

Resolution Specialist Accreditation Scheme

Scheme Rules

The Specialist Accreditation Scheme

Resolution's Specialist Accreditation Scheme has been developed to recognise members who have demonstrated excellence in the practice of family law or family financial advice giving in the areas in which they specialise. Members applying for Specialist Accreditation are required to demonstrate thorough knowledge of substantive law, procedure and practice, or family financial advice the available approaches or means that may best assist clients in reaching workable solutions or outcomes and also sufficient skill, proficiency and experience in specialist areas of family law or family financial advice giving.

The assessment process is in place to ensure accredited members can confidently represent themselves as highly competent to the public, to other members of Resolution, the legal profession, officers of CAFCASS and relevant public bodies such as the Legal Aid Agency and Local Authorities.

1. Aims of the Scheme

The Specialist Accreditation Scheme aims to benefit the public, the profession and the administration of justice by:

- Offering a reliable means of identifying practitioners who are recognised as having special competence in the area/s of family law or family financial advice who will act in a constructive, problem solving and conciliatory way, in accordance with Resolution's Code of Practice.
- Providing an incentive and opportunity for practitioners to reach and maintain higher levels of competence in the practice of family law or family financial advice giving
- Encouraging improvement in the quality, management and cost efficiency of legal, and/or family financial advice..
- Identifying and encouraging specific areas of specialism within family law or family financial advice giving.

2. Benefits of Accreditation

Resolution Specialist Accreditation is a mark of excellence in practice, recognised by the general public, members of Resolution, the judiciary and the Legal Aid Agency. It demonstrates to other professionals, employers, future employers and the general public the outstanding level of knowledge, skill and expertise held by those who achieve and maintain it.

Resolution publishes the benefits of accreditation in the Prospectus in each category specific prospectus of the scheme.

These Rules apply without exceptions to all candidates for Resolution's Specialist Accreditation Scheme, its Assessors and Moderators

3. Eligibility Criteria

Specialist Accreditation is available only to:

- Lawyers who are full members of Resolution
- Financial Advisers who are associate members of Resolution

And who satisfy the candidate requirements as outlined in the Prospectus.

The specialist accreditation committee is committed to consider each application on its merits and without discrimination based on a candidate's race, religion, belief, gender, sexual orientation, disability or age.

Applicants for the **Core** Assignment must ensure they have the requisite knowledge and understanding of the areas of competence outlined in the requisite Core Competence Unit/s¹ as published in each Prospectus.

Applicants for the **Portfolio** Assignments must have detailed knowledge and experience of **two** of the Portfolio Assignment subjects, and:

- in the case of Financial Advisers must be able to complete a mandatory Pensions portfolio

Applicants must also be able to present:

if a lawyer or financial adviser applicant, reflective case accounts on **two** completed cases for which they had sole or majority overall conduct and/or management. They must also provide a suitably redacted client advice letter or jointly advised report. (In the case of lawyer members, the letter should include examples of **specific advice** provided to a client about their situation, therefore a standard terms letter is not sufficient).

All candidates **must**:

- Demonstrate adherence to the Code of Practice and standards of good practice generally.

¹ Core Competence Unit in any category of the scheme

- Ensure that any/all submissions are appropriately anonymised to respect client confidentiality and redacted so there are no identifying details of the candidate and/or their firm.
- Candidates must ensure that any submitted client material is appropriately anonymised/redacted to the standard required by the General Data Protection Regulation (GDPR) and these Rules.

Candidates who fail to reach the required standard in relation to ensuring anonymity of submitted client material will be subject of an automatic fail.

Candidates must ensure they can allow sufficient time to properly undertake the assignments. The areas of competence for Portfolio Assignments are set out as an Appendix in each Prospectus.

4. Membership Status Requirements

The required membership status for applicant candidates is set out in each Prospectus.

5. Experience in Practice Requirements

The required experience for applicant candidates is set out in each Prospectus.

All candidates must evidence their adherence to the Resolution Code and any other applicable code for their area of specialist practice.

Members who are family lawyers (including those working collaboratively) or financial advisers will be tested on their experience and specialist knowledge of and ability to provide specialist *advice* in respect of applicable law and procedure and/or on the appropriate division and distribution of family finances on separation or divorce. An important aspect will be the demonstration of appropriate knowledge and skill in the use of other problem solving approaches in an integrated way.

6. Timetable

The lawyer part of the Scheme will have **two** rounds in each year. The Financial Adviser part of the scheme will have **one** round in each year. Resolution reserves the right to vary intervals and number of rounds offered from time to time. Resolution will publish a timetable for each Round of the Scheme in the relevant Prospectus

7. External Regulatory Standards

The qualification criteria set for the scheme and set out in the Prospectus reflect the required

level of qualification for professionals as set by the appropriate external regulator or professional body/ies. In the case of the lawyer part of the scheme, the competence standards set encompass the SRA Competence Statement for Solicitors and is set at Level 4/5 of the Threshold Standard published by the SRA as part of their Competence Standards Framework.

8. Equality Diversity and Inclusion

The scheme aims to be inclusive of all eligible members. Therefore, these rules encompass equality, diversity and inclusion in ways that are appropriate to an examination scheme. Every reasonable effort will be made to accommodate members who are unable to complete their accreditation due to reasons related to the broad range of equality and accessibility issues as are identified in the Equality Act 2010. We will consider any reasonable request which should be made at the time of application.

