



Summary of decision

The purpose of this summary sheet is to provide a high level and accessible overview of the Legal Services Board's ("LSB") decision. Readers are recommended to read the formal decision notice below for further details. **This summary is not and should not be taken as a formal part of the LSB's decision notice under the Legal Services Act 2007 ("the Act").**

The LSB's decision is to grant in full the application from CILEx Regulation Limited ("CRL") for approval of alterations to its regulatory arrangements relating to its Education Standards.

The changes include:

- the creation of consolidated Practitioner Authorisation Rules, to govern the authorisation of Chartered Legal Executives and CILEx Practitioners.
- the introduction of new requirements in relation to legal technology and emotional competence and new day one outcomes including caseload management, understanding and utilisation of innovation and leadership and management.
- removal of the 'Graduate member' from the definition of Fellowship.
- removal of the CILEx exemptions policy from regulatory arrangements, which is replaced with a policy for training providers to seek approval for qualifications designed to meet the education standards (the Training Provider Approved Qualification Policy and its associated handbook). CRL has also created a new policy for candidates to apply for full exemption via a new Recognition of Prior Legal Qualifications Policy and associated handbook.

Following assessment of CRL's application, the LSB has concluded that the changes do not meet the conditions for refusal under paragraph 25(3) of Schedule 4 to the Act. We would draw attention, however, CRL's decision not to offer a qualification route in the Welsh language. While we understand CRL's assessment of the absence of obvious demand for such a route, we consider that actively offering such a route may in itself generate demand and improve inclusivity for those whose first language is Welsh. While we do not consider this factor to require us not to approve the proposals, we invite CRL to keep the matter under close review.

The decision notice explains our assessment of the main issues that we considered in reaching our decision. It also outlines the commitments made by CRL that were relied upon in our assessment and our expectations for CRL as it implements, monitors and evaluates the impact of the alterations.

Decision notice

CILEx Regulation Limited application for approval of alterations to its regulatory arrangements relating to its Education Standards.

1. The Legal Services Board (“LSB”) has granted an application from CILEx Regulation Limited (“CRL”) for approval of changes to its regulatory arrangements including consolidation of its Application for Fellowship Rules, Immigration Certification Rules, Probate Rights Certification Rules, Reserved Instrument Activity Certification Rules and Right to Conduct Litigation and Rights of Audience Certification Rules, into new Practitioner Authorisation Rules.
2. The LSB is required by Part 3 of Schedule 4 to the Legal Services Act 2007 (“the Act”) to review and grant or refuse applications by approved regulators to make alterations to their regulatory arrangements. The Chartered Institute of Legal Executives (CILEX) is an approved regulator and CRL is the regulatory body to which CILEX has delegated its regulatory functions.
3. This decision notice sets out the decision taken, including a description of the changes. The notes at page 11 of this notice explain the statutory basis for the decision.

Chronology

- The LSB confirmed receipt of an application from CRL on 26 March 2021.
- The 28-day initial decision period for considering the application ended on 22 April 2021.
- On 14 April 2021 the LSB issued an extension notice which extended the decision period to 23 June 2021.
- This decision notice is effective from 16 June 2021.
- The decision notice will be published on the LSB’s website by 18 June 2021.

Background

LSB statutory guidance on education and training

4. The LSB issued statutory guidance on education and training in 2014¹. In 2017/18, we reviewed this guidance and concluded that it remained relevant. The guidance sets out five objectives that we seek for education and training. Regulators must have regard to this guidance when reforming their education and training arrangements. CRL’s application explains at pages 52-57 (Paragraph 90) how it has taken this guidance into account when developing its proposals.

¹https://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/20140304_LSB_Education_And_Training_Guidance.pdf

Current Requirements

5. The current requirements for admission as a Chartered Legal Executive (CLE) and for obtaining further practice rights are explained at pages 8-23 of the application.
6. At page 11 (Paragraph 5), it is confirmed that the summary statement of education and training requirements for CLEs is set out in the “Day One Outcomes statement” (Appendix 1 to the application). The regulatory arrangements are the Application for Fellowship Rules (Work Based Learning) (Appendix 2 to the application) and the Membership Requirement regulations (Appendix 25 to the application). At page 9 of the Application, there is also a useful flowchart to highlight four distinct routes to becoming a CLE.
7. With the exception of the CRL apprenticeship, three years of work experience must be completed in order to become a CLE. The first year may be taken from any point in the previous 10 years; and the remaining two years must immediately precede the application to become a CLE (with a maximum break of 12 months). These two years may include one year served in the current CILEx Graduate membership grade.
8. Once CLE status is achieved, authorisation to carry out the reserved legal activity of administration of oaths is automatic.
9. If a CLE seeks to practise any other reserved legal activities, they must undertake further training and two more years of work experience to become a CILEx Practitioner in one of several available specialisations.
10. The flowchart at page 9 of the application highlights that it is possible to bypass CLE status to become a CILEx Practitioner in Probate or Conveyancing, provided that candidates have an appropriate level of alternative qualifications and/or experience in this area.
11. In its 2019 Admissions and Licensing Report² CRL confirmed that 735 applications for authorisation as a CLE were processed and 25 new applications for authorisation in one of more reserved legal activity were received.

