



Assuring high standards in the police station

Consultation response

March 2023

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About this response

This is our response to our assuring high standards in the police station consultation. We proposed minor revisions to improve the delivery and assessment of the Police Station Representative Accreditation Scheme (PSRAS).

Our proposals included:

- Updating the content of the standards used to assess the competence of individuals so they reflect changes in the law. And the knowledge and skills required for effective and contemporary police station representation. For example, engaging with vulnerable clients.
- Introducing assessment guidelines to clarify to assessment organisations and candidates how the assessment should be structured, delivered, and marked. The guidelines also standardise the assessment across each organisation and help us monitor whether delivery is in line with the required standard.
- Introducing regulations to enhance and regularise our oversight of the PSRAS. The regulations outline the requirements of our authorisation. And what action we may take if the assessment is not delivered in line with our assessment guidelines.

Our proposals reflect our commitment, in the public interest, to assessing the competence of those who represent clients in the police station. This is important because those who are detained 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 can have a significant impact on whether the client is charged and the eventual outcome at trial.

This document outlines stakeholder responses to the proposals, our final policy position and how we will mitigate any risks we have identified with implementation. We also include a list of respondents. We will also publish their full response where they have given us permission.

Executive summary

There was broad support for our proposals. Respondents agreed with the rationale and content for updating assessment standards to better assess the skills and knowledge required for engaging with vulnerable clients. They also agreed with the content of our assessment guidelines.

There was support for our consultation position to not include a period or number of attempts by which a candidate must have completed the three assessments. It was felt this could act as a barrier to individuals obtaining the qualification.

It was suggested that further clarity was required on eligibility of exemptions from the assessment. Respondents agreed with the content of our PSRAS regulations.

We suggested in our consultation and [equality impact assessment](#) that costs were unlikely to increase significantly due to updating the standards and introducing assessment guidelines. Such an increase could disincentivise individuals from obtaining the qualification and reduce access to police station representation.

We engaged with the two assessment organisations who deliver the exam on our behalf during the consultation to understand any cost impact. They have confirmed that implementing our proposals will not lead to a significant increase in cost. This is because the updated standards can be incorporated without fundamentally changing the current assessment framework. And that the exam is already delivered by organisations in line with the majority of our revised assessment guidelines.

Consultation respondents also agreed with our other findings in our equality impact assessment. No additional impacts were identified.

Having analysed responses and considered our equality impact work, we will:

- publish updated standards in April 2023. Existing assessment organisations to begin assessing against them from September 2023
- introduce assessment guidelines. These will also publish in April 2023 and existing assessment organisations will deliver the assessment in line with them from September 2023. We will clarify the position on exemptions
- not introduce, at this stage, any time or attempt limits in which the PSRAS qualification needs to be taken
- submit our application to the Legal Services Board for formal approval of our regulations in spring 2023. Subject to approval, we will introduce the rules in summer 2023.

Background

The 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](#) as part of the [Criminal Litigation Accreditation Scheme](#). This is managed by the Law Society to claim payment for police station advice. Two organisations currently deliver the assessment on our behalf.

To gain the PSRAS qualification, individuals must pass an assessment which has three parts:

1. Submission of a portfolio
2. Practical role-play, called the Critical Incidents Test
3. Written examination.

We appoint an External Examiner to quality assure delivery of the assessment. 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 the assessment organisations have appropriate quality assurance arrangements in place.

Who we heard from

The consultation ran from 23 September until 18 November 2022. We also published an equality impact assessment.

We promoted it through a range of communication channels, including social media and our SRA Update newsletter targeted at the individuals and firms we regulate. We also engaged with a wide range of stakeholders during the consultation, for example, the Legal Aid Agency.

We received six responses in total including:

- the Law Society¹
- Liverpool Law Society
- a solicitor
- a trainee solicitor

Two responses did not indicate their status.

We are grateful to everyone who took the time to respond to our consultation. We have reviewed and considered each response in developing our final policy positions

¹ The Law Society's comments are from its Accreditation Team not by its Criminal Law Committee

Our final positions

In this section we outline:

- each consultation proposal
- a summary of the responses we received
- our final policy position
- our next steps
- how we will mitigate implementation risks.

Consultation question 1: Do our proposed assessment standards reflect the knowledge and skills required for effective police station representation?

Our proposals

We proposed updated standards to:

1. Clarify the required Assessment Outcome, Assessment Criteria and knowledge and skills an individual must demonstrate.
2. Make sure that the knowledge and skills required for effective police station representation are assessed. This included strengthening the assessment of engagement skills with young or vulnerable clients, and those from ethnic minority backgrounds.
3. Reflect amendments to Part One of the standards as outlined in our [External Examiner's Annual Report](#).

