

Magistrates Court Qualification
[MCQ]

REGULATIONS
2026

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Introduction

The Law Society's Criminal Litigation Accreditation Scheme (CLAS) enables solicitors to apply for inclusion on local duty solicitor rotas under the LAA's Criminal Defence Service Duty Solicitor Arrangements 2001.

Only Solicitors, Barristers, Fellows of the Institute of Executives (FILEX) or European lawyers (registered with the SRA under the Establishment of Lawyers Directive 98/5/EC) can become members of CLAS.

To attain membership of the CLAS candidates must:

- Pass the Police Station Representatives Accreditation Scheme (PSRAS) OR the Police Station Qualification (PSQ)
- Pass the Magistrates Court Qualification (MCQ)

Candidates intending to join a duty solicitor panel will be expected to pass both the PSQ and the MCQ assessments and apply for membership of the CLAS within three years. PSQ and MCQ may be undertaken in any order, or simultaneously.

These notes for guidance have been prepared to assist candidates undertaking the MCQ through Datalaw. They set out the rules candidates must follow if they are to successfully complete the accreditation process.

Datalaw can offer guidance and assistance via email and over the telephone. **However, if a candidate has clearly not read the Regulations document, they will be referred to this in the first instance**. Datalaw staff can not advise on matters regarding the law; any such queries should be directed to the candidate's firm.

Candidates are strongly advised to read and become familiar with these Regulations before undertaking any assessments.

It is the sole responsibility of the candidate to ensure that they comply with all relevant rules and requirements relating to Magistrates Court practice and the accreditation process. Datalaw accepts no liability for the actions of persons who take or refrain from taking any action on the basis of the content of these notes.

Section One
The Assessment Organisation

Datalaw is an assessment organisation which is authorised by The Law Society to provide the MCQ.

Datalaw, in common with all Assessment Organisations, operates the accreditation scheme in accordance with the regulations governing the MCQ published by the Solicitors Regulation Authority (SRA), the Law Society and the Legal Aid Agency (LAA), which can be found within their websites – www.sra.org.uk , www.lawsociety.org.uk and www.gov.uk/government/organisations/legal-aid-agency respectively. These notes reflect the content of those documents and set out how Datalaw will operate the scheme in accordance with those rules. The SRA and Law Society have published additional guidance on the accreditation process which are provided upon registration.

Accreditation Queries

Datalaw endeavour to deal with queries and provide assistance as soon as possible. In order to ensure the most accurate advice is provided, occasionally there may be a short time period between request and response.

As queries and issues are dealt with on a ticket basis, please be mindful that a request that is made multiple times may take longer to respond to due to the ticket being pushed to the most recent date.

Equality and Diversity

Datalaw is committed to the promotion of equality of opportunities. Upon registration candidates are provided with an Equal Opportunities form. We would appreciate it if the form could be completed and returned to Datalaw at the earliest opportunity. Any sensitive personal data that is collected is used solely for monitoring equality and diversity and to produce statistics to be shared with the SRA. Please note, candidates are not identified individually in any such statistics.

Policy on Supporting Candidates with Disabilities

As an organisation we are aware of our duties to disabled candidates in terms of acceptance for assessment, and the assessment process. We rely on candidates to disclose the nature of any disability and where a disability is disclosed, we will work with the candidate with a view to arranging any reasonable adjustments that will ensure that they are fully able to participate in the assessment process. We hope that you will find us supportive in our efforts to accommodate any request you may have for particular arrangements. Please be aware that supporting medical evidence will be required before adjustments can be made; the evidence provided should refer to the nature of the condition and the recommendations as to its management during the accreditation process.

Candidates should make their disclosure at the earliest opportunity to the Accreditations Department. Please be assured that any such disclosure will be strictly confidential and will not be disclosed to persons other than members of Datalaw's Assessment Board as appropriate.

Confidentiality

Candidates' data is used in the processing of bookings, in the assessment process and to process results. Any information collected about a candidate during the application and accreditation process is kept confidential and is stored on secure systems.

Complaints Procedure

Datalaw's complaints procedure operates at two tiers; informal procedure and formal procedure. Delegates are advised in Datalaw's terms and conditions to contact the Qualifications Manager using any of the contact details provided. An informal complaint is dealt with by the Qualifications Manager, wherein the complainant receives a satisfactory response and takes no further action. A formal complaint, wherein the complainant believes a satisfactory response has not been received, will be sent to one of Datalaw's Directors. The Director will appoint an Investigative Officer who will determine the seriousness of the complaint, the appropriate action to be taken and if disciplinary action is necessary. Datalaw are also obligated to inform the Regulatory Body if necessary.

Training and Support

Datalaw offer a number of online training courses to assist candidates throughout the accreditation process. These include theory and practical courses.

The courses are not intended to be the sole source of study for the accreditation and can not provide the sufficient law knowledge base required.

It is not a precondition of accreditation to undertake training courses offered by Datalaw and the Assessment Board will not take participation on such courses into account when considering any part of the assessment process.

The Assessment Board

Datalaw has established a Board of Assessors which includes amongst its memberships the Assessors who will assess each of the elements of the accreditation programme.

The terms of reference for the Assessment Board are

- To ensure all draft accreditation assessments are properly scrutinised and approved;
- To ensure that all assessments are properly conducted;
- To ensure that all assessments are properly marked and assessed;
- To determine whether a candidate has passed and assessment;
- To determine what action should be taken in accordance with relevant assessment regulations;
- To determine what action should be taken in respect of a candidate who asks for extenuating circumstances to be taken into account;
- To determine what information should be given to a candidate who fails an assessment;
- To make representations to the AO on any matter concerning accreditation assessments.

