

## The Panels

1. Panels should have 6 to 8 members but may proceed to make decisions with less than 6 panel members appointed, subject to the panel being quorate under paragraph 2.
2. Accreditation Panels shall be quorate when three or more members are present or have provided a score on an individual application.
3. Panel members who fail to attend three consecutive meetings or return 3 consecutive score sheets when requested to do so and without leave from the panel convener will be subject to removal from the panel.
4. Panels may appoint additional members at their discretion, after following the agreed recruitment process.
5. The Panel may co-opt additional members in the following circumstances:
  - If the vacancy has been advertised in the agreed recruitment process, however no suitable applications were received.
  - If the Panel considers that there is a need to recruit members with specific expertise.
6. Each panel will appoint a convener who will be subject to reappointment/replacement by the Panel every 5 years.
7. Panel members will be subject to reappointment/replacement every 5 years.
8. All appointments shall be subject to approval by the Convener of panel.

## Panel Member's Obligations

9. Applications can be determined either by the individual members providing scores individually which are assessed cumulatively or by agreement following discussion at a meeting of the panel.
10. Where an application is being determined by individual members providing scores, the score sheets should be completed and returned to the Society within 14 days of the panel member receiving the application.



11. The convener of the panel shall have the power to call a meeting of the panel to determine applications at their sole discretion and shall instruct the secretary to the panel to convene such a meeting.
12. A panel member will not take part in the accreditation process and scoring if they have a conflict of interest. It is for the panel member to disclose a conflict and to decline to score. For the avoidance of doubt, it will be assumed there is a conflict of interest where the applicant is employed by or a partner of the same firm or organisation as a panel member. In those circumstances the application will not be sent to the panel member or members.
13. Panel members are prohibited from acting as referees in applications to their own panel. For the avoidance of doubt, they may act as referees for applications to other panels.

#### **Applications:**

14. If an applicant discloses a complaint has been made against them to the Scottish Legal Complaints Commission, and this complaint has not been finally determined it may not be considered in considering applications. The panel convener will have the right to defer deciding on any application until a complaint is determined if appropriate.
15. Where the panel have concerns in relation to the material before them, (e.g. where they feel that referees have been poorly chosen) they are required to score based on the material before them.
16. Candidates who fail on this basis will be advised of the areas of weakness and have 14 days in terms of the operating protocol to lodge further information. There is a risk that asking applicants to provide additional information during the assessment of their application could be perceived as "coaching" which should be avoided.
17. The panel may grant or refuse accreditation on the majority vote of those who present score sheets within 14 days of the Application being circulated. Where there is no majority at that stage, the panel convener shall exercise his/her authority under paragraph 24.
18. In the event of an accredited specialist having their practising certificate restricted, the convener of the panel which approved the accreditation may call a meeting of the panel to consider whether that accreditation should be withdrawn or suspended. The accredited specialist shall be given 21 days' notice of that meeting and may make representations in writing or in person. In the event of the panel withdrawing or suspending the accreditation, the



accredited specialist shall have a right of appeal. The appeal process outlined from paragraph 28 shall apply.

19. In the event of an accredited specialist's practising certificate being suspended, their accreditation shall also be suspended.
20. Where re-accreditation is granted subject to conditions, a time limit for compliance will be given. In the event it is not met, the panel may consider further extension of time or terminate accreditation.
21. Where re-accreditation is deferred, for example where an applicant has been absent through maternity leave, the re-accreditation will commence on the date of grant rather than the date of scheduled renewal.
22. In all other cases, the panel shall exercise their discretion.

### **Conduct of Panel Meetings**

23. A meeting of a panel may take place in person, by audio or by video conference.
24. Should the Convener decide that the panel should meet, the Standing Orders of The Law Society of Scotland in relation to the conduct of committee meetings shall apply, insofar as they are not otherwise inconsistent with this Code.

### **Convener's Obligations**

24. Panel conveners are expected to respond to any correspondence regarding complex cases timeously and may be expected to make a final decision on any matter including without prejudice to the foregoing generality:
  - a) Decisions where the number of passing score sheets equals the number of failing score sheets or decisions where the difference between the number of passing scores and the number of failing scores is one.
  - b) Whether to call for a meeting of the Panel meetings
  - c) Extensions of time of an accreditation period beyond 3 months.
  - d) Whether to invite the applicant to an interview.
  - e) Pursuing score sheets not received within the required time.
  - f) Recruitment of new panel members.
25. Any amendments to criteria and guidance notes for individual specialisms will require approval by the panel convener of the relevant panel.



26. A panel convener will also be required to sit on an appeal panel from time to time to determine appeals against refusals from other panels to grant an accreditation.

27. A panel convener shall assess and approve the appointment of new panel members.

### **Appeals and Reviews:**

#### **Review by original Panel with additional information**

28. In the event of the panel refusing an application, the applicant may ask that panel to reconsider their decision within 14 days of intimation of that refusal and may submit additional material in support of their request. The above protocols will apply to this process.

#### **Appeal to Appeal Panel**

29. In the event of a review of a refused application does not change the decision, the applicant can appeal that decision in writing on the required appeal application form to an appeal panel within 21 days of intimation of that further refusal. All information relating to the decision by the accreditation panel will be made available to the appeal panel for that purpose.

#### **Appeal Panel**

30. The appeal panel shall be constituted of up to 6 accreditation panel conveners and shall be quorate when three or more members are present or have provided a score on an individual application.

31. Panel conveners will be canvassed by the Secretary to the Accreditation Scheme and the appropriate/available Conveners selected as and when required. The Secretary shall consider the specialism, which is the subject matter of the appeal, and as far as possible, select Conveners of panels whose specialism is similar to the panel from which the refusal has been made.

32. The appeal panel shall follow the paragraphs above headed "Panel Member's Obligations" and "Conduct of Panel Meetings".

33. The Appeal panel will appoint a convener for the duration of the individual appeal by a majority vote of the appeal panel members

34. The Convener of the Appeal Panel shall decide on the format of the meeting, whether that to be in person, by audio or video conference



35. If the Convener calls a meeting of the Appeal Panel, the Standing Orders of The Law Society of Scotland in relation to the conduct of committee meetings shall apply, insofar as they are not otherwise inconsistent with the rest of this Guidance.
36. Appeal Panel members will be appointed for the duration of the individual Appeal.
37. The decision of the Appeal Panel shall be final. There is no further right of appeal.