Summary of responses

Three respondents agreed with our proposals. The trainee solicitor recognised that the content of the standards could help some police station representatives keep their knowledge and skills up to date. Three respondents did not offer a view on the standards.

Our position and next steps

Updating the [standards](#) as proposed to place a greater focus on the skills needed to engage and represent vulnerable clients and those from diverse backgrounds.

Our approach also provides greater assurances to the public (and wider stakeholders) that individuals have the necessary skills and knowledge to represent them effectively. This could increase public confidence in the scheme and individual police station representatives.

Solicitor police station representatives must maintain their competence to carry out their role and keep their professional knowledge and skills up to date. We encourage all police station representatives to use the standards to help identify whether they require any learning and development.

The current fee for all three PSRAS qualification assessments (not including training) is around £590 plus VAT. We engaged with existing assessment providers in developing the assessment guidelines.

Both assessment organisations and the External Examiner have confirmed implementing the assessment standards and guidelines will not significantly increase delivery costs. This is because current delivery can accommodate the assessment of the updated standards

without fundamental changes to the assessment framework. Introducing updated standards will not introduce a barrier to individuals seeking the qualification.

There is a small risk that individuals and training providers may not be aware of the updated standards and may not have sufficient time to incorporate any changes. We will publish the updated standards in April 2023. However existing assessment organisations will begin assessing against them from September 2023.

We will publish information about the updated standards on our website and through our SRA Update newsletter to solicitors and firms. This will help individuals and training providers prepare for and understand the content and the required assessment standard.

We will also work with the Legal Aid Agency and Law Society to raise awareness. We will publish information for the public to help them better understand the standard required of police station representatives.

The updated standards are not intended to set a different standard to the one currently used. The existing format of the PSRAS assessment will remain the same.

Consultation question 2: Do you agree with the content of our proposed assessment guidelines?

Our proposals

We proposed introducing guidelines to give assessment organisations and candidates greater clarity on the structure and administration of the assessment including:

- what the assessment involves and how it should be structured, delivered, and marked
- roles and responsibilities of those involved in the administration of the assessment
- how feedback, reviews, appeals and mitigating circumstances procedures should be delivered.

The guidelines were developed with input from our External Examiner and organisations delivering the assessment.

Summary of responses

Two respondents agreed with the content of proposed assessment guidelines. No additional comments were made. Two respondents were neutral.

One respondent disagreed because they felt the assessment guidelines could impact on older and candidates from ethnic minority backgrounds. Their response did not provide any specific details on how the guidelines may impact on such candidates.

The Law Society called for more clarity on the proposed assessment guidelines including:

- the written element exemption position relating to those who have passed the Legal Practice Course (LPC) or SQE1 (the first part of the Solicitors Qualifying Examination (SQE)). Our guidelines proposed that individuals who have passed SQE1 would not be exempt.
- whether reasonable adjustments are available for candidates for the Critical Incidents Test.

Our position and next steps

We have reviewed the [assessment guidelines](#) to identify any unintentional impact on older and ethnic minority candidates. This has included input from our External Examiner.

We have not identified any unintentional or negative impacts. We can also confirm that current assessment organisations have in place a policy for considering and making reasonable adjustments for disabled candidates. This includes the Critical Incident Test.

Implementation of our assessment guidelines will not significantly increase the cost of the assessment and create a barrier to individuals looking to obtain the qualification.

As proposed in our assessment guidelines, we will not grant exemption from the written exam on the basis that a candidate has passed the SQE in full or part. Clients, in whose interest PSRAS operates, will be better protected if candidates demonstrate they have the knowledge and skills required when they obtain the qualification. There is no compulsory preparatory course.

The cost to individuals who are exempt from the written element is around £415 plus VAT, compared to the cost of £590 plus VAT to take all three assessments. A difference of £175. While we recognise that cost may be a concern for some candidates, we do not believe candidates will be deterred if they must pay the full fee.

We recognise that, currently, candidates who have passed the LPC are likely to have a legitimate expectation that they will be exempt from the written exam. This is because the course includes representing clients in the police station.

This exemption also applies to those who has passed the Bar Vocational Course/Bar Professional Training Course. And Chartered Institute of Legal Executives level 6 professional Higher Diploma in Law.

As part of our commitment to strengthen the PSRAS in the public interest, we will review whether exemptions should continue to be available for such candidates. We will consult if we propose to change the current approach.

We will implement the new guidelines and publish them in April 2023. Assessment organisations will deliver the assessment in line with these from September 2023.

We will monitor implementation of the assessment standards and any unintended consequences. We will do this through our internal quality assurance arrangements and our External Examiner.

