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Alternative dispute resolution: a mapping exercise on accreditation schemes.

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A Report for the Department of Trade and Industry, April 2004.

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Alternative Dispute Resolution: A Mapping Exercise on Accreditation Schemes

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A Report for the Department of Trade and Industry
April 2004

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Alternative Dispute Resolution: A Mapping Exercise on Accreditation Schemes

“Perhaps the most fundamental reason for such a lively accreditation agenda is the unremitting trend for producers and providers across all sectors—public and private—to have to demonstrate greater confidence in their products, services and people through independent assessment.

The trend is unlikely to abate, with potentially significant consequences for accreditation and the accredited in the future. The continuing drive towards a “risk-free” society will require more independent verification, more validated performance, more auditing of goods and services, more measurement of reliability, and “smarter” assurances of conformity and compliance. Companies and other providers will have to demonstrate more external scrutiny of their corporate disciplines and service delivery whilst their markets will be demanding integration and consistency, both nationally and internationally to an ever-higher degree.”¹

1 THE REPORT

1.1 Introduction

Current developments² in the field of alternative dispute resolution (ADR)³ have increased interest in the regulation of ADR providers and in accreditation as a regulatory mechanism. However, the accreditation agenda referred to in our opening quote is under discussion in a variety of fields, all sharing concerns about the competence, ethics and independence of providers who work within them and the general lack of close regulation of their practice area.

- *Expert Witnesses*:⁴ Recent high profile cases⁵ have called into question the competence and independence of expert witnesses and enlivened the debate about their accreditation.⁶ In response, the Home Office established the Council for the Registration of Forensic Practitioners (CRFP),⁷ a professional regulatory body whose central function is to prepare and manage a register of currently competent forensic practitioners.
- *Immigration Advisors*:⁸ The government has long been concerned⁹ about the poor quality of immigration and asylum advice, unscrupulous and incompetent advisors and the vulnerability of clients.¹⁰ Yet, despite the introduction of a number of measures,¹¹ it felt that these problems¹² were so widespread as to require the introduction of a compulsory accreditation scheme for all advisors doing legally aided immigration and asylum work.¹³
- *Mediators*: When the Lord Chancellor’s Department (LCD) issued a consultation paper on ADR it suggested a differentiation in the need for control of arbitrators, neutrals and mediators.¹⁴ Stating that, as arbitration is a process governed by statute, with a right to appeal to the courts, and as arbitrators are governed by the professional standards in their field (e.g. from the Bar Council) and undergo rigorous examinations,¹⁵ there was no need to take any steps with regards to regulation. Similarly, early neutral evaluation (ENE) and

expert determination are offered by neutrals who are either legally qualified, or qualified in another profession, and are therefore subject to professional standards and codes of conduct.¹⁶ The department, however, noted concerns about the need to protect the public in relation to mediation.¹⁷ “Mediation is as much or more about good communication skills as about expertise in the law or the subject matter of the dispute, which makes it harder to judge a good mediator by paper qualifications and training.”¹⁸ Some responses¹⁹ to the consultation queried the underlying assumption that mediation, above all other ADR processes, was most in need of quality control.²⁰

This project is particularly concerned with accreditation of mediation services but relevant forms of accreditation used for analogous services or in similar contexts are also considered.

1.2 Aims

The aims of the research were to:

- Define accreditation and its role in regulation.
- Identify the scope of schemes used to accredit ADR services or potentially relevant to accrediting such schemes.
- Map accreditation schemes presently available outside of the field of ADR. For instance, schemes offered by government departments, academic institutions and professional bodies.
- Detail the structures and processes of these schemes.
- Gather information on costs of schemes where available.
- Ascertain what evaluation procedures accreditation schemes undertake and what factors are taken into account in evaluation.
- Ascertain what types of findings evaluation procedures reveal and whether these findings are published.
- Evaluate the effectiveness of the schemes measured against their declared objectives.
- Gather information on the costs of and sources of funding for evaluation.

Most of these aims have been fully met, but the research revealed that details of evaluation and cost are often not published and are not available in response to direct enquiries.

1.3 Methodology

The project involved desk research, collating existing information on accreditation schemes through books, journals, websites, published reports and other materials publicly available. This literature was then reviewed to compare, contrast and appraise the schemes. Telephone contact was made with the main providers identified through the literature review for clarification and elaboration of information and for contact details of other accrediting or accreditation organisations.

1.4 Organisation of the Report

The report is divided into three sections.

- The first section presents the context of the research, providing an outline of the ADR landscape and its current control mechanisms, summarising the regulation debate by outlining the major arguments for and against regulatory control by accreditation and identifying alternative means of occupational management. It concludes with a comment on problems of definition.
- The second section concentrates on accreditation. It covers, *inter alia*, the range of accreditation organisations, the purpose and focus of accreditation schemes, the criteria for accreditation, the method of accreditation, the costs of accreditation and the methods of evaluation.
- The final section comprises a series of tables. Table One identifies *proximate examples*, i.e., accreditation schemes that closely relate to the field of ADR, especially mediation. Table Two identifies *analogous examples*, i.e., accreditation schemes outside the immediate sphere of ADR but of relevance due to similarities of objective such as advice giving and dispute settlement. Table Three covers *remote examples*, i.e., schemes that are outside the field of ADR or analogous fields but which employ structures or elements that may be relevant or useful. Table three is therefore, included in order to indicate how accreditation schemes not dealing with ADR could have relevant elements.

2 THE PROVISION AND REGULATION OF ADR

2.1 Structure Of Provision

Alternative Dispute Resolution (ADR) services in the UK are provided under a variety of mechanisms. These can be usefully categorised into three groups according to the degree of involvement of the state.²¹

2.1.1 The State as ADR Provider

- Use is made of ADR techniques within the formal provision of traditional court networks. For example, when dealing with small claims district judges regularly make use of elements of conciliation, mediation and arbitration.
- Specialised dispute resolution fora have been created, such as, tribunals, statutory ombudsmen, utility regulators and the Advisory, Conciliation and Arbitration Service (ACAS).²² Within their procedures provision exists for use of ADR techniques.

2.1.2 Private Provision with State Support

- The Government, in a variety of ways, has provided support for schemes and services developed by the not-for-profit and commercial sectors.
- Court based/annexed ADR schemes.²³
- Community mediation services supported through local government funding.

2.1.3 Stand Alone Private Provision

- A number of ADR service providers developed in response to specific social needs. They cover three main sectors, family, community and commercial.
- Many professional bodies and organisations use, regulate or oversee dispute resolution services in their field of expertise. For example, the Royal Institution of Chartered Surveyors supervises an ADR scheme and the Law Society has both a Family Mediation Panel and a Civil/Commercial Mediation Panel.

2.2 Current Regulation of ADR

Despite the range of provision identified above there is at present no statutory qualification for mediators, or other third party neutrals, nor is there a single accreditation scheme certifying providers of ADR procedures or evaluating the services they offer. Overall there is very little regulation of ADR activities. What exists is piecemeal regulation by ADR service providers themselves, possibly motivated by the potential of withdrawal of funds from publicly sponsored ADR providers and by the need to compete for private ones. Examples in the field of mediation can be broadly categorised depending on the type of mediation sought, for:²⁴

2.2.1 Commercial Mediation

Mediators are individually trained and accredited by a number of different organisations. The primary providers are: the Academy of Experts (TAE), the ADR Group, the Centre for Effective Dispute Resolution (CEDR), the Chartered Institute of Arbitrators (CIArb), the Law Society and the Royal Institute of Chartered Surveyors.

2.2.2 Community Mediation

Mediation UK²⁵ and the Community Legal Service (CLS), by use of the Mediation Quality Mark (MQM), are the dominant providers of training and accreditation programmes and schemes.

2.2.3 Family Mediation

In addition to the CLS MQM,²⁶ the UK College of Family Mediators²⁷ approves members working in accordance with its

standards and the Law Society offers its accreditation scheme for solicitor mediators, the Family Mediation Panel.

2.3 The Regulation Debate

Recent publications²⁸ dealing with the issue of regulation of ADR services, suggest the following major arguments:

2.3.1 Arguments in Favour of Regulation

- *Consumer Protection*: Essentially “[a]nyone can hang a shingle outside their front door advertising mediation services.”²⁹ The public needs to be aware of what to expect from ADR in terms of personnel, procedures, results and costs. The imposition of formality via regulation would instill confidence and protect consumers from unscrupulous, unethical and incompetent practitioners.
- *Professional Benefit*: If only the qualified, competent and ethical were permitted to practice, the profession would benefit generally from enhanced status and particularly in the eyes of funding and other important organisations. In addition, it would widen the level of acceptance of ADR as a means of dispute settlement. Finally, regulation would probably benefit members of the profession legally and financially.³⁰
- *Social Benefits*: In securing the advantages of ADR in the public interest, standardisation, supervision and monitoring of approved practice, at least within individual dispute areas, would promote quality and minimise inadequate service. Uniformity in approach would protect against piecemeal, *ad hoc*, arbitrary progress that could weaken the scope for future development of ADR.³¹ The development of leading edge, regulated services could enhance the UK’s suite of dispute resolution services and enhance invisible earnings for the economy.

2.3.2 Arguments Against Regulation

- *Unnecessary*: As mediation is voluntary (parties are free to walk away from the mediation at any time), without prejudice (parties still retain their right to litigate) and confidential (parties should not have the fact or content of mediation revealed) there is no need for regulation.³²
- *Inhibiting*: The field of ADR is still a developing one and regulation would restrain its creativity and flexibility. Over-regulation would inhibit ADR’s development, blurring its distinction from the rule bound justice system.³³
- *Market Forces*: At least in the commercial field, parties will only refer their disputes to reputable mediators.³⁴ Thus, consumers provide the necessary controls.
- *Professionalisation*: A tight regulatory framework for ADR might lead to unnecessary professionalisation of mediation

activity. This could be an impediment to community / neighbourhood mediation. Lay people, many with excellent mediation skills, may be excluded.

- **Costs:** Regulation and professionalisation entail costs that the public, consumers and practitioner must bear. For instance, costs of preparing practitioners to enter the profession (education and training), of complying with ongoing requirements through continuing professional development, and costs of administering the regulatory scheme.³⁵

2.4 Methods of Quality Control of Services

“Is there any means by which we can guarantee that an expert is really an expert? I suspect the answer is no. However, we could relatively easily reduce the risk that they are not.”³⁶

2.4.1 Introduction

Accreditation is a global mechanism. Most developed economies have a national accreditation service similar to the United Kingdom Accreditation Service (UKAS).³⁷ It is posed as a solution to situations where the public, or a purchaser of services provided to the public, is in a poor position to judge the quality of those services³⁸ or where state regulation is too cumbersome or lacks effective enforcement strategies.³⁹ It is also argued that accreditation helps to break down trade barriers by screening goods and services, which can then be accepted worldwide without the need for additional testing.⁴⁰

In a rapidly evolving market for ADR services there may be demand for accreditation, including from existing providers of services. However, accreditation processes, where mandated, should be accessible, economical and effective. Quality controls must be supple enough to encourage “flexibility, creativity and innovation”,⁴¹ so as not to inhibit a still developing field.

2.4.2 Difficulties of Definition

Though this report focuses on accreditation as a method of controlling the provision of ADR services, there are other existing options. These are mentioned below in order to provide an indication of the type of regulatory choices available, but more importantly, in order to highlight the difficulty surrounding the use of inconsistent terminology.

The National Open College Network (NOCN) recognised the wide range of terminology associated with accreditation and declared that this inconsistency in the use of language not only “inhibited [their] research [but] more importantly inhibits proper public debate and discussion of issues and ideas relating to recognition of achievement”. They argue “[a] common language for recognition of achievement and accreditation would enable

effective discussion and development of theory and practice to take place.”⁴²

Accreditation is often confused with similar processes and terms like licensing, certification, authorisation, inspection and regulation.⁴³ This terminological confusion emanates from the use of the term to describe different processes in different fields.

Two distinct uses of the term accreditation emerge from the literature, or specifically one from the literature on education and another from the literature on regulation. The literature on education talks of accreditation as a process through which relevant experience is recognised as an alternative to formal learning, sometimes for the purpose of exempting a person from some course requirements. In the educational literature the term accreditation is routinely applied to individuals. Thus, for example, it is used to describe the process of credit rating the prior learning of mature students entering formal education⁴⁴ as, for example, when the Open University offers what it calls a “limited form of accreditation” through credit rating.⁴⁵

However, there are other meanings of accreditation ascribed in educational contexts, for example, in drawing a distinction in terms of course outcomes with certification. For instance, for Alaska Pacific University

“[a]ccreditation means having an agency, such as a university, testify that an individual has undergone training, and has met defined standards for this training...and is usually accompanied by either a certificate of attendance, or a certificate of accomplishment. Notwithstanding the word “certificate” accreditation *does not* mean certification. Certification means that an agency, such as a professional association like the American Medical Association acts as a guarantor of the soundness of one of their practitioners, based on policies and standards internal to that agency. The word “Certification” connotes that the agency is certifying facilitation practitioners as able to do the job. This has significant legal and liability implications...Accreditation implies that practitioners have completed the necessary credits to graduate from the program but establishes no guarantee as to the ability to do the job, thus relieving the agency of any legal liability.”⁴⁶

The definition of accreditation in the regulation literature derives from Health Service quality monitoring. Here, it is the organisation rather than the individual that is accredited.

These different meanings are brought together by the International Organisation for Standardization (ISO) which defines accreditation as the “[p]rocedure by which an authoritative body gives formal recognition that a body or *person* is competent to carry out specific tasks.”⁴⁷ This definition suggests a process defined in other contexts as certification, a

process involving a 'one off' achievement of threshold standards by an individual.

Any of these usages may be relevant for present purposes. It may be desired to recognise mediators by reference to approved courses and/or experience, or it may be desired to recognise organisations to provide services and/or certificate mediators. Alternatively, other usage may be intended. For example, it may be desired to certificate individuals as competent to offer services. Because of the risk of confusion between the terms 'certification' and 'accreditation' we adopt the terminology used in the regulation literature. In this report we work with meanings of the terms appearing from the literature to be relevant but making meaningful distinctions between the various regulatory mechanisms and terminology, while seeking a range of examples that transcend the nomenclature. This terminology is as follows:

2.4.3 Accreditation

Accreditation, narrowly defined, is a process whereby "an independent agency both defines and monitors the standards of those *institutions* which voluntarily choose to participate in the scheme."⁴⁸

2.4.4 Benchmark and Benchmarking

The British Quality Foundation describes a benchmark as "...a reference or measurement standard for comparison...the standard of excellence for a specific business process." It goes on to specify that benchmarking is "a systematic and continuous measurement process; a process of continuously comparing and measuring an organisation's business processes against business leaders anywhere in the world to gain information that will help the organisation take action to improve its performance."⁴⁹

2.4.5 Certification

The International Organization for Standardization's ISO 9000, which has become the internationally recognised standard for quality management systems,⁵⁰ defines certification as the "[p]rocedure by which a third party gives written assurance that product, process or service conforms to specified requirements."⁵¹ The Law Commission adds that certification "recognises that a person has completed a prescribed level of education or training or achieved a certain level of competence in performance or skills. It can be granted by a public body, educational authority, or professional body. When granted by a public body the right to practice may depend on certification. The right to use a professional title often accompanies certification."⁵²

2.4.6 Registration

Can be defined as a “list identifying practitioners providing a particular service which is compiled and published, usually by a public body. Inclusion may be conditional upon educational or practical qualifications and/or subscription to a code of practice. The right to identify with the occupational group may depend upon registration.”⁵³

Prior to entering forensic practitioners on its register the CRFP⁵⁴ assesses every applicant individually, taking up references (including their employer or a regular client) and checking the information provided (including claims to degrees and professional qualifications). Applicants have to declare any previous problems with their fitness for the job.⁵⁵ There is therefore little incentive for someone to register who is not fully competent in their work, as by registering they would expose themselves to a high degree of scrutiny.⁵⁶

2.4.7 Licensure

May be seen as the permission to practice in a profession, in that only those holding a license may do so.⁵⁷ “Licenses are usually issued on government authority when prescribed levels of education, performance or other qualifications are met, and on payment of a fee.”⁵⁸

2.4.8 Conclusion

The main problem with definition lies in confusion between the terms accreditation and certification and the application of both to organisations and to individuals. For the sake of clarity we have adopted a definition of accreditation, which focuses on determining the ability of organisations to regulate services.⁵⁹ This avoids confusion between the application of accreditation to organisations and to individuals and between the term accreditation and certification. It is anticipated that a feature of such accreditation may include the right for the organisation to certify individuals as competent to offer, or to continue to offer, such services. However, certification could take place independently of such organisations as part of a regulatory framework within which an independent body certifies individuals.

This distinction leaves open what form accreditation might take. For example, in earlier manifestations external peer review was seen as a defining feature of accreditation.⁶⁰ Accreditation may still take many forms but, what typically begins as a mechanism of professional information diffusion and self-improvement may take on a more regulatory form, for example, as a tool for achieving national standards.⁶¹

3 ACCREDITATION

3.1 Introduction

The subheadings in this section correspond with the columns in the tables that follow. They are intended to give a background to the meaning of the headings and some examples from the literature and fieldwork that can be followed up through the tables.

3.2 Accreditation Organisations

Accreditation schemes can be created or grow organically. For example, the King Edward VII's Hospital Fund for London,⁶² which over a period of ten years grew into the Health Quality Service, the longest established health accreditation service in Europe. It began as a project in the King's Fund Quality Programme, concentrating on the application of a standards-based programme for UK hospitals. Within a year The Kings Fund Organisational Audit (KFOA) was established and over the next seven years KFOA launched fee paying programmes with NHS and independent clients, developed and revised programmes for, primary care health authorities and mental health services and developed standards for nursing and residential care homes. A decade after the programme began, KFOA was re-launched as The Health Quality Service (HQS). HQS piloted the concept of performance indicators, initiated standards and an assessment programme for primary care groups and introduced a new accreditation programme. In 2000 it was established as an independent charitable organisation and was accredited by the International Society of Quality in Health Care (ISQua).

