



Police Station Qualification
- PSQ -

REGULATIONS
2025

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Introduction

The aim of the Police Station Qualification is to ensure that the advice provided by solicitors and barristers at the police station is of a sufficiently high standard. The scheme was introduced in response to concerns about the standard of advice being provided, and as such the Assessment Board takes an advisor's responsibility towards the client very seriously. The PSQ is not and should not be viewed as a qualification that is easily obtained.

The PSQ applies to anyone who is a qualified solicitor with a practising certificate or qualified barrister and who gives advice in the police station for which payment is not claimed from the LAA, as the LAA will not pay for advice given by such a person unless they are registered as a Probationary Representative or registered as an Accredited Representative under the Solicitors Regulation Authority (SRA)'s scheme.

Once the PSQ has been successfully completed, the candidate can apply for inclusion on the CDS Police Station Representative Register and can then act in the same capacity as a police station representative (see the LAA Police Station Register Arrangements 2001 for further details).

The PSQ also forms part of Stage 1 of the Law Society's Criminal Litigation Accreditation Scheme which enables solicitors and barristers to apply for inclusion on local duty solicitor rotas under the LAA's Criminal Defence Service Duty Solicitor Arrangements 2001.

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 PSQ 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 Supervising solicitor.

Candidates are strongly advised to read and become familiar with these Regulations before undertaking any assessment or police station attendance. This document should be read in conjunction with the SRA Standards of Competence.

It is the sole responsibility of the candidate to ensure that they comply with all relevant rules and requirements relating to police station 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 Solicitors Regulations Authority and Law Society to provide the PSQ.

Datalaw, in common with all Assessment Organisations, operates the accreditation scheme in accordance with the regulations governing the PSQ published by the SRA, the Law Society and the 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.

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 asked to complete an Equal Opportunities and Social Mobility markers form online. We would appreciate it if the form could be completed 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.

Complaints Procedure

Datalaw's complaints procedure operates at two tiers; informal procedure and formal procedure. Candidates 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 membership 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 External Examiner.

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 PSQ 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 Critical Incidents Test (CIT)

The assessments may be completed in any order.

The Portfolio consists of five unsupervised cases of police station attendance for which payment is not claimed from the LAA.

The CIT is a role play assessment of a scenario in the police station.

Registration with Legal Aid Agency

When both Portfolio and CIT have been successfully completed, candidates may apply for accredited status from the LAA and are issued with a PIN number. The application form is issued by Datalaw.

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

A transfer fee of £25 plus VAT will apply. Candidates should inform Datalaw of their intention to transfer their assessment at the earliest opportunity.

If a candidate does not attend 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 CIT 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 SRA and LAA 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.

Section Three

Controlled Remote Assessments

The Critical Incidents Test is undertaken on an online assessment platform.

The assessment platform is an advanced online proctoring system which uses real time detection of candidate movement, eye movements, screen navigation and audio and environmental changes.

The Critical Incidents Test must be undertaken using a laptop/desktop with working webcam and microphone. The assessment platform system is not supported on any type of tablet.

Advanced facial recognition and ID software is used to verify candidate ID.

Screen navigation is monitored to ensure candidates do not access materials/communicate with others during the assessment. Any navigation away from the examination screen is reported in real-time to the invigilator.

Audio software records ambient noise during the assessment; any voices other than the candidate detected during the assessment is reported to the invigilator.

Responses are recorded and stored by the system and shared only with the assessment proctor and relevant examining body.

A system compatibility test is undertaken by the candidate before the assessment date in order to ensure their device is compatible and their webcam and microphone enabled.

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, or any assessment completed will not be valid and will not be sent for marking.

Role of the Proctor

The proctor is responsible for conducting and Supervising the assessment or parts of an assessment.

The candidate is supervised by a live proctor in a separate physical location connected via the assessment platform.

The proctor 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 proctor is present to supervise and ensure the security of the examination. The proctor 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 a proctor 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 relevant 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 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 as not to be disturbed.
- Place an 'Assessment in Progress' sign outside the room if in a shared space.
- Check equipment before the start of the exam.
- Have a drink of water to hand.

During the assessment

Candidates must remain visible to the proctor at all times. Candidates should not contact/interact with the proctor unless there is a problem with the assessment.

For timed assessments, it is the candidates' responsibility to have a clock/watch visible.

Late Arrival

Candidates should access the assessment platform at the time assigned to them.

Time for registration and ID checks is taken into consideration; any timed portions of an assessment will not start until this process is completed.

Candidates who arrive later than instructed will not be permitted to undertake the assessment.