Consultation 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?

Our proposals

We did not include in our guidelines a period or number of attempts by which a candidate must complete the portfolio, Critical Incident Test, and written examination.

The recent [Independent Criminal Legal Aid Review](#) identified several geographic areas where the duty solicitor market is at risk of a supply side failure. This is particularly due to the age of legal professionals and changing patterns of habitation.

Introducing a period within which assessment must be completed, or a maximum number of attempts, could restrict individuals obtaining the PSRAS qualification. This could further reduce the supply of police station representatives and negatively impact on access to justice.

Summary of responses

Three respondents agreed with our consultation position. One respondent disagreed with our position as they felt that unlimited time or attempts to pass the qualification could reduce the standard of police station representation. However, in their response, they also recognised that the introduction of a limit could restrict the supply of police station representatives. The two others did not offer a view on this question.

Our position and next steps

We recognise that introducing a limit could help maintain the integrity of the assessment and competence of individuals by making sure knowledge and skills are current.

However, we recognise the fragility of police station representative supply market as outlined in the Criminal Legal Aid Review. Our objective is to improve the consistency and standardisation of the PSRAS assessment and assure the competence of individuals without adversely affecting supply or access to justice.

Our proposals should achieve this balance. We will update and strengthen the scheme to better assure the competence of those awarded the qualification through revised standards, without introducing additional barriers that would limit the opportunities of candidates to demonstrate their competence.

Our assessment guidelines will not limit the time within which candidate must pass the assessment or the number of attempts they can have to do so.

We will review our position regularly to identify any unintended consequences on the assessment integrity and standard or on the police station representative supply market. We do this through our internal quality assurance arrangements, our External Examiner, collaborating with existing assessment organisations and wider stakeholders.

Consultation question 4: Do you agree with the content of our proposed regulations?

Our proposals

We proposed introducing regulations to enhance and regularise our oversight of the PSRAS. The regulations provide clarity for assessment organisations on the requirements of our authorisation. And outline what action we may take if the assessment is not delivered in line with our assessment guidelines.

We also said that existing providers could continue to deliver the PSRAS assessment under their existing authorisation and did not need to reapply. Existing providers will be subject to our ongoing monitoring requirements.

Summary of responses

Three respondents agreed with our proposed regulations. No respondents disagreed.

Our position and next steps

We will proceed with the introduction of our PSRAS regulations to strengthen the assessment arrangements.

Individuals, as well as existing and future and assessment providers, should benefit from increased clarity and confidence on the requirements of our authorisation. And what action we may take where the performance of a provider does not meet our requirements.

We will submit our application to the Legal Services Board for formal approval of our regulations in spring 2023. Subject to approval, we will introduce the rules in summer 2023.

We will also review and update our PSRAS provider authorisation terms and conditions to make sure they are consistent with our regulations and assessment guidelines.

We will use our existing communication channels to raise awareness of the introduction of the regulations. We engage with existing providers to share our thinking on revised authorisation terms and conditions.

Consultation question 5: Do you agree with the conclusions in our equality impact assessment

Consultation question 6: Do you have any information about the impact of our proposals on any other groups?

Our proposals

We published an equality impact assessment to support our consultation. We identified positive impacts of implementing each proposal to the public, individuals looking to obtain the PSRAS qualification, solicitors and firms we regulate. And the supply of police station representatives.

We also explored the risk that introducing updated standards to strengthen the assessment of engagement skills with vulnerable clients. And increasing the scope of law that is assessed could increase assessment costs.

A significant increase could deter some individuals from seeking the qualification and negatively impact on the supply of future police station representatives.

Our analysis also suggested that a notable cost increase could have an impact on smaller firms and sole practitioners. This is who our data suggests are more likely to carry out this type of work.

However, our initial analysis showed that a significant increase in the cost of the assessment was unlikely. This is because our proposed changes to the assessment standards can be incorporated without fundamentally changing the current framework. In addition, the assessment is already delivered by organisations in line with the majority of our revised guidelines.

We also assessed the impact of each proposal on individuals from protected characteristic groups. We did not identify any disproportionate or negative impact on individuals.

We said we would use the consultation to seek views on our equality impact assessment. This was alongside ongoing engagement with existing assessment organisations and wider stakeholders.

Summary of responses

Two respondents agreed with the findings in our equality impact assessment. One respondent disagreed with our proposals, based on a misunderstanding that we were proposing to require accredited police station representatives to be re-accredited. The three remaining respondents did not express a view.

No respondents identified any additional impacts or risks of implementing our proposals.

Our position and next steps

The consultation and our ongoing analysis did not identify any additional negative or disproportionate impacts on individuals because of their protected characteristic groups. Reasonable adjustments will continue to be made for disabled candidates.