There are a wide variety of accreditation organisations, particularly among the professions and statutory bodies. The Higher Education Quality Council (HEQC) mapping exercise of the practices and procedures of professional and statutory bodies found that 95% of the sample organisations accredited courses or programmes and 40% accredited centres or Schools.

One difficulty in accrediting organisations in sectors with diverse providers is finding a format that can embrace a range of provision. For example, private and public organisations are recognised as having different drivers. Private organisations have their principal focus on the customer and may be resistant to standards requirements that are inconsistent with this. Public organisations may lack a customer focus and are likely to seek conformity with institutional practices. There are questions about how far this kind of diversity can successfully mix in the same accreditation regime.⁶³ Critics of accreditation point to the difficulty in designing sufficiently robust standards to cover different organisations, areas and types of provision, the fact that episodic inspection cannot guarantee quality

and the tension in securing standards and protecting public and building trust with providers.⁶⁴

Such problems are addressed, *inter alia*, by British Standards awards⁶⁵ and Investors in People, which, as industry based quality management accreditation schemes, must accommodate a range of public and private organisations. Examples include, BS EN ISO 9000:2000,⁶⁶ which describes the requirements for setting up and maintaining an effective quality assurance system.⁶⁷

Assessors for accreditation and monitoring procedures are often drawn from a peer group. These may either be separate from the industry or drawn from a sufficiently broad base that conflicts of interest are minimal.

Full-time assessors may be expected to reach more consistent decisions.⁶⁸ On the other hand, without expertise the legitimacy of decision-making may be called into question.⁶⁹

Another factor in determining the style of accreditation organisation is whether it is desired to have local standards monitored nationally or national standards administered locally. An example of the latter is the National Open College Network (NOCN). The NOCN offers centres pre-accredited programmes as well as accreditation for new programmes.⁷⁰ In both instances accreditation is offered through a local Open College Network (OCN), with local staff support, but all local OCN organisations work within a common framework of accreditation.

3.3 The Purpose and Focus of Accreditation Schemes

Accreditation schemes have been used for a range of quality management purposes, for example, in Health and Education services and in legal and financial services. They provide reassurance of the quality of hospital services and academic courses, and allow more informed decision-making in relation to legal and financial services. Accreditation provides a focus and incentive for organisations in meeting quality standards, an external measure of achievement and reassurance to the public about the quality of services.

Accreditation schemes may focus on different things according to their purpose, which may be:

- Standard setting and monitoring standards of performance.
- Providing benchmarks for improvement.
- Disseminating good practice.
- Informing the choice of consumers with reference to quality.
- Providing a benchmark for managers and individuals within organisations, enabling them to monitor the performance of themselves, their peers and the organisation.

These purposes may be incompatible or even mutually exclusive. For example, publishing the results of scoring and grading exercises may mitigate information asymmetries but may also undermine the environment of openness and trust conducive to incremental organisational development. This is an argument that has been made in connection with the provision of ADR services. As a relatively new field, it may be suggested that ADR is still developing and that too much supervision or regulation could stifle innovation.⁷¹

The two main models of accreditation are concerned with either the verification of quality of services or development of quality.

- *The verification model* tends to look at inputs (staff, facilities) and therefore tends to be static. This is suitable for ensuring common standards.
- *The development model* looks at missions and for effectiveness in achieving objectives. It examines processes to ensure that the organisation is conducting its own ongoing evaluation so as to make changes to continually improve standards, “evaluative and educative rather than inspectorial or judgemental.”⁷²

The developmental model is more able to accommodate diversity and hence to encourage improvement and innovation.⁷³ The Community Legal Service Quality Mark Standard for Mediation exemplifies the developmental model. Recognising that “[c]ontinuous improvement is an integral part of quality assurance”, the Legal Services Commission has stated that “quality criteria will evolve and develop over time, and [that it] will work in conjunction with a wide variety of organisations from the legal sector to achieve this.”⁷⁴

Where services are available to the general public the argument that the results of accreditation processes should be available to the public increases.⁷⁵ The form this takes, however, may vary. For example, evidence is often made available to the public through registers, directories and approved lists, such as the publication of Quality Assurance Agency (QAA) reports on Higher Education institutions. Alternatively, reports of accreditation and monitoring may be published as occurs at institutional level in higher education or with the legal professions’ vocational courses.

There has been a tendency to conflate the verification and development models, customising accreditation systems with elements of both. The Higher Education Quality Council found that 70% of organisations accrediting educational provision took account of both resource and internal quality procedures as part of their processes.

3.4 Criteria for Accreditation/key documents

Criteria for accreditation are often developed in collaboration with sector organisations. For instance, in order to be awarded the BARMARK (quality assurance for barrister’s chambers) chambers must

undergo a validation visit from the British Standards Institute (BSI). The Institute assesses chamber's compliance with the quality assurance checklist drafted by the Bar Council.

Definitions of quality may be useful and may be present in a key document including a mission statement. Other key documents may include useful material as a basis for accreditation.

3.4.1 Mission Statement

Developmental accreditation takes account of the mission of the accredited organisation. This therefore needs to be published.

3.4.2 Standards of Competence

Standards provide a benchmark for assessing mediator competence and can cover a wide range of knowledge, skills and abilities.⁷⁶ The attainment of certain standards is often a requirement of assessing mediators and could include their familiarity with and ability to embrace codes of practice and ethical guidelines.⁷⁷ In order to ensure the maintenance of attained standards and the enhancement of skills and knowledge, many accreditation schemes recognise the need for continuous training and development.⁷⁸ For the providers themselves this continuous professional development forms an important part of the quality hallmark and credibility of their schemes.⁷⁹ However standards of competence tend to be context and sector specific. For example, formal qualifications may be inappropriate for mediators involved in community mediation.⁸⁰

3.4.3 Codes of Conduct/Practice

Competence standards may be captured in codes of conduct, familiarity with which may be a basis for recognition and/or for disciplinary procedures. The latter therefore often being a means by which such codes are enforced.⁸¹ However, existing standards are for the most part educational, rather than enforceable and there is no one body responsible for enforcing mediation standards.⁸² There are some mechanisms in place; for example, the Law Society could discipline solicitor mediators in breach of its codes. All ADR lawyer mediators accredited through the ADR Group⁸³ also subscribe to the Civil/Commercial Code of Practice from the Law Society. In family mediation the Society operates a Code of Practice for Family Mediators whereas the other major provider of family mediation services, the UK College of Family Mediation, has its own Code of Practice for Family Mediators

Such documents may form the basis of accreditation and act as a source of standards. For example, the existence of a code of conduct may be a requirement for accreditation and a source of standards information.

3.5 Authorisation of Accreditation Body / Scheme

Authorisation is a key issue for accreditation schemes in that, without backing, it may take time for them to establish credibility. There are further questions about whether private arrangements can adequately protect the public interest and the capacity of private accreditors to set and monitor standards.⁸⁴ Without regulation of accreditation who will decide how many accrediting bodies to authorise?⁸⁵

The main choices for authorisation of accreditation schemes are between self and state regulation. Self-regulation has many forms, including co-regulation, i.e., with some 'oversight or ratification by government.'⁸⁶ Some forms may have advantages over state regulation.⁸⁷ For instance, it has been suggested that state regulation—either for funding purposes or as a means of policing the public environment—may change the role of accreditation from the professional model of education and support to one of control.⁸⁸ The voluntary nature of schemes may also be compromised because providers 'risk stigma and loss of professional credibility if they opt out'.⁸⁹

An example of a mixed system, combining delegation of regulatory powers and enforcement of standards, is the new compulsory Immigration and Asylum Accreditation Scheme administered by the Law Society, on request from the Department of Constitutional Affairs (via the Legal Services Commission). By April 2005 all individuals performing publicly funded work in the field of immigration must be accredited to the appropriate standard.

3.5 Method of Accreditation

Methods of accreditation may include auditing, monitoring or self-reporting, for example, whereby statistical returns are made to a national body.⁹⁰ In its earliest incarnations a score was produced to show how well the organisation complied with the prescribed standards.

Standards may be set in absolute or pragmatic terms. Traditional forms of accreditation tend to examine structures and processes using assessors' professional judgement. More contemporary forms tend to comprise performance evaluation and assessors use detailed checklists of criteria.⁹¹ There is some concern that assessors could be reluctant to refuse accreditation where this could have damaging financial consequences for providers.⁹²

The HEQC research established that around 85% of the professional and statutory bodies surveyed undertook initial accreditation visits while the remainder undertook 'desk exercises' but reserved the right to visit. The Law Society, for example, accredits qualifying degrees in law on the basis of course documents used in validation, which must be submitted to the Law Society's Education Officer.

3.5 Symbol of Accreditation

Successful accreditation can be marked by a variety of means: by inclusion in approved lists/registers, or the award of a kite mark, or a certificate to mark success on courses of education and training. The awards of 'Charter Marks' were explicitly used as a 'signalling device' in developing Health Service accreditation.⁹³ The United Kingdom Accreditation Service (UKAS) uses the Royal Crown as its common symbol for all UKAS accredited activities. As with UKAS accredited services, symbols may signify government involvement and allow prospective users of an accredited service to make an informed choice. By contrast, according to the British Accreditation Bureau (BAB), most 'registers' are merely lists of suppliers or a membership listing, with no formal vetting of any kind.⁹⁴ Solon points out, in connection with expert witnesses, that directories "range from, [those] requiring solicitors references and submission of CVs. to, in effect, glorified yellow pages."⁹⁵

Those who award accreditation symbols and accredited members who are permitted to use them generally believe that this type of identifying mark offers an immediately recognisable brand, which not only reassures users of the quality of their service but also raises awareness of the service.⁹⁶ However, very little research has been conducted into the impact of accreditation schemes. And the research that has been conducted is primarily based on the views of accredited institutions.⁹⁷ For instance, a recent survey looking at the regulation of private English language teaching institutions found that a primary motivation for these institutions to pursue accreditation was to improve their business through effective marketing but the institutions reported a lack of awareness in the potential markets of what accreditation stands for.⁹⁸ Consequently "the fact that many do not understand the significance of accreditation undermines the intended gains to the market".⁹⁹ Users of services perhaps place more emphasis on value for money and shopping around.¹⁰⁰

3.6 Costs of Accreditation

In general the time and cost to achieve accreditation, certification or recognition depend on:

- The organisation size and operational complexity.
- The state of current systems, documentation etc.
- The level and amount of quality expertise within the organisation.¹⁰¹

The Chartered Institute of Personal Development identified typical costs incurred in meeting formal quality standards as:

- External assessors—charges depend on the complexity of the assessment.
- External consultants—if required.
- Additional staff training.

- Company time spent on management reviews, writing procedures and performing internal audits.¹⁰²

For the accrediting organisation, establishing whether or not each candidate meets the criteria (including provision for appeals and maintaining lists of scheme members and so forth) can be a considerable burden. It is usually paid for by the individual applicants of the scheme. They also incur additional costs in terms of loss of fee earning time, course fees and membership dues. If accreditation is voluntary it must be seen to add commensurate value to the organisation, in terms of market share, development opportunities, recognition or profile.

Where certification is of individuals then administrative costs and financial costs include, that of undergoing the required assessment, for example, the completion of detailed questionnaires, interviews with particular case files or case studies and attendance at mandatory training.

The Higher Education Quality Council research found that 25% of professional and statutory bodies surveyed charged for visiting within the jurisdiction and that charges were between £300 and £500. A visit from/audit by the Legal Service Commission for an award of the CLS Mediation Quality Mark is free to services in receipt of public funds but for other services, is charged at rates for similar audits undertaken by external auditing bodies.

3.9 Method of Evaluation

The focus of evaluation could be the quality of services, the quality of organisations, the effectiveness of the accreditation scheme or all of these. It could include external experts, auditing of accreditation or monitoring reports or field research into services.

Evaluation of accreditation schemes is often non-existent, unpublished or conducted by interested parties rather than those responsible for the scheme.

Evaluation is, however, usually of demonstrable benefit because it encourages adjustments so that services can be made more effective. An example of a potentially beneficial scheme, suffering from the fact that it is voluntary, is the Law Society's Lexcel scheme, launched in 1998 to provide a practice management quality mark for solicitors. Lexcel has only been awarded to 265 private practices, 113 local authorities and three in-house/commercial departments. Of the private practitioners only five of the firms have more than 50 partners. The majority with Lexcel accreditation are 103 firms with two to four partners. The risk management solicitors, Legal Risk, expressed a lack of surprise at the low take up of Lexcel by the top 100 firms. They acknowledged a definite perception in larger firms that Lexcel was not

appropriate for them. Their survey results found approximately 70% of firms were not considering Lexcel accreditation despite its risk management benefits.¹⁰³ According to Legal Risk, Lexcel has a real added value for risk management and there are a number of multimillion-pound claims that could have been avoided had Lexcel been in place.¹⁰⁴ “Viewed objectively it is hard to fault any of the Lexcel requirements; that being so, firms have only to fear external assessment to check they are doing what they say they do. Increasingly, insurers are recognising the value of the accreditation and, even for firms who do not have it, are building the principles into their assessment or risk.”¹⁰⁵

Performance measurement is essential for gauging whether or to what extent the goal of quality has been met. Traditional determinants based on costs accounting information are inappropriate for the measuring of quality, as they fail to map process performance and improvements seen by the customer.¹⁰⁶ The Department of Trade and Industry (DTI) has noted the importance of the role quality measurement plays in:

- Identifying and tracking progress against organisational goals.
- Identifying opportunities for improvement.
- Comparing performance against both internal and external standards¹⁰⁷

The Department goes on to suggest that a “good performance measurement framework will focus on the customer and measure the right things”, which it claims must be:

- Meaningful, unambiguous and widely understood.
- Owned and managed by teams within the organisation.
- Based on a high level of data integrity.
- Such that data protection is embedded within the normal procedures.
- Able to drive improvement and
- Linked to critical goals and key drives of the organisation.

Scoring and grading, which can be an inevitable incident of accreditation, can be used as a basis of evaluation. In terms of organisational accreditation, such measurement may allow the organisation to identify gaps in the quality of its service. In the developmental model, accreditation is accompanied by periodic monitoring. Previous reports provide a benchmark for assessing performance. Also feedback through questionnaires and the like may highlight strengths and opportunities for improvement.¹⁰⁸

Criteria contained within the European Foundation for Quality Management (EFQM) Excellence Model, provides a framework within which organisations can measure themselves, self assessment, and detect any gaps, “gap analysis”, or areas for attention and improvement.¹⁰⁹ And there are a number of approaches that can be used to achieve this including: discussion group/workshop methods,

surveys, questionnaires and interviews, pro formas and activity or process audits.¹¹⁰ Certification of individual practitioners may be based on missions, standards and codes of conduct of the accredited organisation. However, a scheme for certifying individuals could be based on similar criteria published by an overarching agency rather than by sector based organisations.

3.10 Conclusion

As earlier stated a lack of research makes it difficult to draw definitive conclusions about the impact of accreditation on consumers of ADR services. However, Hoque has made some interesting findings in relation to the Investors in People (IIP) standards.¹¹¹ That within a considerable *minority* of IIP accredited workplaces, "...accreditation has, over time, come to represent little more than [another] 'plaque on the wall'."¹¹² This is possibly because of the motivations for seeking IIP in the first instance. Motivations such as: public relations, funding, and organisation's inclination to 'collect badges'.¹¹³ "Flavour-of-the-month 'badge collecting' was seen as leading to a more superficial engagement with initiatives, and as a result, attention was only really paid to IIP when organizations applied for re-accreditation."¹¹⁴

4 THE TABLES

4.1 Introduction

The information contained in the following tables was compiled from the websites of the organisations listed and the documents available thereon. Additional information was gathered through email and telephone contact with the organisations. Some details, particularly in relation to cost and evaluation, were not readily available even after direct contact was made. Where information was not available or not applicable columns were left blank.

The organisations listed in the tables were chosen primarily because they are leaders in their field and / offer a noteworthy approach to accreditation. Other organisations were excluded due to close similarity in purpose, function and / or method of accreditation to those organisations already included. So, for example, in table three details of the British Standard Institute and the Institute of Quality Management were not given.

4.2 Table One: Proximate Examples

This table provides proximate examples of accreditation schemes, i.e., schemes that closely relate to the field of ADR, especially mediation

4.3 Table Two: Analogous Examples

This table identifies analogous examples of accreditation schemes, i.e., schemes outside the immediate sphere of ADR but of relevance due to similarities of objective such as advice giving and dispute settlement

4.4 Table Three: Remote Examples

This table covers remote examples of accreditation schemes, i.e., schemes that are outside the fields of ADR or analogous fields but which employ structures or elements that may be relevant or useful.

5 DISCUSSION

“[T]he public has no real interest in whether or not all mediators work to a common set of standards, but does have a real interest in ensuring that the mediator with conduct of their case offers a quality service.”¹¹⁵ “But quality is different in the different ADR processes.”¹¹⁶

The difficulty of applying one scheme to fit all has been highlighted in the ADR context. For instance, as members of the legal profession lawyer-mediators are already subject to standards of practice, codes of conduct and disciplinary and complaints procedures. They must also carry professional indemnity insurance. Despite this, the Law Society developed specific codes of practice for lawyer-mediators involved in both family and civil/commercial mediation. They “considered it inappropriate to develop a single code of practice or training standard for both of these areas [and were] concerned that an attempt to define unified standards and codes...may serve to stifle the development of mediation over the coming years.”¹¹⁷ As previously noted, convergence may indeed inhibit diversity and innovation.¹¹⁸ Neither the Health Advisory Service¹¹⁹ nor the Audit Commission¹²⁰ indicate what they consider to be good practice. The Patient’s Charter¹²¹ does, however, set out definitions of quality.