9. Access Arrangements

Where it is the case that a member has an access or learning need (e.g. dyslexia and/or associated neurodiverse needs) or disability of any kind or other circumstances affecting how they might complete their assignments, they should ensure that this is notified to Resolution at the time of application (or as soon as possible if it concerns a change in circumstances) so that appropriate arrangements can be considered and organised.

Resolution will follow national and specialist guidelines when considering how best to accommodate members with a specific access, learning need, disability or other need.

10. Competence Frameworks

The Specialist Accreditation Committee of Resolution is responsible for the setting, review and maintenance of the Scheme's competence framework. Regular monitoring and review will be undertaken by the Specialist Accreditation Committee. Resolution reserves the right to amend, alter or change the framework of the Scheme from time to time and as may be required to ensure that the Scheme retains its' reputation and status as a test of excellence in practice.

11. Limits of Time

All candidates are required to complete their Specialist Accreditation within three years of their first application.

Candidates may re-take the Core Assignment (if they fail) as many times as they wish within the three-year limit. However, should they fail one or both Portfolios, they may only re-take

them once at one of the rounds available to them in order to have completed their Specialist Accreditation within the three-year time limit.

If/When a candidate fails the portfolio sections on that second occasion or fails to complete both Core and Portfolios successfully within the three-year limit, they must re-apply to take both Core and Portfolio sections as a new candidate and may not do so before 12 months has elapsed since the submission of their last Portfolio paper.

12. Application

All Application/s to the scheme are by electronic, online means and by completing the requisite Application Form. Members must be able to access and use Resolution's Learn platform.

All applicants must provide the information requested on the application form. Resolution will only retain and store such information within the allowable parameters of any Data Protection legislation.

An application will not be accepted from anyone who does not meet the required membership status.

13. Application Fees

Resolution will ensure that fees may be paid in any reasonable way.

Fees for Applications must be paid to Resolution on submission of the completed Application Form by the applicant and via the means set out by Resolution in the application form.

Resolution will check eligibility for application before processing any fee. Once paid, fees are non-refundable.

Resolution reserves the right to change the fee from time to time and will ensure that information of such change is made available in the prospectus for the relevant assessment round.

14. Exemptions

If/where any candidate is unable to satisfy the eligibility criteria or the three-year limit for completion of Specialist Accreditation (as set out above) due to parental leave, illness or other extenuating circumstances; candidate applicants may seek an exemption at Resolution's discretion. Any request will be considered initially by the Consultant Head of Standards who may refer to the Specialist Accreditation Committee for a final decision.

15. Extensions Policy

Extensions are only available for those candidates who can demonstrate exceptional or extenuating circumstances. Extensions will **not** be granted because of e.g. holiday dates or other foreseeable circumstances. Candidates unable to complete their portfolio or the Core weekend of the scheme without being able to evidence exceptional or extenuating circumstances will forfeit the applicable fee.

16. Deferral of Application

Candidates must complete their Specialist Accreditation within 3 years. They may defer either Core or Portfolio/s on one occasion within their requisite three years for which a fee is payable. If a candidate defers again, they will forfeit the applicable fee in its' entirety and must re-apply.

Resolution publishes arrangements in relation to deferral of applications in the Prospectus for each round. All/Any terms relating to deferment are subject to the discretion of the Specialist Accreditation Committee.

17. Withdrawal of Application

Any candidate who wishes to withdraw their application must immediately notify the Resolution Office by email. The Application fee will be forfeited on notification of withdrawal.

18. Individual Attainment

Specialist Accreditation is an attainment of an individual practitioner and does not extend to their firm. It refers to special competence achieved by the individual in the specified subjects; it is not a general qualification.

19. Data Protection

Resolution will ensure that all regulations in respect of data protection legislation are appropriately applied to applications for Specialist Accreditation. Specific details relating to data protection applicable to e.g. submitted client materials and candidate papers are set out in the relevant section/s of the Rules and in the Prospectus.

Generally, all candidates must ensure that any submitted client material is appropriately and suitably redacted and anonymised and meets GDPR (and any/all other Data Protection requirements). Candidates must also ensure that no material is submitted that would allow any candidate to be identified other than by their candidate number. **Failure to adhere to this rule will result in an automatic fail.**

Resolution also has a responsibility to comply with any relevant Data Protection legislation

and the Specialist Accreditation Committee has responsibility to consider where any breach of the legislation has occurred in any candidate application and to consider any responsibility to report such a breach.

20. Professional integrity

Resolution's reputation is built on the integrity and commitment of its members. As a member of Resolution, an applicant for accreditation or reaccreditation accepts responsibility to maintain the highest standards of intellectual honesty and ethical conduct in completing their application for accreditation or reaccreditation.

Applicants are expected to know, understand and comply with the ethical standards of the organisation and to abide by its [Code of Practice](#) and its policies in relation to [Cheating, Collusion and Plagiarism](#).

Additionally, members have an obligation to inform Resolution of any acts of intellectual dishonesty by other members as set out in relevant policies in relation to Cheating Collusion and Plagiarism and [Whistleblowing](#).

Intellectual dishonesty is defined as a member's use of unauthorised assistance, collusion or the use of materials or documents without specific attribution to the original author, or authors, with intent to deceive an assessor or other nominated person who may be appointed to evaluate an assignment. It would also apply where a candidate claimed sole or majority management or conduct of a presented case where that is not so. All candidates are expected to have read the policies prior to signing a statement of professional integrity which forms part of the candidate submission.

