observing solicitor must be the candidate's Supervising Solicitor. The cases must not be duty cases or indictable only cases. **If the Supervising Solicitor has to intervene at the police station then that case will not be valid for inclusion in stage 2.**
- 5.5 Once completed, the candidate must submit Part A of the Portfolio to his or her chosen Assessment Organisation. The Assessment Organisation will then send the candidate an application form for registering as a Police Station Representative. This should be signed

by the candidate's Supervising Solicitor and returned to the PSRS at **Police Station Reps Service, First Assist, 32 High Street, Purley, Surrey, CR8 2PP**

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

## **6. Requirements Following Registration As A Probationary Representative**

### 6.1 6 Month Deadline

- 6.1.1 The candidate must pass one of the Accreditation Tests (portfolio, CIT, written test) within 6 months of the original registration. This does not include a test from which the candidate is exempt – see **7.1**
- 6.1.2 If the candidate does not pass one of the tests within 6 months of the date of registration, he or she will be suspended from the Register until such time as one of the tests is passed. Upon passing one of the tests, he or she will be reinstated to the Register, but only for the remainder of the 12 month Probationary Period – see **Appendix 3**.

### 6.2 12 Month Deadline

- 6.2.1 The candidate is required to pass all the relevant tests within 12 months of registration as a Probationary Representative. Failure to do so will lead to suspension from the Register. A Probationary Representative who has been suspended from the Register, having not passed all the tests within 12 months of registration, will remain suspended until such time that all the tests have been passed – see **Appendix 3**.

## **7. Exemption From Accreditation Tests**

- 7.1 It is possible for exemptions to be granted from the Written Test only. At present, those entitled are:
- A Fellow or Member of ILEX who has passed the ILEX criminal law and litigation papers
  - A person who has passed the Legal Practice Course
  - A person who has passed the Bar Vocational Course

- 7.2 To claim an exemption the candidate must provide the PSRS with evidence to support the claim, such as a copy of the appropriate certificate. Assessment Organisations may also require such evidence.

## **8. Monitoring Progress**

- 8.1 It is the responsibility of both the candidate and his or her Supervising Solicitor to monitor the candidate's progress in passing the relevant tests within the prescribed timeframes.

## **9. Extension Of Probationary Period**

- 9.1 There is no provision within the Register Arrangements to allow any extension to a candidate's Probationary Period.
- 9.2 However, a candidate may, with prior written notice, '**Voluntarily Suspend**' himself or herself from the Register. This can be done on one occasion only. This effectively stops the clock on the Probationary Period so that when the candidate requests reinstatement to the Register, the Probationary Period will be extended by the same amount of time as the suspension lasted for - see **Appendix 3**.
- 9.3 Furthermore, such a suspension can be granted without prior notice if the reason for suspension is illness, pregnancy or loss of employment. Written evidence to support any such request will be required before the suspension can be granted together with confirmation that no remuneration for police station attendances has been or will be claimed from the LSC during the period that suspension is requested.
- 9.4 Suspensions can last for a minimum of one month and a maximum of three years.

## **10. Pass Dates**

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

## **11. Notification On Passing A Test / Gaining Accreditation**

- 11.1 When a candidate passes a test or gains accreditation, the relevant Assessment Organisation will inform the PSRS, there is no need for the candidate to contact the PSRS directly.
- 11.2 The Assessment Organisation usually informs the candidate of his or her results before informing the PSRS. However, the PSRS backdates all passes to the date on which the test board sat and positively marked the test.
- 11.3 Therefore, if a candidate is suspended whilst awaiting a positive result he or she may restart work for which he or she will be remunerated by the Commission immediately upon being informed of the positive result by the Assessment Organisation.

## **12. Accreditation Costs Contribution**

- 12.1 The LSC will contribute £400 towards the cost of accreditation for Accredited Representatives. This is available to all representatives who have successfully completed the Accreditation Process on or after 1 April 2002.
- 12.2 The contribution will be paid to the contracted supplier employing the Supervising Solicitor at the time of accreditation.
- 12.3 A claim form (CDS13) has been produced and is available on the Commission website: [www.legalservices.gov.uk](http://www.legalservices.gov.uk)

## **13. Remaining Accredited / Training**

- 13.1 Accredited Representatives may be designated fee earners for their Supervising Solicitors' firms.
- 13.2 Training Requirements for all designated fee earners are now contained within Section D5.1 of The Specialist Quality Mark. The requirement is that:  
  
*“In each 12 month period, every designated casework member of staff receives a minimum of six hours’ training that directly relates to the relevant category of law.”*
- 13.3 Furthermore, a supplier is required to ensure that all its designated fee earners have a job description, annual appraisal, training record and undergo file review.

