



The Law Society




The Law Society
accredited
practitioner

**MENTAL CAPACITY
(WELFARE)**

Mental Capacity (Welfare) Accreditation

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Reason for the Accreditation

- Mental Capacity (Welfare) accreditation is the newest accreditation scheme that has been launched by the Law Society
- Other individual accreditations that are available include:

Mental Health	Children Law
Family Law	Immigration
Clinical Negligence	Personal Injury
Occupational Injury	Catastrophic Injury

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Reason for the Accreditation

- To help clients confidently choose a practitioner that has expertise in dealing with issues around mental capacity and the experience of working closely with vulnerable individuals and their family to understand and protect their best interests.
- It has been developed in conjunction with, and approved by, the Court of Protection, pursuant to Rule 3A and Rule 6 of the Court of Protection Rules to provide accredited legal representatives (ALRs)
- Launched in Spring 2017 with the first applications received in August. The first batch of accredited members was announced in mid October.

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Who can be accredited

- The accreditation is open to legal practitioners, including solicitors, barristers and fellows of the Chartered Institute of Legal Executives, who offer advice on health and welfare matters under the Mental Capacity Act 2005.
- There is no minimum entry requirement for time spent practising in this area.
- You will be asked to demonstrate your experience working in this field over three years prior to application. If you have less experience you can still apply provided you can meet the required competences.

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Two accreditation statuses

- When you apply for accreditation, you can choose from two accredited statuses:
- Accredited legal representative (ALR): recognition for expertise in mental capacity law with ALR status. In accordance with Rule 6, can be appointed by the court under the Rule 3A/Pilot Rule 1.2 to represent P.
- Accredited practitioner: recognition for expertise in mental capacity law without ALR status. Cannot be appointed by the court to represent P as an ALR under Rule 3A

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The Application Process

- There are three distinct steps in the application process:
- 1. Completion of a mandatory training course
- 2. Submission of an application form
- 3. Interview

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Completion of Mandatory training

- The prerequisite two-day training course is provided by City University and must be completed prior to submitting an application.
- Training courses are delivered face-to-face and there are between 10 and up to 16 people per training course.
- Courses held in Manchester and London
- Dates for 2018 are:
 - 28 February-1 March 2018
 - 2-3 May 2018
 - 19-20 June 2018

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Submission of an application form

- Within the application process, we aim to understand a range of issues, including:
- Probity checks to ensure you demonstrate that you are a fit and proper person to become an accreditation scheme member.
- Assessment of your knowledge and experience. A range of 13 core competencies, split into three defined categories: technical legal practice, working with clients and managing yourself.
- ALRs have an additional four competencies that they have to reach in order to be accredited.

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Submission of an application form

- The Accreditation is committed to robustly assessing applicants' competence against defined knowledge and experience in mental capacity law, ensuring quality representation for some the most vulnerable people in society.
- Each competence is mapped against the SRA's Statement of Solicitor Competence to assist members with planning and reflecting on their learning and development within the SRA's framework.

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Expected standards of competence

- An in-depth understanding of CoP practice and procedure, mental capacity law and procedure and the ability to apply knowledge, rules and procedures practically. *SRA A4*
- Broad background knowledge of areas of law relevant to advising and representing clients who may lack capacity under the Mental Capacity Act 2005 including mental health law, community care, human rights law and where different codes or legislation apply in England and Wales. *SRA A4*
- Ability to advise on suitable options, strategies and solutions for progressing the matter; understanding the particular sensitivities and vulnerability of clients and the effects of the decisions on health and welfare matter. *SRA B3*

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Interview

- Once the application form has been assessed, an applicant is then invited to attend an interview with two assessors.
- Applicants knowledge and experience is tested via a series of competency-based questions on a case study scenario.
 - Accredited practitioner route
 - ALR route with the addition of video case studies to analyse.
- Re-accreditation is required every three years.

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Useful contacts

- <http://www.lawsociety.org.uk/support-services/accreditation/mental-capacity/>
- <https://www.city.ac.uk/courses/cpd/mental-capacity-act-training>
- <http://www.lawsociety.org.uk/Support-services/Accreditation/documents/mental-capacity-accreditation-guidance>
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