All candidates are required to adhere to any requirements set out by Resolution, within these rules to the scheme, in the Prospectus and in regard to any applicable data protection legislation in relation to protecting:

- Client confidentiality
- Any information that would identify the candidate

Any client information submitted with identifying details will result in an automatic fail.

21. 'Open book' Examination

The Core part of the Scheme will be an 'open book' examination. Arrangements for the required case studies and questions will be set out in the Prospectus relevant to each round. The examination takes place to the timetable published by Resolution and set out in the Prospectus for the relevant year. Access to papers online will be made available to candidates

at 12 noon on Friday and must be returned to Resolution, also electronically, online and in the required template by 12 noon the following Monday.

Where it is the case that a member has particular caring responsibilities, observance or other extenuating circumstances (including an access or learning need as set out above), they should ensure that this is notified to Resolution at the time of application (or as soon as possible if it concerns a change in circumstances) so that appropriate arrangements can be considered and organised. (n.b. whilst Resolution will make every effort to set rounds at times that avoid e.g. major faith or cultural festivals and/or school events, from time to time it may not be possible to do so).

22. Portfolio Sections

The Portfolio choices will be published by Resolution in the relevant Prospectus for each year. Portfolios will consist of a Specialist Case Study and four questions (which may be further subdivided to provide a maximum of 16 questions).

Candidates are also required to submit **two** reflective case accounts of cases where they have had overall conduct and:

- In the case of lawyer members (including those working collaboratively), a client advice letter, including examples of specific advice provided to a client about their situation, including as and where appropriate, the use other approaches to assist with problem solving (therefore a standard terms letter is not sufficient).
- In the case of financial adviser, a jointly advised report.

Candidates will be given 8 weeks for completion of the Case Study questions, and preparation of the required two reflective case accounts and/or advice letter/jointly advised report as required.

23. Maintaining Accreditation

An Accredited Specialist must:

- Remain a full member of Resolution. Any member who fails to renew their membership may lose their accredited status or be required to undertake reaccreditation in line with the rules of the Scheme.
- Continue to work in the specialist areas of practice in which they are accredited. A member who ceases to work in a specialist area in which they are accredited must notify Resolution immediately and must surrender their accreditation or apply to take an alternative subject within the timetable set out at 28 of these Rules.
- Acquire at least eight hours of continuing professional development each year as follows:

- If a solicitor, in family law topics or be able to provide a report in line with SRA or CiLex requirements showing you have maintained an ongoing approach and commitment to your professional development.
- If a financial adviser in family law related financial topics

A specialist who is unable to satisfy the criteria set out above due to parental leave, illness, caring responsibilities, observances, accessibility issues or other extenuating circumstances may seek an exemption at Resolution's discretion.

Specialists are required to disclose anything which could bring the organisation into disrepute.

24. Period of Accreditation

Accreditation as a specialist is for a period of **three** years. This period will be renewed if the Accredited Specialist satisfies the conditions for reaccreditation (established and regularly reviewed by the Committee).

25. Career Breaks/Leave of Absence

An Accredited Specialist may take a career break, for whatever reason, for up to two years without losing their accredited status on the following basis:

- They remain an Associate member for the duration of the career break.
- They do not hold themselves out to the public as an Accredited Specialist for the duration of the career break.
- If a solicitor member of the scheme, they may self-suspend the CPD/learning and development requirement in line with Regulation 12 of the SRA CPD Regulations.
- If a financial adviser member of the scheme, they maintain eight hours per annum CPD in family law, family law related finance, for each year of the career break.
- At the end of the two years, they confirm in writing that they are immediately returning to a caseload in their specialist areas of practice and confirm their intention to resume their CPD/learning and development requirements.

A Specialist who is unable to satisfy the criteria set out above due to parental leave, illness, caring responsibilities or other extenuating circumstances may seek an exemption at Resolution's discretion.

26. Lapses in Membership

In relation to Specialist Accredited status, any Accredited Specialists whose membership has lapsed and who wishes to re-join as a member, will be dealt with as follows:

- If the gap or lapsed membership is twelve months or less, they will be permitted to keep their accredited status (but would be required to reaccredit to their original timetable)
- If the gap or lapsed membership is over twelve months and under two years, they must *reaccredit* to maintain their accredited status (after which time they will be expected to reaccredit to the required timetable, that is after three years)
- If the gap is two years or more they must re-apply for accreditation

Where it is the case that a member is eligible to apply to *reaccredit* under the above rules but is unable to or has insufficient concluded cases to present due to:

- their recent return to practice
- a move to a new practice (and are therefore unable to access past cases)

Candidates should prepare case accounts on *current* cases, evidencing as many competencies as they can and providing a reflection on the progress of the case and the expected and/or intended outcome.

All candidates must be able to provide reflective case accounts showing an appropriate level of specialist knowledge and skill. In the case of lawyer (including those working collaboratively)/financial adviser candidates, they must also be able to submit the required advice letter or jointly advised report which must have a clear element of specialist advice giving or specialist support or guidance (including in all cases, the provision of information or advice in respect of other problem solving approaches that might assist in reaching a solution which can be from a current case). All client material must be suitably redacted and anonymised.

Candidates will be given a period of 6 months from the date of re-joining the organisation to apply for reaccreditation as described. They must not hold themselves out as Accredited until they have completed reaccreditation.

If an Accredited Specialist believes they have particular or extenuating circumstances and/or who do not agree with a decision made in line with the rule/s stated above, they may apply for a review to Specialist Accreditation Committee. In such cases, the decision of the Specialist Accreditation Committee will be deemed to be final.