- 13.4 To remain an Accredited Representative the following must be complied with:
- Undertake a minimum of 12 police station attendances per annum
  - Undertake 6 hours training relating to police station matters (if designated as a fee earner by a holder of a General Criminal Contract).
- 13.5 In addition a representative (Accredited or Probationary) must advise the PSRS if:
- Employer or employer's address changes
  - Supervising Solicitor changes
  - Employed as a special constable or in any other capacity that may cause a conflict of interest
  - Under investigation, faces an outstanding criminal charge or has been convicted of an offence or is the subject of an investigation by the Office for the Supervision of Solicitors or the Solicitors Disciplinary Tribunal

#### **14. Certificate of Fitness**

- 14.1 If a complaint is received or any concerns over the competency or character of a representative arise, before the LSC considers taking action, the Supervising Solicitor may be asked for his comments and may be asked to once more to sign a certificate of fitness on behalf of the representative.
- 14.2 There is no longer a requirement to submit a certificate of fitness annually.

#### **15. Freelance Representatives**

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

#### **16. Probationary Representatives Only Working For One Firm**

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

*“From 1 April 2003, a Probationary Representative may only provide Police Station Advice assistance for the firm at which his or her*

*supervising solicitor is based. The firm must hold a General Criminal Contract.”*

## **17. Travel Costs For Representatives**

- 17.1 The General Criminal Contract (Specification Part B 3.3 & 8.2.11) prevents CDS suppliers from claiming more than 45 minutes travelling time when they instruct a representative who is not an employee of the firm to provide police station advice and assistance.
- 17.2 Furthermore, paragraph 7.13.7 of the Police Station and Court Duty Solicitor Costs Assessment Manual provides that when a freelance representative is instructed, a supplier should not claim more in travelling costs and expenses than would have been incurred if an employee of the firm had undertaken the case. Therefore the travelling charged when utilising a freelance representative must be no more than if the supplier had undertaken the work in person **AND** must not exceed a maximum of 45 minutes.

## Appendix 1

### WHO CAN DO WHAT AT THE POLICE STATION?

TYPE OF WORK	DUTY SOLICITOR	ACCREDITED REP	PROBATIONARY REP	OWN SOLICITOR
Duty – accept telephone initial call from DSCC?	YES	NO*	NO*	NO*
Own – accept initial telephone call from Police?	YES	YES	YES	YES
Duty – provide initial telephone / in person advice?	YES	NO	NO	NO
Own – provide initial telephone / in person advice?	YES	YES	YES**	YES
Duty – attendance?	YES	YES***	NO	NO
Own – attendance?	YES	YES	YES**	YES

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

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

\*\*\*After Duty Solicitor has provided initial advice (telephone or in person)

