



# CRITERIA AND GUIDANCE NOTES FOR APIL'S CORPORATE ACCREDITATION SCHEME FOR SOLICITORS' PRACTICES

## INTRODUCTION

From the standpoint of the client, going to an organisation that holds itself out as being 'Accredited Personal Injury Lawyers' should mean that the client would find at that office individuals with expertise and experience, and that their matter would be handled by, or under the supervision of, such experts.

Accordingly, an accredited organisation or office should be a place where a potential client can find a well-qualified personal injury lawyer. It should not be a point from which the client is referred elsewhere. Whilst accreditation is of the organisation, rather than an individual, a prime requirement for accreditation concerns the qualifications of the individuals who will provide the service to the client.

The accredited organisation must be an office open to the public, where an accredited lawyer can be consulted. For the purposes of the scheme, litigators, senior litigators, fellows and senior fellows are regarded as accredited members. Only senior litigators, fellows and senior fellows are eligible to publicise their accredited membership level.

A telephone advice or referral organisation is not eligible to become an accredited organisation.

Accreditation is by individual office. In many cases, the firm and the office will be the same. However, where a firm has more than one office, only those offices that meet the accreditation criteria may hold themselves out as 'Accredited Personal Injury Lawyers'.

Accreditation is for a period of three years. Within the period of accreditation, the accredited organisation is required to confirm annually, to APIL, that it continues to meet the accreditation criteria.

There is a strong synergy between these criteria and the standards of the Law Society's Lexcel scheme. It is likely that a firm which has achieved Lexcel accreditation will have little difficulty in meeting these criteria.

## CRITERIA FOR ACCREDITATION

There are seven criteria for accreditation:

- The organisation
- Individual accredited status
- Client care
- Training and development
- Supervision
- Quality assurance
- Monitoring

In respect of each criterion, a short note of commentary and guidance is provided. This is followed by a statement of evidence that must be available to demonstrate that the criterion is satisfied.



## **CRITERION 1: THE ORGANISATION**

**The accredited organisation must be a solicitors' practice, or an individual office of such a practice.**

### COMMENTARY AND GUIDANCE

Solicitors are subject to statutory rules and requirements of professional conduct. In particular, solicitors are required to hold professional indemnity cover, and contribute to a compensation scheme that protects client monies.

Accreditation is of legal practices only. Thus it must be demonstrated that the organisation is subject fully to the appropriate rules of legal professional conduct.

Personal injury claims can involve substantial sums of money. Thus adequate indemnity and compensation arrangements must be in place to protect the client.

'Solicitors' practice' includes sole practitioners, partnerships, limited liability partnerships, partnerships between solicitors and registered foreign lawyers, and such other forms of practice offering services to the public as may be permitted by the rules of the Solicitors Regulation Authority.

### EVIDENCE

The following evidence must be available:

The organisation is listed on the register of firms of solicitors maintained by the Solicitors Regulation Authority

The organisation or office is listed by the Solicitors Regulation Authority as the practising address of those solicitors who are the accredited members named in the application for accreditation


## **CRITERION 2: INDIVIDUAL ACCREDITED STATUS**

**The accredited organisation or office must have at least one individual who is accredited as a senior litigator (or higher) for every ten fee earners, and who has personal responsibility for the supervision and management of personal injury work conducted in the organisation.**

### COMMENTARY AND GUIDANCE

This criterion ensures that each organisation or office that is accredited has within it one or more individuals who are in positions of authority, hold the appropriate level of personal injury qualification, and have responsibility for the supervision of personal injury work. A person who holds the senior litigator qualification, but no longer has responsibility for personal injury work, does not satisfy this criterion. Where a practice provides personal injury services through more than one office, each accredited office must have a senior litigator (or higher), based in that office, who must be responsible for the personal injury work carried out within it.

For the purposes of the scheme, litigators, senior litigators, fellows and senior fellows are regarded as accredited members, but only senior litigators and above are eligible to carry out the supervision responsibilities of this criterion.



In addition to accredited membership, APIL has three non-accredited membership levels, open to students, paralegals and practitioners, who subscribe to the APIL code of conduct and consumer charter.