New Education Standards

12. On 29 October 2019 CRL applied to the LSB for alterations to its regulatory arrangements relating to its education standards. The application was withdrawn on 10 December 2019 with an intention that it would be amended and resubmitted at a later date.
13. The LSB provided written feedback to CRL identifying areas of focus for CRL to consider in advance of making a further application.

² <https://cilexregulation.org.uk/wp-content/uploads/2020/09/Admissions-and-Licensing-Report-2019-Final.pdf>

14. CRL has now considered the feedback and made a revised application to the LSB for approval of new education standards. The aim of the application is set out in its foreword: “to ensure continuing rigour in the knowledge and skills required from the lawyer of tomorrow while ensuring maximum accessibility for practitioners and flexibility for education providers”.

Summary of proposed changes

15. Pages 34 to 43 and page 69 of the application confirm that CRL is seeking to create new education standards by consolidating the following rules, which set out the precise standards required to qualify for various disciplines:
- Application for Fellowship Rules (Work Based Learning) Rules (Appendix 2 to the application).
 - Immigration Certification Rules (Appendix 3 to the application).
 - Probate Rights Certification Rules (Appendix 4 to the application).
 - Reserved Instrument Activity Certification Rules (Appendix 5 to the application).
 - Right to Conduct Litigation and Rights of Audience Certification Rules (Appendix 6 to the application).
16. The proposal is to replace the above rules with a single set of consolidated rules, called the Practitioner Authorisation Rules (Appendices 12 and 13 to the application) (the “PARs”).
17. The changes are mapped within the following comparisons:
- Application for Fellowship (work-based learning) and the PARs (Appendix 15 to the application).
 - Rights to Conduct Litigation and Rights of Audience Certification Rules with the PARs (Appendix 16 to the application).
 - Immigration Certification Rules with PARs (Appendix 17 to the application).
 - Reserved Instrument Activities Certification Rules with the PARs (Appendix 18 to the application).
 - Probate Rights Certification Rules with the PARs (Appendix 19 to the application).
18. In addition to the above regulatory arrangements:
- The “Day One Outcomes” will be replaced with the outcomes within Appendix 13 to the Application.
 - All current handbooks will be replaced with new handbooks that are aligned with the new regulatory arrangements. An example draft handbook for probate is provided at Appendix 14 to the application. These handbooks are intended to follow the above regulatory arrangements, and, as such, do not need LSB approval.
 - The Membership Requirement Regulations (Appendix 25 to the application), which are tied in with changes relating to the removal of the Graduate Grade of membership (see paragraph 19 below), are to cease to be regulatory arrangements, and will become

representative rules under CILEX ownership. We do not consider these to be regulatory arrangements and as such, there is no requirement for the LSB to approve these rules.

- CRL has created a policy (Recognition of Prior Legal Qualifications Policy (Appendix 39a to the application)) and a handbook (Recognition of Prior Legal Qualifications' Handbook (Appendix 39 to the application)) to enable CRL to assess and approve full exemption for prior legal qualifications. These will be mapped against the standards set out within the new regulatory arrangements.
- CRL has also created a policy (Training Provider Approved Qualification Policy (Appendix 38a to the application)) to support training providers to make an application to CILEx Regulation to deliver approved qualifications which meet the requirements of the new regulatory arrangements above. There is also the Training Provider Approved Qualifications Handbook (Appendix 38 to the application), to assist training providers to meet the requirements of the standards within the regulatory arrangements.