Membership of the Assessment Board may change from time to time. At any time at least 50% of the Board's membership is comprised of current duty solicitors. Other members of the Board are recruited from Academic Lawyers with experience of skills assessment.

The membership of the Board shall also include an appropriately qualified External Moderator whose role is to ensure that the accreditations are carried out to a consistent manner and the appropriate standard having regards to the Standards of Competence and to liaise with the SRA/Law Society's Chief Assessor.

The Assessment board shall be quorate when five members of the Board are present and where at least 50% of the membership of the board are current duty solicitors.

Section Two
The Accreditation Process

The MCQ is awarded, subject to suitability, to solicitors who hold a current practising certificate and qualified barristers who have successfully completed the assessments set out below:

(i) The Portfolio

(ii) The Interview & Advocacy Assessment (IAA)

The assessments may be completed in any order.

To start the assessment process, The Law Society recommend that candidates will have at least 12 months experience of criminal defence practice before attempting the MCQ assessments.

The Portfolio consists of 25 cases at the magistrates' court.

The IAA is a role play assessment.

When both assessments are passed (along with the PSRAS/PSQ), candidates may apply for the Criminal Litigation Accreditation Scheme (CLAS) with The Law Society.

Assessment Schedule

Datalaw endeavour to run all advertised examination dates, wherever possible. In the unlikely event of a cancellation, candidates will be notified in advance and offered alternative dates.

Datalaw reserves the right to vary or cancel any examinations where the occasion necessitates. Datalaw accepts no liability if, for whatever reason, the examination does not take place.

Booking an Assessment Place

Datalaw's timetables can be found on the Datalaw website and in candidates' accounts. To request a place on an assessment, candidates should email the accreditation department on accreditations@datalaw.org / suzannegwilliams@datalaw.org specifying the assessment and date they wish to book. If the date requested is not available, they will be offered an alternative date as close as possible or referred to the timetable.

Candidates should request a place on a specified assessment date as far in advance as possible in order to avoid disappointment.

Transfer Policy

Assessment transfer requests can only be made up to 10 working days before an assessment. A transfer fee of £25 plus VAT will apply.

Transfer requests made within 10 working days of an assessment will result in the forfeit of the full assessment fee.

If a candidate is unable to attend an assessment due to illness or medical reasons, appropriate medical evidence will be required. The medical evidence must be received before the assessment is due to take place. A transfer fee of £25 plus VAT will apply.

Candidates cannot seek to transfer assessments within the 10 working day period citing work commitments.

If an assessment is booked within 10 working days of an assessment, the full terms and conditions apply.

If a candidate misses an assessment without informing Datalaw, the assessment fee will be forfeited.

Notification of Results

Results of assessments are released via email, provided that the candidate has paid all outstanding fees. Candidates should retain their emails as certification of their result.

Results will not be given over the telephone in any circumstances; this is a breach of data protection laws. Nor will a result email be issued prematurely at the request of a candidate/Supervisor. Results are released as promptly as possible by 5pm on the result deadline. Candidates who call or email to request their result only serve to delay this process.

Requests for additional payment to be made in order to receive a result early will be ignored.

Correspondence from Third Parties

Where Datalaw receives correspondence from third parties about a candidate's assessment result, e.g., from the candidate's employer or Supervisor, Datalaw cannot respond unless the request is accompanied by written or verbal confirmation from the candidate authorising Datalaw to deal with the third party.

Provision of Assessment Scripts

Datalaw do not, under any circumstances, release IAA assessment recordings. Requests for marked assessments will result in the candidate/Supervisor being directed to the Regulations. Assessments are used on a continual basis; an exam sat by a candidate will still be in use and to release into the public domain would render the exam invalid.

Completed exam scripts and assessments are securely stored for a period of 12 months.

Provision of pass/fail rates

Pass and fail rates are not published for any accreditation assessments.

Candidate Behaviour

Datalaw staff are entitled to work in a safe environment, free from the risk of verbal abuse. Any candidate who verbally abuses Datalaw staff over the telephone will be asked to moderate their behaviour. Should the candidate fail to do so, Datalaw staff will have the right to terminate the telephone call.

During a live assessment, any candidate who is threatening, aggressive or verbally abusive towards a Datalaw member of staff will not be allowed to take the assessment and will be removed from the assessment platform immediately. Depending upon the seriousness of the candidate's behaviour, the candidate may be prevented from sitting any further assessments with Datalaw.

Datalaw do not discuss candidate's assessment results or feedback over the telephone. Datalaw is an impartial assessment organisation and any indication of attempting to influence members of staff to reconsider results/give preferential treatment by way of threats or any other behaviour will be taken seriously and reported to the Assessment Board. If the Assessment Board is of the view that the professional conduct of the candidate has been brought into question, the Law Society may be notified.

Validity of Assessments

Once registered for an accreditation, candidates must attempt the first stage of the assessment process within 12 months of the date of registration. If a candidate is unable to do so, they must contact the accreditation department to request the period be extended.

If a candidate fails to request this extension within a reasonable period, their candidate number will expire and they will be required to reregister for the first stage of the accreditation. The fee for the first stage of the accreditation will lapse. The remainder of the fees paid, if any, will remain on the candidate's account until they are in a position to proceed with the accreditation.

