

Assuring high standards in the police station: Consultation

23 September 2022

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About this consultation

We are consulting on proposals to improve our regulation of the Police Station Representatives Accreditation Scheme (PSRAS). We are keen to hear your views on our proposals.

You can find information on our PSRAS updated standards in Annex 1, our proposed PSRAS assessment guidelines in Annex 2 and our proposed PSRAS regulations in annex three. We also have an [equality impact assessment](#).

This consultation is running from 23 September to 18 November 2022.

After this consultation closes, we will issue a response setting out our final proposals and next steps in 2023.

How to respond

Online questionnaire

Our online consultation questionnaire is a convenient, flexible way to respond. You can save a partial response online and complete it later. You can download a copy of your response before you submit it.

[Start your online response now](#)

Reasonable adjustment requests and questions

We offer reasonable adjustments. [Read our policy to find out more.](#)

[Contact us](#) if you need to respond to this consultation using a different format or if you have any questions about the consultation.

Publishing responses

We will publish and attribute your response unless you request otherwise.

Background to consultation

Our proposals

- 1 We regulate solicitors and law firms in England and Wales. We are the largest regulator of legal services, covering around 90 per cent of the regulated market. We oversee some 217,000 solicitors and around 10,000 law firms.
- 2 We work to protect members of the public and support the rule of law and the administration of justice. We do this by overseeing all education and training requirements necessary to practise as a solicitor, licensing individuals and firms to practise, setting the standards of the profession and regulating and enforcing compliance against these standards.
- 3 As a public interest regulator, we are committed to making sure that the public have access to competent solicitors who meet the high standards we expect. And who reflect the backgrounds of clients they represent.
- 4 A fair justice system relies on effective advocacy, advice and representation. Without it, there is a risk of consumer detriment, miscarriages of justice and the rule of law is threatened. Wrongs may go unpunished, or clients may lose basic rights and freedoms. In either case, financial redress is inadequate.
- 5 We have already delivered changes we set out in our [2020 consultation response](#) to better assure standards including:
 - a. The introduction in spring 2021 of revised criminal and civil Higher Rights of Audience assessment standards to make sure that solicitors are assessed against the skills and knowledge required for modern day higher court practice.
 - b. Requiring that from spring 2021 only admitted solicitors, rather than trainees, can take the Higher Rights of Audience assessment. This is to make sure that individuals seeking the qualification benefit from experience and exposure to advocacy in practice before attempting the assessment.
 - c. Carrying out a [review of training records of solicitors practising in the youth courts](#). This provided us with a greater understanding of how solicitors are maintaining their skills and knowledge.
 - d. Publishing comprehensive [resources](#) to help solicitors practising criminal and civil advocacy meet the standards we require.
- 6 We outlined in our [2021- 22 business plan](#) activities to further assure the standards of criminal practice by solicitors we regulate by enhancing the delivery and assessment of the PSRAS, including acting on

[recommendations](#) made by our External Examiner. Their role is to provide independent scrutiny to:

- make sure the assessment is robust
- set at the appropriate standard, consistently delivered across the two assessment organisations
- check that there are appropriate quality assurance arrangements in place.

7 We are now consulting on minor revisions to our PSRAS arrangements including:

- a. Updating standards used to assess the competence of individuals to reflect changes in the law. And the need for police station representatives to identify and take reasonable steps to meet the needs of individuals who are vulnerable or from minority ethnic groups.
- b. Revising assessment guidelines to provide greater clarity to organisations delivering the assessment and to candidates on how the assessment should be structured, delivered, and marked.
- c. Clarifying regulations we place on assessment organisations to allow us to revoke approval or make an approval subject to conditions.

8 We are now seeking the views of stakeholders on these changes.

Assuring standards of police station representation

The Police Station Representative Accreditation Scheme

Background

- 9 Clients who are detained at the police station can be among the most vulnerable people needing legal advice. Detention and interview at the police station represents a crucial stage in the criminal justice process. The evidence collected and advice provided at the interview stage can have a significant impact on whether the client is charged and the eventual outcome at trial.
- 10 PSRAS is a compulsory qualification for solicitors and non-solicitors who provide legal advice at the police station on a legally aided basis. Practising solicitors need to complete PSRAS or the [Police Station Qualification](#) (PSQ) to claim payment for police station advice.
- 11 To gain the PSRAS qualification, individuals must pass an assessment. There are three parts:
 - submission of a portfolio
 - a practical role-play, called the Critical Incidents Test
 - a written examination.

These are currently delivered by two organisations who administer the assessment on our behalf.

Our rationale for change

- 12 A recent [report](#) by our independent External Examiner recommended we make changes to how we oversee PSRAS, including introducing:
 - a. Updated standards so that individuals are assessed against the knowledge and skills required for modern and effective police station representation.
 - b. Assessment guidelines so that there is clarity and consistency for individuals and assessment organisations on how the assessment is delivered.

- c. Regulations that enhance our oversight of PSRAS assessment organisations.
- 13 Engagement with young or vulnerable clients, and those from ethnic minority backgrounds, is fundamental to effective and competent police station representation. The [Independent Review of Criminal Legal Aid](#) (paragraph 8.39) recommended that the assessment of PSRAS should be strengthened in relation to this.

Our proposals

Updated standards

- 14 It is in the public interest that we make sure that individuals awarded the PSRAS qualification have been assessed against the knowledge and skills required for effective and modern police station representation. The assessment standards outline the required knowledge and skills. The [current standards](#) have not been updated for many years.
- 15 Our revised standards are outlined in Annex 1. We have taken the current standards and sought to improve them by:
- a. Clarifying the required Assessment Outcome, Assessment Criteria and knowledge and skills where appropriate to do so.
 - b. Making sure that the knowledge and skills required for effective police station representation are assessed.