APIL competence and experience based criteria have been applied to the four accredited levels – litigator, senior litigator, fellow and senior fellow. These too are required to subscribe to the APIL code of conduct and consumer charter.

#### EVIDENCE

The following evidence must be available:

The organisation or office seeking accreditation must have within it at least one person who is accredited as a senior litigator (or higher) for every ten fee earners and who has personal responsibility for the supervision and management of personal injury work carried out in the organisation or office.

### **CRITERION 3: CLIENT CARE**

**The accredited organisation or office maintains high standards of client care.**

#### COMMENTARY AND GUIDANCE

Complaints about legal services are often concerned with customer service. The credibility of a national accreditation scheme will depend on customer perceptions of how they are treated, as well as on the technical quality of the legal work undertaken. Firms of solicitors are subject to the requirements of the Solicitors Regulation Authority with respect to client care. This criterion is intended to ensure that accredited organisations maintain standards of client care over and above the minimum expected by professional regulations. See also the criterion of training and development. Firms are expected to offer a free half hour initial consultation to members of the public.

#### EVIDENCE

The following evidence must be available:

- Every accredited member within the organisation has signed an undertaking to abide by the APIL code of conduct
- Every accredited member within the organisation has signed an undertaking to abide by the APIL consumer charter
- Training in customer care is provided to all staff with 'first point of contact' responsibilities, including telephonists and receptionists, and this is recorded in training logs

### **CRITERION 4: TRAINING AND DEVELOPMENT**

**The accredited organisation or office ensures that all of its accredited members and other staff are provided with training and development opportunities to enable them to keep up- to-date, to develop their skills and knowledge, and to meet the needs of clients.**

#### COMMENTARY AND GUIDANCE

Personal injury law, being litigation based, gives rise to a significant number of leading cases that set precedents, and are subject to frequent changes of statutory and procedural law, of which all practitioners



should be aware. An accredited organisation or office has a particular responsibility to ensure that all fee earning staff are fully up-to-date.

Relevant journals or texts for keeping up-to-date include the Journal of Personal Injury Law, Kemp & Kemp, Butterworths Lexis Nexis Direct, PI Focus, PIQR and Lawtel. Where texts and journals are available in electronic format, it is acceptable for them to be held by the firm in that way, so long as the licence to use the electronic format enables reasonable access by all fee earners.

Client care courses should have regard to the responsibilities of individuals. For accredited members who are primarily fee earners, courses oriented towards the personal handling of relations with clients will usually be appropriate. For persons with managerial responsibilities, courses addressing the overall management of client relations and the development of a client care culture within the organisation or office may be appropriate.

#### EVIDENCE

The following evidence must be available:

- All accredited members undertake a minimum of 16 hours APIL accredited personal injury training annually, including attendance on at least one APIL accredited personal injury update course lasting six hours or the equivalent in individual sessions. Personal injury update training must cover the very latest in the four key areas of procedure, quantum, liability and funding
- All accredited members devote a minimum of three hours per month to reading current and relevant case reports
- All accredited members should attend a training course, or take part in developmental activity, designed to maintain and enhance client care, at least once every five years<sup>1</sup>
- Senior litigators and above may claim double hours for delivering training
- Fellows and senior fellows may claim double hours for writing published articles and books
- All APIL accredited members keep a record of their personal injury training, which includes course attendance, reading, writing and delivering<sup>2</sup>
- The organisation subscribes to recognised PI publications as recommended above and makes these publications available to all fee earning staff
- The organisation manages the workload of fee earning staff so as to provide for time to be spent on reading current and relevant case reports

#### **CRITERION 5: SUPERVISION – ON A DAY-TO-DAY BASIS**


**The accredited organisation or office has effective arrangements for the supervision of all lawyers undertaking personal injury work.**

#### COMMENTARY AND GUIDANCE

Effective supervision involves the provision of advice on and authorisation of important steps in litigation, as well as more general responsibilities for the management of a team. Supervision includes the provision of mentoring and appraisal, and the identification and meeting of training needs.

<sup>1</sup>APIL is able to provide details of appropriate courses accredited by it. In addition, relevant courses may be offered by local business organisations, such as Chambers of Commerce, or local colleges. Developmental activities could include work undertaken by a firm in competing for a local or national award in customer care.