Cancellations

Accreditation bookings cannot be cancelled or refunded outside of the 14-day cooling off period.

An accreditation may be transferred to another candidate upon request, in the event that no assessments have been attempted or support courses accessed. Such requests must be made by email to the Accreditations Department.

Where a booking is paid for by a candidate's employer, the candidate and the firm are jointly liable for this booking.

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Duty Rota Scheme

The Law Society's Criminal Litigation Accreditation Scheme (CLAS) enables solicitors to apply for inclusion on local duty solicitor rotas under the LAA's Criminal Defence Service Duty Solicitor Arrangements 2001.

It is the candidate's responsibility to ensure they have successfully completed the required assessments in order to make the CLAS and Duty Rota applications.

Datalaw do not have access to the LAA deadline dates. Datalaw's assessment dates and marking schedules are **not** amended to reflect these deadlines and are set 12 months in advance.

Section Three
Controlled Remote Assessments

The Interview & Advocacy Assessment is undertaken online using a virtual meeting platform.

Requirements

Candidates must have the following in order to take an assessment online:

- An internet connected device
- Webcam
- Microphone
- Speakers

Identification

Photographic ID is required to undertake any assessment. Candidates must produce photo ID in the form of a Passport, Driving/Provisional Licence, PASS Card or National ID Card. If photo ID is not provided, the candidate will not be permitted to undertake the assessment.

Role of the Invigilator

The invigilator is responsible for conducting and supervising the assessment or parts of an assessment.

The candidate is supervised by a live invigilator in a separate physical location connected via meeting platform.

The invigilator must:

- Ensure all candidates have an equal opportunity to complete the test to the best of their ability.
- Ensure the security of the assessment before, during and afterwards.
- Prevent possible candidate transgression.
- Manage possible administrative issues.
- Make an identification check on each candidate.
- Be present for the duration of the assessment.
- Record and retain scripts and recordings for a minimum of 12 months.

Candidate Conduct

The invigilator is present to supervise and ensure the security of the examination. The invigilator cannot provide feedback on any aspect of the performance of the candidate during or following the assessment. For the duration of the assessment the candidate is monitored and must adhere to the guidelines set out for their examination.

Assessment Room

Candidates must undertake assessments alone, in a room where they will not be disturbed.

Candidates are monitored via webcam and microphone throughout the examination and presence of any individual other than the candidate will result in the assessment being terminated and invalidated.

A space with adequate warmth, ventilation and lighting should be used if possible. Candidates should not sit with a lamp behind them as it can make it difficult for the invigilator to see the candidate's face. Similarly, candidates should not sit with their back to a window. The workspace and chair should be in a good state of repair to avoid distraction.

If a candidate has specific support needs that require a carer or other adult to be present, this should be requested in advance of the assessment. A scribe or reader may also be present in the assessment room if approved by the appropriate examining board.

Candidates must have a fully charged or power connected device with a sufficient resolution webcam in order to take an assessment.

A reliable internet connection is required.

Candidates will be visible to an invigilator and Assessor and should therefore be appropriately dressed and conduct themselves in a reasonable manner.

Before the Assessment

Any questions regarding the examination should be dealt with in advance by contacting the accreditations department.

If a candidate feels they will not be able to meet the controlled remote assessments requirements they must inform Datalaw before the assessment. Any candidate that is found to not adhere to the controlled remote assessments requirements will be removed from the assessment.

The link/s required for the assessment will be sent well in advance of the assessment date. It is the candidate's responsibility to access the link at the appropriate time.

To ensure smooth running of the assessment, candidates should:

- Use the bathroom before the start of the assessment
- Inform others in advance that they are taking an assessment so they are not disturbed
- Place an 'Assessment in Progress' sign outside the room if in a shared space
- Check equipment before the start of the exam
- Attach device to a power source rather than relying on battery life
- Have a drink of water to hand

During the assessment

Candidates must remain visible to the invigilator when indicated. For timed portions of the assessment, it is the candidate's responsibility to have a clock/watch visible.

Late Arrival

Candidates should access the appropriate examination platform at the time assigned to them.

Time for registration and ID checks will be taken into consideration.

Candidates who do not attend the examination or arrive later than instructed will not be permitted to undertake the assessment.

Assessments Taken on Zoom

The Interview and Advocacy Assessment will take place via Zoom, or another virtual meeting platform as indicated by Datalaw.

Zoom is a video conferencing application which enables real-time interaction between users.

Learners must ensure they have their webcam, microphone and speakers ready to undertake the test.

A meeting ID and passcode is required to access an assessment session.

Candidates are provided with an assessment time and will be held in a waiting room until brought into the assessment by an invigilator.

Assessments are recorded and stored by an invigilator and shared with the relevant examining body.

Section Four
The Portfolio

The process of completing the Portfolio has been designed to:

- Enable candidates to demonstrate the level and range of their experience of conducting cases in the magistrates' court.
- Encourage candidates to consider and reflect upon their magistrate's court practice.
- Enable AOs to assess a candidate's performance, by reference to the competence standards.

The Portfolio is made up of twenty five case reports where the candidate personally provided advice and assistance to clients at the magistrate's court.

The Portfolio is divided into two sections:

- Section 1 – Short Case Reports on twenty cases
- Section 2 – Detailed Case Reports of five cases

Both sections must be reported and submitted in chronological order within 12 months of the chosen submission date. If a portfolio is submitted with cases older than 12 months, it will fail.