Key substantive changes

19. In summary, CRL proposes to change the following within the new education standards. The detailed proposals are set out at pages 25-46 of the Application:
 - (a) Removal of the 12-month Graduate status, with the result that qualification requirements will vest with CRL only.
 - (b) A combined application process to become a CLE and a CILEx Practitioner at the same time. This means that the required work experience to become a CILEx Practitioner will reduce from five to three years, with the two most recent years being focused on the chosen area of specialisation. The existing option to bypass CLE status to become a CILEx Practitioner in Probate or Conveyancing would remain in place.
 - (c) The introduction of additional competence requirements for legal technology and emotional competence within the PARs.
20. Both the above paragraph 19(a) and (b) changes are summarised in the table found on page 32 of the application.
21. The changes set out at paragraph 18(c) are explained at page 43 of the application.
22. There is a common framework (Annex A of Appendix 12 to the application), entitled, "Chartered Legal Executive knowledge and competence requirements" (the Common Framework") to ensure consistency between the specialisms to become a CILEx Practitioner. Each of the specialist practice rights will also have their own standards (Appendix 13), and cover the following:
 - Civil Litigation
 - Criminal Litigation
 - Family Litigation
 - Immigration
 - Probate
 - Conveyancing

- Business Law
- Employment Law
- CLE (General Certificate)

Emotional Competence

23. The Common Framework makes the following statement concerning self-development: *“Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients”*.
24. The standards within Appendix 13 to the application refer to emotional competence in each of the Communication and Self Development standards.
25. These regulatory arrangements do not provide detailed requirements for emotional competence however relevant outcomes and supporting evidence requirements are set out within associated handbooks, of which one example has been provided to the LSB (Appendix 14 to the application).

Legal Technology

26. Legal Technology is also reflected within the new common framework at Annex A of the new Practitioner Authorisation Rules (Appendix 12 of the application) and within the individual standards within Appendix 13 to the application.
27. Much like the new requirements around emotional competence, the regulatory arrangements do not set out detailed requirements for legal technology, however the outcomes and supporting evidence requirements are set out within associated handbooks.

Reasons for the changes

28. CRL has set out the following reasons at pages 26-27 of its application:
 - In relation to paragraph 18(a) above, removal of the 12-month Graduate grade of membership is intended to untangle the regulatory responsibilities in relation to education and training which are currently split between CILEX and CRL. CRL states that this will support compliance with the Internal Governance Rules.
 - In relation to 18(b) above, the combined process to become a CLE and CILEx Practitioner is intended to remove duplication within the application and assessment requirements, thereby ensuring that the CLE route remains cost-effective and provides value for money. It will also align the length of qualifying employment required through different routes.
 - In relation to paragraph 18(c) above, the aim is to modernise the standards to take into account changes to working practices, including an increased focus on the use of legal technology and emotional competence, while ensuring that it is possible to retain the cost-effectiveness of the route to qualification.

Key issues considered in the assessment of the application

2019 Feedback

29. As referenced in paragraph 11-13 above, the LSB provided written feedback to CRL on a number of areas following withdrawal of its application in 2019.
30. In carrying out our assessment of the current application, we reviewed the steps CRL had taken to address the feedback provided.

Costs

31. In 2019 we noted that it would be useful for any future application to include a clear assessment of any likely change in costs resulting from the proposals. CRL has explained in the current application at page 58 (paragraph 96) that as it does not provide the academic qualifications it cannot consult on the direct costs to applicants. However, it does recognise that it has made additions to the knowledge and competence requirements.
32. CRL has explained that it considers the additions to the education standards to be essential requirements to ensure that CLE's are fully competent to practise. It has also assured us that the changes could be incorporated into qualifications without any material impact on the costs of the qualification as they can be included in existing modules.
33. Additionally, the application sets out at page 60 (paragraph 102) that the cost of the authorisation process will be reduced owing to the removal of the requirement to qualify as a CLE, and then to make a separate application for practice rights.

Training Providers

34. In 2019 we queried the process for approving training providers. Within its application CRL has provided us with details of its Training Provider Approved Qualification Policy (Appendix 38a to the application). The Policy sets out the process for approving training providers along with assessment criteria. In addition, the policy provides for reporting requirements for training providers on how their course meets the requirements of the education standards. The information to be included within such reports is set out in the Training Provider Approved Qualifications Handbook (Appendix 38 to the application).

Assessment in Welsh

35. We asked CRL what consideration had been given to providing the assessments in Welsh. In the application at page 65 (paragraph 119), CRL has explained that it has considered making the assessments available in Welsh upon request but has determined that the resources required to do this would be disproportionate. This assessment was based on the fact that no requests have been made to provide the current assessments in Welsh over the last 5 years.

36. We understand that CILEX monitors demand on an annual basis to see if there is any requirement from its Welsh centres for the provision of qualifications in Welsh³. The CILEX Accredited Centre Handbook⁴ requires its Welsh centres to confirm by 1 September each year whether there is demand for the provision of professional qualifications in Welsh.