Any software/notifications should be turned off as this can disrupt the assessment program, be read as cheating and will result in the assessment closing.

Critical Incidents Test

CITs are undertaken on the [Mettl](#) assessment platform.

This [CIT Tutorial](#) (please click link) demonstrates the layout of the platform.

The assessment must be taken using the Google Chrome browser. Although the assessment may be accessed on other browsers, there is a risk of loss of connection and technical issues occurring. Chrome can be downloaded and installed safely here - [Google Chrome Download](#)

An email containing a link to a compatibility test will be sent in advance of the assessment. The compatibility test must be undertaken at the earliest opportunity to identify and technical issues.

The email will also contain a link to access the assessment on the specified exam date and time.

An ID verification check will take place before the examination starts. Candidates must have photo ID available to produce to the webcam before the test.

Navigating away from the exam browser window during the assessment will result in a warning appearing on the screen and the proctor will be notified. A total of four warnings can be issued before the assessment is terminated.

Any software/notifications should be turned off as this can disrupt the assessment program, be read as cheating and will result in the assessment closing.

For each question, there is an audio file to play on the left-hand side and a timer on the right-hand side.

The timer on the right-hand side of the screen will show the 'thinking time'. This is the time that it takes for the question to be played plus 30 seconds. The learner must start responding before the end of the thinking time. At the end of the thinking time, the system will automatically start recording.

Section Four The Portfolio

The process of completing the Portfolio has been designed to:

- Encourage candidates to consider and reflect upon their police station practice;
- Enable AOs to assess a candidate's competence to advise clients in the police station by reference to the competence standards.

The Portfolio will contain summaries of five cases in which the candidate has been involved with both the giving of advice, and attendance at an interview between the police and the client, at a police station.

These five **unsupervised** cases must be presented in chronological order and have taken place within 12 months of the date of submission.

Portfolio Assessment Criteria

The criteria on which candidates are assessed during in the Portfolio is set out in the SRA's Standards of Competence. The standards can be accessed in candidates' online accounts and on the [SRA website](#).

Portfolio Guidance

Case Selection

The assessment guidelines require that each reported police station attendance includes attendance at an interview. If an interview does not take place, even if advice has been given to a client, the case is not suitable for inclusion in the Portfolio.

Candidates may only use cases where the suspect is being questioned by a constable (which for the avoidance of doubt includes Customs Officers and members of the Serious Organised Crime Agency). Candidates must not use cases where the interview is being conducted in the absence of a constable (such as Local Authority or Department of Work and Pensions investigations where the suspect is not being interviewed under arrest). Different rules apply in such circumstances and such interviews are beyond the remit of PSQ.

Interviews which take place outside of a police station, such as a prison or hospital, can be included so long as the interview is conducted under PACE and meets all other mandatory requirements, however we do not recommend including these in the Portfolio as the complex issues which can arise may not be covered sufficiently in the case report.

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 number will be categorised as a technical fail.

All cases must include:

- Date of attendance
- UFN number
- Time of arrest (if applicable)
- Time of arrival
- Name of police station attended

The following cases **CAN** be included in the Portfolio:

- Either way or summary only offences, which involve the firm's own client.
- Volunteer cases. Candidates must ensure that the case involves sufficient issues and that there is sufficient detail to support a substantive case. There must be at least 1 arrest cases in the Portfolio.
- Attendance at an identification procedure will only be suitable if the case also includes an interview conducted under caution.
- Two cases concerning the same client, provided that separate issues/offences are dealt with and the candidate makes it clear that the matters are separate.
- Bail backs, provided that an interview takes place under caution. The candidate must demonstrate a complete analysis of the evidence. Please note, these cases are not recommended. As the analysis of the evidence is normally done on the first attendance, the candidate may not have initially carried this out and may struggle to provide the level of detail required.

- Breach of bail cases can be used, provided that an interview is conducted under caution. The candidate must ensure that there is sufficient detail to support a substantive case.
- Privately paying clients. In such cases where a UFN number is not generated, candidates should state 'Private' in place of the number.
- Immigration cases may be used provided a criminal offence has been alleged.

The following cases **CANNOT** be included:

- Duty cases
- Co-defendants (used as two separate cases)
- Indictable offences

The Portfolio must have a good range of issues. It is the candidate's opportunity to demonstrate their competence as a police station representative. 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 specifically penalised for only dealing with those sorts of cases, provided that a satisfactory range of issues are included. If the Assessment Board are of the view that a sufficient range of issues has not been demonstrated, they may request a wider variance in offences upon resubmission.