We said in our initial equality impact assessment that we would publish a final one following the consultation. Given that the consultation has not raised any additional issues, we have instead updated our analysis in this document. We have however assessed our final proposals against our Regulatory Objectives and Better Regulation Principles.

We will monitor the impact of our proposals to identify and understand any unintentional impacts on implementation.

We will work with existing assessment organisations to regularly assess the number of individuals taking the PSRAS qualification. If there has been a decrease, we will explore whether this is a result of our changes and consider what we can do to address this.

Our External Examiner will also monitor that the standards are assessed to the appropriate level and that delivery is in line with our requirements. Their findings will be included in their annual monitoring review.

Assessment against Better Regulation, Principles, Regulatory Objectives and protected characteristic groups in the 2010 Equality Act

We have assessed our proposals against the Better Regulation Principles Regulatory Objectives and protected characteristic groups outlined in the 2010 Equality Act.

We have identified in our consultation response how we will mitigate any risks we have identified in our analysis.

Better Regulation Principles

We have analysed our proposals against the Better Regulation Principles.

Regulatory Objective	Impact
Protecting and promoting the public interest	Our measures will protect the public by making sure that individuals awarded the PSRAS qualification have the required knowledge, skills, and behaviours for effective police station representation.
Supporting the constitutional principle of the rule of law	Effective police station representation supports the rule of law.
Improving access to justice	<p>We will not implement at this stage a limit on when individuals must complete the PSRAS assessments. Our proposals do not significantly increase the cost of the assessment.</p> <p>There is no data to suggest that our measures will reduce the supply of police station representatives, so our impact is likely to be neutral.</p>
Protecting and promoting the interests of consumers	<p>Our policy is designed to make sure that police station representatives meet the standards we and the public expect.</p> <p>The PSRAS protects the public from detriment through poor representation, for which there may be no financial redress.</p>
Promoting competition in the provision of services	<p>Our measures should not materially affect the supply of police station representatives. We will keep the impact under review.</p> <p>Our guidelines and regulations provide clarity to existing and new assessment providers on authorisation and the required standard for the exam. This could encourage more individuals to provide police station advice and new providers to deliver the assessment.</p>
Encouraging an independent, strong, diverse, and effective legal profession	<p>There is no evidence at this stage to suggest that our changes will reduce or restrict the supply of police station representatives.</p> <p>Updated standards are not intended to set a different assessment standard to the one currently used or make it more difficult to obtain the qualification.</p> <p>The standards define more precisely the competencies needed for safe and effective police station representation practice and how they will be assessed. This clarity could increase the number of individuals looking to</p>

	obtain PSRAS accreditation, for example, greater clarity over the skills required.
Increasing public understanding of the citizen's legal rights and duties	<p>Introducing revised standards and guidelines provides greater assurances to the public (and wider stakeholders) that those with PSRAS accreditation have the necessary skills and knowledge.</p> <p>This could increase public confidence in the scheme and increase understanding of what to expect from a police station representative.</p>

Regulatory Objectives

We have also analysed our proposals against our Regulatory Objectives. Our analysis indicates that implementation is consistent with their aims.

Regulatory objective	Impact
Proportionate	<p>Our measures are a proportionate regulatory response.</p> <p>We have considered the available evidence on how we can best assure standards without restricting the supply of police station representatives. And without placing unnecessary burdens on assessment organisations.</p>
Accountable	We have considered the consultation responses in making our decisions. Key stakeholders have been involved during the development of our approach.
Consistent	Our approach is consistent with our wider approach to assuring standards through robust assessment delivery.
Transparent	We have engaged with assessment organisations, representative groups, and the Legal Aid Agency to develop our proposals.
Targeted	Our proposals are targeted at assuring the standards of police station representatives. They only directly impact on individuals looking to obtain the PSRAS qualification, PSRAS training and assessment organisations.

Impact of our final positions on the Equality Act 2010

We published an initial equality impact assessment with our consultation. We have updated our analysis in this document to reflect comments raised from the consultation.

Our analysis and the consultation does not suggest that implementing our changes will have a differential impact on individuals who have the following protected characteristic groups:

- a. Age
- b. Disability
- c. Marriage and civil partnership
- d. Pregnancy and maternity
- e. Race
- f. Religion or belief
- g. Sexual orientation

We did find that there are slightly more females (51 per cent) undertaking police station work than females within the wider solicitors' profession (48 per cent). Given the small percentage difference, we do not consider that introducing our proposals will have a disproportionate impact on this group.

We will monitor of implementation of our proposals to identify any unintentional or negative impacts.