Candidates should be aware that Law Society guidance states that the Portfolio and the IAA should be passed within 12 months each other. If the candidate does not pass both assessments within the 12 months, they must provide a relevant reason for this, e.g., period of maternity leave, change of role etc. to The Law Society when making their CLAS application.

These notes should be read in conjunction with the Law Society's Standards of Competence and the Law Society's Criminal Litigation Accreditation Scheme: Magistrates Court Qualification: Portfolio Completion Guidance.

Portfolio Guidance

Part of the assessment process for the Portfolio is that candidates are able to determine the best cases which demonstrate their competence, skill and experience as a duty solicitor. The types of hearings listed below are the most appropriate examples of this. Cases that do not fall into these categories can be included, provided that the advice given to the client and the advocacy demonstrated at court is sufficient to enable the Assessor to assess the performance and award marks.

Short Case Reports

In the short case report section of the Portfolio, candidates must adhere to the following requirements. Failure to do so will result in a technical fail.

- Demonstrate that your caseload includes a range of offences. At least **five** summary-only and at least **five** either-way matters must be included. Indictable only matters may be included but are not essential.

- Demonstrate that you have appeared for more than one client during the course of a single court session.

- Demonstrate that your caseload includes a range of applications. You **must** include at least one:

    - Procedural Application (e.g., an application for an adjournment);
    - Bail Application;
    - Venue Submission;
    - Plea in Mitigation.

- Demonstrate that you have appeared in more than one magistrates' court

- Represented a client in youth court proceedings on at least one occasion.

Candidates may include the same client no more than twice in their Portfolio, so long as separate matters were dealt with.

Privately paying clients can be included in the Portfolio. In such cases where a UFN is not generated, candidates should state 'Private' in place of the number.

Candidates will be aware that the LAA imposes restrictions on the types of offences that can be dealt with by a duty solicitor and may wish to limit their Portfolio to cases of that type.

Case Structure

When setting out the details of the case, candidates should provide the following information:

- A description of what the case was about, what you did and what the result was

- The offence(s) concerned and its mode of trial classification
- The application(s) and/or submission(s) made
- Whether you appeared for other clients during the same court session and, if so, how many and what those cases were about
- Which magistrates' or youth court you appeared in
- Any professional or ethical issues which arose

Case Length

There is **no limit** on the length of the short case reports and candidates should not exclude relevant information in favour of brevity. The average length of a short case is approximately two pages, although depending on the nature of the case this may be shorter or longer.

Detailed Case Reports

In this section of the Portfolio, candidates must:

- Demonstrate that your caseload includes a range of offences. You must include at least one summary-only offence and at least one either-way offence. Indictable only matters may be included but are not essential.

- Demonstrate that your caseload includes a range of applications. Candidates are advised to include a procedural application (e.g., an application for an adjournment), a bail application, a venue submission and a plea in mitigation. One case may demonstrate more than one of these elements.

Although the submissions outlined above are not mandatory for the detailed case section, it is recommended that candidates adhere to these suggestions as they will best demonstrate their competence.

Candidates may include the same client no more than twice in their Portfolio, so long as separate matters were dealt with.

Privately paying clients can be included in the Portfolio. In such cases where a UFN is not generated, candidates should state 'Private' in place of the number.

Candidates will be aware that the LAA imposes restrictions on the types of offences that can be dealt with by a duty solicitor and may wish to limit their Portfolio to cases of that type.

Candidates should select five of their 'best' cases to write up for the detailed section, in terms of the advice given to the client and the issues which were raised.

Case Structure

Candidates should consider the following issues when preparing a detailed case report:

Case Description

The purpose of the case description is to provide the assessor with a summary of what happened throughout the case. In this section the candidate should consider the following issues:

- What were the offences alleged?
- Was the case in the youth court or the magistrates' court?
- What issues arose prior to, during and after the hearing?
- How did you deal with these issues?
- What was the outcome?

Obtaining information

In this section candidates should:

- Set out what information you obtained at each stage prior to the hearing. This may be from the prosecutor, the case papers, or a relevant third party (e.g. custody record, parent or other appropriate adult, social worker, clerk to the court etc).
- State what instructions you received from the client. You should give an accurate account of the information and instructions received at each stage.

Assessing Information and Advice to the Client

In this section candidates are required to show how they assessed the information received, how this related that to the charge(s) faced by the client and what advice was given to the client.

Candidates may find it helpful to take each offence alleged in turn and to break it down into its constituent elements. Candidates can then more easily indicate how they related the information obtained to the constituent elements of each charge, which will assist when assessing the strength of the case against the client.

Candidates should:

- Assess the relevance and admissibility of the evidence and information they have been told about.
- Consider the instructions they have received from the client and should consider in particular:
    - What were you seeking to achieve on behalf of your client?
    - Did the client have a defence?
    - If so, what was it?
    - Was the client's account credible?
    - Did you probe the client's account in any way and if so how?

- Set out what advice they gave to the client and also the reasons for that advice. If you took any alternative courses of action into account and decided not to pursue them, you should what they were and why you made that decision.
- Set out an account and analysis of how you prepared for the court hearing and how the hearing was conducted. Consider in particular what submissions you made and why you made them, what you expected to achieve and what you felt was actually achieved: if you decided not to pursue any point, you should say what it was and why you made that decision.
- Consider whether the client's age, physical or mental health, or state of mind raise any issues? If so, what were they and how did you deal with them?
- State whether it was necessary for you to make further enquiries whilst at court in order to support your application or submission on behalf of your client? If so, what were they and what action did you take?