This will help those taking the PSRAS assessment, assessment organisations and wider stakeholders to understand the standard we require. And provides greater assurances that those awarded the qualification are competent.

- 16 We have therefore restructured Part One and Part Three of the current standards to clarify the required Assessment Outcome and Assessment Criteria. In addition, we have also outlined in these sections the knowledge and skills that an individual must demonstrate. Part Two remains unchanged as our view is that this provides clarity required for candidates and assessment organisations. But we are keen to hear the views of stakeholders.
- 17 We agree that the standards require updating to strengthen the assessment of engagement skills with young or vulnerable clients, and those from ethnic minority backgrounds. We have therefore made changes to Part One to assess an individual's ability to effectively identify the needs of vulnerable clients detained at a police station and the appropriate action to be taken to meet those needs.

- 18 We also agree with the recommendation made by the independent External Examiner that the standards need to be updated to reflect recent changes in law enhancing the scope of arrestable offences. We have reflected this in Part 1 of our proposed standards.
- 19 In addition, our proposed standards will help existing solicitor police station representatives better understand the knowledge and skills they are expected to demonstrate on an ongoing basis. This will help them maintain their competence to carry out their role and keep their professional knowledge and skills up to date.
- 20 It is important that the updated standards are assessed at an appropriate level. Too high and this could result in fewer individuals obtaining the qualification. Too low and there is a public protection risk that individuals awarded PSRAS are not competent.
- 21 Our proposed standards are not intended to set a different standard to the one currently used. The existing format of the overall PSRAS assessment outlined in paragraph 11 remains the same. The updated standards simply provide greater clarity and transparency within this framework.
- 22 The updated standards have been developed with input from the External Examiner and assessment organisations. We are now seeking views from wider stakeholders on whether they reflect the knowledge and skills required for modern and effective police station practice.
- 23 Following the consultation and subject to any changes, we will publish the updated standards in early 2023. We expect existing assessment organisations to begin assessing against the updated standards from summer 2023.
- 24 We will publish information about this on our website and in our newsletter SRA Update. We will work with assessment organisations so that all stakeholders have sufficient notice of the introduction of new standards. This will help individuals and training providers prepare for and understand the content and the required assessment standard.

Question 1

Do our proposed assessment standards reflect the knowledge and skills required for effective police station representation?

Introducing new assessment guidelines

- 25 We are also proposing to introduce PSRAS assessment guidelines (Annex 2). These give assessment organisations and candidates greater clarity on the requirements of the PSRAS assessment. We have developed the assessment guidelines with input from our External Examiner and current assessment organisations.
- 26 They also help us monitor whether organisations are delivering the assessment in line with the guidelines and to the standard we expect. Assessment guidelines adopted by each organisation will help increase consistency and standardisation in the delivery of the assessment. This is fairer for candidates.
- 27 Our proposed assessment guidelines provide greater clarity on:
- a. What the assessment is and how it should be structured, delivered, and marked.
 - b. Roles and responsibilities of those involved in the administration of the assessment.
 - c. How feedback, reviews, appeals and mitigating circumstances procedures should be delivered.
- 28 We have not included in our proposed guidelines a period or number of attempts by which a candidate must complete the three assessments. There are advantages in specifying a limit as it maintains the integrity of the assessment and competence of individuals. It does this by making sure that the knowledge and skills that the candidate has accumulated from earlier assessments remains current and valid. It also helps direct a candidate's training.
- 29 Our proposed changes are designed to improve the robustness of the assessment and make sure that those awarded the PSRAS qualification are competent. Introducing a period within which the assessments must be completed, or a maximum number of attempts a candidate can have at the assessments, could act as a barrier. This could restrict the supply of police station representatives in geographic areas where the duty solicitor and police station representative market is at risk of a supply side failure. This is particularly due to the age of legal professionals currently [undertaking this work](#). In addition, feedback from our assessment providers suggest most candidates pass within three attempts.
- 30 We want to hear from stakeholders on whether they agree with our position and any other wider views on our proposed guidelines.

Question 2

Do you agree with the content of our proposed assessment guidelines?

Question 3

Do you agree with our position to not include a period or number of attempts by which a candidate must have completed the three assessments?

Enhancing our regulatory oversight of PSRAS assessment organisations

- 31 We are proposing to introduce regulations to enhance and regularise our oversight of PSRAS. Our proposed regulations (Annex 3) provide clarity to existing (and future) organisations on the requirements of our authorisation, and what action we may take where these guidelines are not met.
- 32 Existing providers can continue to deliver PSRAS assessments under their existing authorisation. There is no need to reapply.
- 33 We will consider comments from stakeholders raised in this consultation before submitting our rule changes to the Legal Services Board (LSB) for approval in early 2023.
- 34 Subject to approval of our proposed regulations by the LSB, we will also review and update our PSRAS provider authorisation terms and conditions.
- 35 We welcome comments from stakeholders on the content of our proposed regulations.

Question 4

Do you agree with the content of our proposed regulations?

Consultation questions in full

We are keen to hear your views on our proposed changes outlined in this consultation. An uninterrupted list of questions is set out below.

Question 1

Do our proposed assessment standards reflect the knowledge and skills required for effective police station representation?

Question 2

Do you agree with the content of our proposed assessment guidelines?

Question 3

Do you agree with our position to not include a period or number of attempts by which a candidate must have completed the three assessments?

Question 4

Do you agree with the content of our proposed PSRAS regulations?

Question 5

Do you agree with the conclusions in our equality impact assessment?

Question 6

Do you have any information about the impact of our proposals on any other groups?