It is useful to contrast the Law Society’s opinion on separate codes with views currently being expressed about standards for expert witnesses. The *CPR Code of Guidance for Experts and Those who Instruct Them* only applies to expert witnesses giving evidence in civil cases and there is no equivalent for criminal cases. Cohen argues that the basic requirements for experts are and should be the same, regardless of the court in which they appear and whatever their field of expertise. This suggests one code for experts¹²² comprising mandatory core requirements then additional requirements perhaps dependent on the court.¹²³

Mediation services in the UK are provided by a number of organisations and individuals dealing with a number of contexts. A framework of recognition could take many forms. It might operate through a state sponsored agency. It might include what we have called a process of accreditation whereby mediation organisations are accredited to provide services, or training or certification of mediators, or all of these. It might alternatively, or perhaps also, provide a compulsory certification procedure for mediators independent of organisations. The advantage of developmental accreditation would be the flexibility to accommodate a range of organisations and contexts in the regulatory framework. The advantage of standards based accreditation would be the development of consensus around core competencies and, possibly, movement towards common standards. A system could be developed involving elements of each. This could involve the certification of mediators with basic or core competences and the accreditation of organisations to offer training, development, services, and perhaps certification, in the diverse areas of practice that constitute the mediation field.

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European Foundation for Quality Management
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ENDNOTES:-

¹ Lord Lindsay (2003) *UKAS Annual Report & Accounts 2003*: 1, 2

² For example, *Routes to Resolution*, the DTI consultation document and statutory changes contained in the Employment Act 2002, has encouraged the use of ADR for resolution of employment disputes. Moreover, the Advisory, Conciliation and Arbitration Service (ACAS), on advice from the Better Regulation Taskforce, have launched regional pilots of a mediation scheme for smaller employers. And the Centre for Effective Dispute Resolution (CEDR) is currently working on an employment initiative in the research and development of workplace conflict resolution services for the business and public sectors, see CEDR (2004) "CEDR Unveils New Employment Initiative" CEDR press release 22/01/04.

³ The term ADR covers well known methods such as, ombudsmen (e.g., Financial Services Ombudsman), regulators (e.g., Ofcom the Office of Communications), arbitration (e.g., ABTA Association of British Travel Agents), mediation and conciliation (similar to mediation but the conciliator takes a more interventionist role). It also covers less know methods such as neutral evaluation (where a neutral third party provides a non-binding assessment of the merits of the case), expert determination (where an independent expert is used to decide the issue), neutral fact finding (used in cases involving complex technical issues where a neutral expert investigates the facts of the case and produces a non binding evaluation of the merits) and med-arb (a mixture of mediation and arbitration, where parties agree to mediate but refer the dispute to arbitration if the mediation is unsuccessful). See Lord Chancellor's Department (1999) *Alternative Dispute Resolution: a Discussion Paper* LCD: London

⁴ The development of the expert witness industry has some similarity with that of ADR providers. It is not a regulated profession and it has only a few years since expert witnesses have been trained. Previously it was sufficient that they had the requisite education and experience from their chosen profession. In the court environment they were "amateurs" untrained in legal report writing and dealing with cross-examination (Solon, M. (2004) "Experts: Amateurs or Accredited?" 154:7117 *New Law Journal* 292). The format of the expert witness report developed *ad hoc* over time and their performance in the witness box was honed via trial and error. Market forces determined who were competent and therefore given further instruction. The use of expert witnesses then grew and Lord Woolf in his Access to Justice Report, recommended that training was needed (Lord Woolf (1996) *Access to Justice [Final Report]* available for download from the Department of Constitutional Affairs website at <http://www.dca.gov.uk/civil/final/index.htm>). At the time *Access to Justice* was under consideration, the Academy of Experts (see table one), offered to open its accreditation service to all. It was decided that expert witnesses were not yet ready for accreditation. Training is now an established feature in the expert witness industry. Experts receive training in report writing skills, this ensures reports are court compliant and include the requisite elements of the Civil Procedure Rules, various practice directions and protocols (see *CPR Code of Guidance for Experts and Those who Instruct Them* downloadable from www.academy-experts.org). The also receive training court skills, including the presentation of oral evidence. The various levels of training available can assist in the selection of expert witnesses and they tend to list their training in the main directories, e.g., that maintained by The Academy of Experts, see Table One

⁵ Many involving cot deaths, for example, Sally Clark was found guilty of the murder of her two sons, and in part, convicted on expert testimony, see Hey, S. (2003) "Cot Death Mothers: The Witch Hunt" <http://news.bbc.co.uk/1/hi/uk/2757063.stm>

⁶ For instance Solon, points out that the "current situation is very much a free market...with no independent scrutiny of expert witness abilities" and asks whether the next step is now accreditation, which itself "raises a further question: does accreditation mean the expert has some sort of official recognition or that the expert has met a standard?" Solon, M. (2004) "Experts: Amateurs or Accredited?" 154:7117 *New Law Journal* 292.

⁷ CRFP is a non-profit making company limited by guarantee, independent of the Government but funded, initially, by grant from the Home Office until it can become financially self-sufficient, <http://www.crfp.org.uk/contents/howwe.asp>

⁸ Immigration work was unrestricted and non-solicitors can advise and represent before Immigration Adjudicators and the Immigration Appeal Tribunal.

⁹ The Law Society has also shown concern. So as a means of improving quality, it operates the voluntary immigration panel membership scheme. Like other panels this operates to

allow practitioners who meet the requirements to be part of what is considered a benchmark of excellence. Membership, however, remains very low.

¹⁰ Poor quality advice in immigration and asylum work had been identified through LSC auditing and by peer review. Immigration Adjudicators and High Court judges have commented on the poor performance of legal representatives appearing before them. The Law Society has also identified problems with substandard advice and recognised a shortage of good quality immigration and asylum solicitors, see Lord Chancellor's Department (2003) *Proposed Changes to Publicly Funded Immigration and Asylum Work* Consultation Paper LCD: London at paras.13 and 46 and Arnold, N. and Everett, K. (2004) "Over-Accredited and Under-Valued" Vol.154 No.7113 *New Law Journal* at 118

¹¹ The increased use of LSC audits and peer reviews, the introduction of contracting in the public sector and the setting up the Office of the Immigration Services Commissioner (OISC), which regulates and supports *all* advisers (though an exemption applies to those that are regulated by a designated professional body, such as the Law Society) giving immigration advice. It is a criminal offence not to register with the Office. Yet the Commissioner has expressed particular concern about the activities of those non-legally qualified advisers who do not come forward for regulation. And has suggested there is scope for improving the effectiveness of the regulatory scheme he administers, see Office of the Immigration Commissioner (2003) *Annual Report and Accounts 2002/03* downloadable at http://www.oisc.org.uk/about_oisc/pdfs/02-03_oisc_annual_report.pdf

¹² The other major driver was the huge increase in legal aid cost of providing advice and representation in asylum work. These rose from £81.3m in 2000/01 to £129.7m in 2001/02 and £174.2m in 2002/03, Lord Chancellor's Department (2003) *Proposed Changes to Publicly Funded Immigration and Asylum Work* Consultation Paper LCD: London at para.3

¹³ On 5th June 2003 the Lord Chancellor's Department (now the Department of Constitutional Affairs (DCA)), issued a consultation document, *Proposed Changes to Publicly Funded Immigration and Asylum Work* (available at <http://www.dca.gov.uk/consult/leg-aid/asylum.htm>). Within the document proposals were put forward for compulsory accreditation of all individuals providing publicly funded immigration advice. In April 2004 the Immigration and Asylum Accreditation Scheme began to operate whereby all advisors doing legal aid work must be accredited to an appropriate standard. In order to demonstrate that they reach the relevant standards, advisors must show detailed knowledge of law and practice, plus the skills needed to be a competent advisor, see: Legal Services Commission and the Law Society (2004) *Briefing Note: Immigration and Asylum Accreditation Scheme* (issued 2nd March 04) downloadable at http://www.legalservices.gov.uk/contract/immigration/briefing_note_with_logos.pdf, The Law Society (2004) *Immigration Bulletin* (Issue 3 Jan 2004) and Table Two.

¹⁴ See Lord Chancellor's Department (1999) *Alternative Dispute Resolution: A Discussion Paper* LCD: London at section 8

¹⁵ Chartered Institute of Arbitrators

¹⁶ Lord Chancellor's Department (1999) *Alternative Dispute Resolution: A Discussion Paper* LCD: London at section 8.5

¹⁷ Issues of competence concerning mediators have recently been highlighted and commented upon in the media. For instance a BBC Watchdog programme, broadcast 4th Feb 2004, reported problems between Nationwide Mediation Ltd. and three of its mediators. Each had paid approximately £5,000 for a mediation training course and another £10,000 for a license to practice under the auspices of Nationwide Mediation UK for a ten-year period. The programme queried the quality of the training and the value of the endorsement from Nationwide Mediation Ltd, see Centre for Effective Dispute Resolution (2003) "CEDR Response to the BBC Watchdog Programme on Nationwide Mediation Ltd. On Tuesday 4 February 2003" www.cedr.co.uk at press releases and Advice Services Alliance (2003) *Recent Developments in Alternative Dispute Resolution Update No.8* ASA: London March 2003.

¹⁸ Lord Chancellor's Department (1999) *Alternative Dispute Resolution: A Discussion Paper* LCD: London at section 8.6

¹⁹ See Advice Services Alliance (2000) *Alternative Dispute Resolution: A Discussion Paper The Advice Services Alliance's Response to the Lord Chancellor's Department's Consultation Paper* ASA: London

²⁰ To demonstrate this the Advice Services Alliance made three points: firstly, there is no required qualification to be an ombudsman (though Ombudsmen *schemes* should meet the requirements for membership of the British and Irish Ombudsmen Association, relating to independence and efficiency), secondly, the rigorous training of arbitrators alone is not an adequate safeguard particularly as their decisions are not subject to scrutiny and thirdly, because a practitioner may be legally trained or qualified in another profession is insufficient qualification to act as a neutral offering ENE or expert determination. By contrast the Law Society, for the reasons set out in the LCD consultation paper, did not see any need to take any steps in relation to arbitration or similarly in relation to neutrals providing ENE and expert determination, see Law Society (2000) *Alternative Dispute Resolution—A Way Forward* The Law Society's response to the Lord Chancellor's Department Discussion Paper Law Society: London, available at www.lawsociety.org.uk

²¹ See Lord Chancellor's Department (1999) *Alternative Dispute Resolution: A Discussion Paper* LCD: London and Carroll, E. (2000) *How is Quality Assurance of Mediation and Mediators Shaped and Provided for in Great Britain?* CEDR: London

²² ACAS is the only national publicly funded service offering arbitration, conciliation and mediation.

²³ The principle court based ADR schemes are the Commercial Court (which issues ADR orders in selected commercial disputes and was the first ever formal scheme to be established), the Court of Appeal (which invites parties to participate in voluntary mediation) and Central London County Court mediation scheme. See Genn, H. (2002) *Court-Based ADR Initiatives For Non-Family Civil Disputes: The Commercial Court And The Court Of Appeal* Research Report, downloadable at <http://www.dca.gov.uk/research/2002/1-02es.htm>

²⁴ See Carroll, E. (2000) *How is Quality Assurance of Mediation and Mediators Shaped and Provided for in Great Britain?* CEDR: London

²⁵ Mediation UK is responsible for a number of community mediation programmes throughout the UK, see Table One

²⁶ The Legal Services Commission (LSC) published the Mediation Quality Mark in December 2002. It only covers family and community mediation services. So far, all not-for-profit and private sector providers who have a contract with the LSC to provide family mediation are quality marked. Family mediators providing mediation under LSC contracts also undergo a personal accreditation process. Applications for the quality mark for community mediator's services began in January 2003 and under the MQM there is an expectation that a services will have a minimum of 75% of their mediators assessed as competent to practice.

²⁷ A predominantly non-lawyer based grouping, see Table One

²⁸ See: Clark, B. and Mays, R. (1996) 'Regulating ADR—The Scottish Experience' 5 *Web Journal of Current Legal Issues* <http://www.ncl.ac.uk/nlawwww/1996/issue5/clark5.html>, Law Reform Commission (1989) *Discussion Paper 21 (1989)—Alternative Dispute Resolution: Training and Accreditation of Mediators* Law Reform Commission: New South Wales at section 4,

²⁹ Grosskurth, A. (1996) 'Mediation Forming a View' in Smith, R (ed) *Achieving Civil Justice, Appropriate Dispute Resolution for the 90's*(London: Legal Action Group) p.184 as quoted in Clark, B. and Mays, R. (1996) 'Regulating ADR—The Scottish Experience' 5 *Web Journal of Current Legal Issues* <http://www.ncl.ac.uk/nlawwww/1996/issue5/clark5.html>

³⁰ For example legal protection in issues such as liability for negligence and confidentiality and financial protection through professional indemnity insurance, Law Reform Commission (1989) *Discussion Paper 21 (1989)—Alternative Dispute Resolution: Training and Accreditation of Mediators* Law Reform Commission: New South Wales at section 4.10

³¹ Clark, B. and Mays, R. (1996) 'Regulating ADR—The Scottish Experience' 5 *Web Journal of Current Legal Issues* <http://www.ncl.ac.uk/nlawwww/1996/issue5/clark5.html>

³² The Advice Services Alliance has, however, pointed out that though mediation is promoted as a consensual process where participants reached their own agreements, the extent of mediator's power is "too often underestimated" which may result in a "cavalier attitude towards quality assurance", Advice Services Alliance (2000) *Alternative Dispute Resolution: A Discussion Paper The Advice Services Alliance's Response to the Lord Chancellor's Department's Consultation Paper* ASA: London at 14

³³ Law Reform Commission (1989) *Discussion Paper 21 (1989)—Alternative Dispute Resolution: Training and Accreditation of Mediators* Law Reform Commission: New South Wales at section 4.14

³⁴ By contrast at the lower end of the market, particularly where parties are not at liberty to choose from the range of ADR services, market forces may have very little impact by way of control over mediation activity see Clark, B. and Mays, R. (1996) 'Regulating ADR—The Scottish Experience' 5 *Web Journal of Current Legal Issues* <http://www.ncl.ac.uk/nlawwww/1996/issue5/clark5.html>. So for family and community mediation services, the government through the Community Legal Service has introduced the quality mediation mark. This attempts to ensure that service provision is set within a structure where service providers take responsibility for the quality of their service.

³⁵ Law Reform Commission (1989) *Discussion Paper 21 (1989)—Alternative Dispute Resolution: Training and Accreditation of Mediators* Law Reform Commission: New South Wales at 4.14

³⁶ Cohen, M. (2004) "Get the Facts Straight: A New Standard for Experts" Vol.154 No.7117 *New Law Journal* 294

³⁷ See Table Three

³⁸ O'Neill, C. and Largey, A. (1998) 'The Role of Quality Standards—Accreditation in Redressing Asymmetry of Information in Health Care Markets' 45 *Health Policy* 33

³⁹ Baldwin, R (1990) 'Why Rules Don't Work', 53 *Modern Law Review* 321

⁴⁰ Furthermore the services of accreditation bodies can be accepted internationally, e.g., the European co-operation for Accreditation (EA) in Europe, International Laboratory Accreditation Co-operation (ILAC) and International Accreditation Forum (IAF) globally, see www.ukas.com

⁴¹ Advice Services Alliance (2003) *Recent Developments in Alternative Dispute Resolution Update No.8* ASA: London March 2003 at 14

⁴² NOCN (2003) *The Rewards of Recognition: the Value of NOCN Accreditation, Quality Assurance and Development for Non-Accredited Learning Executive Summary* at 6

⁴³ Scrivens, E. (1995) *Accreditation: Protecting the Professional or the Consumer?* Open University Press: Buckingham, Philadelphia at 12

⁴⁴ UDACE (1992) *Understanding Accreditation: Ways of Recognising Achievement* London, Further Education Unit, RSA (2001) *Making It Work: Learning and Accreditation in the Voluntary Sector* RSA: London at 9

⁴⁵ This is offered to professional bodies, employers and other organisations that are seeking recognition of their courses. Programmes that reach the appropriate standard are allocated academic credit points following the nationally recognised principles of credit accumulation and transfer.

⁴⁶ Rural Alaska Native Adult Program (2004) *RANA's Accreditation Program in Facilitation* at 2,3 RANA: Alaska Pacific University

⁴⁷ ISO Guide 2 (BS EN 45020:1998) Paragraph 12.11, emphasis added. All British standards use the product identifier "BS" which means that the standard is a British Standard and is used mainly in the UK. All British adoptions of European Standards are identified with "BS EN" which means that the standard is a European Standard and is used throughout Europe. All International standards, which may be used throughout the world, are identified with "ISO". All international standards adopted as British standards are identified with "BS ISO", see British Standards Institute website at www.bsi-global.com

⁴⁸ Scrivens, E., Klein, R. and Steiner, A. (1995) 'Accreditation: What Can We Learn from the Anglophone Model?' 34 *Health Policy* 193, emphasis added and see Kinney, E. (1995) 'Private Accreditation as a Substitute for Direct Government Regulation in Public Health Insurance Programs: When is it Appropriate?' *Law and Contemporary Problems* 47

⁴⁹ British Quality Foundation www.quality-foundation.co.uk/ex_faqqargonbuster.htm

⁵⁰ See DTI website at www.dti.gov.uk/quality

⁵¹ ISO Guide 2 (BS EN 45020:1998) para. 15.1.2

⁵² Law Reform Commission (1989) *Discussion Paper 21 (1989)—Alternative Dispute Resolution: Training and Accreditation of Mediators* Law Reform Commission: New South Wales at 4.7

⁵³ Law Reform Commission (1989) *Discussion Paper 21 (1989)—Alternative Dispute Resolution: Training and Accreditation of Mediators* Law Reform Commission: New South Wales at 4.7

⁵⁴ See section 1.1

⁵⁵ These are not an automatic bar to registration but CRFP assessors consider them carefully.