Representations Made to the Court and/or the Prosecution

In this section candidates should:

- State what submissions were made either to the prosecutor or to the court (or both if appropriate)
- Indicate how you formulated those submissions and how they were presented.
- Set out the outcome of the submissions that you made.

Professional Ethics

In this section candidates should:

- Indicate whether or not any professional or ethical issues arose. If issues did arise, you should describe what they were and how you dealt with them. If any professional or ethical issue arose during the course of your entire magistrates' court attendance, you should clearly identify what it was and state how you dealt with it. If there were no professional or ethical issues then you should state 'none'.

Portfolio Guidance

Case Selection

To assist candidates when preparing the Portfolio, the following guidance, has been put together. This guidance applies to both the short and detailed sections:

Where a candidate represented more than one suspect at the magistrates' court in respect of one allegation, this can only count as **one case**. In such circumstances candidates may be required to address the potential ethical issues of conflict of interest and confidentiality.

Where a candidate has attended multiple hearings for one case, only one hearing can be included. A client can be included no more than twice in the portfolio, so long as separate matters are dealt with.

Unsuitable Cases

- Trials
- Where no client is present

Candidates should note that trials do not form part of the Duty Solicitor Scheme and are **not suitable** for inclusion within the Portfolio.

Candidates **must not include** cases where the client was not present at court.

Candidates must include a range of applications and submissions within each section of the Portfolio.

Please see below for further information:

Procedural Adjournment

A procedural adjournment occurs where one of the parties to the case is unable to proceed with the case that day and makes an application to adjourn the case. Examples of procedural adjournments would include applications to adjourn on the grounds that:

- Representations are to be made to the prosecution to enable them to consider an out of court disposal;
- Pleas are offered in respect of lesser charges which cannot be considered by the prosecutor present in court;
- There is additional information available to the defence which was not considered by the prosecution when the decision to charge was made which might persuade the prosecution not to proceed with the case;
- Psychiatric/psychological reports are required to determine fitness to plead or sentencing issues;
- The volume of advance information is so extensive that it cannot properly be considered in court – you should not be deterred from making such applications simply because the CJSSS protocol suggest a plea should always be taken on the first

occasion as the primary objective of the Criminal Procedure Rules is to ensure everyone involved in the Criminal Justice System is dealt with fairly.

Please note the application for adjournment does not need to have been successful in order for the case to be included within the Portfolio, provided that the application made was appropriate to the circumstances of the case.

Candidates should be aware that adjournments to trial dates or committal hearings will not meet the definition of a procedural adjournment as the adjournment is automatic rather than on the application of any party to the proceedings. Duty solicitors are not permitted to deal with trials and therefore, resisting a CPS application to vacate a trial date because their witnesses are not available, would not be a suitable case to use.

Venue Submission

A venue submission typically means a mode of trial decision taken after a plea of 'not guilty', but it could also include a 'grave crime' argument in the youth court.

The candidate will be expected to demonstrate that they have fully advised the client regarding venue, with particular reference to the advantages and disadvantages of both the magistrates' court and the crown court. The Assessment Board will need to satisfy themselves that the client was able to make an informed decision based on the advice provided.

Bail Application

A bail application typically means a case where the client is produced to the court in custody, bail is opposed by the prosecution and a full bail application is pursued. A bail application may also be made where a client has been arrested for breach of bail and the prosecution has objected to bail being granted.

Plea in Mitigation

A plea in mitigation refers to where the client appears before the court and enters a guilty plea and full mitigation is put forward, whether the case is concluded on the day or not.

General Guidance

When assessing your Portfolio, the Assessment Board will have no knowledge of you, your abilities or your everyday work. You are assessed on the basis of the contents of your Portfolio and nothing else. It is important that the Portfolio satisfies the Assessment Board that you possess the requisite knowledge or skill to the appropriate standard.

Candidates should select cases that provide them with sufficient issues to discuss; simple narrative accounts of what took place are unlikely to demonstrate the candidate's competence. The Assessment Board will assess what the candidate did and the reasoning behind such actions. Outcomes are not necessarily relevant.

The Portfolio must have a good range of issues. This is most easily achieved by ensuring that a range of different types of offences are covered. Datalaw recognise however that some practices specialise in certain areas of work and in those situations candidates will not be

penalised for only dealing with those sorts of cases, provided that a satisfactory range of issues are included.

All cases used in the portfolio must be identified by the Criminal Defence Services (CDS) Unique File Number (UFN), which is required to be allocated to cases under the general criminal contract. Any case which does not contain a UFN, and is not identified as a private case, will be categorised as a technical fail. Candidates should be aware that the Law Society may conduct random checks to ensure the authenticity of portfolio cases.

Candidates should ensure that their approach in preparing each case report is:

Analytical

Candidates must demonstrate that they have considered the elements of the offence(s) and have applied these to the evidence of the case and the client's instructions. A simple narrative account will not be sufficient.

Professional

Candidates must honestly and accurately record the advice given to the client and how the case was handled. In some circumstances the Assessment Board may request sight of suitably anonymised notes of the actual appearance. The candidate must not name the client or provide any details which could lead to the client being identified. If a client were identified within one of the case studies, this would constitute a breach of client confidentiality and would cause the Portfolio to automatically fail.

Informative

The candidate must explain not only what was done, but why it was done, so that the reasoning behind the advice provided to the client is clear to the Assessment Board.

