

CRITERIA AND GUIDANCE NOTES FOR APIL'S CORPORATE ACCREDITATION SCHEME FOR BARRISTERS' CHAMBERS

KEY INFORMATION

- Gaining corporate accreditation will direct instructing solicitors to your chambers
- To achieve corporate accredited status, the APIL criteria stipulate that you will require at least one APIL individually accredited senior litigator (or higher) for every ten barristers practising personal injury work within chambers, the minimum requirement being one at each chambers
- APIL accredited members agree to undertaking 16 hours' APIL accredited personal injury related training each year
- PIBA conferences are automatically APIL accredited. Any training delivered by the PNBA and The Bar Council must be personal injury related to automatically qualify for APIL accredited hours
- APIL senior litigators and fellows may claim double hours for lecturing, but must attend an APIL accredited personal injury update course annually
- APIL fellows and senior fellows may claim double hours for writing published articles and books, but must attend an APIL accredited personal injury update course annually
- Add to that APIL's training events, and you will easily maintain the annual individual CPD requirements.
- Cost of corporate accreditation – only £225 plus VAT

CHAMBERS ACCREDITATION CRITERIA AND GUIDANCE NOTES

INTRODUCTION

From the standpoint of the instructing solicitor, using a set of chambers that holds itself out as being “accredited personal injury lawyers” should mean that he or she would be dealing with barristers with relevant expertise and experience.

For the purposes of the scheme, litigators, senior litigators, fellows and senior fellows are regarded as accredited members. Only senior litigators, fellows and senior fellows are eligible to publicise their accredited membership level.

Accreditation is of a set of chambers at a single location. If a set of chambers operates from more than one location, only such locations that meet the accreditation criteria may hold themselves out as “Accredited Personal Injury Lawyers”.

Accreditation is for a period of one year. Within the period of accreditation, the accredited set of chambers is required to confirm annually, to APIL, that it continues to meet the accreditation criteria.

CRITERIA FOR ACCREDITATION

There are six criteria for accreditation:

- The chambers
- Individual Accredited Status
- Client Care
- Training and Development
- Quality Assurance
- Monitoring

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

CRITERION 1: THE CHAMBERS

The accredited organisation must be a barristers’ chambers.

COMMENTARY AND GUIDANCE

Barristers are subject to rules and requirements of professional conduct. In particular, they are required to hold professional indemnity cover.

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

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

“Barristers’ chambers” includes all forms of public practice, but not services provided by employed barristers to their employers.

EVIDENCE

The following evidence **must** be available:

- The set of chambers is listed on the register of chambers maintained by The Bar Standards Board
- The set of chambers is listed by The Bar Standards Board as the practising address of those barristers who are the accredited members named in the application for accreditation.

CRITERION 2: INDIVIDUAL ACCREDITED STATUS

The accredited set of chambers must have at least one individual who is accredited as a senior litigator (or higher) for every ten barristers practising personal injury work within chambers. Each senior litigator (or higher) must be available to junior colleagues to provide advice, second opinions, mentoring and appraisal, as appropriate.

COMMENTARY AND GUIDANCE

This criterion ensures that each set of chambers that is accredited has within it one or more individuals who hold the appropriate level of personal injury qualification, and who are available to provide advice to other members of chambers on personal injury work. A person who holds the senior litigator qualification, but no longer conducts personal injury cases, does not satisfy this criterion.

For the purposes of the scheme, litigators, senior litigators, fellows and senior fellows are regarded as accredited members, but only senior litigators and above are eligible to carry out the responsibilities of this criterion. All accredited members are required to subscribe to the APIL code of conduct and consumer charter.

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

EVIDENCE

The following **evidence** must be available:

- The set of chambers seeking accreditation must have within it at least one person who is qualified as a senior litigator (or higher) for every ten barristers practising personal injury work within chambers
- The minimum requirement is for one senior litigator (or higher) at each chambers
- Each senior litigator (or higher) must be available to junior colleagues to provide advice, second opinions, mentoring and appraisal, as appropriate.

CRITERION 3: CLIENT CARE

The accredited set of chambers maintains high standards of client care.