⁵⁶ Some reliance is placed on registered practitioners to notify the Council of any inappropriate behaviour of other registered experts. But it also gets information from a number of other sources including the courts, the police, other clients; or employers, who when they take their own disciplinary action may decide the case calls into question whether the practitioner should stay on the register. If a practitioner is found guilty of misconduct the Council will investigate any complaint thoroughly. In the worst cases, where someone's professional conduct or performance is truly unacceptable, CRFP may have to strike them off the register. But more likely the council will use guidance, training and specific remedial measures to bring practitioners up to standard, striking off is a last resort, but will be done where necessary: see CRFP website at <http://www.crfp.org.uk/contents/faq.asp>

⁵⁷ Law Reform Commission (1989) *Discussion Paper 21 (1989)—Alternative Dispute Resolution: Training and Accreditation of Mediators* Law Reform Commission: New South Wales at 4.7

⁵⁸ *Ibid*

⁵⁹ Scrivens, E. (1995) *Accreditation: Protecting the Professional or the Consumer?* Open University Press: Buckingham, Philadelphia at 12

⁶⁰ *Ibid* at 9

⁶¹ Scrivens, E., Klein, R. and Steiner, A. (1995) 'Accreditation: What Can We Learn from the Anglophone Model?' 34 *Health Policy* 193

⁶² Scrivens, *supra* n.59 at 32

⁶³ Casile, M. and Davis-Blake, A. (2002) 'When Accreditation Standards Change: Factors Affecting Differential Responsiveness of Public and Private Organizations' 45 *Academy of Management Journal* 180 at 182, Kinney, E. (1995) 'Private Accreditation as a Substitute for Direct Government Regulation in Public Health Insurance Programs: When is it Appropriate?' *Law and Contemporary Problems* 47 at 65

⁶⁴ Scrivens, E. (1995) *Accreditation: Protecting the Professional or the Consumer?* Open University Press: Buckingham, Philadelphia

⁶⁵ Scrivens, E. (1995) *Accreditation: Protecting the Professional or the Consumer?* Open University Press: Buckingham, Philadelphia at 39

⁶⁶ Originally BS5750. See *supra* n.47 for an explanation of British Standards

⁶⁷ It is interesting to note that Stoke Citizens Advice Bureau, was "the first advice organisation in the world to successfully adopt systems which stand the test of the International Quality Management System BS EN ISO 9002:1994", www.stoke-cab.org.uk/quality.htm

⁶⁸ Scrivens, E. (1996) 'A Taxonomy of the Dimensions of Accreditation Systems' *Social Policy & Administration* 114

⁶⁹ Astrue, M. (1995) 'Health Care Reform and the Constitutional Limits on Private Accreditation as an Alternative to Direct Government Regulation' 57 *Law and Contemporary Problems* 75

⁷⁰ There are currently over 50 National programmes available to Open College Network members, including Community Mediation Skills.

⁷¹ See Law Reform Commission (1989) *Discussion Paper 21 (1989)—Alternative Dispute Resolution: Training and Accreditation of Mediators* Law Reform Commission: New South Wales at section 4.14 and Lord Chancellor's Department (1999) *Alternative Dispute Resolution: A Discussion Paper LCD: London* at section 8.2

⁷² Scrivens, E., Klein, R. and Steiner, A. (1995) 'Accreditation: What Can We Learn from the Anglophone Model?' 34 *Health Policy* 193 at 199

⁷³ Dillard, J. and Tinker, T. (1996) 'Commodifying Business and Accounting Education: The Implications of Accreditation' 7 *Critical Perspectives on Accounting* 215 at 219 and Kinney, E. (1995) 'Private Accreditation as a Substitute for Direct Government Regulation in Public Health Insurance Programs: When is it Appropriate?' *Law and Contemporary Problems* 47

⁷⁴ Legal Services Commission (2002) *Quality Mark Standard for Mediation* LSC: London at 14

⁷⁵ Scrivens, E. (1996) 'A Taxonomy of the Dimensions of Accreditation Systems' *Social Policy & Administration* 114 at 117

⁷⁶ Law Reform Commission (2003) *Issues Paper 23—Community Justice Centres* Law Reform Commission: New South Wales

⁷⁷ *Ibid*

⁷⁸ See for example 4.2 Table One Evaluation column for CEDR, LSC/CLS and the UKC. Often Continuous Professional Development can be a prerequisite for re-accreditation and is one of the options under consideration by the Law Society's Professional Accreditation Team

in relation the Law Society's Criminal Litigation Accreditation Scheme (CLAS). CLAS currently has no reassessment/re-accreditation procedure though the Society remains committed in principle to the need for re-accreditation, which is regarded as crucial for maintaining the quality and credibility of the scheme, see 4.3 Table Two

⁷⁹ For instance the Chartered Institute of Public Finance and Accountancy (CIPFA) is currently moving towards mandatory continuous professional development (CPD) as it recognises "...that CIPFA does not operate in isolation but in an increasingly global context in which reputation and regulation are paramount" and CPD is believed to form a vital part of this, www.cipa.org.uk/cpd/news_details.cfm?news_id=19636. The Law Society made CPD compulsory in 1998 and though there is little disagreement on the rationale for CPD concern has been expressed about the quality and cost of CPD courses, see Byass, R (2000) "Clocking In" *The Law Society Gazette* 25th September.

⁸⁰ The UK College for Family Mediation has an established procedure for assessing mediator competence against performance (rather than qualification) criteria, see Table One

⁸¹ For example The Academy of Experts codes of practice are enforced by a disciplinary committee and the Law Society has disciplinary actions in place for, *inter alia*, lawyer mediator's failure to comply with codes of practice.

⁸² Law Reform Commission (2003) *Issues Paper 23—Community Justice Centres Law Reform Commission New South Wales*

⁸³ "The longest established provider of ADR services" www.adrgroup.co.uk. See table one.

⁸⁴ Kinney, E. (1995) 'Private Accreditation as a Substitute for Direct Government Regulation in Public Health Insurance Programs: When is it Appropriate?' *Law and Contemporary Problems* 47

⁸⁵ *Ibid*

⁸⁶ Black, J (1996) 'Constitutionalising Self-Regulation' 59 *Modern Law Review* 24

⁸⁷ Ogus, A. (1996) 'Re-thinking Self Regulation' 15 *Oxford Journal of Legal Studies* 97. Note: A summary of responses to a LCD consultation paper, found that of the 59% of those who responded to the question about regulation, 22% envisaged government involvement whilst 37% preferred self-regulation. Of the latter some still felt the government should be involved either by encouragement or endorsement, acting as a long-stop if self regulation failed, Lord Chancellor's Department (1999) *Alternative Dispute Resolution: a Discussion Paper LCD*: London

⁸⁸ Scrivens, E. (1995) *Accreditation: Protecting the Professional or the Consumer?* Open University Press: Buckingham, Philadelphia at 13

⁸⁹ Scrivens, E., Klein, R. and Steiner, A. (1995) 'Accreditation: What Can We Learn from the Anglophone Model?' 34 *Health Policy* 193 at 202

⁹⁰ The body decides whether these data meet criteria for accreditation, Scrivens, E. (1996) 'A Taxonomy of the Dimensions of Accreditation Systems' *Social Policy & Administration* 114 at 120

⁹¹ Scrivens, E., Klein, R. and Steiner, A. (1995) 'Accreditation: What Can We Learn from the Anglophone Model?' 34 *Health Policy* 193 at 199

⁹² *Ibid* at 197

⁹³ Dept of Health (1991) O'Neill, C. and Largey, A. (1998) 'The Role of Quality Standards—Accreditation in Redressing Asymmetry of Information in Health Care Markets' 45 *Health Policy* 33 at 35

⁹⁴ BAB only list accredited experts that have met and can maintain its standards see www.british-accreditation.co.uk

⁹⁵ Solon, M. (2004) "Experts: Amateurs or Accredited?" 154:7117 *New Law Journal* 292

⁹⁶ See, for example, "UKAS Accreditation Awareness Campaign" www.ukas.com/information_centre/accreditation_awareness_campaign.asp

⁹⁷ See, for example, Berryman, P (2003) *UK Analytical Partnership Good Regulation and Competitiveness (GRC) Network: Accreditation Study* The Berryman Consultancy: Hampshire (the study found that 73% of UK laboratories reported that their customers required accreditation), Gough, L.A. & Reynolds, T.M. (2000) "Is Clinical Pathology Accreditation Worth it? A Survey of CPA-Accredited Laboratories" 5:4 *British Journal of Clinical Governance* 195 and Hoque, K. (2003) "All in All, it's Just Another Plaque on the Wall: The Incidence and Impact of the Investors in People Standard" 40:2 *Journal of Management Studies* 543

⁹⁸ Sherr, A., et al (2004) *Regulation of Private English Language Teaching Institutions* British Council: London

⁹⁹ Ibid at p.26 para.4.20

¹⁰⁰ Ibid at p.25 para 4.19. See also Berryman, supra n.97 at p.6, who found that laboratory managers ranking ten factors that customers might use to judge laboratory performance, ranked the clear number one factor as price, closely followed by speed of delivery and quality of advice. Accreditation was ranked fourth.

¹⁰¹ See CIPD website www.cipd.co.uk/subjects/hrpract/general/hrqualstan.htm

¹⁰² Ibid

¹⁰³ Only 14% were already accredited, another 6% were working towards accreditation and a final 11% were considering accreditation, Legal Risk (2004) *Top 100 Professional Indemnity Survey Results 2004: Avoiding the Sting* Legal Risk: Liverpool

¹⁰⁴ Ibid

¹⁰⁵ Ibid

¹⁰⁶ Department of Trade and Industry website, www.dti.gov.uk/quality

¹⁰⁷ See DTI website performance pages at www.dti.gov.uk/quality/performance

¹⁰⁸ See DTI website self assessment pages at www.dti.gov.uk/quality/selfassessment

¹⁰⁹ This can be done via ISO 9001: 2000 gap analysis, an assessor-delivered activity can take 1 to 4 days and will look at where the company is at present and where it needs to be in the future, see EFQM web pages www.efqm.org

¹¹⁰ Supra n.107

¹¹¹ Hoque, K. (2003) "All in All, it's Just Another Plaque on the Wall: The Incidence and Impact of the Investors in People Standard" 40:2 *Journal of Management Studies* 543

¹¹² Ibid at p.566

¹¹³ Ibid

¹¹⁴ Ibid

¹¹⁵ Law Society (2000) *Alternative Dispute Resolution—A Way Forward* The Law Society's response to the Lord Chancellor's Department Discussion Paper Law Society: London, available at www.lawsociety.org.uk

¹¹⁶ Advice Services Alliance (2000) *Alternative Dispute Resolution: A Discussion Paper The Advice Services Alliance's Response to the Lord Chancellor's Department's Consultation Paper* ASA: London at 13.

¹¹⁷ Law Society (2000) *Alternative Dispute Resolution—A Way Forward* The Law Society's response to the Lord Chancellor's Department Discussion Paper Law Society: London, available at www.lawsociety.org.uk

¹¹⁸ Kinney, E. (1995) 'Private Accreditation as a Substitute for Direct Government Regulation in Public Health Insurance Programs: When is it Appropriate?' *Law and Contemporary Problems* 47 at 71

¹¹⁹ Scrivens, E. (1995) *Accreditation: Protecting the Professional or the Consumer?* Open University Press: Buckingham, Philadelphia at 43

¹²⁰ Ibid

¹²¹ Dept of Health, 1991, O'Neill, C. and Largey, A. (1998) 'The Role of Quality Standards – Accreditation in Redressing Asymmetry of Information in Health Care Markets' 45 *Health Policy* 33 at 35

¹²² The European Code of Practice for Experts provides a template as to what these core requirement could be, including: relevant and appropriate qualifications, up-to-date experience, objectivity, adherence to the "three I's" of impartiality, independence and integrity and understanding of the role and responsibilities of an expert witness. The Code has been adopted by EuroExpert and forms part of the Academy of Experts' code of practice, Cohen, M. (2004) "Get the Facts Straight: A New Standard for Experts" Vol.154 No.7117 *New Law Journal* 294

¹²³ For example, one code for the family court, one for the commercial court and one for the criminal courts.

4.2 Table One: Proximate Examples

Sector	Accred. Org.	Purpose / Focus of Accred. Scheme	Criteria for Accred. / key document	Authorisation of Accred. Body/Scheme	Accred. Method	Accred. Symbol	Costs of Accred	Evaluation Method	Main Source / Reference
Dispute Resolution Specialists: Private Sector	ADR Group The Alternative Dispute Resolution Group is the longest established provider of ADR services in the UK	(1) ADR Group accreditation is for its own audit purposes to make sure that all ADR Group mediators reach the same standards. (2) Accreditation is the badge of excellence for practitioner Members of the ADR Group. (3) Requirements of accreditation (not to be confused with competence) are set at a higher level to ensure that only those mediators who meet the "gold standard" are registered as accredited mediators.	All ADR accredited mediators are lawyers and subscribe to <i>The Law Society Code of Practice for Civil/ Commercial Mediation</i> . ADR Group mediations are governed by <i>The Mediation Procedure Document</i> amended by the Group from time to time.	Self-regulation	In order to apply for commercial mediation accreditation policy: 3 day core mediator competency programme, multiple choice assessment & role play assessment. In order to apply for family mediation accreditation policy: min 40hrs face to face actual mediation practice + evidence of minimum 7hrs CPD points + indication of Professional Development plan made on consultation with Professional Practice Consultant (PPC must have ADR Group accreditation).	Cert. of Accred. (recognised by Law Society, Bar Council and CI Arb as well as a number of other ADR providers).	Accredited mediator training programme, 3 days £1600 + VAT Accelerated Pupilage & Conversion Programme: one day £499 + VAT. Conversion Course Family to Civil & Commercial Mediation: three days £1250 + VAT	ADR Group is ISO rated It has processes and procedures for reviewing the performance and quality of all mediations and training courses.	www.adrgroup.co.uk
	CEDR The Centre for Effective Dispute Resolution is the leading provider of commercial mediation and accreditor of commercial mediators in Europe.	(1) CEDR accreditation is internationally recognised as a benchmark mediation of excellence. (2) CEDR's mission is to develop and maintain standards of excellence within the mediation profession.		Self-regulation CEDR accreditation is recognised by a number of professional bodies, e.g., it satisfies the Law Society's <i>Training Standards for Civil and Commercial Mediation</i> .	No specific qualifications or experience are needed to undertake the Mediator Skills Training Course. The course lasts five days including: (1) Two days of rigorous assessment on which accreditation is based. (2) Participants must also complete a three part written assignment within two weeks of completing the programme. (3) CEDR also offers a Continuous Professional Development (CPD) scheme.	Certificate of Accreditation The certificate is awarded to participants demonstrating the required level of competence to achieve the status of CEDR accredited mediator.	Typical five day course: £3,410 + VAT	(1) All mediators go through a rigorous system of performance monitoring that includes regular client feedback and peer group reviews. (2) At CEDR Solve (CEDR's dispute resolution service) feedback is sought after every mediation. Mediators must consistently receive positive feedback if they are to continue to work on CEDR Solve mediations and they are also expected to maintain an ongoing level of CPD training and development. (3) CEDR solve mediators are required to complete a log book every two years to record their practice and continuing education.	www.cedr.co.uk
	CI Arb The Chartered Institute of Arbitrators is the "worlds leading membership body in arbitration and ADR."	In line with the primary objective in the Royal Charter, the CI Arb aims "to promote and facilitate the determination of disputes by arbitration and alternative forms of dispute resolution", the Institute provides the following services: (1) Education and training programmes for potential and practising arbitrators and users of the arbitral process, worldwide. (2) Maintenance of a Register of Arbitrators, panel of Chartered Arbitrators and a Register of Expert Witnesses. (3) Maintenance of a panel of mediators. CI Arb provides specialist training for mediators. (4) Appointment and nomination service of suitably qualified persons to act as arbitrators and mediators. (5) Nomination service of expert witnesses. (6) Nomination of adjudicators for parties involved in construction disputes. (7) Setting up and administration of small claims dispute resolution schemes	The Royal Charter	Self-regulation CEDR, the Royal Institute of British Architects, the Royal Institute of Chartered Surveyors, <i>inter alia</i> , recognise CI Arb adjudication training course.	(1) The primary course for mediators lasts five days and entitles participants to apply for <i>Associate Membership</i> of the Institute. (2) The primary course can be followed by a two day accreditation course, which entitles participants to apply for <i>Membership</i> of the Institute, and for an interview to be included on the Institute's Panel of Mediators.	Designatory letters MCI Arb	Three day adjudication training courses: £765 + VAT (no information on costs of mediation training course)		www.arbitrators.org
	PMR Professional Mediation Resolutions "the UK specialist in workplace mediation."	To offer: (1) Independent workplace mediation services ("the director and founder of PMR and experienced associates have played a major role in introducing workplace mediation into the UK") (2) In-house training services and (3) A conflict management consultancy.		The Open College Network (OCN) accredits PMR training courses nationally.	PMR was the first in the UK to design and develop an accredited specialist training in workplace mediation. It offers <i>Public Certificate 6-day courses in Mediation and the Workplace</i> . It is open to individuals and organisations and no prior qualifications are required. Unit 1: skills needed to carry out a workplace mediation & Unit 2: how workplace mediation can be used within organisations and within personnel policies give the nationally recognised OCN Credit Certificate in 'Mediation in the Workplace'. Assessment takes place through written assignments/ 'Learning Outcomes' (re what has been learnt on each day of the course) and skills are assessed through exercises and role-plays. Most assessments are completed within the context of the course itself.	The individual is awarded an OCN Workplace Mediation Certificate in their name.	<i>Public Certificate 6-day courses in Mediation and the Workplace</i> £750/£850 per 3-day unit. In-house training is delivered "at very reasonable costs" per trainer, per day, plus expenses. Details of up-to-date rates are emailed to interested participants.	The PMR training course is OCN accredited. Thus the quality of PMR training is assured by external verification, moderation and assessment by the OCN.	www.workplacemediation.co.uk
	TAE The Academy of Experts is the professional body for expert witnesses in the UK and worldwide.	(1) To act as an accrediting and a professional body for expert witnesses. (2) To act as a training and accreditation body for ADR neutrals. (3) To ensure ethical and professional standards of excellence are maintained. (4) To provide training and development	<i>TAE Code of Guidance for Experts and Those Instructing Them</i> complies with the <i>Civil Procedure Rules</i>	TAE courses are provided by an authorised Law Society Continuous Professional Development Provider (CPD).	(1) Applicants wishing to become accredited practising expert witnesses undergo rigorous vetting procedure and exams. (2) ADR neutrals wishing to be entered on to the Register of Qualified Dispute Resolvers must complete a mediation training course and an assessment. Continuous Professional Development (CPD) is also available.	Designatory letters MAE or QDR	(1) Expert witness 2 day foundation course: £650 + VAT (2) Mediators qualifying course £650 + VAT plus at least one Continuation Training Day £225 + VAT and preferably a Mediators Tutorial £225 + VAT. Assessment £225 + VAT.	Ethical and professional standards are underlined by Codes of Practice and enforced by a disciplinary committee.	www.academy-experts.org