27. Continuing Competence Records and Reports

It is the responsibility of each accredited member to maintain their own record of continuing competence. Resolution may call for production of an Accredited Specialist's record at any time.

28. Reaccreditation

Accreditation lasts for a period of **three** years. The fee for reaccreditation is set out each year in the published Prospectus and will be provided to candidates on application for reaccreditation.

Candidates should ensure they have the correct information on fees for the round in which they are applying.

The specialist accreditation committee is committed to consider each application on its merits and without discrimination based on a candidate's race, religion, belief, gender, sexual orientation, disability or age.

29. Requirements for Reaccreditation

Full details in relation to the requirements for reaccreditation will be set out and published in the Prospectus for each round.

As a minimum, to reaccredit, an accredited specialist must:

- Be and remain a current member of Resolution.
- Provide a summary of their continuing learning, development and competence for the period since accreditation or their last reaccreditation.
- Provide details of a referee. This referee should have enough knowledge or experience of the accredited specialist's work to be able to tell us whether a candidate displays an excellent standard of knowledge and experience in their specialist areas. [All candidates are required to give their consent for Resolution to contact their nominated referee. Resolution verifies at random any information submitted by candidates for reaccreditation.]

In addition, accredited specialists are required to meet the conditions for reaccreditation e.g. reflective case accounts, suitably anonymised client advice letter (lawyer candidates or jointly advised report for financial adviser specialists) as set out and published by Resolution in the scheme prospectus.

The Specialist Accreditation Committee reserves the right to amend requirements for reaccreditation from time to time and in line with changes to law, legislation, regulation, practice requirements or applicable national standards.

30. Change of Portfolio/s

Where it is the case that a member no longer specialises in an area of law and/or practice for which they hold specialist accreditation, they must notify Resolution that is the case.

Generally, they will continue to be recognized as a specialist accredited member for the area/s

in which they still specialise and hold portfolios, as follows:

- If they surrender their portfolio within eighteen months of having achieved it, they will continue to be recognised as Specialist Accredited in their remaining portfolio alone and must take a second, new portfolio in the next nearest round of accreditation. Their reaccreditation date will then run from the date of having achieved their second portfolio.
- If they surrender their portfolio within eighteen months of their reaccreditation date, they will continue to be recognised as Specialist Accredited in their remaining portfolio alone and must take a new second portfolio at their reaccreditation date, their reaccreditation date will then run to the normal three-year timetable.

Wherever possible and practicable, Resolution will seek to ensure that dates for reaccreditation of portfolios or addition of replacement portfolios are co-terminus.

31. Certificate of Accreditation

A certificate shall be given to each Accredited Specialist and a renewal certificate will be provided on reaccreditation. The certificate must be returned to Resolution if:

- Accreditation is forfeited through failure to remain a member.
- Accreditation is lost because the member is suspended by Resolution or their membership is terminated
- If a solicitor:
 - the accredited specialist ceases to practice in family law
 - is struck off by the SRA or removed from the CILEx Register

If a financial adviser:

- is struck off or suspended by the Financial Adviser's relevant qualification authority or regulator of practice
- The specialist ceases to be an independent or restricted financial adviser in line with SRA guidance, or no longer works on a non-product related invoiceable fee basis, or does not have authority to advise personally upon the client's existing financial products.
- The Accredited Specialist no longer meets the qualification requirements set out by Resolution.

32. Expiry of Accreditation without Renewal

A practitioner whose accreditation expires and is not renewed must **immediately** discontinue holding themselves out as an Accredited Specialist and ensure they remove any reference to being an accredited specialist (including logos) with Resolution from all written and published materials, including any website content and any logos used at your premises.

33. Notification of Change of Circumstances

An Accredited Specialist who becomes unable to satisfy the conditions for maintaining accreditation must notify Resolution in writing at the earliest opportunity.

34. Revocation of Accreditation

Resolution will consider revoking accreditation if:

- An Accredited Specialist fails to satisfy any of the conditions for maintaining accreditation.
- Information comes to the attention of Resolution that an Accredited Specialist has deliberately misrepresented their qualification for eligibility for accreditation (or reaccreditation) or has cheated during the assessment process by: falsely certifying the work to be their own; copying some or all of the work of another; receiving assistance from or colluding with another; claimed an accessibility need falsely or has otherwise misconducted themselves during the accreditation process.
- A complaint is received by Resolution and the Practice Standards Panel decides that: an Accredited Specialist has acted in breach of Resolution's Code of Practice; or the Accredited Specialist's conduct or service is such as may bring Resolution or the accreditation scheme into disrepute.
- An Accredited Specialist who is the subject of a complaint made to the SRA, the Legal Ombudsman, or to an applicable regulator in relation to financial advice giving in regard to an accredited financial adviser is required to inform Resolution of that complaint and to notify Resolution of the outcome.
- If and where a complaint in relation to a solicitor or other accredited specialist member has been made to and upheld by the Legal Ombudsman or the Accredited Specialist has acted in serious breach of SRA or statutory regulation or other regulation or governing body applicable to financial professionals, the matter will be referred to Resolution's Practice Standards Panel for a decision in relation to removal of accredited specialist status and suspension or termination of membership in line with our complaints procedure.
- If and where a complaint has been made to and has been upheld by an applicable regulator of the Financial Adviser's practice, the matter will be referred to Resolution's Practice Standards Panel for a decision in relation to removal of accredited specialist status and/or suspension or termination of associate membership in line with our complaints procedure.
- If a complaint has been dealt with through Resolution's complaints process and if the complaint is upheld, Resolution's Practice Standards Panel will decide whether specialist accreditation will be removed or suspended and what other measures (including suspension or termination of membership) will be applied.
- The Accredited Specialist has been struck off or suspended from the Roll of Solicitors or

removed from the CILEx register or from any applicable register in relation to a regulator of financial advice giving.