Voluntary Attendances

It is becoming increasingly common that candidates will attend more voluntary cases than arrest cases. The Portfolio must contain **at least one arrest case**, wherein the candidate is able to demonstrate they are able to deal with any issue regarding this, such as the custody record and those set out below. If a candidate does not include any case in which a client has been arrested, the Portfolio will fail technically even if all cases pass on merit.

Remote Attendances

Candidates may include cases in the Portfolio wherein the attendance has taken place remotely. There is no limit on how many of these cases can be included. The candidate should make it clear how the case was attended, such as via telephone, zoom etc. and discuss any issues that may have arisen due to this and how these were dealt with.

Arrest and Detention

An arrest always involves the deprivation of a suspect's liberty which is a serious imposition on their right to liberty. Candidates should ensure that in any reported case where their client has been arrested that they record and have tested:

- The reasons for their client's arrest as tested against section 24 of the Police and Criminal Evidence Act 1984;
- The reasons for their client's detention tested against section 37 of the Police and Criminal Evidence Act 1984.

Candidates are expected to demonstrate an understanding of the grounds that must apply before an arrest can take place and what must be recorded by the arresting officer to justify that arrest. Where there are no proper grounds or inadequate recording of the reasons for arrest, the Assessment Board will expect to see that the candidate recognised the extent of those failings and took appropriate steps to challenge that arrest. This also applies in respect of detention.

The Custody Record

In any arrest case, candidates must demonstrate that they have examined the Custody Record. It is not sufficient to say that it has been viewed; what has been noted – this is what is being assessed.

What is noted may not be the same in each case and the Custody Record will reflect the position and information for each individual client.

At the very least a case study should confirm the following:

- Times of arrest, arrival and detention.
- The reason for the arrest
- Details of any reviews and any complaints by the client.
- Whether the client reported any injuries.
- Any medical conditions and whether the client was attended upon by a medical professional.
- Details of any Appropriate Adult required and the reason recorded.

Contact with Clients and Delays

The General Criminal Contract requires contact to be made with a detained suspect within 45 minutes of notification being received from the DSCC. Such initial contact will usually be made by telephone. Such attempts to provide telephone advice should be recorded, including if the client was on a rest period. If this is the case, candidates will be expected to state the rules that apply to the provision of legal advice during a rest period.

Any delay in dealing with a client should be properly explained by the candidate, for example:

- Why was there a delay in the suspect arriving at the police station after their arrest?
- If a suspect was transferred from one police area to another, what effect does that have on the custody clock?
- If a suspect was transferred to hospital during their detention what effect does that have on the custody clock?
- Why was it necessary to place a suspect on a period of rest? (The fact that they were arrested at an anti-social hour is not an appropriate reason).

Client Confidentiality in Interview

During interview between the client and police, candidates must ensure at no point is there a breach of privilege. If a candidate chooses to make an opening statement to the police, it is important that the advice to client is not disclosed, in particular the reasons that the client has been advised on how to proceed in interview.

Inferring Knowledge

The onus is on the candidate to demonstrate that they have sufficient knowledge and competence to pass the Portfolio assessment and be an accredited police station representative. The Assessment Board can not infer that the candidate possesses an understanding of matters raised within their case study, if those matters are not sufficiently recorded.

Portfolio Content

Candidates must ensure that they follow the guidelines within this document and that the cases contain sufficient information to demonstrate the candidate's competence.

All cases must include:

- Date of attendance
- UFN number
- Time of arrest (if applicable)
- Time of arrival
- Name of police station attended

The following headings should be used when compiling a case report, encompassing the issues listed:

Case Description

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

- What offence(s) were alleged
- What issues were raised
- What happened at the police station
- What was the outcome

Obtaining Information

In this section, the candidate should:

- State all the evidence against their client disclosed to them by the police, how this information was obtained and at what stage this was done. If disclosure from the police expanded as the case progressed, then set out at what stage each item of disclosure was given.
- State what documents were obtained e.g. the custody record
- State any evidence that was obtained from third parties
- State the client's account of events, and set out at what stage the client provided this information. If the client's instructions changed as the case developed, the differing instructions should be set out in the chronological order that they developed. If any difficulties in dealing with their client were encountered, these should be addressed in this section.