Sector	Accred. Org.	Purpose / Focus of Accred. Scheme	Criteria for Accred. / key document	Authorisation of Accred. Body/Scheme	Accred. Method	Accred. Symbol	Costs of Accred	Evaluation Method	Main Source / Reference
<p>Dispute Resolution Specialists: Community Mediation Services</p>	<p>LSC / CLS</p> <p>The Legal Services Commission replaced the Legal Aid Board on 1st April 2000. It administers the Criminal Defence Service fund and the Community Legal Service fund. The LSC is mandated by the Access to Justice Act 1999 to identify the need for legal and legally related services generally and plan what can be done towards satisfying that need.</p> <p>The Community Legal Service was created by the Access to Justice Act 1999 and launched in April 2000. It aims to improve access for the public to quality information advice and legal services through local networks of quality assured services supported by co-ordinated funding, based on an assessment of local need.</p>	<p>(1) The prime purpose of the Mediation Quality Mark (MQM) is to ensure that mediation services are well organised and managed and provide a competent service (by operating to nationally recognised quality standards set by the quality mark framework). To this end the focus of the standard is on the individual competence of mediators and on client care—a milestone in Quality Mark development.</p> <p>(2) The expectation is that the mediation service will have a minimum 75% of its mediators assessed as competent to practice, i.e., have achieved competent mediator status (this allows for new training/trained mediators who need to gain experience before having enough evidence in their portfolios before going for competent mediator status).</p> <p>(3) The new Quality Mark Standard for Mediation (MQM) is designed to be complementary to other Quality Mark Standards (see table two), which when combined form the concept of a 'seamless service', which is one of the key objectives of the CLS. This objective will ensure that all members of the public accessing a member of the CLS receive quality advice or services or receive assistance in finding an alternative CLS service provider.</p> <p>(4) Not only is the MQM applicable to organisations seeking LSC funding, but it can be applied to any mediation service, including those receiving funding from other sources such as local authorities and charities, other public funding or private fees.</p>	<p>The Quality Mark Framework</p> <p>The quality mark standards cover seven key quality areas known as the Quality Mark Framework:</p> <ol style="list-style-type: none"> (1) Access to service (2) Seamless service (3) Running the organisation (4) People management (5) Running the service (6) Meeting client's needs (7) Commitment to quality <p>Organisations wishing to attain the MQM are also required to pass a transaction criteria audit.</p> <p>The Quality Mark Standard for Mediation has been written with the aim of identifying the generic aspects of mediation, but also reflecting the differences between family and community mediation (the two types of mediation service to which the standard applies), where appropriate.</p>	<p>Government</p> <p>The Mediation Quality Mark (MQM) was devised by a working group headed by the LSC, with representatives from the Lord Chancellor's Department, The Law Society, the Advice Services Alliance, the UK College of Family Mediators and Mediation UK.</p> <p>The LSC's role is to, <i>inter alia</i>, work in partnership with providers of legal services to develop and review appropriate quality assurance standards for all members and potential members of the CLS and the Criminal Defence Service (CDS).</p>	<p>There are two aspects to the Quality Mark, the standards of the mediation service and the standard to which mediators operate.</p> <p>MEDIATION SERVICES: The Legal Services Commission inspects and audits the standards to which a service operates via local Community Legal Service Offices. And the Quality Mark certification process extends through a number of stages</p> <p>(1) Application and Desktop Audit: The application should be submitted to the Regional Office covering the geographical area in which the organisation's office is based. Applicants must submit a completed application form, a completed self-assessment checklist and a copy of their office manual/documentated procedures. The application and submitted documentation is reviewed by Regional Office staff to ensure it addresses the MQM requirements (the Desktop Audit). If the documentation is incomplete, or it is clear that the organisation will need to carry out a substantial amount of work before their procedures begin to comply with the standard, the auditor may refuse the application at this stage and the documentation will be returned. The auditor will inform the applicant of the omissions that have been observed. The desktop audit takes approx.28 days from receipt of the completed application. After successful completion of the application process and the desktop audit, the organisation will move on to the preliminary Quality Mark audit stage</p> <p>(2) Preliminary Audit: usually takes place within 60 days of the acceptance of the application. Its purpose is for the LSC to establish that the organisation will be able to meet the quality requirements at the pre Quality Mark Audit. To evidence this, the organisation will need to have in place all the necessary procedures, processes and appropriate supervisor standards, and will need to satisfy the auditor that these will be in effective operation within three months of the preliminary audit, or longer if agreed with the auditor.</p> <p>(3) Pre Quality Mark Audit: As it is not possible to verify that a system is fully compliant with the standard unless it has been in operation for at least three months, the pre Quality Mark audit will generally take place between 4 and 6 months after the preliminary audit. During this audit, the auditor seeks evidence to demonstrate compliance with the MQM, and evidence that compliance will be maintained following the audit. A transaction criteria audit and a contract compliance audit, for organisations with a mediation contract, may also be undertaken at this stage</p> <p>(4) Post Quality Mark Audit: To ensure that management systems continue to operate effectively, and that compliance with the MQM is maintained, and to assess continued performance against transaction criteria and other file audit requirements, a first post Quality Mark audit is usually conducted at an interval of between 9 and 12 months after the pre Quality Mark audit, and annually thereafter.</p> <p>MEDIATOR STANDARDS</p> <p>Mediators must be trained on a nationally approved training course and assessed as 'competent to practice'. The standards for mediators are divided into six key areas:</p> <ol style="list-style-type: none"> (1) Preparing for a case, (2) Initial follow up and contact with clients, (3) Conducting mediation, (4) Evaluation and accountability, (5) Case administration and management and (6) Working in a professional and ethical framework. <p>The competence assessment process is administered by the UK College of Family Mediators and the Law Society.</p>	<p>MQM</p> <p>The Mediation Quality Mark is applicable to family mediation services and those that provide community mediation</p>	<p>For services in receipt of public funds the LSC organisational audit for award of the MQM is free.</p> <p>For organisations not in receipt of public funding, i.e., predominantly or wholly fee-charging, there is a price for the LSC audit. The charge matches rates for similar audits undertaken by external auditing bodies.</p>	<p>By the process of auditing the LSC seeks confirmation that the requirements set out in the Quality Mark Standards have been put in place and are being maintained by organisations forming part of the CLS and CDS.</p> <p>The LSC seeks to consult regularly with all Quality Marked organisations. This consultation takes place in a number of ways: regional contracting and liaison meetings, questionnaires issued at audit visits, correspondence and, when appropriate, specially convened group discussion sessions. All documents for consultation are published on the LSC website.</p> <p>The LSC actively seeks comments and feedback on its own performance to help it to improve its processes in order to provide the best possible service to all organisations within the Community Legal Service and the Criminal Defence Service.</p>	<p>The Quality Mark Standard for Mediation Issue 1: 12/02</p>

Sector	Accred. Org.	Purpose / Focus of Accred. Scheme	Criteria for Accred. / key document	Authorisation of Accred. Body/Scheme	Accred. Method	Accred. Symbol	Costs of Accred	Evaluation Method	Main Source / Reference
	<p>Mediation UK</p> <p>Registered charity originally called FIRM (Forum for Initiative in Reparation and Mediation), established as a result of informal meetings between a group of probation officers, victim support workers and academics. In 1999 it expanded to include neighbour mediation and schools training and changed its name to focus and reflect its work. Now a national voluntary organisation and authoritative body for the full range of community mediation practice. As an umbrella body it provides services for over 600 members and represents nearly 300 mediation services.</p>	<p>Two fold:</p> <p>(1) To ensure mediation services operate to nationally recognised quality standards set by the quality mark framework. Thus Mediation services fall into two categories: accredited and non-accredited members. Accredited members of Mediation UK will have attained the CLS Quality Mark or hold an equivalent quality assurance standard. Their mediators will have been trained on a nationally approved training course (see below).</p> <p>Med UK has its own accreditation scheme, for local mediation services, which covers four broad areas: management, service delivery, personnel and premises. This scheme is still relevant for Scotland and Northern Ireland (neither are covered by the Legal Services Commission, which only covers England and Wales. Med UK accreditation is still relevant for some English & Welsh services that have applied for accreditation but have not as yet applied for the Quality Mark. Med UK encourages English & Welsh services to apply for the Quality Mark and it would only be under exceptional circumstances that Med UK would accept a new accreditation application from an English or Welsh service. Med UK's system has also been used for the basis of other schemes abroad, i.e., schemes buy the material but do not apply to be accredited.</p> <p>Holders of Med UK accreditation were passported into the Mediation Quality Mark. The quality mark is not exactly the same as the accreditation standard and a process of self-certification was developed for the additional characteristics.</p> <p>(2) To assess mediators working for a service which is applying for QM. Mediator competence is not part of Mediation UK's accreditation process.</p>	<p>The CLS quality mark framework</p> <p>The Mediation UK Accreditation Standard</p>	<p>Co-regulation</p> <p>Private provision with government support. Med UK has received grants from central government.</p>	<p>There are two aspects to the Quality Mark</p> <p>(1) The standards to which a mediation organisation/service operates: The Legal Services Commission inspects and audits these; via local Community Legal Service Offices</p> <p>Alternatively if Mediation UK's own accreditation scheme is used then the process is as follows:</p> <p>(i) Internal audit to identify any gaps in service standards</p> <p>(ii) Plan of action drawn up to work on any of above</p> <p>(iii) Action to improve practices, generate and collect evidence</p> <p>(iv) If confident of readiness, contact Med UK</p> <p>(v) Submit evidence file (3 copies of everything)</p> <p>(vi) Assessors examine the material and make arrangements for a visit</p> <p>(vii) Visit by assessors—Quality Practice and Accreditation Group—followed by their feedback</p> <p>(viii) Assessment report sent within 28 days</p> <p>This will result be one of the following;</p> <p>(i) Accreditation awarded for 5 years (the service must then submit annual returns for the next 4 years)</p> <p>(ii) Conditional accreditation (1-3 months to improve highlighted areas)</p> <p>(iii) Deferred accreditation (3-12 months to address specific issues outside of immediate control)</p> <p>(iv) Accreditation not awarded—may reapply after 12mths</p> <p>(2) The standards to which mediators operate: Mediation UK has its own rigorous procedures for assessing the competence of mediators as an internal element of Quality Mark Approval. Mediators are assessed by a portfolio of evidence.</p> <p>Mediation UK accredits two mediator training routes</p> <p>(i) The National Open College Network (NOCN) Programme in Community Mediation Skills: programme was developed by Mediation UK in consultation with Mediation UK Quality Practice and Accreditation Group, and is accredited by the NOCN</p> <p>(ii) A Community Mediation Service's in-house training programme which has been approved or accredited by Mediation UK, i.e., mediation services or independent trainers may submit their own courses for accreditation. Mediation UK has developed a Training Template Questionnaire against which a course is assessed and accredited by Mediation UK.</p>	<p>MQM</p> <p>Mediation Quality Mark</p> <p>There is no symbol denoting a Mediation UK accredited service. Though all members are allowed to put Med UK's logo on their material.</p> <p>Competent mediators are given a certificate.</p> <p>Approved training programmes are given certificates</p>	<p>The cost of Med UK accreditation of mediation schemes is £500 + VAT.</p> <p>Where mediation services or independent trainers submit their courses for accreditation, the Training Template Questionnaire available from Mediation UK costs £10 + VAT and the assessment process costs £65 + VAT.</p> <p>Visits by the External Assessor to the Mediation Service to verify the Internal Assessments and to confirm Competent Mediator Status: administrative fixed cost/call out fee £175 + VAT per visit (per day). If visit is likely to take 2 consecutive days, the administrative fixed cost for day 2 is £100 + VAT. There is an additional fee of £45 + VAT per mediator to be confirmed as competent.</p>	<p>When it was first established an internal evaluation of Med UK's Accreditation Scheme was conducted by the then accreditation co-ordinator. However, the scheme itself was developed with extensive consultation with funders, assessors, committee members and member services and was built on 5yrs of practical experience accrediting a range of mediation services. In some ways the fact that the CLS passported accredited services who applied for QM could be said to be an evaluation, or validation, of the scheme (the CLS still carries out audits on accredited services but not as extensively as non accredited ones).</p> <p>Once mediators achieve competent mediator status (having trained, done supervised practice then competent mediator status) they will remain competent as long as they operate within a quality marked service.</p> <p>The process of assessment for:</p> <p>(1) <i>A New Course</i>: assessment is based on a completed Training Template Questionnaire plus supporting documents. Evaluation following the completion of the course is sent to Mediation UK, if it is satisfactory full approval is awarded for 5yrs. After which there is a re-assessment of any changes and evaluative evidence.</p> <p>(2) <i>An Extd Course</i>: the completed application form, documentation and evaluations can be submitted together, so that approval may be awarded for 5yrs, after which there is a reassessment of any changes and evaluative evidence.</p>	<p>www.mediation.org.uk</p>

Sector	Accred. Org.	Purpose / Focus of Accred. Scheme	Criteria for Accred. / key document	Authorisation of Accred. Body/Scheme	Accred. Method	Accred. Symbol	Costs of Accred	Evaluation Method	Main Source / Reference
	<p>UK College of Family Mediation</p> <p>Established in 1996 UKC works to promote best practice in family mediation and to protect the public. It helps members of the public seeking a mediator to contact its members. The College also represents the interests of family mediator members nationally.</p>	<p>The purpose of the UK College of Family Mediators (UKC) is to set, promote, improve and maintain the highest standards of professional conduct for those practising and working in the field of family mediation.</p> <p>The UKC sets training and practice standards for family mediators in the UK and maintains a register of family mediator members who meet those standards. All members of the College are on the College register. Membership of the register confirms that a mediator has successfully completed an approved family mediation training course and work to standards laid down by the College.</p> <p>The College assesses newly trained mediators and approves the assessment procedures of other family mediation organisations. It approves foundation and post-qualifying training provided for family mediators. The college also produces documents and guidelines to support family mediators in their practice.</p>	<p>(1) Code of Practice for Family Mediators: Applies to all family mediation conducted or offered by mediators registered by the UK College of Family Mediators.</p> <p>(2) Complaints Procedure and Disciplinary Code</p>	<p>Self-regulation</p> <p>The work of the College is overseen by its Board of Governors. The largest group of governors is elected by the College's membership. The College also works closely with other national family mediation organisations: ADR Group, Family Mediation Training, the Family Mediators Association, Family Mediation Scotland, National Family Mediation and the Solicitors Family Law Association all have representatives on the Board and on the Professional Standards Committee.</p> <p>The College approves organisations as Training Bodies to run family mediation training courses to College standards. Approved providers of foundation training must meet the <i>Requirements for Providers of Foundation Training</i> and course content should meet the <i>Recommended and Required Curriculum and Teaching Methods for Foundation Training Courses</i></p>	<p>Requirements for <i>entry</i> onto the Register of the College</p> <p>(1) For entry as an <i>associate</i>, mediators must demonstrate that they have successfully completed a training course approved by the College and are in receipt of approved professional practice consultancy.</p> <p>(2) For entry as a <i>member</i> mediators must demonstrate additionally that they have successfully completed the College <i>competence assessment</i> procedure or a recognised equivalent procedure; or have been recommended for membership by the assessment panel of an approved organisation.</p> <p>The assessment of competence has four units, each containing a number of elements for which evidence of competence is required. Each element is assessed against a set of performance criteria. The units are:</p> <p>(1) Prepare and set up mediation</p> <p>Element 1.1 Establish the appropriateness of the mediation process with each party</p> <p>Element 1.2 Agree the conditions and boundaries of the mediation with the parties</p> <p>(2) Stage the mediation process</p> <p>Element 2.1 Establish the issues for each party</p> <p>Element 2.2 Explore concerns with the parties</p> <p>Element 2.3 Assist in the identification and evaluation of potential options</p> <p>Element 2.4 Build and secure agreements between the parties</p> <p>(3) Manage the process of mediation</p> <p>Element 3.1 Facilitate exchanges between the parties</p> <p>Element 3.2 Manage conflict and address power imbalances</p> <p>(4) Evaluate and develop own work</p> <p>Element 4.1 Evaluate own practice</p> <p>Element 4.2 Ensure continuing professional development</p> <p>Element 4.3 Operate within an agreed ethical code of practice</p> <p>Competence Assessment for Family Mediators: Successful completion of assessment procedure allows candidates to apply for full membership of the College. To complete the assessment process, mediators must have mediated at least 5 mediation cases. Stages of process:</p> <p>(1) Minimum three meetings with Professional Practice Consultant (PPC), initial meeting so both can assess how much assistance candidate needs to complete the portfolio and the rough time scale for completion. Subsequent meetings used to discuss progress and competence against specified standards</p> <p>(2) When there is agreement that the candidate is ready, the PPC completes a witness testimony that gives a specific recommendation on the candidate's practice against the requirements of the category for which the candidate is applying</p> <p>(3) Completed registration form attached completed portfolio and submitted to College with assessment fee</p> <p>(4) College appoints an assessor for candidate's portfolio. When assessor reaches a decision the assessor will forward the portfolio to the College's Internal Verifier, who will ensure that the assessment has been properly conducted.</p> <p>Outcomes: recognised as competent, recognised as provisionally competent or assessed not yet competent</p> <p>Requirements for <i>re-registration</i> onto the Register</p> <p>(1) <i>Associates</i> must demonstrate: min 10 hrs pa mediation practice, 4hrs individual consultancy pa or 10% face to face mediation hrs, 7hrs CPD, indemnity insurance, they have been recommended for continuing Associateship by a professional practice consultant.</p> <p>(2) <i>Members</i> must demonstrate: min 15hrs pa mediation practice, min 2hrs individual consultancy or 5% of face to face mediation hrs pa, 7hrs CPD, indemnity insurance, they have been recommended for continuing Membership by a professional practice consultant.</p> <p>Professional Practice Consultancy (PPC)</p> <p>Whilst 1hr of PPC for both Associates and Members must be on an individual, one to one, face to face basis, the remaining hrs may be by a range of methods including</p> <p>(1) Direct observation of mediation practice—a particularly valuable means of fulfilling the quality control function of PPC.</p> <p>(2) Group consultancy which must be led by a PPC</p> <p>(3) Consultancy of pair working by approved PPC</p> <p>(4) Consumer feedback</p>	<p>The College Logo</p> <p>All members and associates of the College are entitled to an entry in the College Directory, and may use the College logo</p>	<p>The subscription for College membership in 2004 is £83 pa</p>	<p>Once trained, supervision and continuing professional development play a key role in providing high quality family mediators.</p> <p>Mediators must receive professional practice consultancy (PPC) from a professional practice consultant approved by the College. PPC comprises</p> <p>(1) professional accountability, involving quality control of professional standards</p> <p>(2) a professional development function, involving training and continuing professional education</p> <p>(3) support, for a stressful and difficult occupation.</p> <p>PPC must consist of</p> <p>(1) Individual consultancy on a one to one basis</p> <p>(2) Monitoring by sampling of records kept by the mediator. The consultant helps the mediator deal with primary areas of professional accountability, i.e., professional mediation practice, ethics and procedures. The consultant must assist the mediator in developing an action plan to address any of these issues that need attention and must follow up to see how they have been implemented and must review it if necessary. It is crucial that consultants identify any poor mediation practice and help to remedy it, or if that fails, report it to the mediator's family mediation organisation.</p> <p>All PPC providers must: ensure that consultants are members of the College's PPC register, have an Equal Opportunities Policy and Complaints and Disciplinary procedure approved by the college.</p>	<p>www.ukcfm.co.uk</p> <p>(1) Requirements for the registration of mediators. Effective 01.06.03</p> <p>(2) Requirements for Providers of Professional Practice Consultancy—and guidelines to the requirements for professional practice consultancy. Effective 01.06.03</p> <p>(2) Competence Assessment for Family Mediators—portfolio guidelines, specification and template <i>Version 0102/rev0204</i></p>