COMMENTARY AND GUIDANCE

Complaints about legal services are often concerned with customer service. The credibility of a national accreditation scheme will depend on customer perceptions of how they are treated, as well as on the technical quality of the legal work undertaken. For this purpose “customer” includes instructing solicitors, expert witnesses and claimants. This criterion is intended to ensure that accredited sets of chambers maintain standards of client care over and above the minimum expected by the professional requirements of the Bar Standards Board. See also the criterion of training and development.

Chambers holding the LSC quality mark for the bar will automatically satisfy the client care element of the scheme.

EVIDENCE

The following evidence **must** be available:

- Every APIL accredited member within the chambers has signed an undertaking to abide by the APIL code of conduct
- Every APIL accredited member within the chambers has signed an undertaking to abide by the APIL consumer charter
- Training (this does not have to be APIL specific) in customer care is provided to all staff with “first point of contact” responsibilities, including clerks, telephonists and receptionists, and this is recorded in training logs

Or

- Copy of the LSC quality mark for the bar.

CRITERION 4: TRAINING AND DEVELOPMENT

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

COMMENTARY AND GUIDANCE

Personal injury law, being litigation based, gives rise to a significant number of leading cases that set precedents, and are subject to frequent changes of statutory and procedural law, of which all practitioners should be aware. An accredited set of chambers has a particular responsibility to ensure that all barristers who are members of chambers are fully up-to-date.

Senior members of chambers (and in particular those accredited as senior litigators or above) accept personal responsibility for the mentoring and appraisal of junior colleagues, for identifying training needs of individuals, and ensuring that these are met.

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

Client care courses should have regard to the responsibilities of individuals. For individual barristers, courses oriented towards the personal handling of relations with instructing solicitors, witnesses and claimants will usually be appropriate. For heads of chambers and clerks, courses addressing the overall management of customer relations and the development of a customer care culture within the chambers may be appropriate.

EVIDENCE

The following evidence **must** be available:

- All APIL accredited members undertake a minimum of 16 hours APIL recognised training annually, including attendance on at least one APIL recognised personal injury update course lasting six hours or the equivalent in individual sessions.¹ Personal injury update training must cover the very latest in the four key areas of procedure, quantum, liability and funding
- All APIL accredited members devote a minimum of three hours per month to reading current and relevant case reports
- All APIL accredited members and clerks should attend a training course, or take part in developmental activity, designed to maintain and enhance client care, at least once every five years*
- Senior litigators and above may claim double hours for delivering training
- Fellows and senior fellows may claim double hours for writing published articles and books

- All APIL accredited members keep a record of their personal injury training, which includes course attendance, reading, writing and delivering**
- There is an effective system in place for identifying and meeting individual training needs, through monitoring and mentoring
- The chambers subscribes to recognised PI publications as recommended above and makes these publications available to all barristers within chambers

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

** Please see individual accreditation criteria for what may be counted towards APIL's 16 CPD hour requirement.

CRITERION 5: QUALITY ASSURANCE

The accredited set of chambers has in place effective arrangements to assure the quality of its legal work.

COMMENTARY AND GUIDANCE

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

A sole practitioner should be able to demonstrate that he or she has developed means of seeking views from qualified persons elsewhere, when this is necessary.

EVIDENCE

The following evidence **must** be available:

- The set of chambers has properly documented processes and systems in place for turning papers around in a reasonable time
- The set of chambers has advisory mechanisms/leaders, which enable a second opinion to be brought to bear on a matter, where this is appropriate
- The set of chambers runs an "open door" policy, such that junior barristers have access to more senior barristers for advice and mentoring

CRITERION 6: MONITORING

The accredited set of chambers submits to monitoring of its performance by APIL.

COMMENTARY AND GUIDANCE

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

APIL will continue to monitor training logs. For accredited sets of chambers this will be done on a chambers, rather than an individual basis. Chambers will be encouraged to make electronic returns, so as to eliminate the cost of paper handling. Where the training logs of an accredited set of chambers are monitored, there will be no separate monitoring of individuals within that chambers. Feedback on the performance of chambers may be sought, in confidence, from instructing solicitors who are qualified as APIL senior litigators or above.