Assessing Information and Advice to the Client

In this section, the candidate should:

- Assess the information received and identify, where relevant:
 - The strengths/weaknesses of the evidence and the case against your client;
 - The admissibility of the evidence;

- Whether or not there is a prima facie case
- Detail how the analysis of the evidence/information was explained to the client, including any points of law.
- Include an assessment of the law relating to the offence(s) and state how this was explained to the client.
- Assess the law in relation to each offence and apply this to the information obtained.
- Identify whether the client had a defence and if so, what was it? Detail how was this communicated to the client
- Identify whether the client's account was credible and how this was tested.
- Describe the client's demeanour/condition and what affect this had on the client's conduct in interview
- Describe and explain what advice was given to the client at the police station, including advice relating to:
 - The way in which the interview would be conducted and any other procedure that the client may be subjected to;
 - The caution;
 - The circumstances where inferences may be drawn and what constitutes an inference
 - The advantages/disadvantages of speaking
 - The advantages/disadvantages of remaining silent
 - The advantages/disadvantages of providing a written statement
- Detail what advice was given to the client, i.e. to speak, remain silent, provide a statement
- Explain why the advice given was considered to be the best advice in the circumstances. Explain what other options were considered and why they were considered inappropriate.
- State what instructions the client gave after hearing your advice and, if appropriate, how the instructions were dealt with.
- State the outcome of the interview and what ultimately happened to the client i.e. charged/refused charge/police bailed/kept in custody etc.

Dealing with the Police and Third Parties and Making Representations

In this section, the candidate should:

- State what happened during the interview. State how the police dealt with the interview and any interventions or representations that they had to make.
- Identify any issues that arose outside of the interview that required them to make representations.

Below are examples of suitable subject matter to include in this section. If appropriate, the candidate should reflect upon how the following issues were dealt with:

- Any delay between the client's arrival at the police station and their notification
- Being kept waiting on arrival at the police station
- Access to the custody record was delayed
- Police reluctance to disclose evidence in any depth
- Searches, which in the candidate's view had been unlawful
- Mistreatment of client in some way

- The client was suffering from some disability and/or in the candidate's view was unfit
- The appropriate adult did not understand his/her role
- The interview was conducted in an oppressive manner and/or improper question caution/special warnings were wrongly or inappropriately given
- The client was refused bail when it ought, in the candidates view, to have been granted

Professional Ethics

In this section, candidates should:

- Identify and professional or ethical issues that arose during the case and describe how they were dealt with.

Feedback and Reflection

In this section, candidates should:

- Give a brief description of the case, identifying any issues which the case presented and how they were dealt with.
- Discuss with their Supervising Solicitor whether the case could have been dealt with differently and if so, how.
- Reflect upon their own performance and discuss with their Supervisor how this could be improved in the future
- Provide any written feedback from the Supervising solicitor.

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 attendance. 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, when explaining the caution to the client, the candidate should state exactly what they said and did and how this was tailored to the client and the situation. 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 notwithstanding their overall performance, wherein 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 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, select 'PSQ Submission' from the menu. All declaration forms are 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 of the deadline.

Each case is uploaded individually. The UFN and date must be completed for each case.

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.

Training and Personal Study

As part of the Portfolio submission, candidates will provide details of the training and study undertaken, together with details of the support and guidance offered by the firm. This will not be taken into account when the Portfolio is considered by Datalaw. If the Portfolio were not satisfactory, however, the training/support section of the Portfolio may be referred to. If it was clear that the candidate had not undertaken sufficient or appropriate training, or had been offered little support, advice might be given to the candidate by Datalaw on the type of training that should be undertaken and any additional support required from the firm.

Failure to complete the Training and Personal Study section of the online form will result in the candidate not being able to upload their Portfolio cases.

Candidate's Certificate

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

- All sections have been completed.
- The five presented in chronological order.
- The reports are real cases which the candidate personally conducted.
- Each case involves a separate client in respect of which the candidate personally attended at a police interview with their client, or if the same client has been advised for two cases separate issues were dealt with.
- Each police station attendance took place within 12 months of the date of submission of the Portfolio.
- All the information provided within the Portfolio is true to the best of the candidate's knowledge and belief.

Presentation of the Portfolio

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. It is suggested that a case report should usually be 1,500 to 3,000 words.

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.

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 replace the failed cases in a new submission 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.

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

New 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 Critical Incidents Test (CIT)

The purpose of CIT is to assess a candidate's effectiveness in advising and assisting their clients at the police station and takes the form of a role play assessment under exam conditions.

The test comprises of a number of scenarios presented to candidates on an audio file. Candidates are required to respond to the scenario audibly. An audio recording will be made of the candidate's responses to the scenarios presented to them.

The CIT can only be attempted by candidates who have been issued with and are in possession of an LAA PIN number.