<sup>2</sup>Please see individual accreditation criteria for what may count towards APIL's 16 CPD hour requirement.



Effective supervision depends on the skills of the supervisor (which should be developed through training), on properly documented procedures, and on the span of supervisory control.

Within an accredited organisation or office, a supervisor should always be of a higher membership category than the persons supervised; save that there is no requirement within the corporate accreditation scheme for the work of a senior litigator (or above) to be supervised. However, within the staffing structure of an organisation or office it may well be the case that a senior litigator reports to a more senior colleague. Similarly, where an organisation or office has a number of persons accredited as senior litigators or above, one such person may well exercise managerial responsibilities in respect of the others.

#### EVIDENCE

The following evidence must be available:

- Fellows are responsible for the personal supervision of no more than ten senior litigators
- Senior litigators are responsible for the personal supervision of no more than ten litigators
- Litigators are responsible for the personal supervision of no more than ten other support staff
- Adequate training in supervision and management is provided to all litigators, senior litigators and fellows with supervisory responsibilities.

### **CRITERION 6: QUALITY ASSURANCE**

**The accredited organisation or office has in place effective arrangements to assure the quality of its legal work.**

#### COMMENTARY AND GUIDANCE

Quality assurance depends in part on properly documented processes that are fit for the purpose of progressing matters through the stages of litigation in a timely manner. It depends in part on peer review processes, which enable more than one opinion to be brought to bear on a difficult or unusual case. Seeking a second opinion within the organisation on a difficult point should be seen as normal professional good practice, and not an indication of weakness.

In an organisation with several accredited members, peer review is likely to be built into formal mechanisms of internal case review. A sole practitioner should be able to demonstrate that he or she has developed means of seeking views from qualified persons elsewhere, when this is necessary.

The requirement for a “documented process” may be met, in whole or in part, by a computerised case management system. There is a range of such systems on the market, and the nature of individual systems, and the extent to which they have been customised to the requirements of the firm, will dictate the appropriate balance between hard copy (printed) procedure manuals and electronic systems. The test of adequacy of an individual arrangement will be the extent to which all fee earners can access all of the information they require to progress a matter in accordance with the case management policies of the firm.

The quality assurance procedures of a firm should be apparent from the way in which files are managed. Specifically:

- There should be a system whereby a small, random sample of the files of all fee earners is selected for peer or supervisor review, on a periodic basis.
- There should be a system whereby the progress of a matter is reviewed at key stages, such as offer received, offer made, no movement within a specified period, proximity to a limitation date, prior to issue of proceedings.

- Properly documented procedures are in place for the authorisation of key steps in litigation.

A sole practitioner should be able to demonstrate that he or she has arrangements for a small, random sample of files to be reviewed periodically, for example by an employed fee earner within the practice, or by a consultant.

#### EVIDENCE

The following evidence must be available:

- The organisation or office has properly documented processes for progressing matters through the stages of litigation, in a timely manner
- The organisation or office has arrangements in place, which enable a second opinion to be brought to bear on a matter, where this is appropriate
- The organisation or office has arrangements in place for files to be reviewed at key stages, and for a small random sample of all files to be reviewed periodically
- Properly documented procedures are in place for the authorisation of key steps in litigation

### **CRITERION 7: MONITORING**

**The organisation or office submits to monitoring of its performance by APIL.**

#### COMMENTARY AND GUIDANCE

The credibility of a monitoring scheme depends on monitoring of compliance with its requirements. APIL will therefore monitor all aspects of the scheme.

APIL will continue to monitor training logs. For accredited organisations this will be done on a firm, as well as an individual basis. Firms will be encouraged to make electronic returns, so as to eliminate the cost of paper handling.

APIL will monitor standards of client care, at the point of initial contact, through the use of the “mystery shopper” technique, whereby telephone or personal callers posing as potential clients assess to what extent the organisation adopts a client friendly approach. Feedback will be provided to organisations so monitored.

APIL will accept complaints from clients of accredited organisations. Any emerging pattern of complaints will be discussed with the organisation concerned, and could lead to withdrawal of accredited status.

#### EVIDENCE

The following evidence must be available:

- An undertaking from a duly authorised officer of the organisation or office that it will cooperate fully with APIL monitoring.