## **Appendix 2**

### **Accreditation Tests**

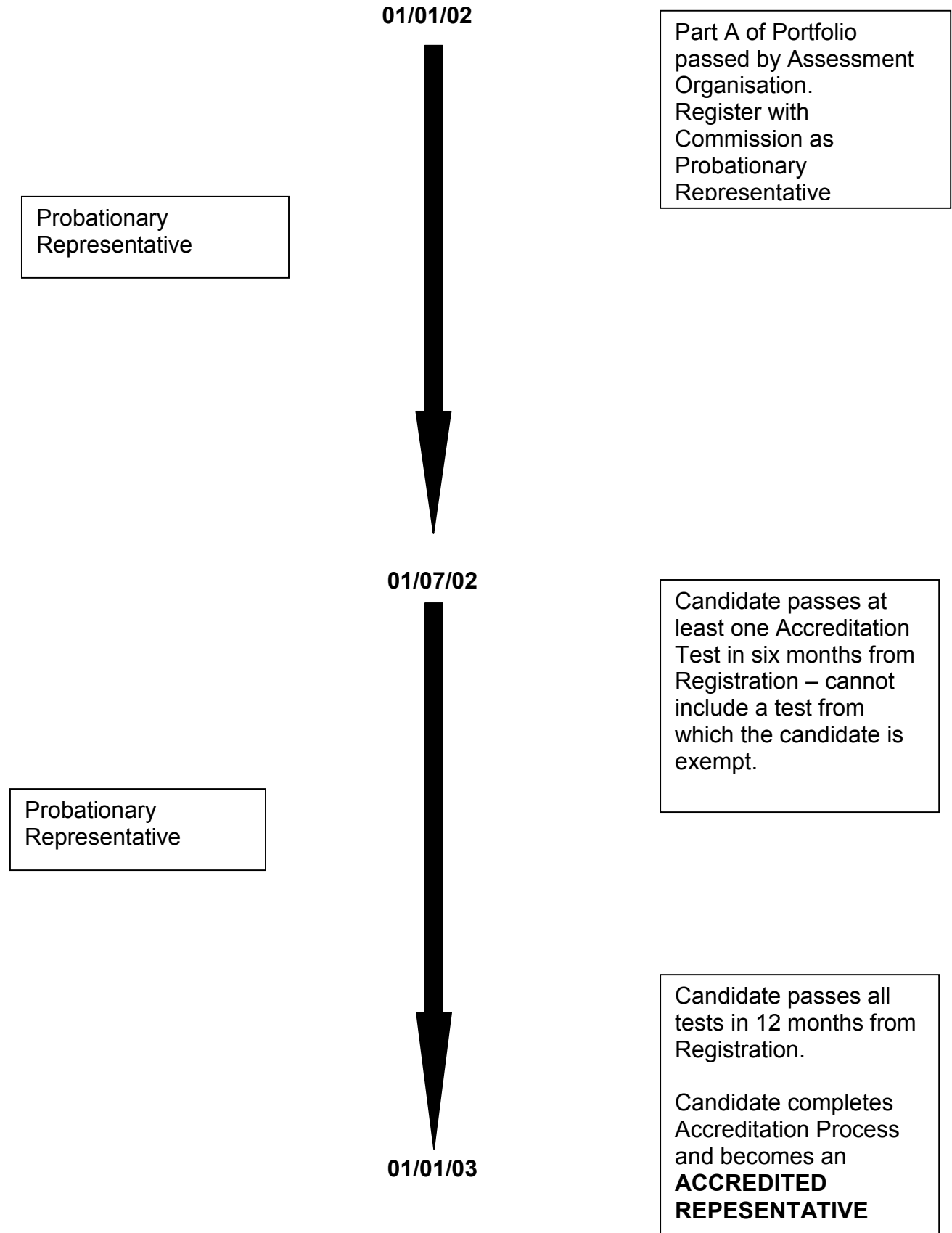
The Law Society provides comprehensive guidance on the Accreditation Test requirements on their website:

<http://lawsocietyinternetp.aspective.com/documents/downloads/panelspolicestationrepguidev12004.pdf>