APIL will accept complaints from those who have used the services of accredited sets of chambers. Any emerging pattern of complaints will be discussed with the chambers concerned, and could lead to withdrawal of accredited status.

EVIDENCE

The following evidence **must** be available:

- An undertaking from the head of chambers, or a person duly authorised by him/her, that chambers will cooperate fully with APIL monitoring

AGREEMENT FOR USE OF THE APIL ACCREDITED LOGO BY CHAMBERS

The APIL logo (the logo) is to be used in its complete version as shown here:

The logo may be reproduced in either mono or colour print in accordance with APIL's guidelines. The logo can be sent or downloaded by approved corporate accredited chambers in a suitable format for printing.

The logo is a registered trade mark and is to be used for Association business and by corporate chambers only.

Any corporate accredited chambers which has applied for corporate accreditation must have met the assessment criteria and been approved by the APIL assessment panel.

If a corporate accredited chambers can no longer be bound by the APIL criteria for corporate accreditation, it must notify the APIL assessment panel immediately and remove the logo from all its stationery, its website and all other publicity materials.

If, for any reason, a corporate accredited chambers is no longer permitted by APIL to claim corporate accreditation, it must remove the logo from all its stationery, its website and all other publicity materials, immediately.

USE OF THE APIL LOGO BY CORPORATE MEMBERS

The corporate accredited chambers may use the APIL logo, and the words 'accredited chambers' on the following:

- Business cards
- Letterhead stationery
- The chambers' website
- Marketing materials for your chambers
- In permitted print and media advertising

The logo may not be used in the following circumstances:

- If the logo has been distorted in any way
- On any promotional products or books giving the impression that the chambers is APIL
- Verbally in any television or radio advertising
- In any manner that suggests an individual is an employee of APIL or in a manner that suggests that APIL is part of the chambers. Use of the logo must clearly indicate that an individual or chambers is independent of APIL
- Chambers' name, trade name or chambers must appear on any materials where the APIL logo is used. The APIL logo cannot appear larger or more prominent than a chambers' own name and/or logo
- The APIL logo or full name may not be included in a chambers name, domain name, logo or other trademarks
- The APIL logo must not be combined with any other object, including but not limited to other logos, photographs, icons, graphics, words, numbers or symbols
- The APIL logo may not be used as a 'design feature' on any materials
- The APIL logo may not be imitated in any manner in marketing materials
- The APIL 'no logo, no go' campaign is solely for use by APIL
- In any way other than as specified in the acceptable guidelines

Chambers wishing to use the APIL logo are required to sign to accept and agree to be bound by all the terms and conditions of the Agreement.

USE OF THE APIL LOGO BY INDIVIDUAL MEMBERS

Individually accredited members may use the individual accredited logos, providing they are included near or within the member's signature and only demonstrate that the individual is accredited and not the organisation:

For the purpose of the scheme, an APIL litigator is not permitted to use an individual accredited logo.

The APIL letters and full name may be used to identify individual members within chambers, i.e. they may be displayed on a personal level. APIL accredited members may refer to themselves as follows:

- APIL Accredited Member or Lawyer
- APIL Member
- APIL Litigator
- APIL Senior Litigator
- APIL Fellow
- APIL Senior Fellow

It is therefore recommended that members of the Association identify themselves as:

- Mr A N Other, APIL Accredited Member or Lawyer
- Mr A N Other, APIL Member
- Mr A N Other, APIL Litigator
- Mr A N Other, APIL Senior Litigator
- Mr A N Other, APIL Fellow
- Mr A N Other, APIL Senior Fellow

Or, in full:

- Mr A N Other, Accredited Member or Lawyer, Association of Personal Injury Lawyers
- Mr A N Other, Member, Association of Personal Injury Lawyers
- Mr A N Other, Litigator, Association of Personal Injury Lawyers
- Mr A N Other, Senior Litigator, Association of Personal Injury Lawyers
- Mr A N Other, Fellow, Association of Personal Injury Lawyers
- Mr A N Other, Senior Fellow, Association of Personal Injury Lawyers