Sector	Accred. Org.	Purpose / Focus of Accred. Scheme	Criteria for Accred. / key document	Authorisation of Accred. Body/Scheme	Accred. Method	Accred. Symbol	Costs of Accred	Evaluation Method	Main Source / Reference
Prof. Bods.	The Law Society The Law Society is the regulatory and representative body for solicitors in England and Wales.	Family Mediation Panel: This is the Society's accreditation scheme for solicitor mediators. Panel membership: (1) Represents a badge of quality, which will be recognised by the public, judiciary and others involved in family law. (2) Ensures that the public are easily able to identify good mediators, solicitors and Fellows of the Institute of Legal Executives, who are accredited by the Law Society and who the public therefore know they can trust (3) Ensures provision of a good quality service for the delivery of family mediation for the benefit of the profession and the public. Demonstrates that members have met the required standards of competence.	Law Society's Code of Practice for Family Mediators v2 Family Mediation Standards of Competence v1	Self regulation	Application procedure: (1) Satisfaction of eligibility criteria—solicitors on the roll of solicitors for min. 3yrs, FILEX employed for min.3yrs (2) Compliance with the membership criteria. Two types of membership (a) General membership—for 2yrs via an approved or non-approved training route (b) Practitioner membership—for 3yrs via a passported route, development route or direct route. Each form of membership requires agreement to be bound by the Law Society's Code of Practice for Family Mediators, successful completion of: a family mediation foundation training course/Legal Services Commission's family mediation competence assessment/90hrs mediation practice, references, applicant to be fit and proper (3) Submission of application form and current fee to the Society for verification of compliance with criteria. (4) Applications are sent to the Law Society appointed assessor for marking. The assessor produces a report giving a recommendation based on the mark achieved by the applicant and may recommend the application be: (a) Declared borderline—the applicant will then be invited for interview. (b) Referred—for applicant to provide clarification (c) Accepted (d) Deferred with notification of action required to reach the necessary standard (e) Refused		The application fee for (1) General Membership & passported Practitioner membership £235 inc VAT (2) Practitioner Membership developmental and direct routes £470 inc VAT	There is generally no re-accreditation for General members (it's expected they will become practitioner members). After 3yrs practitioner members must apply for re-accreditation. The criteria are not yet final but are expected to include: ability to demonstrate recent and continuing family mediation practice, recent and continuing consultancy and/or peer review. Complaints against a panel member notified to the Law Soc may be referred for investigation to the Office for the Supervision of Solicitors (OSS). Any question as to the member's suitability to remain on the panel will be considered by an Adjudicator appointed by the Law Society normally after OSS investigation.	The Law Society Family Mediation Procedures and conditions for panel membership v5 1 May 2003
		Civil and Commercial Mediation Panel: Launched in May 2002 the panel helps the public to find qualified solicitor mediators. A Panel directory includes details of all Panel members, allowing solicitors and their clients to identify and gain access to mediators who are quality assured by the Society. Thus panel membership enables panel members to market themselves as quality assured by the Law Society.	Civil/Commercial Mediation Code of Practice from the Law Society The Society has developed ethical, training and practice standards for solicitors practising as mediators, and the criteria for membership of the panel reflect those standards. The code is designed to deal with the fundamentals of civil/commercial mediation. The concept of not giving advice to the parties, individually or collectively, when acting as a mediator permeates the entire code.	Self-regulation	The panel has two levels of membership (1) General—aimed at solicitors and Fellows of the Institute of Legal Executives FILEX (employed by a solicitor) who have trained to a level which meets the Society's training and practice standards but have not yet had the opportunity to gain sufficient practical experience in civil/commercial mediation. Applications will be considered if candidates are able to comply with the Panel Criteria (includes knowledge of the law, procedure and ethics. (2) Practitioner—aimed at solicitors and FILEX (employed by a solicitor) who have been trained in, and have the relevant level of practical experience of, civil/ commercial mediation, Continuous Professional Development (CPD), professional practical consultancy etc. Applications will be considered if candidates are able to comply with the Panel Criteria. Applications to join are by way of completing a portfolio style questionnaire detailing knowledge and experience in depth.	Members of the Panel may use the designation "Law Society Approved Civil/ Commercial Mediator" by their name on their letterhead and other publicity sanctioned by the Solicitor's Publicity Code	The application fee for (1) General membership £352.50 inc VAT (2) Practitioner membership £352.50 inc VAT		www.panels.lawsociety.org.uk
	RICS The Royal Institution of Chartered Surveyors is a global 'standards and membership' organisations for professionals involved in land, valuation, real estate, construction and environmental issues." Its main roles are to (1) maintain the highest standards of education and training (2) protect consumers through strict regulation of ethics & standards (3) advise global organisations, such as govts & regional boards (4) publish market information & research.	The RICS Dispute Resolution Service (DRS): (1) "Is the world's largest provider of alternative dispute resolution services" (2) Offers a complete range of methods for resolving disputes including: arbitration, expert determination, mediation, adjudication and expert witness. (3) Appoints a complete range of independently trained third parties for resolving disputes, including arbitrators, independent experts, mediators, adjudicators and expert witnesses (from Jan 2002 to date the President has made over 7,800 such appointments making RICS the UK's largest appointor of independent third parties in the property profession). (4) Helps to resolve disputes in areas relating to land, property and construction. The RICS Dispute Resolution Faculty: (1) Is responsible for the promotion of dispute avoidance, management & resolution as a specialist discipline to members, existing & future users/clients, Govt, Judiciary &Legislative Bodies & consumer grps. (2) The faculty is also responsible for training and setting professional standards for all members operating in the field of dispute avoidance, management and resolution, including education and assessment (Assessment of Professional Competence (APC) / Assessment of Technical Competence (ATC)); Continuing Professional Development; Guidance Notes and Practice Statements; Registration Schemes; specialist interest groups/Forums and conferences/seminars.	RICS Rules of Conduct Guidance to the RICS Rules of Conduct RICS Disciplinary Rules 2004	Self-regulation	The RICS Dispute Resolution Service (DRS) runs the Presidential Appointment Service for arbitrators, independent experts, adjudicators and mediators and administers the Lord Chancellor's Panel in the case of rural disputes. The Dispute Resolution Policy Committee (DRPC) oversees DRS. Responsible directly to The International Governing Council; the DRPC is responsible for setting training and practice standards for members of the various Presidential Panels whilst monitoring worldwide Presidential Appointments. RICS mediators are normally drawn from a panel of chartered surveyors who are Fellows of the Royal Institution of Chartered Surveyors (FRICS) & who have successfully undertaken training through a training course organised or approved by the Institution. But, chartered surveyors who have achieved accreditation by CEDR are considered to have completed the training necessary for RICS President to consider them for appointment. The Dispute Resolution Faculty accredits undergraduate and postgraduate courses at Universities. All undergrad courses in surveying subjects are guided by RICS for accreditation and have traditionally included substantial areas of conflict management and dispute resolution in the law / legal studies modules. Postgraduate courses have developed to serve the needs of surveyors working, or aspiring to work in the field of dispute resolution. After graduation, surveyors work towards achieving either chartered or technical status via Assessment of Professional Competence (APC) or Assessment of Technical Competence (ATC). To become either a chartered or technical surveyor candidates must be assessed as competent to practice & they work towards this by following detailed competencies. A greater emphasis has been placed on dispute resolution within the mandatory competencies, one of which is entitled 'Conflict Avoidance, Management and Dispute Resolution Techniques'.		The cost of the reassessment process is estimated at £200 per candidate.	The Dispute Resolution Service always asks its customers questions about the performance of third parties. In 2002 the decision was taken to reassess members of the President's panel every 5yrs. A rolling program of reassessment began in 2004. For commercial rent review arbitrators and independent experts the assessment will consist of an assessment paper, completion of a fresh skills form, a Continuing Professional Development check and an interview. At interview customer responses to quality control questionnaires and any relevant matters arising out of previous interviews will also be considered where appropriate.	www.rics.org

4.3 Table Two: Analogous Examples

Sector	Accred. Org.	Purpose / Focus of Accred. Scheme	Criteria for Accred. / key document	Authorisation of Accred. Body/Scheme	Accred. Method	Accred. Symbol	Costs of Accred	Evaluation Method	Main Source / Reference
Expert Witness Orgs.	Cardiff University Offers an expert witness certificate, the first university certified competency based qualification for experts.	"The Cardiff University Bond Solon Expert Witness Certificate provides a systematic way to reach the best practice standard. It ensures experts reach a high level of skills and knowledge that is tested independently and anonymously."		Self-regulation The Certificate was launched in November 2002 in conjunction with Bond Solon, a witness and evidence training and consultancy company, which specialises in training non-lawyers in legal matters.	The certificate involves training followed by assessment in effect accreditation to show the expert has reached a competent standard. Experts have to: (1) Submit reports for assessment (2) Be videoed, for later analysis, whilst presenting evidence under cross-examination and (3) Be examined on law and procedure.	The Cardiff University Bond Solon Expert Witness Certificate	The full course cost £2,332.38 including VAT	Assessment results have shown that approximately 20% of experts fail on each of the three elements (see accred. method of column). Many of the candidates were experienced experts, this may suggest they may have been making the same mistakes for years, but with greater confidence as they have never received feedback.	www.bondsolon.com
	EWI The Expert Witness Institute was launched in November 1996 to service and support experts. It acts as a voice for the expert witness community, supporting experts from all professional disciplines and lawyers who use the services of experts.	EWI's functions are to encourage, train and educate experts and to improve and maintain their standards and status. It actively works with a wide range of professional bodies to achieve this. The objective of the EWI is the support of the proper administration of justice and the early resolution of disputes through fair and unbiased expert evidence. In order to achieve this objective, the EWI: (1) Acts as a voice for expert witnesses, especially in communicating with the media. (2) Provides support to experts of all professional disciplines and other occupations requiring skills and judgment. (3) Encourages lawyers to make use of experts wherever specialized knowledge is required. (4) Engages in the training of experts to maintain and enhance standards and their status. (5) Works actively with other allied professional bodies and associations. (6) Makes representations to Government and to professional bodies and associations wherever appropriate.	Code of Practice for the guidance of members Code of Guidance on Expert Evidence	Self-regulation The EWI is independent of outside commercial interests. It is a non-profit making company limited by guarantee.	All applicants for full individual membership must submit the names of three referees (though only two references are taken up). Every application is then considered by the membership committee based on these references and suitable professional qualifications. Those not sufficiently experienced to be able to provide the names of three referees may apply for provisional membership. Once membership is granted the applicants are certified as members and their names are included in the Membership List/Directory. There is also free inclusion in the Expert Referral Service for both full and provisional members and use of the Expert Referral Service for corporate members.	EWI logo	The membership subscription renewal fee is £180 pa.		www.ewi.org.uk
	The Society of Expert Witnesses	Provides a very similar function to the Expert Witness Institute (see above)							www.sew.org.uk
Legal	The Bar Council The governing body of the barristers' profession.	The BARMARK The Council created the BARMARK as one way to recognise good practice management. BARMARK is a voluntary scheme for those chambers that wish to have validation of their administrative practices, i.e., quality assurance for chambers In assessing whether standards have been achieved the following areas are covered: (1) Commitment to quality assurance (2) Management and organisation (3) Client care (4) Financial management (5) Staff management (6) Management of briefs, instructions and communications (7) Premises and facilities (8) Pupillage administration (9) Equal opportunities.	<i>The Practice Management for the Bar Standards and Guidelines</i> <i>The Quality Assurance Checklist</i> <i>The Checklist</i> is a user-friendly version of <i>The Guidelines</i> . All areas within <i>The Checklist</i> are cross-referenced within <i>The Guidelines</i> . Details of everything mentioned can be found within the full document.	Self-regulation The Council has arranged for the British Standards Institute to validate the scheme.	Chambers wishing to apply to be accredited under the BARMARK scheme: (1) Must comply with <i>The Practice Management Guidelines</i> and should check their compliance against the <i>Quality Assurance Checklist</i> to ensure that they have documentary evidence to back up their compliance. (2) Once they are satisfied that they are ready for validation they will need to submit an application form to the Bar Council. (3) The Council then conducts preliminary checks on tenants' (barristers) compliance with regard to paying indemnity insurance premiums and having up-to-date practising certificates (4) The applications are then forwarded to the British Standards Institution (BSI). (5) BSI will then arrange a validation visit of 2-3 days (depending upon the size of chambers) when they will check compliance against the Quality Assurance Checklist. (6) After the audit, and once chambers have carried out any necessary corrective action, BSI will send their report to the Bar Council who then sends it on to the BARMARK panel who will consider whether to award the BARMARK.	Certificate and a copy of the BARMARK logo (to use on headed paper, and in chambers).	(1) BSI charges a one off £300 administration fee (£352.50 with VAT). (2) Thereafter, they have a daily charge of £575 + VAT per auditor. An average audit will employ two auditors for two full days. Sets may also choose to have a pre-visit or may require follow up visits if they do not quite meet the standard prior to submission of the report to the Bar Council. A BSI "previsit" to identify areas needing improvement, for chambers that are unsure if they are ready to undertake the full validation, is charged at the normal daily rate (£575 + VAT) payable to BSI.	The Bar Council has arranged for the British Standards Institution to validate BARMARK and carry out the necessary visits to chambers. Thereafter they will submit a report to the Bar Council and a Bar Council panel will consider the report and award the BARMARK as appropriate. The Panel comprises barristers, clerks and practice managers. A year after validation, BSI will pay a short monitoring visit to chambers (probably one day). After three years, chambers will need to undertake a complete revalidation.	www.barcouncil.org.uk