## Appendix 3

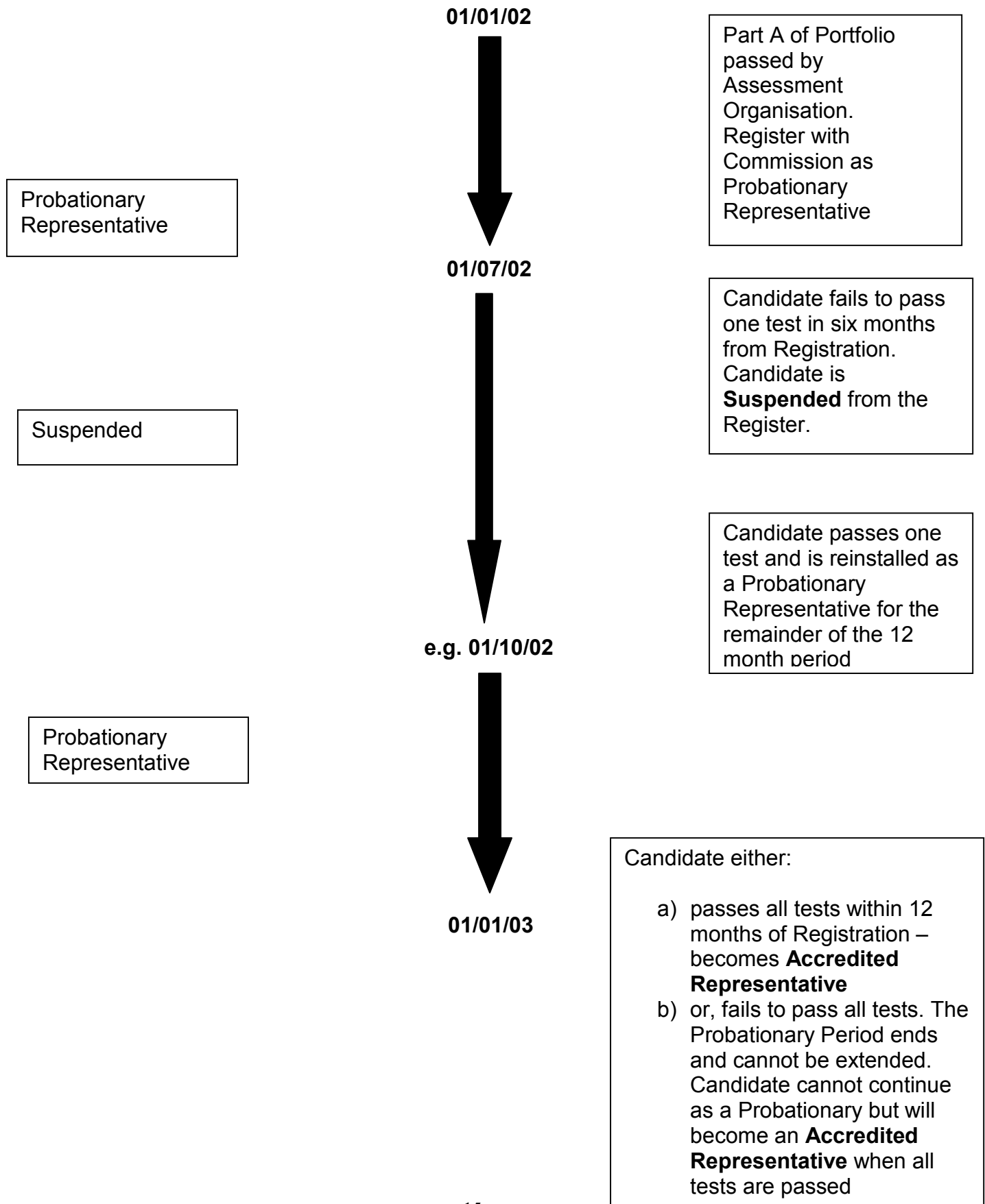
### Accreditation Process – Flowcharts

#### 1. The Accreditation Process