An Accredited Specialist whose accreditation is revoked must immediately discontinue holding themselves out as an Accredited Specialist and may not reapply for accreditation for 12 months.

35. Assessments

All assignments are assessed on an anonymous basis. Candidates will be identified by a candidate number allocated by Resolution. This will remain the only form of identification throughout the assessment. Only the Resolution Central Office will have a record of candidate numbers and names. The assessors and staff involved will not be shown any material with a candidate's name on it at any time during the assessment process.

Assessment will be made on a pass/fail basis. Papers are also independently moderated. **Any identifying details, i.e. in relation to the individual candidate and/or their firm or practice on a candidate paper will result in an automatic fail.**

Where it is the case that any candidate has notified particular access or learning needs, the staff team will ensure that the Assessor/s are notified of that fact and directed to the information provided to them in their guidance in relation to assessment arrangements for candidates with additional needs.

In the case of any candidate who has access or learning needs being assessed as having failed, or receiving a borderline mark, all their papers will be independently moderated to the same outline as applies to any initial assessment, that is, the independent moderator will be notified of the specific access or learning need and provided with information in respect of moderating the candidate's papers.

Resolution will publish the required Core and Portfolio Competence Units. The Units show the competencies candidates must be able to demonstrate when required.

Set questions relating to the Core and Portfolio Assignments will address as many of the competencies as possible and appropriate. The assessment process will be adjusted to ensure that if a competency is not tested in the question, then the competency is not required in the answer to the question.

Assessors will mark assignments against the Core and Specialist Portfolio Competency Units. Assessors are required to provide an objective, fair and transparent assessment of the individual candidate's ability to demonstrate and evidence they meet the competencies for

each unit they attempt. Candidates will only be awarded Specialist Accreditation where and when they have shown they are competent practitioners.

it is central to the specialist accreditation scheme that candidates demonstrate their knowledge and understanding of and their application in practice of the Resolution Code (and any other applicable Code).

All Core Section Assignment papers are double marked. If there is a discrepancy between the two marks - or if the assignment is a close fail or receives a borderline mark – the paper will be independently moderated and a recommendation of final outcome made by the moderator to the Head of Standards for ratifying. The Head of Standards decision shall be final.

Candidate Papers will be subject to random sampling by the organisation, or either independent or internal moderators. Approximately 5% of candidate papers will be sampled in each round.

Where a Portfolio section candidate has, on first marking, a borderline pass or fail assessment mark, their paper will be second marked by the associate or reserve assessor assigned to that portfolio or by an assessor appointed by the Head of Standards. Where a paper is a clear fail, the paper will not require second marking.

Where the second marker agrees that the paper is a pass or fail, in line with the original marker the mark shall stand. Where the second marker disagrees with the original marker the paper will be referred to the independent moderator. The moderator will provide their outcome to the Head of Standards, whose decision shall be final.

The second marking and moderation of papers is intended to ensure that an assessment outcome is fair and reliable. The only appeal beyond independent moderation is to the Specialist Accreditation Committee. Candidates may only appeal where:

- The candidate appeals on the basis that the law, legislation or procedure is wrongly stated in the competencies.
- The assessor has not acted within the stated terms of the scheme or there has been an administrative or operational error.
- There are other exceptional circumstances that should be considered. (The 'exceptional circumstances' will be considered first by the Consultant Head of Standards together with the Director of Operations as to whether the circumstances as presented could be said to be truly 'exceptional' in all the circumstances).
- In all cases, the decision made on any appeal considered by the Specialist Accreditation Committee is final.

36. Moderator Sampling

If/where the moderator/s on undertaking the required random sample have a concern about or disagrees with the marking of a candidate's papers or the mark awarded, it should in the first instance be referred to the Head of Standards for a final decision. The Head of Standards will consider whether a final decision can be made or whether the matter:

- Should be referred to the Specialist Accreditation Committee
- Requires further investigation in line with existing policies
- Should involve any discussions with the Assessor/s who marked the paper

37. Cheating and Collusion

All candidates will be required to sign a statement of professional integrity on submitting their application.

Resolution will undertake checks to ensure that no cheating or collusion has taken place by any applicant candidate. Any candidate found to have cheated by colluding with another, or copying the work of another, in any part of the assignments or by claiming an accessibility or additional need or exemption unreasonably will be denied the opportunity to become accredited and will also be subject to the measures as set out in Resolution's [Cheating, Collusion and Plagiarism](#) and [Complaints](#) Policy and procedures.

38. Failed Applications

All Core Assignment papers will be double marked. If there is a discrepancy between the two marks - or if the assignment is failed or receives a borderline mark – it will be referred to our independent moderator and if the failure to meet the required standard is confirmed it will be sent to the Head of Standards whose decision shall be final. A failure of a Portfolio Assignment, once moderated shall be final.

In the case of any candidate who has access or learning needs being assessed as having failed, or receiving a borderline mark, all their papers will be independently moderated to the same outline as applies to any initial assessment, that is, the independent moderator will be notified of the specific access or learning need and provided with information in respect of moderating the candidate's papers.

If a candidate is only taking the Core Assignment in a particular round and fails the assignment they may retake the Core Assignment as many times as they wish within the three-year time limit.