Sector	Accred. Org.	Purpose / Focus of Accred. Scheme	Criteria for Accred. / key document	Authorisation of Accred. Body/Scheme	Accred. Method	Accred. Symbol	Costs of Accred	Evaluation Method	Main Source / Reference
	LSC The Legal Services Commission is an executive non-departmental public body created under the Access to Justice Act 1999 to replace the Legal Aid Board. It is responsible for the development and administration of (1) The Community Legal Service (2) The Criminal Defence Service	The Quality Mark for the Bar Standard The LSC, after negotiation with the Bar Council, drew up its own standard modelled on BARMARK, known as Quality Mark for the Bar (QMB). So chambers can apply to be accredited under: (1) The Bar Council scheme or (2) The LSC scheme (system also applies to sole practitioners). Those who hold the BARMARK are automatically passported into the QMB upon undertaking to meet the additional requirements within 12mths of application. QMB is a specialist quality assurance standard specifically designed for use in Chambers. It is primarily a management standard for Chambers, which seeks to set an acceptable level of service but does not test the quality of advice.	The Quality Mark for the Bar Standard	State regulation	The Bar Mark certification process extends through a number of stages: (1) Application and desktop audit: application form and supporting documentation submitted to Regional Office for desk top audit, i.e., checking submission meets quality mark standards (2) Preliminary audit: so the LSC can establish that the Chambers will be able to meet the quality requirements at the pre Quality Mark (QM) audit. Usually within 60 days of acceptance of an application (3) Pre Quality Mark audit: the auditor seeks evidence to demonstrate compliance with the QM and evidence that compliance will be maintained following the audit. Usually between 4 and 6 months after the preliminary audit (4) Post Quality Mark audit: to ensure management systems continue to operate effectively and compliance with the QM is maintained and to assess continued performance. Usually between 9 and 12 months after pre QM audit and annually thereafter	CLS logo	For services in receipt of public funding the LSC organisational audit for award of the MQM is free. For organisations not in receipt of public funding, i.e., predominantly or wholly fee-charging, there is a price for the LSC audit. The charge matches rates for similar audits undertaken by external auditing bodies.	The LSC quality controls the audit process to ensure consistency in decision-making. The quality control data is made available to the Bar Council on request.	www.legalservices.gov.uk
	The Law Society The Law Society is the regulatory and representative body for solicitors in England and Wales.	LEXCEL Lexcel is the Law Society's practice management quality mark, launched in 1998. Written specifically for the legal profession, Lexcel: (1) Allows any type and size of practice to undergo independent assessment to certify that the Lexcel Practice Management Standards are being met. (2) Seeks to provide firms with the framework to take preventative action against failures in administration and service delivery and to put systems and procedures in place, which help to reduce mistakes. (3) Operates as "an effective risk management tool".	The core <i>Practice Management Standards</i> (PMS) which remain under the control of the Society The standards do not prescribe procedures and systems in detail. Instead, they identify the key disciplines in which procedures and systems are needed that will suit the needs of both the practice and their clients.	Lexcel assessment and certification is carried out by one of the Society's 12 independent Assessment Bodies who are already accredited for the purpose of assessing either International Organization for Standardization's ISO 9000 or Investors in People. These bodies have thus been authorised to conduct Lexcel assessments on behalf of the Law Soc. Only assessors who have achieved certain qualifications, who have experience of the legal sector, and have undergone special training, are approved by the Society to take part in the scheme.	A practice should satisfy itself that it meets the Lexcel requirements by completing a Self-Assessment Checklist, any weaknesses can then be corrected before assessment (1) Practice contacts chosen Assessment Body—may be influenced by whether the practice already has the International Organization for Standardization's ISO 9000 or Investors in People quality mark, or plans to achieve either mark in the future, as simultaneous assessments can be arranged. Consequently the overlaps with the Lexcel requirements may be taken into account on assessment to reduce the time and cost involved (2) Practice sends application to the Lexcel Office at the Law Society (3) The Society checks the practice's indemnity insurance status and the Office for the Supervision of Solicitors (OSS) records and gives the go-ahead (4) Practice agrees mutually convenient assessment date with chosen Assessment Body (5) Assessment conducted and feedback provided. Flexible approach: specifies standards, but not procedures (what to do, not how to do it). If required, deferral plan agreed and corrective action taken. (6) Assessor sends report to the Law Society (via the Assessment Body). The Society reviews the report and any queries arising from it are referred back to the Assessment Body. (7) Law Society awards certificate—if the practice has met the requirements of the standard the Society will advise the practice and the Assessment Body of the outcome (8) The certificate remains valid for three years subject to successful monitoring visits conducted on the first and second anniversary. After 3 yrs a full reassessment takes place again with the option to combine assessment with other quality standards	Lexcel Quality Mark and Certificate. Provides evidence of a well managed practice committed to offering a quality service. The mark can be used on stationery and so on.	Two elements to the cost of Lexcel assessment: (1) Annual registration fee —charged by the Law Society to cover of the scheme's administrative costs. And payable to the Society on the occasion of each annual maintenance assessment. Price varies according to sector, private practice/non-private, and according to number of partners and fee-earners. From £50 for a sole practitioner to £750 for a private practice with 51+ partners (figs exc. VAT) (2) Assessment fee —charged by the Assessment Body for conducting the assessment. Cost of assessment and annual maintenance visit varies according to the size of the practice. Each assessment body has its own charging structure and charges are likely to be based on day rates, which may be in the region of £500-£650 (the level of fees charged by Assessment Bodies to assess ISO 9000/Investors in People	The Lexcel Assessment Panel, estd by the Law Soc. oversees the Lexcel Scheme. The Lexcel Appeals Panel considers appeals against decisions taken by the Lexcel Assessment Panel Assessment Bodies are responsible for ensuring that their nominated Assessors meet the Law Soc's criteria for Assessors and attend the Law Soc's training. They are also responsible for quality assuring the assessment process and the admin of that process. Any complaints about the assessment or the Assessor should be taken up with the Assessment Body direct. The Law Soc monitors complaints and may adjudicate over any complaints that cannot be resolved.	www.lawsoc.org.uk

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	<p>The Law Society</p> <p>The Law Society is the regulatory and representative body for solicitors in England and Wales.</p>	<p>CLAS</p> <p>The Criminal Litigation Accreditation Scheme for duty solicitors came into effect Apr 2001. Stage 1 of the scheme was designed to enable solicitors to become qualified to apply for inclusion on local Duty Solicitor Panels under the <i>Legal Services Commission (LSC) Criminal Defence Service (CDS) Duty Solicitor Arrangements 2001</i>. Accreditation under various parts of Stage 1 enable a solicitor to apply for membership of CLAS Stage 1 and then to the appropriate CDS Regional Manager for registration as a Duty Solicitor in accordance with the <i>Arrangements</i>. Successful completion of the accreditation process does not imply that the CDS will automatically grant registration.</p> <p>The overriding intention of accreditation is to ensure that the public is competently served, which is only achieved by ensuring that candidates meet the required standards.</p>	<p>The Standards of Competence for Solicitors and Representatives Advising Clients in the Police Station.</p> <p>The Standards of competence for the Accreditation of court Duty Solicitors</p> <p>The standards of competence are in three parts:</p> <p>(1) Underpinning knowledge: details knowledge and understanding that the solicitor / representative will need to have in order to be competent when giving advice in the police station</p> <p>(2) Underpinning skills: details the skills which the solicitor / representative will need in order to represent effectively the client in the police station</p> <p>(3) Standards of Performance: details standards of performance that the solicitor / representative should demonstrate at each stage of the process of representing the client.</p>	<p>Self-regulation</p> <p>The Law Soc authorises organisations to provide Police Station and Magistrates; Court assessments for solicitors in accordance with specifications and standards agreed between the Society and the Legal Services Commission.</p>	<p>To qualify for membership of CLAS, a solicitor must successfully complete both parts of Stage 1:</p> <p>Part 1: Police Station Qualification (PSQ)</p> <p>(1) <i>Eligibility.</i> Solicitor should hold a current practising certificate and have successfully completed the assessments or successfully completed the Police Station Representative Accreditation Scheme or be able to demonstrate compliance with transitional arrangements (for prior registration by the Legal Services Commission as a duty solicitor)</p> <p>(2) <i>Assessment Process.</i> The PSQ is provided and assessed by specifically approved Assessment Organisations (AO). The process consists of two assessments:</p> <p>(i) The Portfolio—of five different cases where the candidate has personally and solely advised and assisted a client at the police station. Its purpose is to encourage candidates to constructively reflect upon their police station practice and to enable an AO to assess a candidate's competence to advise clients at the police station by reference to the standards of competence. The AO marks the portfolio according to Law Soc requirements and awards a pass or fail grade and notifies the candidate</p> <p>(ii) The Critical Incidents Test (CIT)—a role play test, which enables the AO to assess a candidates' effectiveness as a solicitor acting for a client in a police station by reference to the standards. The candidate applies to an AO of choice to take the CIT under arrangements approved by the Law Society. The AO provides details of the format of the CIT and notifies the candidate of dates and venues for the tests. The AO awards a pass or fail grade. The Portfolio must be completed and received by the AO for marking before the CIT can be attempted.</p> <p>Part 2: Magistrates' Court Qualification (MCQ).</p> <p>(1) <i>Eligibility.</i> Solicitor should hold a current practising certificate and have at least 12mths (may be waived to 6mths) continuous post admission experience of criminal defence work in the police station and magistrates' court and have either successfully completed the assessments or be able to demonstrate compliance with the transitional arrangements.</p> <p>(2) <i>Assessment Process.</i> The MCQ is provided and assessed by specifically approved Assessment Organisations. The process consists of two assessments</p> <p>(i) The Portfolio—comprises short notes on 20 cases and detailed summaries of five cases excluding the 20 cases. The AO marks the portfolio according to Law Society requirements and awards a pass or fail grade and notifies the candidate</p> <p>(ii) The Interview and Advocacy Assessment (IAA)—involves a simulated client interview and a simulated appearance in a magistrates' court. The candidate applies to and AO of choice to take the IAA under arrangements approved by the Law Soc. The AO provides details of the format of the IAA and notifies the candidate of dates and venues for the assessment. The AO awards a pass or fail grade. The IAA cannot be attempted until the portfolio has been passed.</p> <p>On successful completion the Soc makes the appropriate award and issues the relevant certificate.</p> <p>The AO may provide additional training programmes to assist candidates to complete the PSQ and MCQ assessments. Attendance at training is not a compulsory part of the assessment process, so non-attendance will not influence the results awarded by the AO</p> <p>The Soc is considering introduction of CLAS Stage 2, an advanced level of CLAS membership reflecting specialist knowledge in specific areas of criminal law. The Society is looking at options for methods of assessment of advanced levels of competency. As Stage 2 membership would be voluntary, the Society is keen to ensure that practitioners would have sufficient incentives to join the scheme.</p>		<p>Applications for the award of Police Station Qualification (PSQ) or Magistrates Court Qualification (MCQ) and for Stage 1 membership of the CLAS must be accompanied by the following membership fee:</p> <p>(1) Registration of the PSQ or MCQ is £117.50 (inc VAT)</p> <p>(2) Stage 1 membership of CLAS is £235 (inc VAT)</p>	<p>The AO is required to have an internal review process, which considers complaints from candidates relating to decisions taken by the AO during any part of the assessment process. The Law Society will not consider complaints in relation to assessment decisions by an AO until the AO's internal complaints procedure had been completed.</p> <p>The Society oversees the operation of the assessment process and carries out periodical reviews of AO's activities and procedures.</p> <p>There is currently no re-assessment procedure. The initial proposal for CLAS members to undergo re-accreditation every 5yrs has been delayed because of representations made by the Legal Services Commission and in recognition of the increased burden of bureaucracy faced by criminal practitioners as a result of contracting. The Society remains committed in principle to the need for re-accreditation, which is regarded as crucial for maintaining the quality and credibility of the scheme. The Society's professional accreditation team has produced a range of re-accreditation options for consideration, varying from requirements to submit portfolios and sitting assessments, to simpler requirements to attend a relevant Continuing Professional Development courses.</p>	<p>www.lawsoc.org.uk</p>

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Govt.	LSC The Legal Services Commission is an executive non-departmental public body created under the Access to Justice Act 1999 to replace the Legal Aid Board. It is responsible for the development and administration of (1) The Community Legal Service (2) The Criminal Defence Service	The Immigration and Asylum Accreditation Scheme The scheme is compulsory for all individuals performing publicly funded work in the immigration category, and aims to ensure that all those seeking advice on immigration and asylum issues, are provided with a high quality service. The scheme began Apr 2004 and advisers have until Apr 2005 to demonstrate they, meet the relevant standards. The Law Society and the LSC have developed a set of standards detailing the knowledge of law and practice, as well as the skills needed to be a competent adviser at any of three levels: (1) Accredited Caseworker (2) Senior Caseworker (3) Advanced Caseworker Additionally, Senior or Advanced Caseworkers who supervise others will need to meet the Supervisor Standard. Outdoor clerks and volunteers doing legal aid work must also be accredited at an appropriate level.	Immigration and Asylum Accreditation Scheme Competence Standards & Work Restrictions	State-regulation The Law Society in conjunction with the Legal Services Commission developed the standards to which publicly funded advisors must now work. The Society will appoint an Assessment Organisation, which will develop methods to assess whether advisors meet the standards. The Assessment Organisation will be contracted to and monitored by the Law Society, but the assessments will be conducted independently of both the Law Society and the Legal Services Commission.	Details are to be published of the method[s] by which assessments will be carried out. This might include, e.g., written exam, mock interview with a client, analysis of mock-cases etc. The Assessment Organisation will soon begin to publish details of when and where assessments will be held. Advisers will need to book their places on an assessment at a venue and on a date of their choice.		At the time of booking a place for an Assessment, advisors will be required to pay a fee. LSC will make a contribution to the cost of assessment, but only where the candidate passes the assessment.		www.legalservices.gov.uk www.lawsoc.org.uk
	LSC / CLS On 1 st Apr 2000 the Community Legal Service, replaced the old civil scheme of legal aid, bringing together networks of funders (e.g., Local Authorities) and suppliers) into partnerships to provide the widest possible access to information and advice. The Legal Services Commission (see above)	The Quality Mark (QM) The QM is the quality standard that underpins all CLS services. When the standards are combined they form the concept of a 'seamless service', which is one of the key objectives of the CLS. This objective will ensure that all members of the public accessing a member of the CLS receive quality advice or services or receive assistance in finding an alternative CLS service provider. The standards have been developed specifically to assure quality legal service provision. The QM sets organisational requirements around policies, procedures, practice guidelines, supervision and on-going training. There are three essential elements to the scheme: (1) Specification of standards of quality assurance that the LSC expects suppliers to meet. (2) Audits by LSC (or bodies authorised by LSC) to ensure standards are being achieved and maintained (3) Continuous improvement in the service offered by suppliers of legal services to their clients There are three QM standards (1) Information: these services provide information in written or oral form but have no involvement in diagnosing client's problems in terms of providing advice (2) General Help: this is sub-divided into (a) <i>General Help</i> —includes diagnosing client's problems, giving information and explaining options, identifying further action and giving basic assistance (b) <i>General Help with Case Work</i> , i.e., taking action on behalf of clients in order to move the case on. It includes negotiation and advocacy to third parties by phone, letter or in person. (3) Specialist Help —these services provide advice and legal help on complex matters in specific areas of law and will carry out the full range of legal services including representation. Organisations cannot receive money from the CLS or Criminal Defence Service Funds unless they hold the Specialist Help QM.	The Quality Mark Framework The quality mark standards cover seven key quality areas known as the Quality Mark Framework: (1) Access to service (2) Seamless service (3) Running the organisation (4) People management (5) Running the service (6) Meeting client's needs (7) Commitment to quality	State regulation	The Quality Mark (QM) certification process extends through a number of stages (1) Application and Desktop Audit: The application should be submitted to the Regional Office covering the geographical area in which the organisation's office is based. Applicants must submit a completed application form, a completed self-assessment checklist and a copy of their office manual/document procedures. The application and submitted documentation is reviewed by Regional Office staff to ensure it addresses QM requirements (the Desktop Audit). If the documentation is incomplete, or it is clear that the organisation will need to carry out a substantial amount of work before their procedures begin to comply with the standard, the auditor may refuse the application at this stage and the documentation will be returned. The auditor will inform the applicant of the omissions that have been observed. The desktop audit takes approx. 28 days from receipt of the completed application. (2) Preliminary Audit: usually takes place within 60 days of the acceptance of the application. Its purpose is for the LSC to establish that the organisation will be able to meet the quality requirements at the pre Quality Mark Audit. To evidence this, the organisation will need to have in place all the necessary procedures, processes and appropriate supervisor standards, and will need to satisfy the auditor that these will be in effective operation within three months of the preliminary audit, or longer if agreed with the auditor. (3) Pre Quality Mark Audit: As it is not possible to verify that a system is fully compliant with the standard unless it has been in operation for at least three months, the pre Quality Mark audit will generally take place between 4 and 6 months after the preliminary audit. During this audit, the auditor seeks evidence to demonstrate compliance with the QM, and evidence that compliance will be maintained following the audit. (4) Post Quality Mark Audit: To ensure that management systems continue to operate effectively, and that compliance with the QM is maintained a first post Quality Mark audit is usually conducted between 9 and 12 months after the pre Quality Mark audit, and annually thereafter.	Quality Mark Logo	For services in receipt of public funds the LSC organisational audit for award of the MQM is free. For organisations not in receipt of public funding, i.e., predominantly or wholly fee-charging, there is a price for the LSC audit. The charge matches rates for similar audits undertaken by external auditing bodies.	CLS Auditors monitor whether quality mark procedures are in place. The LSC seeks to consult regularly with all Quality Marked organisations. This consultation takes place in a number of ways: regional contracting and liaison meetings, questionnaires issued at audit visits, correspondence and, when appropriate, specially convened group discussion sessions. All documents for consultation are published on the LSC website. The LSC actively seeks comments and feedback on its own performance to help it to improve its processes in order to provide the best possible service to all organisations within the Community Legal Service and the Criminal Defence Service.	www.legalservices.gov.uk

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Voluntary	<p>NACAB</p> <p>The National Association of Citizens Advice Bureaux. Citizens Advice Bureaux give free, confidential, impartial and independent advice on a limitless range of subjects, including debt, benefits, housing, legal matters, employment, immigration and consumer issues.</p>	<p>The NACAB membership scheme (launched June 2000) details the standards and requirements, which CABx must attain to become and remain members of the CAB service. Compliance with the standards required means that CABx across the country represent Best Practice at the highest level within the voluntary sector. The scheme is fully convergent with the Community Legal Service General Help Level Quality Mark.</p> <p>At the time NACAB agreed the membership scheme, citizens advice negotiated with the LSC so that all bureaux were passported into the CLS Quality Mark at generalist level. To provide specialist quality marked advice the individual bureau would usually bid for LSC contract work.</p> <p>The CAB Service is the only agency to have applied for 'Accredited Agency' status under the Access to Justice Act.</p>							<p>www.nacab.org.uk</p>