Unique

Candidates should avoid using standard forms of words and should instead set out how they dealt with each individual case. For example, candidates will often make statements such as 'I advised the client about the law regarding theft' without giving details as to what they said to the client. Candidates should also remember that any mistake in a standard form of words that is copied from case to case could result in errors being repeated.

Candidates who demonstrate that they have committed a serious professional error during their reported attendance may fail the Portfolio not withstanding their overall performance, where in the judgement of the Assessment Board, the error was sufficiently serious to justify such a result.

It is the candidate's responsibility to ensure that the Portfolio is complete and has all relevant enclosures whenever a Portfolio is submitted for assessment or re-assessment.

Incomplete or technically defective portfolios cannot pass the assessment process.

Submission of the Portfolio

All Portfolio submissions are made online at www.datalawonline.co.uk via candidates' account.

If candidates do not know the log in details of their account, they must contact Datalaw. Candidates can not cite not knowing their log in details as a reason for failure to submit on time.

Portfolio submission deadlines take place monthly as indicated by the timetable available in candidates' online accounts. It is the candidate's responsibility to ensure they submit the cases on time for their chosen deadline.

The Portfolio should be submitted within office hours; if any difficulties occur Datalaw can be contacted for assistance. Candidates citing technical difficulties for not submitting on time will not be considered.

The submission of the Portfolio is final. When cases are submitted they cannot be recalled, either via the website or by contacting Datalaw. By uploading the cases the candidate is confirming they are to be assessed.

When logged into the Datalaw account, click on 'MCQ Submission' from the menu. The case index is completed here, along with the upload of cases.

Cases can only be uploaded in a PDF format.

The completion of the online forms and upload of cases can take time – **do not** attempt to start this process within a short space of time on the deadline day. Submissions must be completed by 4pm on the advertised deadline. Submissions received after 4pm will automatically be included in the next round of marking.

Each case is uploaded individually.

It is the candidate's responsibility to ensure that the Portfolio is complete when submitted for assessment. Incomplete or technically defective Portfolios cannot pass the assessment process.

Case Index

The index for the Portfolio is completed in an online form.

The following details must be included for each case.

- Date of Hearing
- UFN
- Type of Case
- Type of Hearing

The type of hearing should indicate if the case is bail application, venue submission etc.

The type of case should indicate if it is summary, either way or indictable.

Presentation of the Portfolio

Detailed guidance on the presentation of the Portfolio is given within the Law Society's publication Criminal Litigation Accreditation Scheme: Magistrates Court Qualification: Portfolio Guidance.

Candidates should submit a word processed or typewritten Portfolio in a reasonably sized font. Handwritten Portfolios are not acceptable.

There is no formal minimum or maximum limit to the length of each case study.

A header or footer should be included indicating the page number.

Candidates must not include any information that could lead to their client being identified, as this would be a serious breach of client confidentiality and will cause the candidate to fail the assessment.

In order to avoid the inclusion of any information that might lead to the identification of their clients, candidates may refer to the recipient of their advice and assistance as "my client", Mr X, Miss Y or the "detainee". If candidates choose to substitute a fictitious name to disguise the identity of their client they should make this abundantly clear to the Assessment Board, otherwise it may be assumed that the client's real details have been given.

Notwithstanding this requirement, candidates will need to identify some of their client's personal details, such as their age or if the client had a mental or physical difficulty that introduced some specific issues into their attendance. Provided that the client is not identified, this will not infringe this rule.

Candidates must not include any information within the case studies, other than their candidate number, that would identify them or their firm.

All cases must have been completed within the twelve months prior to the date of submission.

Candidate's Certificate

As part of the online Portfolio submission, candidates will be required to certify that:

- All sections have been completed.
- The Portfolio comprises 20 short note cases and 5 detailed cases.
- All cases are presented in chronological order.
- The reports are real cases which the candidate has personally conducted.

- Each court appearance took place within 12 months of the date of submission for the Portfolio.

- All the information provided within the Portfolio is true to the best of the candidate's knowledge and belief.

Portfolio Resubmissions

Wherein a candidate fails a Portfolio, detailed feedback will be provided by the Assessment Board on which cases failed the assessment, the reason(s) why, and the number of cases required for resubmission.

When a resubmission is required, a candidate must submit a new Portfolio in accordance with the following requirements:

Cases that failed the initial assessment **cannot** be re-worked or amended and must be replaced with new cases that are no more than 12 months old on the date of resubmission.

Cases that passed the initial assessment must be no older than 24 months on the date of resubmission. Any cases older than 24 months must be replaced with new cases to be assessed.

There is no chronological requirement for a resubmission. Therefore, a replacement case can pre-date a case that passed the original submission, if applicable.

All resubmitted cases are uploaded to candidates' Datalaw account. The previously passed and failed cases remain with this account and do not need to be uploaded again.

It is the candidate's responsibility to make themselves familiar with the resubmission requirements. If an incomplete resubmission is received by Datalaw, it will not be sent for assessment and the candidate will be notified.

Resubmissions from other Assessment Organisations

If a candidate wishes to re-submit a Portfolio previously assessed by an AO other than Datalaw, the time limits for re-submissions will still apply. In such circumstances, Datalaw will view the Portfolio as a 'new' submission. As such a full Portfolio submission fee, not a resubmission fee will apply. The resubmitted Portfolio must be accompanied by evidence of the assessment carried out by the previous AO and must identify which cases passed and failed, and the feedback provided for each failed case.

Section Five
The Interview & Advocacy Assessment (IAA)

The purpose of the Interview and Advocacy Assessment is to enable assessment of candidates' competence and effectiveness as a solicitor acting for a client in magistrates' court proceedings by reference to the competence standards.