If a candidate is only taking the Portfolio Assignment or is taking the Core Assignment and Portfolio Assignments in the same round and they fail one or both of the Portfolio Assignments, they may re-take the Portfolio sections one further time at one of the next two assessment rounds (in order to have completed their overall Specialist Accreditation within the three year limit). If they fail the portfolio sections on that second occasion or fail to complete both Core and Portfolios successfully within the three year limit, they must re-apply to take both Core and Portfolio sections as a new candidate and may not do so before 12 months has elapsed since the submission of their last Portfolio paper.

An application to retake must be accompanied by the fees set out by Resolution. You must ensure you continue to satisfy the stipulated conditions for gaining accreditation. The prescribed timetable and all other requirements and conditions apply to those retaking any assignment paper.

39. Publication of Results

Results from each round will be published in The Review. Any member who does not wish their name to be published has the right to do so on notification to Resolution.

40. Oversight and Administration of the Scheme

The Specialist Accreditation Committee is a committee of Resolution members. The National Committee has delegated the power to oversee and administer all aspects of the Scheme to the Committee.

The Committee has the power and duty to:

- Administer the Scheme.
- Make and publish, amend or vary standards for the accreditation of specialists, such standards being designed to produce a high level of competence amongst family law specialists.
- Accredit specialists or deny, suspend or revoke the accreditation of specialists.
- Establish and publish rules, policies and procedures for the administration of the Scheme and in relation to Question Setters, Assessors and Associate Assessors.
- Set and collect fees payable by applicants and by Accredited Specialists.
- Make recommendations to the National Committee for amendments to the Scheme whenever appropriate.
- Report annually and periodically as required to the National Committee on the conduct of the Scheme and issues arising.

Membership of the Committee is open to Resolution members, recruitment to the Committee is via open and transparent process, published via Resolution.

Currently:

- The minimum number of Committee members is five and the maximum number is 15. A quorum shall consist of four Committee members., of which two may be ex-officio members.
- The Chair of the National Committee is an ex officio member of the Committee.
- Representative members of other Committees of Resolution who may attend on behalf of their Committee may be ex officio members of the Committee
- Committee members are appointed by the Chair/s following an appropriate recruitment process, as referred to above.
- Committee members who hold Specialist Accreditation will not be required to reaccredit for the period of their appointment as a Committee Member. At the end of their appointment or when they step down or retire from the Committee, they will be expected to reaccredit as required that is, three years from the date of their departure from the Committee

This arrangement (excepting in respect of quorate numbers above) does not apply to ex officio members of the Committee or to those representing other Committees as ex officio members

41. Assessors and Moderators

All Assessors and Moderators are recruited by an open process. Appointments are usually for three years and members may be re-appointed for a second period of three years, after which their further appointment will be reviewed by the Specialist Accreditation Committee.

Portfolio holders/Question setters and Assessors are free to select or invite suitably qualified and experienced colleagues to work as an Associate Assessor with them and any Associate Assessor is free to apply to be a Portfolio holder/Question Setter or Assessor as vacancies become available.

Assessors may request to act as Joint Portfolio holders for Portfolio subjects, especially where the portfolio attracts a high number of candidates.

Assessors may claim a fee, set by Resolution. Associate Assessors are unpaid volunteers.

Resolution also recruits Reserve Assessors who hold themselves available to act as an Assessor or Associate Assessor as may be required. They may also apply to be Portfolio holders/Joint Portfolio holder as and when vacancies arise.

42. The Specialist Accreditation Committee

Resolution's Specialist Accreditation Committee are responsible for the setting, publication, monitoring, review and amendment of the terms of reference and Role and Responsibilities document in relation to Portfolio holders/Question Setters, Assessors, Associate and Reserve Assessors and for Scheme Moderators. The Committee will also provide such opportunities for Portfolio holders/Assessors to meet as they see fit and which supports the Portfolio

holders/Assessors in their role and responsibilities and will provide any other assistance and support by other means as is appropriate.

The Committee will also ensure that Portfolio holders/Assessors are provided with Guidance in respect of making objective, fair and transparent assessments of candidate papers and will monitor the performance of Portfolio holders/Assessors and outcomes from assessment, including monitoring the performance of the scheme as a whole.

The Specialist Accreditation Committee is responsible for monitoring the job descriptions and any terms of reference for Portfolio holders/Question Setters, Assessors and Moderators, including the fees payable to Portfolio holders/Assessors and Moderators and to make recommendations to the National Committee of Resolution in respect of any changes to fees/fee structures. The Committee has the right to exercise its' discretion in individual aspects of or applicable to any Portfolio holder/Question Setter, Assessor, Associate or Reserve Assessor.

Resolution publishes a detailed role description (which is subject to regular review by the Committee) for Portfolio holders/Question Setters, Assessors, Associate and Reserve Assessors (Annex 1 of this document)

This version of the Scheme Rules dated September 2023

Appendix 1

Resolution Specialist Accreditation Scheme

Role and Responsibilities – Portfolio holders/Question Setters, Assessors, Associate and Reserve Assessors

Terms of Reference

The Specialist Accreditation Scheme was established by Resolution to provide member practitioners with the opportunity to achieve a high level of professional recognition for their knowledge, skills and experience. It provides those who are accredited with a 'badge of excellence' whether with the general public or amongst their peers as a mark of the quality and status of their practice.

Resolution's Specialist Accreditation Committee has responsibility for the oversight, management and regular review of the Specialist Accreditation Scheme and for decision-making in relation to candidate requests or appeals and may also refer matters to the National Committee of Resolution or to the Head of Standards or staff team as appropriate or when required.