4.4

Table Three: Remote Examples

Sector	Accred. Org.	Purpose / Focus of Accred. Scheme	Criteria for Accred. / key document	Authorisation of Accred. Body/Scheme	Accred. Method	Accred. Symbol	Costs of Accred	Evaluation Method	Main Source / Reference
Education	<p>NOCN and OCN</p> <p>The National Open College Network "is the UK's foremost provider of accreditation services for adult learning." It is a recognised national qualification awarding body and the Central organisation for 28 Open College Networks.</p> <p>Open College Networks are licensed by NOCN. They are locally managed, not-for-profit partnerships committed to providing a flexible and responsive local accreditation service for a wide range of learning activities.</p>	<p>NOCN aims to widen participation and access to high quality and flexible education, training and learning, to promote social inclusion and to ensure that learner achievement is recognised, valued and understood through a <i>national framework of accreditation</i>. The NOCN 'approach' is to recognise learners' achievements through accreditation, and the quality assurance and quality development of learning programmes.</p> <p>NOCN provides national qualifications and programmes in a wide range of subject areas and <i>offers local accreditation service</i> through the OCNs that provides recognition of achievement through the award of credit.</p> <p>NOCN works in partnership with organisations to develop learning strategies that will enable people to participate and succeed. The <i>fully integrated service of accreditation</i> and qualifications helps to secure provision relevant to learners and employers, with robust standards, achievable goals and progression opportunities for all.</p>	<p>National Framework of Accreditation.</p> <p>All NOCN and OCN accredited provision, including qualifications, falls into this unified and credit-based framework.</p>		<p>(1) Accreditation of new programmes is offered through local Open College Networks (OCN's) which all operate within a common framework of accreditation consisting of, <i>inter alia</i>, a set of levels consistent with the national framework. OCN advice and guidance is offered on preparing a programme document for approval. Once the new programme is submitted a recognition panel is assembled to scrutinise the programme to ensure it meets learners' needs and national accreditation standards. Once conditions are met the programme is approved to run for a stated number of years; then the programmes and the learners can be registered with local OCNs. The local OCN will appoint an external moderator for the programme, who will visit the programme, sample learner achievements and verify the achievements. The moderator confirms the award of credit to the learners and sends the results to the local OCN, which issues certificates to learners. Following the external moderators final report, the programme is reviewed and an action plan is identified for the next programme to run.</p> <p>(2) NOCN National Programmes are accredited programmes intended for delivery nationally or in a number of OCN regions. They have been developed by a national or recognised organisation in partnership with NOCN and local OCNs. Most are available for use "off the shelf" by OCN member organisations. Their advantage is in being already OCN accredited. An organisation needs to register with its local OCN in order to use the programme. The OCN will provide <i>The Accreditation Guide</i>, which incorporates full programme information, supporting materials and information about how to register the programme with the local OCN. When a programme is chosen a standard <i>pro forma</i> (with signatures and authorisations) must be submitted to the local OCN, detailing how the programme is to be delivered and supported</p>				www.nocn.org.uk
	<p>OU</p> <p>The Open University's national and international accreditation service was established in 1992 following the abolition of the Council for National Academic Awards (CNAA)</p>	<p>OU accreditation:</p> <p>(1) Enables students or employees to gain nationally and internationally recognised qualifications;</p> <p>(2) Adds significant value to a course or programme;</p> <p>(3) Provides public assurance that the accredited programme reaches nationally recognised standards.</p>	<p>Principles of Institutional Approval</p> <p>The OU has established a framework of principles and regulations, which govern its accreditation activities. To be accredited an organisation must show it can meet the OU's principles for institutional approval; initial criteria includes the requirement of a minimum of 50 student registrations each year in order to ensure an economically viable service.</p>	<p>The Royal Charter</p> <p>This enables the OU to accredit higher education courses or programmes provided by organisations without degree-awarding powers.</p>	<p>A group of external peers judges whether or not an institution is able to provide a satisfactory environment for the conduct of programmes leading to OU validated awards. The institution will need to demonstrate that it has:</p> <p>(1) Appropriate resources for teaching, learning and assessment</p> <p>(2) An active programme for staff development</p> <p>(3) Appropriate internal systems of quality assurance</p> <p>A panel of specialists is convened to consider a written self-evaluation prepared by the institution. The panel then visits the institution and meets senior management, teaching staff and students. Accreditation of an institution is a pre-requisite for the approval of any programme of study, but where appropriate, institutional accreditation and programme validation may be undertaken concurrently.</p>		<p>There is a charge for OUVS accreditation to cover the University's operational costs and the services of specialist advisors. Following initial accreditation and course validation etc. there are standard fees for student registration, certification and quality monitoring.</p> <p>There is no charge, however, for initial informal discussions of accreditation proposals with OU staff.</p>	<p>Accredited institutions are reviewed on a regular basis to ensure that they continue to meet OU conditions for validated awards.</p> <p>The OU is subject to audit and scrutiny by the British Quality Assurance agency for Higher Education (QAA), the Qualifications and Curriculum Authority (QCA) and the Scottish Qualifications Authority (SQA)</p>	www.open.ac.uk

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Health	<p>HQS</p> <p>The Health Quality Service, "is the longest established health accreditation service in the UK and the rest of Europe."</p>	<p>HQS is developmental in its approach. The heart of its approach is quality improvement which focuses on four key areas:</p> <ol style="list-style-type: none"> (1) People (2) Process (3) Environment (4) Results. <p>The HQS works with UK and international healthcare organisations to improve the quality of patient care through consultancy services and the development of health care standards and assessment processes.</p>	<p>The Independent Hospital Accreditation Programmes, each include a set of standards, covering all aspects of health care provision.</p> <p>The HQA programmes incorporate features of quality programmes outside of healthcare including the European Foundation for Quality Management (EFQM), the International Organization for Standardization's ISO 9000 and Investors in People.</p>	<p>HQS is accredited by the United Kingdom Accreditation Service (UKAS) and the International Society for Quality in Health Care. It is also an ISO 9002 certification body.</p>	<p>Each HQA accredited programme is tailored to a specific service but all follow the basic audit process which takes approx 12 months from start of project to external peer review:</p> <ol style="list-style-type: none"> (1) Implementing the Programme: staged process begins with the client conducting a base-line assessment. The information from this determines the areas that require attention. Thereafter 1/2 more self-assessments will usually be carried out to gauge progress with implementing the standards. The client needs to appoint a project manager to co-ordinate activities across the organisation. The project manager attends initial training, receives a project manager manual, attends network days and liaises with the HQS client manager throughout the process. (2) Client Support: Every client is allocated a client manager who will provide guidance and support throughout the audit process. This includes the provision of best practice examples, contact details to aid networking, training for internal auditors, advice on the best way to present evidence and timetabling for the survey. All HQS client managers complete an International Register of Certified Assessors (IRCA) course and examination to become certified lead QMS auditors. The client manager will either directly lead the external survey, or in some instances in primary care, oversee and guide local health care professionals. (3) Standards Development and Interpretation: HQA provides and maintains an up to date comprehensive set of national standards plus help with their interpretation. This is done in a way that aids local review, action and improvement. (4) Peer and Expert Review: The survey teams comprise senior health care professionals who work in a voluntary capacity and are chosen for their experience, knowledge and credibility as well as their appropriateness to the type of organisation and services it provides. All surveyors attend a rigorous two day training and assessment event before being selected. The number of surveyors in the team and duration of the survey will depend on the size of the organisation. During the survey evidence is gathered from documentation, interviews with staff and patients and observations of work in a representative sample of service areas. All findings are documented carefully. Within 20 to 30 working days of the survey a draft comprehensive report of the surveyors' findings is sent to the client and provides the organisation with an action plan and: <ul style="list-style-type: none"> • A detailed assessment of its performance against HQS standards • Identification of areas where performance is satisfactory or where further improvement is required • Commendations for areas of best practice • Suggestions and recommendations for improvement (5) Accreditation: Organisations that successfully achieve HQS standards are awarded accreditation for a period of three years from the date of the peer review survey. (6) Monitoring Progress: Once an organisation has achieved accreditation HQS organises a process of monitoring to ensure standards are being maintained and to review the organisation's achievements in relation to its action plan. This will include an examination of key documents and associated results and focus on any issues identified by the Accreditation Committee. 	<p>A certificate and plaque of accreditation, and/or ISO certification as appropriate</p>		<p>Clients complete evaluation questionnaires.</p> <p>Monitoring Progress: Once an organisation has achieved accreditation HQS organises a process of monitoring to ensure standards are being maintained and to review the organisation's achievements in relation to its action plan. This will include an examination of key documents and associated results and focus on any issues identified by the Accreditation Committee.</p>	<p>www.hqs.org.uk</p>

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Human Resources	The International Organization for Standardization's ISO 9000	See full details in "quality support organisations" (below)	(Details below)	(Details below)	(Details below)	(Details below)	(Details below)		(Details below)
	IIP Investors in People UK is the body responsible for the IIP Standard. Its purpose is to provide national ownership of the Standard and it is responsible for its promotion, quality assurance and development.	IIP quality standard contains 12 indicators grouped into 4 key principles: (1) Commitment to invest in people to achieve business goals (2) Planning how skills, individuals and teams are to be developed to achieve these goals (3) Taking action to develop and use necessary skills in well defined and continuing programmes directly tied to business objectives (4) Evaluating outcomes of training and development for individual's progress towards goals, the value achieved and the future needs	IIP Standard National quality standard that sets a level of good practice for improving an organisation's performance through developing and training its people.		Guidance and advice on the IIP Standard is available from the Learning and Skills Councils, with the assessment and recognition being dealt with through a network of Regional Quality Centres. (1) Contact local Learning and Skills Council (LSC) or Business Link for information and guidance. (2) Compare your organisation to the Standard using the 12 indicators (3) Ensure that senior management is fully committed to the standard and understands its strategic implications to the organisation. (4) Review and, where necessary, revise current training and development practices to meet the standard. (5) Identify, through written evidence or otherwise, how working practices in the organisation support the indicators in the standard. (6) Apply for recognition; this is known as making a commitment. (7) An assessor from the Regional Quality Centre visits the organisation and interviews a representative sample of personnel to check that the written procedures are working in practice. (8) The assessor prepares a report and recommendations; these are put before a Recognition Panel. (9) The organisation is given feedback on the assessment and informed of the panel's decision. IIP advise it typically takes between 6 and 18 months to prepare for assessment.	IIP certificate and logo	The total cost of achieving IIP recognition comprises: (1) External costs: fees paid to the assessors from the Regional Quality Centre; these depend on the size and complexity of the company being assessed. In addition there may be charges for guidance provided by Learning Skills Council's, although in the first instance advice is provided free of charge. Some organisations additionally use consultants to guide them through the process, and this obviously adds additional costs. (2) Internal costs: the cost of resources (people and materials) needed to set up the programme and to produce evidence of meeting the Standard. Typical overall costs are quoted at between £5,000 and £15,000, depending on the size of the organisation and how much consultancy support the organisation uses.	Post-recognition review: Once an organisation has been recognised as meeting the IIP standard, this recognition can be maintained through re-assessment at intervals not exceeding three years. This interval is flexible and organisations are permitted to request re-assessment after a shorter interval if circumstances make that desirable.	www.iqa.org
	The organisation itself	The Busn Excellence model has nine elements divided into enablers and results Enablers: (1) Leadership (2) People management (3) Policy and strategy (4) Resources (5) Processes Results: (1) People (employee) satisfaction (2) Customer satisfaction (3) Impact of society (4) Business results	Business Excellence Model Provides a generic framework of criteria that can be applied widely to any organisation or part of an organisation.	Self-regulation	Compliance with the Busn Excellence Model is determined through self-assessment		High level of self assessment thus fewer external costs, but still additional internal administrative costs		www.quality-foundation.co.uk
	CIPD Chartered Institute of Personnel Development	To ensure quality and consistency of CIPD qualifications plus conformity with national standards.	National qualifications framework which guarantees quality and standards	Self-regulation The Qualifications and Curriculum Authority (QCA) accredits CIPD's certificates in training practice, personnel practice and recruitment and selection.	CIPD approved further education colleges deliver CIPD courses	CIPD Certificate		As part of CIPD's professional standards & quality management systems (introduced 2002) an external moderation system has been established. Some 100 moderators maintain and develop the standards of the certificate-level programmes under the guidance of two chief moderators.	www.cipd.co.uk

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Quality Support Orgs	BAB The British Accreditation Bureau "is the UK's leading assessment and certification body for the design and management of bespoke accreditation schemes." It accredits people, services and organisations.	To remove uncertainty and ensure peace of mind. To help clients to develop bespoke standards to improve quality and consistency by assisting them to establish appropriate standards. Once such standards are set, the necessary processes and procedures can be formed. After which BAB can measure, test and monitor, the competence and performance of people and processes, to ensure that the required outcomes are realised.		Self-regulation	Services Offered by the BAB (1) Evaluation and Monitoring: BAB specialists can assist in the evaluation of current programmes and make recommendations to support continuous improvement. When new working practices are established they can also help with monitoring systems to ensure things stay on track. (2) Scheme Design and Management (3) Research and Surveys: BAB conducts large scale surveys and in-depth research work (4) New Standards: BAB experts can help to establish in-house standards or industry standards. (5) External Verifier: supplies services as both moderation and external verifier, providing independent confirmation of adherence to procedures and practice. (6) Personnel Certification: design personnel certification programmes				www.british-accreditation.co.uk
	BQF The British Quality Foundation "is Europe's largest corporate membership organisation promoting performance improvement and excellence."	The BQF's mission is to be a leader in helping organisations of all kinds improve their performance and achieve sustainable excellence.	The Excellence Model The premise that excellent results with respect to performance, customers, people and society are achieved through leadership driving policy and strategy that is delivered through people, partnerships and resources and processes.		An organisation undertakes self assessment against the model to identify strengths and areas for improvement. The BQF has developed a software tool, BQF snapshot, which provides a quick and simple way of finding out how an organisation shapes up against the characteristics of excellence. The Excellence Model is a practical tool to help establish an appropriate management system by measuring where they are on the path to excellence; helping them understand the gaps and then stimulating solutions. Increasingly organisations are using outputs from self-assessment as part of their business planning process and use the Model as a basis for operational and project review. It is not known exactly how many organisations are currently using the model but BQF estimate the number exceeds 20,000 across Europe.	The UK Business Excellence Award		A comprehensive research study in 1999/2000 examined the strength of the relationship between Business Excellence and financial performance. Overall it found that when Business Excellence is implemented effectively, financial performance improves dramatically	www.quality-foundation.co.uk
	BSI British Standards Institute								www.bsi-global.com
	ISO The International Organization for Standardization is a worldwide network of national standards bodies (ISO member bodies) from 148 countries working in partnership with international organisations, governments, industry, business and consumer representatives. The work of preparing international standards is carried out through ISO technical committees, in liaison with international organisations, governmental and non-governmental bodies.	ISO 9000 quality management system is based on eight management principles: (1) Customer focus (2) Leadership (3) Involvement of people (4) Process approach (5) System approach to management (6) Continual improvement (7) Factual approach to decision making (8) Mutually beneficial supplier relationships ISO's most recent family of standards for quality management systems comprises: (1) ISO 9000:2000—Quality Management systems: fundamentals and vocabulary (2) ISO (001: 2000—Quality management systems: requirements (3) ISO 9004—Guidelines for performance improvement They are built around business processes, with a strong emphasis on improvement and a focus on meeting the needs of customers. The new standards are intended to be generic and adaptable to all kinds of organisations. The ISO standard is also now more closely aligned with the requirements of the European Foundation for Quality Management (EFQM) Excellence Model.	ISO 900	The International Organization for Standardization's ISO 9000 certification is generally awarded by an independent body. The UK Accreditation Service lists organisations able to undertake certification.	For ISO 9000 approval the organisation must develop a Quality Management System (QMS). This is then described in the quality manual, which must include a quality policy statement and procedures detailing all the business processes and identifying how these procedures comply with the standard. Internal audits are then performed to provide evidence of conformance to these procedures. So the assessment is in two stages: (1) The quality manual and procedures are submitted to the assessment body where they are checked for compliance to the standard (2) Auditors from the assessment body visit the organisation to check that working practice is in accordance with the quality manual procedures. It is up to organisations to check that their operation falls within the accredited scope of their chosen agency as assessors need to be experienced in applying ISO to the organisation's systems, otherwise it can be difficult convincing them that procedures meet the requirements of the standard.	ISO 9001:2000 The overall standard is ISO 9000, certification is to the requirements standard 9001:2000	There is no standard fee for certification. Quotes are obtained from a number of assessment orgs before deciding which to use.	www.cipd.co.uk www.iqa.org	

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	IQA Institute of Quality Management Assurance								www.iqa.org
	UKAS The United Kingdom Accreditation Service is recognised by the government as the sole UK national body responsible for assessing and accrediting the competence of organisations in the fields of calibration, measurement, testing, inspection and certification of systems, personnel and products.	UKAS is committed to maintaining and developing a strong and unified national accreditation service as a means of: (1) Promoting quality and improving the competitiveness of UK industry; (2) Building trust in the market place and in public services; (3) Ensuring that consumers, suppliers, purchasers and specifiers can have confidence in the quality of goods and in the provision of services throughout the supply chain. UKAS accreditation: (1) Demonstrates the competence, impartiality and performance capability of evaluators (testing and calibration laboratories, certification and inspection bodies); (2) Means the evaluator can show to its customer that it has been successful at meeting the requirements of international accreditation standards; (3) Ensures the customer reduces the risk of selecting an incompetent evaluator and paying for, or acting upon invalid results.	UKAS accredited Certification Bodies (CBs) are required to meet internationally agreed criteria such as ISO Guide 62. They are also required to carry out a contract review with their potential clients to ensure that they are able to supply the certification that is required by them.		UKAS route to accreditation (1) Submission of application form and supporting documentation: reviewed by an Accreditation manager who will allocate an Assessment Manager to the case. The Assessment Manager is the case officer responsible for taking the organisation through the accreditation process and for maintaining and renewing its accreditation in the future. The Assessment manager contacts the organisation after studying the documentation submitted and discusses the need for a pre-assessment visit and the composition of the proposed assessment team. (2) Pre-assessment Visit: by the UKAS Assessment Manager, which addresses the scope of accreditation requested. Generally involves between one and three days work. Designed to confirm an organisation's readiness for full assessment. The Assessment Manager provides a quote for the work involved. (3) Initial Assessment Visit: is conducted by the Assessment Manager supported, as necessary, by technical assessors with the expertise to cover the scope of the accreditation. The length of the visit depends on the scope of accreditation requested. The manager will provide a quote for the work involved. Prior to a visit the organisation receives a visit plan, which provides a proposed timetable for the work to be assessed. Any non-conformity found against accreditation requirements are notified in writing during or immediately after the visit. UKAS must then be advised as to how the non-conformity is to be cleared. Once cleared, accreditation is granted. (4) Maintenance of Accreditation: accreditation is confirmed on an annual basis by surveillance visits, with a full re-assessment every 4 th year. The first surveillance visit takes place 6 months after the Grant of Accreditation.	The Royal Crown is incorporated into all UKAS national accreditation marks.	(1) The application fee is £1,410 (inc VAT) (2) Daily rate pre-assessment and initial assessment work costs £750 (3) Daily rate for other work costs £524 (4) Annual accreditation fees, ie, fees for maintenance of accreditation differ according to the standard and are charged <i>per day</i> , e.g., (a) ISO 17025 is £80 (b) ISO 17020 is £250 (c) EN 45013 is £275	Maintenance of Accreditation: accreditation is confirmed on an annual basis by surveillance visits, with a full re-assessment every 4 th year. The first surveillance visit takes place six months after the Grant of Accreditation. Sanctions include: total/partial suspension, total withdrawal, partial reductions to scope. Organisations accredited by UKAS are required to have formal complaints handling procedures	www.ukas.com