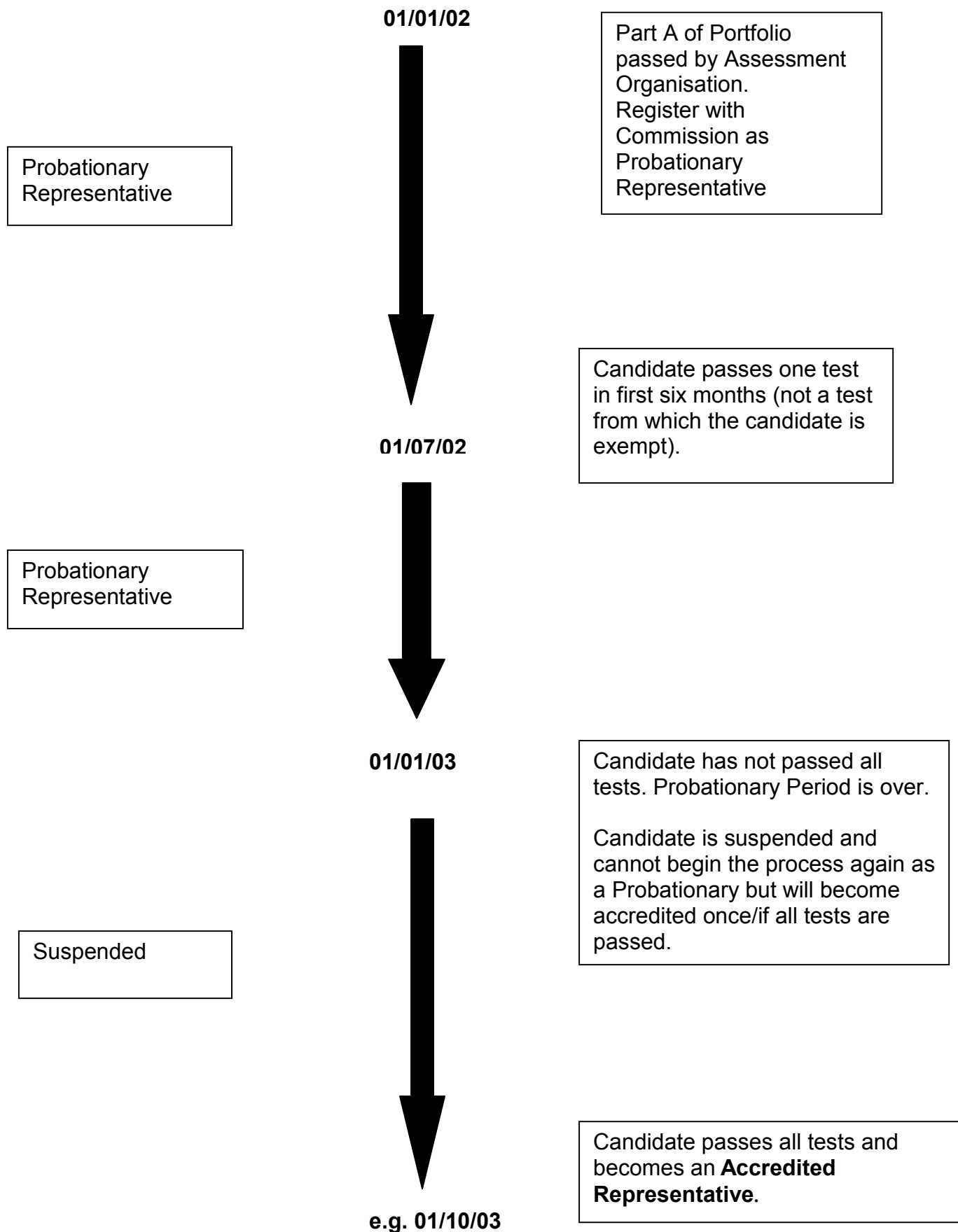


## 2. Suspension

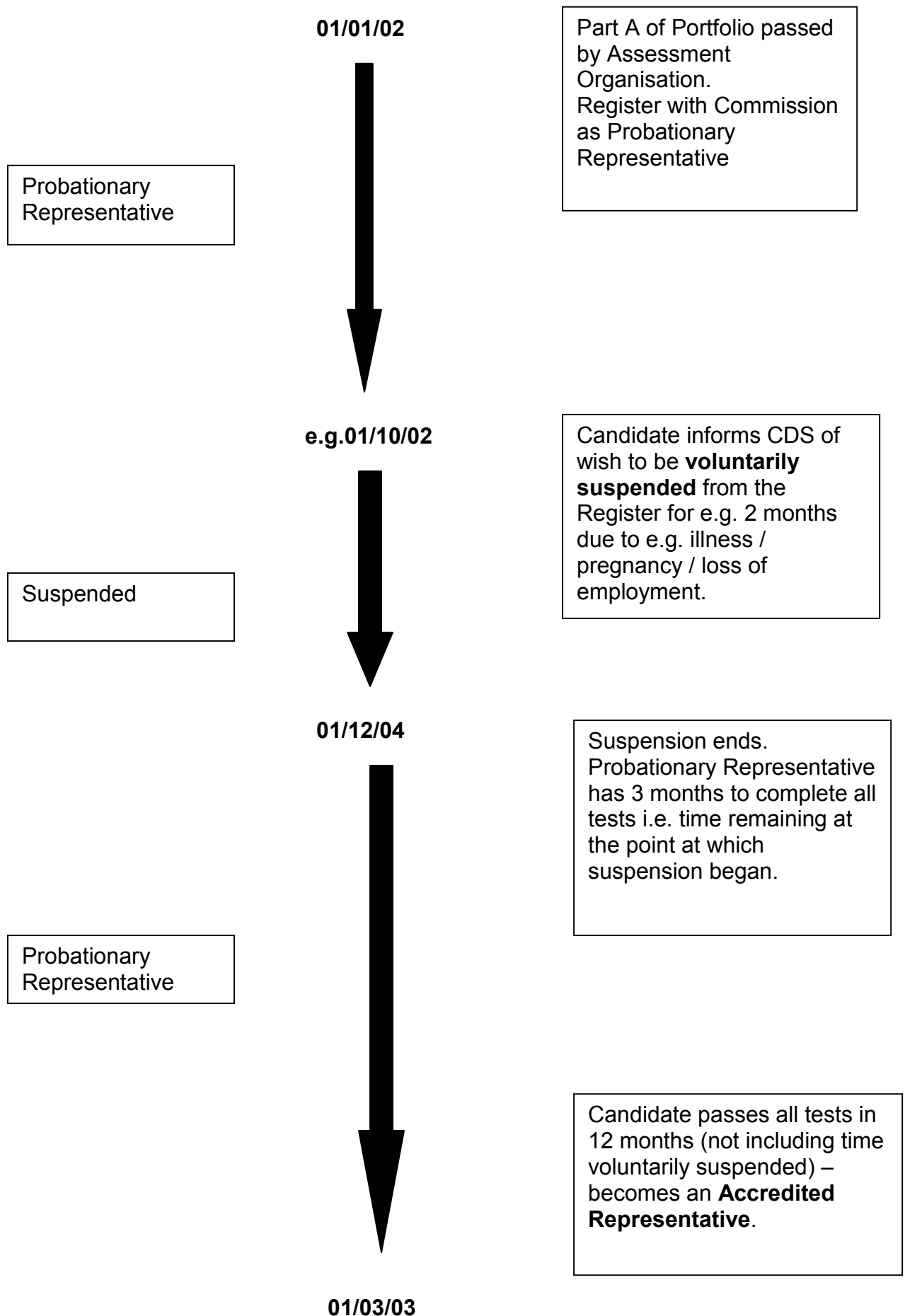
### a) Failure to pass one test in six months from Registration