The assessment consists of two parts:

- A simulated client interview, and
- A simulated appearance in a magistrates' court in which the candidate will make representations and/or submissions in respect of three cases, one of which will be a bail application.

Assessment Format

The assessment will be conducted under exam conditions. There must be no other person/s present in the room during the assessment.

Photographic ID, such as Passport or Driver's Licence must be produced before the assessment begins, when prompted by the invigilator.

Candidates are able to access any materials during the assessment that may be useful; these can include books, notes and electronic devices.

A link, along with a meeting ID and passcode is sent to candidates well in advance of the assessment. The link should be accessed at the confirmed time.

Candidates will be held in a waiting room until the invigilator opens into the session – this may not happen immediately as the invigilator may be with another candidate giving instructions or conducting the client interview section. Due to the live nature of the assessment there may be a delay in the start of the test.

The invigilator will provide verbal instructions on how the assessment will proceed and there will be an opportunity to have any queries clarified.

The invigilator will indicate when they have emailed a link to the initial preparation paperwork. Candidates should have their email client open so they are able to access the paperwork promptly.

Candidates will be put back into a waiting room for at least 10 minutes to take a look at the paperwork and prepare for the client interview.

The interview stage of the assessment involves a simulated client interview, with the part of the client being played by an actor/invigilator. A member of the Assessment Board will also be present to assess the candidate's performance. The interview is timed and will last for a maximum of 15 minutes. The case relating to this client will be used as the basis for one of the cases in the advocacy part of the assessment.

Following the interview, the candidate will be provided with written information by email concerning the case in respect of which they have conducted the interview as well as written

information concerning two other cases which are to form the basis of the advocacy stage of the assessment.

The candidate will then be given no less than 40 minutes during which they can prepare for the advocacy stage.

The advocacy stage of the assessment involves a simulated appearance in a magistrates' court in which the candidate will deal with the three cases. The three cases may be called in any order. A member of the Assessment Board will play the part of the District Judge. The Assessor may intervene at any stage in order to ask a question of the candidate or to seek clarification in respect of any of the three cases.

Both stages of the assessment will be recorded.

Assessment Paperwork

The paperwork sent to candidates during the assessment is 'assessment safe'. Candidates will be provided with a link to access the documents. The documents cannot be downloaded, printed, copied or screenshotted. This is to protect the validity of the assessment scenarios.

Permitted/Authorised Materials

The IAA is designed to test a candidate's ability to apply legal principles in a criminal context, wherever possible, in a practical way. Candidates are required to apply current law as at the date of the assessment, unless it is otherwise clearly indicated in the body of a particular assessment.

As the IAA is not a mere test of a candidate's memory, candidates may take any materials into the assessment including photocopied information, downloaded information, personal prepared notes and books. Candidates should understand that time for referring to such texts is limited and should not rely upon the use of permitted materials in the test to replace thorough study and revision prior to the test.

Candidates must be thoroughly prepared before the test and simply use the permitted materials as aids for reference.

Electronic devices such as iPads are permitted to access documents, such as sentencing guidelines. The device on which the candidate is accessing the meeting platform can be used to access materials.

Transfer Policy

Any outstanding fees **must** be paid before booking an assessment place. Upon request of an assessment slot, Datalaw will issue candidates with guidance enabling the candidate to transfer their assessment within the following 24 hour period. After this period, the terms and conditions below regarding transfers will apply.

Assessment transfer requests can only be made up to seven working days before an assessment and a transfer fee of £25 plus VAT will apply. Any transfers made within seven working days of an assessment will result in the forfeit of the full assessment fee.

Candidate Conduct

The assessment invigilator is present to ensure the smooth running of the examination. The invigilator can not provide feedback on any aspect of the performance of the candidate during the test. The invigilator is not an Assessor. Any instances of an invigilator being pressed by a candidate for feedback or an attempt to influence the invigilator will be reported to the Assessment Board.

Assessment Criteria

The test is conducted under examination conditions and the candidate must achieve at least 50% in both the interview and the advocacy sections in order to pass.

Even if a candidate achieves or exceeds the pass mark they may nevertheless fail if, in the context of the assessment, they commit a gross professional error. It will be the responsibility of the Assessment Board to decide what constitutes a gross professional error. Examples of serious professional errors include, but are not limited to:

- Breaching client confidentiality;
- Misleading the investigating officers or custody officer;
- Assisting the client manufacture a defence.

The assessment criteria for the interview stage of the IAA is as follows:

Establishing an appropriate and professional relationship with the client

This criterion includes whether the candidate:

- Opened and finished the interview in an appropriate manner
- Treated the client with courtesy and sensitivity
- Used appropriate language having regard to diversity
- Dealt appropriately with client care and professional conduct issues.

