

The Law Society's Conveyancing Quality Scheme (CQS)

Guidance for SROs



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Introduction

It is recommended that all SROs read this Guidance before making an initial application for CQS accreditation, and when applying for re-accreditation. The application process for the CQS Scheme is now fully digital and there have been some important changes to the CQS Scheme Rules which came into effect 1st November 2022.

When SROs access the online system, they will be prompted to demonstrate their knowledge of the changes to the Scheme Rules by means of a mandatory online multiple-choice question-style test: SRO Certification. The SRO role involves significant responsibility, in terms of their oversight of the residential conveyancing systems being used within their practice.

The CQS Scheme Rules require the SRO to pass the SRO examination and upload the evidence of completion when submitting their practice's application for accreditation or for re-accreditation.

The test questions within the examination are designed to evaluate and ensure the SRO's competency in understanding, and the ability to demonstrate effective knowledge of, the core CQS elements, which are:

- The CQS Scheme Rules
- The CQS Client Service Charter
- The Law Society Conveyancing Protocol
- The CQS Core Practice Management Standards
- The Onsite Assessment Guidance Notes

The SRO examination consists of 20 MCQ-style questions selected randomly from a question bank. The pass mark for the examination is 70%. SROs will have 2 attempts.

The material for the SRO examination questions is drawn from the CQS documents listed above.

The SRO examination does not require a detailed knowledge of the residential conveyancing process or land law: it is intended instead to check the SRO's knowledge of the SRO's extensive obligations under CQS accreditation.

This Guidance does not form part of the CQS CPMS but is intended to assist SROs in understanding the extent of their obligations inherent in their position as SRO.

It will be assumed that this Guidance (which may be updated from time to time) has been read and understood by all SROs.

Guidance

The CQS Client Service Charter sets out for clients the service standards they can expect from a CQS practice. The wording underlines the importance of the concepts of professionalism and integrity in achieving CQS accreditation. The SRO is reminded that, by applying for CQS accreditation or re-accreditation, they are confirming, upholding and endorsing that same expectation of ongoing professionalism and integrity for and on behalf of their practice, and that they accept that they, as SRO, will be held accountable on the full and appropriate discharge of their SRO functions by the Accreditation office.

The CQS Scheme Rules

The CQS Scheme Rules make it clear that the CQS Client Service Charter, the CQS Core Practice Management Standards and the Law Society Conveyancing Protocol are all integral elements of CQS accreditation. Compliance with each element is expected, and for that compliance, the SRO should understand that they have responsibility directly to the Accreditation office.

The role of the SRO within the CQS Scheme Rules is implicitly one of personal accountability to the Accreditation office. The credibility of the CQS Scheme is underpinned by the integrity of the SRO, which sets a high bar for SROs.

It is recognised that SROs may not always be conveyancing experts or practitioners, but it is expected that they will always act with integrity and to the highest professional standards when discharging their duties as SRO.

SROs are reminded that the Accreditation office may request information from the practice at any time during their period of CQS membership and the SRO is under a personal obligation to co-operate with that request.

SROs are also reminded of their ongoing obligations at sections 12 and 13 of the Scheme Rules and the grounds on which their CQS membership can be terminated as set out in section 5.3 of the Scheme Rules.

Finally, SROs will note that if their CQS accreditation is withdrawn or is not renewed, the practice must cease to use any CQS logo and there will be implications for them regarding lenders.

The Law Society Conveyancing Protocol

The Law Society Conveyancing Protocol is the framework for the sale and purchase of a home for an owner occupier. The use of the Protocol is intended to ensure that all clients are treated fairly and are protected when dealing with high value assets and liabilities.

It is important for SROs to note that the Protocol sets out not only the detail of what is considered to be preferred practice within the residential conveyancing process, but also general solicitor obligations in a conveyancing transaction of which they must be aware.

SROs should ensure their understanding of both elements of the Protocol. In particular, SROs are reminded that they are accountable to the Accreditation office for ensuring that the practice meets the professional obligations set out in the section of the Protocol headed "General solicitor obligations in a conveyancing transaction".

The CQS Core Practice Management Standards

The CQS CPMS is an extensive document and SROs are reminded that by signing the application form for CQS accreditation, they are confirming that all those requirements are being met and will continue to be met at the practice.

SROs should be certain that such certification is justified, bearing in mind their accountability to the Law Society.

Accuracy of information

The CQS accreditation process assumes the accuracy, appropriateness and integrity of the information uploaded or submitted by the SRO on behalf of the Practice. There is an express obligation on SROs to tender correct information on the application form in section 3.5 of the Scheme Rules. While the Law Society will make its own checks and carry out other verification and screening steps, the SRO is reminded that it is expected that all information and documentation submitted in support of an application for accreditation or reaccreditation is accurate, transparent, honest and comprehensive at all times.

The reporting obligations on SROs are set out in sections 12 and 13 of the Scheme Rules and SROs are reminded both of the important time parameters for any notifications made and the requirement for that information to be correct.

SRO delegation and assistance

It is envisaged that SROs may wish to delegate responsibility for certain CQS tasks to others, either internally within their practice or to outsourced providers. While the Scheme Rules do not prevent that, the SRO role itself cannot be delegated or outsourced and SROs are reminded that they alone retain responsibility and accountability under the CQS Scheme Rules. For example, if the preparation of a practice's application for CQS re-accreditation is delegated to a member of staff or is outsourced to a third party, it will still need to be scrutinised and signed off by the SRO who will retain full oversight and responsibility.

Preparing for the CQS accreditation or re-accreditation process using the digital platform

SROs are recommended to read the Word version of the CQS application form before starting the online application process as this will help them to better understand the online procedures and will clarify for them what information is required to proceed. This can be found in the CQS Information Pack.