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



### 3. Voluntary Suspension



## **Appendix 4 – Frequently Asked Questions**

### **I have submitted Part A of the portfolio, has a PIN been allocated?**

Once Part A of the portfolio has been submitted, it has to be assessed as passed by the testing organisation. Once this is done an application form will be sent to the Representative, who will complete and send to the PSRS. Once this has been received the PSRS, they will process within two days, and at this point a PIN number will be generated.

### **Can I fax a copy of my PS Rep application form to the CDS?**

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

Good reason could include:

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

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

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

### **What advice can a Representative give?**

A probationary Representative can provide advice on own-client cases (including the initial call & advice and attendance); they cannot provide any advice for Duty cases.

A probationary Representative cannot undertake indictable only matters (including bail backs and ID parades)

An Accredited Representative can provide advice on own-client cases (including the initial call & advice and attendance); they can also attend the police station for Duty cases (although they cannot take the initial call from the DSCC or provide initial advice).

### **Does my supervising solicitor have to be a duty solicitor?**

Your supervising solicitor should be a current PS Duty Solicitor or be acceptable to the Commission as meeting the Crime Category Supervisor

Standard. Details of this can be found in the Specialist Quality Mark Standard (page 222).

**Can I work for more than one firm?**

A fully accredited Representative can be paid for work for more than one CDS supplier (subject to limitations in Part D of the Contract Specification).  
A probationary Representative can only undertake work for the CDS supplier at which his/her supervising solicitor is based.

**What do I need to do to remain accredited?**

Undertake a minimum of 12 police station attendances per annum

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

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

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

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

**What are the rates for PS work?**

The rates, which are paid to the firm rather than the Representative directly, are contained on page 201 of the General Criminal Contract (each firm will have a copy)

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

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

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

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

If a Representative has passed tests and the PSRS have not been informed then the Representative should contact their testing organisation to advise. If

they have evidence to show a test has been passed the Representative can send a copy of a certificate to the PSRS.

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

**Does the Commission provide any financial help towards PS Accreditation?**

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

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

**I am a solicitor and would like to have duty cases referred to myself, should I become a PS Rep?**

A solicitor can join the PS scheme, but there is no requirement to do so. They can obtain the Police Station Qualification (PSQ) as part of the Criminal Litigation Accreditation Scheme (CLAS). This will enable a qualified solicitor to have duty cases referred to them by the duty solicitor. This scheme is run by the Law society (call 0870 606 2555)

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

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

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

There is no provision within the Register Arrangements to allow any extension to your probationary period.

It is the responsibility of both you and your supervising solicitor to monitor your progress in passing the relevant tests within the prescribed time frames. This includes ensuring all tests are booked with sufficient time allowed for marking in order to prevent suspension.