Specialist Accreditation is achieved by robust examination and assessment of those who apply in relation to both their Core knowledge and skills, and specialist areas of practice. Candidates are tested on their knowledge, skills and their ability to apply that knowledge and those skills in their everyday practice. Uniquely, they are also assessed on their ability to apply the Resolution Code of Practice. Those who are appointed by Resolution to act as questions setters, assessors or Associate Assessors must therefore be practitioners of the highest quality and specialism in practice.

Resolution's continuing aim is to ensure that the Specialist Accreditation Scheme remains robust, is of a high standard and reflects the very best of practice required of its members and affiliates who achieve specialist accredited status.

Role and Responsibilities – Portfolio holders/Question Setters, Assessors, Associate and Reserve Assessors

Resolution's Specialist Accreditation Scheme Portfolio holders/Question Setters and Assessors are a valued and essential part of the Specialist Accreditation Scheme. Appointed members may act as Portfolio holders/Question Setters, as Question Setters/Assessors (usually those who deal with the Specialist Portfolio section of the scheme) or as Assessors (or Associate or Reserve Assessors) usually appointed to assess the Core Section candidates. In consultation with the Specialist Accreditation Committee and Head of Standards, they are

responsible for setting and maintaining the high-quality standards of practice of those members who apply for, achieve and maintain their specialist accreditation.

Portfolio holders/Question Setters and Assessors

Portfolio holders/Question Setters are responsible for the drafting of case studies and questions and the proper assessment (Assessors) of candidate papers for Specialist Accreditation and Reaccreditation. They:

- Maintain their current membership of Resolution and their own professional standard of specialised practice in the subject area in which they provide an assessment of candidate papers
- Adhere to the Resolution Code of Practice
- Are alert to, and aware of, changes in relation to any relevant legislation or in terms of professional practice
- Adhere to Resolution's Code of Practice generally and to Resolution's policies in relation to Cheating, Collusion and Plagiarism, Whistleblowing and in relation to Complaints
- Maintain professional standards in acting confidentially, impartially and fairly in any work that they carry out as an Assessor to the Specialist Accreditation Scheme
- Draft (within the deadline set by Resolution) an appropriate Case Study and four accompanying questions that utilises the competencies for the specialist area of practice for which the Portfolio holder/Question Setter has responsibility. Portfolio holders/Question Setters are required to draft Case Study and questions for each Specialist Accreditation Round (generally twice per year, currently once per year for the financial adviser part of the scheme)
- Portfolio holders/Question Setters and Assessors assess/mark candidate papers to the level of assessment set by Resolution, ensuring that returns are made to Resolution within any deadline set
- Work with a Resolution Assessor, Associate or Reserve Assessor in order to ensure that draft case study/questions (and any failed or borderline papers) are reviewed ahead of further appraisal by either the Head of Standards (case study/questions) or by the independent moderator to the scheme (failed and borderline papers)
- Work with a Resolution Associate or Reserve Assessor to review the competencies as set (not less than annually but in any event to ensure that changes in law and practice are reflected in the competencies) and to ensure that any suggested amendments or updates are provided to Resolution's Head of Standards

Scheme Associate Assessors

Associate Assessors provide support to Question setters and Assessors as an experienced practitioner and as a 'critical friend'. They:

- Maintain their current membership of Resolution and their own professional standard of specialised practice in the subject area in which they provide support to a question setter
- Adhere to the Resolution Code of Practice
- Are alert to, and aware of, changes in relation to any relevant legislation or in terms of professional practice
- Adhere to Resolution's Code of Practice and Resolution's policies in relation to Cheating, Collusion and Plagiarism, Whistleblowing and in relation to Complaints
- Maintain professional standards in acting confidentially, impartially and fairly in any work that they carry out as a Buddy to the Specialist Accreditation Scheme
- Work with their colleague setter/assessor to review any Case Study and questions that are set by the setter/assessor are reviewed critically and constructively.
- Provide a second assessment of candidate papers as and when required and to the level of assessment set by Resolution and ahead of further appraisal by the independent moderator to the scheme.
- Work with their colleague setters/assessors to review the competencies as set (not less than annually but in any event to ensure that changes in law and practice are reflected in the competencies) and to ensure that any suggested amendments or updates are provided to Resolution's Head of Standards

Scheme Reserve Assessors

Resolution maintains a group of Reserve Assessors whose role is to be available to provide assessment of candidate papers as and when required. Reserve Assessors may apply for a Portfolio holder/Question Setter or Assessor role as they become available.

Specialist Accreditation Committee Members, Question Setters and Assessors – Individual Specialist Accreditation status

Resolution has agreed the following arrangements for members of the Specialist Accreditation Committee, Portfolio holders/Question Setters and Assessors in relation to their own accredited status:

- Portfolio holders/Question Setters and Assessors who hold specialist accreditation will not be required to reaccredit for the period of their appointment as a Portfolio holder/question setter or assessor. On stepping down or retiring from their role as a question setter or assessor they will be required to reaccredit as required, that is three years from the date of their departure from the scheme as a question setter or assessor.
- In the case of a new Portfolio holder/question setter who is appointed following the introduction of a new portfolio subject and for which they have taken responsibility for drafting or approving the portfolio, they will be deemed to have successfully completed

that specialist portfolio subject and will be subject to the same arrangements for reaccreditation as set out for question setters and assessors as above.