Obtaining instructions and identifying the client's objectives

This criterion includes whether the candidate:

- Conducted the interview in a logical and structured manner
- Used appropriate questioning and listening techniques to obtain relevant information
- Allowed the client to explain his or her concerns
- Ascertained the client's expectations and objectives
- Determined whether further information was required
- Complied with relevant client care rules

Identifying and advising on appropriate courses of action

This criterion includes:

- Correctly identifying and analysing the legal and non-legal issues raised, and explaining them clearly

- Identifying and advising the client on appropriate courses of action and their relative benefits and risks
- Assisting the client to make appropriate decisions
- Agreeing on the action to be taken by the solicitor

The assessment criteria for the advocacy stage of the IAA is as follows:

Establishing an appropriate and professional rapport with the tribunal

This criterion includes whether the candidate:

- Was appropriately dressed
- Used appropriate language, including body language
- Spoke clearly, audibly and at an appropriate pace
- Made appropriate use of notes, and without reading from a prepared text
- Responded appropriately to any intervention by the assessor

Making a coherent and persuasive application/submission that is consistent with the client's goals and instructions

This criterion includes whether the candidate:

- Demonstrated appropriate knowledge of the client's case
- Make concise and well-structured submissions
- Addressed all of the relevant facts
- Addressed the relevant law
- Correctly applied the relevant law to the relevant facts
- Made appropriate submissions having regard to the relevant facts and law
- Observed any relevant evidential or procedural rules

Complying with the ethics and conventions of Magistrates' Court advocacy, and with the rules of professional conduct

This criterion includes whether the candidate:

- Addressed the District Judge appropriately
- Complied with the obligation not to deceive or mislead the court

Section Six
Assessment/Marking Process

Datalaw, in common with all AOs, mark each assessment against the CLAS Standards of Competence for the Accreditation of Solicitors Representing Clients in the Magistrates Court, published by the Law Society.

Datalaw is committed to ensuring that the marking process is always fair and consistent. The procedure Datalaw adhere to is robust and rigorous. All assessments are blind marked. The assessor is only provided with the individual's candidate number.

Datalaw will not discuss candidate's results or feedback over the telephone.

The procedure is three tiered and as follows:

First Marking

All assessments are sent to a member of the Assessment Board for first marking. Once returned, assessments are reviewed to check that the marks awarded have been added correctly.

- Second Marking
  Only where a first Assessor specifically requests that an assessment is reviewed, will it be second marked by another member of the Assessment Board

Moderation

Datalaw has appointed External Moderators who will review all submissions that have failed to demonstrate sufficient competence on initial assessment and a random selection of submissions that have been certified as passing the necessary competence standards.

The External Moderator will consider the submission and may:

- Confirm the Assessor's findings;
- Vary the Assessor's findings or feedback; or
- Overturn the Assessor's findings

Assessment Board

Before results are communicated to the candidate, the Board of Assessors must meet to:

- Consider the results obtained by each candidate in the assessment process;
- Consider mitigating or extenuating circumstances notified by Datalaw;

- Agree and confirm those candidates who have
    (a) Passed an assessment
    (b) Failed an assessment – where a candidate has failed to demonstrate sufficient levels of competence, the Assessment Board will decide on the level and content of feedback to be provided to the candidate

A Gross Professional Error committed in the context of any of the assessments, may lead to a candidate failing the assessment even though their numerical score equals or exceeds the pass mark. It is the responsibility of the Assessment Board to decide what constitutes a gross professional error.

Appeal Procedure

As each assessment undergoes the three tier marking process, as outlined above, the appeal process is automatically put into place upon first marking. Candidates are unable to appeal the academic judgement of the Assessment Board.

If a candidate is unclear on any aspect of their feedback, they may put this query to Datalaw in writing for further clarification from the Assessment Board. This does not guarantee that further feedback can be provided in all circumstances. The Assessment Board will not respond to any communication attempting to outline why a candidate, or their Supervisor, disagrees with feedback received or calls into question the integrity of the Board.

Reassessment

If the candidate is of the opinion that their assessment was not assessed according to the Law Society's Standards of Competence, they may request that it is re-assessed. A non refundable fee is payable for this service.

As each assessment goes through a rigorous marking process, candidates are encouraged to engage with a request for clarification of feedback before requesting reassessment. **The fees below to not relate to a re-take/resubmission of an assessment.**

Fees payable for reassessment:

Assessment	Service	Fees Payable
Portfolio	Reassessment	£100 plus VAT
IAA	Reassessment	£100 plus VAT

Marked IAAs are not released to candidates under any circumstances.

Section Seven
Assessment Offences

Assessment Offences include (but are not limited to):

- Copying, stealing, appropriation or use of the work of another
- Permitting or assisting another to copy, appropriate or use one's own work
- Taking into an assessment any materials or aids other than permitted materials
- Consulting unauthorised material, in or outside the assessment room during an assessment
- The use of a mobile telephone during the assessment
- Leaving the assessment venue to refer to concealed notes
- Using or assisting another to use any other unfair, improper or dishonest method to gain advantage in any part of the formal assessment process.
- Attempting to use or attempting to assist another to use any other unfair, improper or dishonest method to gain advantage in any part of the formal assessment process
- Obtaining an unseen assessment in advance of the assessment
- Making false declarations in order to receive special consideration by the Assessment Board
- Falsifying information
- Plagiarism i.e. where the published work or ideas of another person are presented as a candidate's own
- Presenting or submitting work that is not the candidate's own unaided work.
- Disclosing the details of an assessment to another candidate prior to that candidate taking the assessment.

The above list is not exhaustive.

Any allegation of cheating will be considered by the Assessment Board. A candidate who is found to have cheated in any examination shall fail that assessment.

If a candidate commits an assessment offence, is suspected of committing an assessment offence or is accused of committing an assessment offence they will be reported to the Assessment Board. Any evidence will be reported to the Assessment Board and an investigation will be undertaken.

If the Assessment Board is of the opinion that the offence has a bearing on the candidate's character and suitability to be a police station representative, the Assessment Board will determine whether the candidate should be reported to the SRA.

[END OF DOCUMENT]