Assessment Format

Candidates are tested individually. Candidates will be played extracts of typical police station situations and are required to respond appropriately to each question presented. Their responses are recorded. The appropriateness of the responses and the candidate's oral communication and assertiveness skills will be assessed.

Questions cannot be repeated.

Questions must be responded to in role play. For example, if candidates start their answer with, "I would tell the client" etc., the question will fail. Each question is designed so candidates can respond as though they are speaking directly to someone. It will be made clear who the candidate is speaking with. Failure to engage with the role play element of the assessment or coming out of role play during a response, will result in that question not being awarded any marks.

Two practice questions will be included at the commencement of the test. These practice scenarios are not assessed and are included to enable candidates to become familiar with the process. Candidates do not have to partake in these practice questions if they wish, but it is recommended that the opportunity to practice engaging in role play is utilised.

At the end of each question, the candidate has **30 seconds** in which to begin their response. If the candidate does not start their response within this timeframe the response for that question will fail.

Candidates should always speak clearly and concisely. There is a maximum of **5 minutes** to answer each question. Important information should not be left out of answers; candidates should undertake some practice responses before the assessment (such as asking disclosure/giving client advice) which are concise and to the point.

The format of the test will follow the normal chronological order of a police station attendance from beginning to end. Scenarios may cover some of the following:

- Initial telephone contact – this may be from the DSCC, the client or someone on behalf of the client.
- Initial attendance at the station – dealing with Custody Sergeant, examining custody record etc. Alternatively, attending with a volunteer.

- Disclosure – obtaining information relevant to the scenario presented.
- Attendance on the client –
 - Obtaining relevant personal information, an explanation of the matter about which the client is to be interviewed, specifically, the offence and the elements to be provide.
 - Advice regarding police procedure, the interview procedure, the caution, client’s options in interview.
 - Advice regarding the appropriate course of action to be taken.
- Specific queries raised by the client such as taking of samples, identification procedures, mental health concerns etc.
- The PACE interview – interview procedure and police conduct
- Post interview – bail

Permitted/Authorised Materials

The CIT 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 CIT is not a mere test of a candidate’s memory, candidates may take any materials into the assessment including photocopied information, downloaded information, personally 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.

The time allowed to take the test is sufficient for candidates who have a thorough understanding of the examinable subject area to answer questions, but it does not give time for answers to be looked up in permitted materials. 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. Candidates must not attempt to access materials on the device they are using to take the test as this is not permitted on secure assessment platform.

Identity Checks

Before an assessment can commence the candidate must produce valid photographic ID to be checked by the remote invigilator or remote assessment software.

If photographic ID cannot be produced, the candidate will not be permitted to take the assessment.

Provision of Assessment Recordings

Datalaw do not, under any circumstances, release recordings of assessments.

Assessments are used on a continual basis; a test sat by a candidate will still be in use and to release into the public domain would render the test invalid.

Completed tests are securely stored for a period of 12 months.

Candidates are not permitted, under any circumstances, to record their CIT assessment. Any candidate found to have made such a recording will be in breach of the Copyright, Designs and Patents Act 1988 (CDPA) and the Assessment Offences, as set out on page 54.

Transfer Policy

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

A transfer fee of £25 plus VAT will apply. Candidates should inform Datalaw of their intention to transfer their assessment at the earliest opportunity.

If a candidate does not attend an assessment without informing Datalaw, the assessment fee will be forfeited.

Candidate Conduct

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

Assessment Criteria

Candidates are assessed according to the following criteria:

Content

This criterion is concerned with the legal, procedural and factual content of the candidate's response, including whether the candidate has analysed the facts correctly and whether the candidate has applied the law to those facts correctly.

Confidence

This criterion is concerned with the extent to which the candidate acts with self-assurance in responding to the problem or issue posed.

Control

This criterion is concerned with the extent to which the candidate is able to demonstrate appropriate control in the context of the problem or issue raised.

Each criterion above is given equal weighting.

In order to pass, a candidate must achieve at least 50% in respect of each criterion in each question.

Marks are specifically weighted to reflect the importance of information gathering from the police and the advice given to the client.

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.

During the CIT, candidates will be assessed against the SRA's Standards of Competence. The standards can be accessed in candidates' online accounts and on the [SRA website](#).

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 and Representatives Advising at the Police Station, published by the Law Society and the SRA Standards of Competence for Police Station Representatives.

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, SRA Standards and the procedure set by the LAA, 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
CIT	Reassessment	£100 plus VAT

Marked CITs 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 room 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]