- The arrangements referred to above will also apply to all Committee Members who hold Specialist Accreditation. At the end of their appointment or when they step down or retire from the Committee, they will be expected to reaccredit as required that is, three years from the date of their departure from the Committee
- Resolution reserves the right to change or amend these arrangements from time to time and as required.

General responsibilities of Portfolio holders/Question Setters, Assessors, Associate and Reserve Assessors

All Portfolio holders/Question Setters, Assessors, Associate and Reserve Assessors are required to adhere to the Resolution Code of Practice.

All Portfolio holders/Question Setters, Assessors, Associate and Reserve Assessors are required to notify the Head of Standards of any change to their professional status or standing that would affect their continuing role with the organisation. They should also notify the Head of Standards if they leave or retire from practice or their specialist area of work or will be taking an extended leave from continuing practice. In the case of academic team members, this would apply to their academic appointment rather than 'practice'.

If a portfolio holder/question setter or assessor discovers they have any connection or relationship with a candidate that may cause, or be construed as, a conflict of interest or is likely to lead to a biased or partial outcome, they should immediately notify the Head of Standards.

Portfolio holders/Question setters and Assessors are required to return draft questions and assessed candidate papers within the timetable set by Resolution for each accreditation round and within the timescale set for assessment of candidates for reaccreditation.

Assessors are required to make assessment of candidate papers using the scheme set by Resolution. They are also required, in the case of borderline and failed candidates (in particular) to record clearly the competencies that have not been met by the candidate and any other reason that has led to a borderline or failed outcome.

Assessors will be required to provide a clear indication to failed candidates as to the reasons for their failure to reach the required standard. In the first instance this will be by indicating which of the competencies relevant to the set questions have not been fully demonstrated or met by the candidate.

Assessors may provide any further feedback they believe would be professionally helpful or useful. From time to time, Resolution may request further feedback for individual candidates and will require assessors in any event to ensure that any feedback is provided within a set timescale. All assessors are asked to bear in mind that candidates will have spent a great deal of their time preparing for specialist accreditation and have therefore

made a professional commitment to achieve specialist accreditation. Feedback should therefore be balanced, constructive and professional.

Recruitment and term of appointment

Recruitment for Portfolio holders/Question setters and Assessors is by an open process. Portfolio holders/Question Setters and Assessors must hold current Specialist Accreditation. Appointments are usually for three years and members may be re-appointed for a second period of three years, after which their further appointment will be reviewed by the Specialist Accreditation Committee. Any Associate or Reserve Assessor is free to apply to be a Portfolio holder/Question Setter or Assessor as vacancies become available. Resolution will first advertise any vacancies to those who are currently listed by the organisation as holding Specialist Accreditation (as it is a pre-requisite qualification).

The only exception to the foregoing will be when it is the case that Resolution adds a new part of the scheme (either Core and/or portfolio) where it is the case that the new subject/s specialism/s lie beyond the current parameters of the existing scheme. In this case, recruitment will still be by open and transparent process, based on the ability to evidence/demonstrate the required competencies of the new part of the scheme. Any member who holds Specialist Accreditation will be equally welcome to apply and must show that they have the requisite and additional knowledge and skill required to hold responsibility for the particular subject area. If the member recruited does not hold Specialist Accreditation, they will be encouraged to attain it and will be credited for the new Core or portfolio for which they assume responsibility.

Resolution's responsibilities to Portfolio holders/Question Setters, Assessors, Associate and Reserve Assessors

Resolution provides support to its team of Portfolio holders/Question Setters, Assessors and Associate Assessors as follows:

- Ensuring prompt fee payment for work completed by team members at a rate set out by the organisation and which is subject to regular review
- Ensuring that team members are given reasonable notice of forthcoming Accreditation Rounds and a timetable for submission of draft questions or returning assessed papers
- Providing an annual opportunity for the team to meet together to discuss issues relating to Specialist Accreditation and relevant changes in practice, qualification requirements and family law legislation
- Providing the means by which members can keep in touch with one another and have access to resources, such as past papers and so on.
- Providing administrative support, i.e. providing information in respect of timetables, and so forth, formatting questions, despatch of candidate papers to assessors.

- Providing access to the Head of Standards or a member of staff who can assist with queries or concerns and provide support as needed and in the event of a candidate appeal or complaint
- (Please note, that Resolution's published policies and procedures will be followed in the case of any complaint made against any Portfolio holder/question setter/assessor, associate or reserve assessor)

Person Specification

All Members appointed as Portfolio holder/Question Setters, Assessors, Associate or Reserve Assessors must have professional integrity and a high regard and respect for the principles of fairness, impartiality and confidentiality those set out in Resolution's Code of Practice. Additionally, they should be able to demonstrate:

- Specialist knowledge, skills and experience in the category of practice for which they wish to be a Portfolio holder/Question Setter, Assessor, Associate or Reserve Assessor.
- Ability to deal with and analyse and assess candidate responses to the required Specialist Accreditation standard set by Resolution
- Excellent written communication skills, the ability to work in a balanced and impartial way and confident in making decisions
- An ability to plan for and complete tasks within a set timetable

In addition, members must have professional integrity and a high regard and respect for the principles of fairness, impartiality and confidentiality.

Fees and Expenses

Travel expenses for meetings will be provided for in line with Resolution's expenses policy.

Where other expenses are incurred, these must be agreed with Resolution prior to making a claim.

Fees for assessment are as follow: £45 per Core or Specialist Portfolio paper and £20 per reaccreditation paper.

24 09 2023