37. In the light of the fact that:

- there has been no demonstrable demand for provision of these assessments in Welsh over the last five years,
- this was not an issue that was raised through any of CILEX Regulation's consultation and engagement on developing these proposals, and
- that in due course it will be possible for applicants to use the Welsh language to complete an alternative assessment such as the SQE and then later cross-qualify as a CLE,

we understand CRL's assessment of the absence of obvious demand for such a route. However, we consider that actively offering such a route may in itself generate demand and improve inclusivity for those whose first language is Welsh. While we do not consider this factor to require us not to approve the proposals, we invite CRL to keep the matter under close review.

Evaluation and monitoring

38. In 2019 we noted that in any future application we would expect to see more comprehensive plans around assessing the impact of the proposals. CRL has provided detailed plans for evaluation and monitoring at pages 65-68 of the application, including plans to monitor student numbers, capture diversity data and gather baseline information on training providers through feedback forms and other methods. This information will be utilised to assess whether the new standards are working effectively and whether improvements or changes are required.

39. Additionally, CRL has confirmed that it expects to be able to provide the LSB with evaluative information in relation to approved training providers in 2023, which will be 2 years after the rules are implemented. CRL will also provide such data in relation to individuals progressing through each route from 2025 onwards, which will be 4 years after the rules are implemented.

Queries raised during the LSB's assessment

40. During the course of our assessment of the application, we raised a series of queries with CRL. Many of the queries were for clarification on the detail of the rules. However, we have included some of the key queries below.

³ https://www.cilex.org.uk/study/information_for_students

⁴ <https://www.cilex.org.uk/pdf/Handbook%20Mar%2012%20FINAL.pdf>

Partial exemptions

41. We asked CRL what action it may take if it finds inconsistent awarding of partial exemptions among training providers once it receives reports from them. CRL explained that partial exemptions would be dealt with by the training provider rather than CRL as regulator.
42. CRL further explained that it will be collecting information on exemptions and will review the information obtained. However, CRL will not compare exemptions as they may well be different based on the content and structure of the qualification in question.
43. We further enquired what CRL would do if it was clear that the award of partial exemptions was inconsistent even within a single training provider. CRL has explained that when information on exemptions was received it would ask further questions to better understand why the awarding of partial exemptions looked inconsistent. CRL confirmed that if there was no sound educational reasoning it would ask the training provider to take steps to correct the processing of exemption applications. Ultimately, CRL would not re-authorise a training provider if consistency could not be ensured.

Title

44. We noted that CRL's application explained at page 70 (paragraph 141) that while it had originally proposed the term CILEx Lawyer to present a single title to simplify authorisation status to the consumer, it had decided not to take this forward. Given that this was not being taken forward we asked CRL what steps will be taken to minimise any confusion that arises from the fact there will be multiple titles for lawyers authorised by CRL.
45. CRL explained that it was retaining the regulatory titles that had always been in place for CLE's. CILEX has made a separate decision to use the term "CILEx Lawyer" to denote a higher member grade available through its new professional qualification that is intended to be a mark of quality over and above the regulatory minimum standards.
46. We expect CRL to take steps to ensure that public facing materials provide clarity to consumers on relevant regulatory titles and the distinction between a regulatory title and any quality mark being offered by education providers. This includes current CLEs, CLEs with specialisms, CLE Advocates and CILEx Practitioners in Probate or Conveyancing. CRL has confirmed its commitment to meeting this expectation.

Equality Impact Assessment

47. During the course of our assessment, we reviewed the Equality Impact Assessment (EIA) provided at Appendix 23 to the application. The assessment notes that the proposals have a neutral impact on all the relevant groups CRL has identified.

48. Despite the assessment being neutral for all groups, the comments to the EIA note various possible impacts. These include:
- Qualifying experience may have a detrimental impact on groups such as carers. The current application does not create additional detriment, but CRL is continuing to explore how to mitigate any adverse impact.
 - There is potential for a positive impact on CLE's with more access to senior roles in the profession due to a reduction in the time required to obtain specialist practice rights. This could also impact women, who represent the majority of CLE's but there are fewer in proportion to men in senior roles.
 - The new education standards enable CRL to accredit additional training providers. This may have a positive impact on the cost of qualification in the future.
 - Removal of the graduate grade of membership will ensure that those who are competent are able to qualify more quickly. This could have a positive impact on women who are seeking to start a family.
49. The foreword to the application at pages 2-4 also explains that the proposed education standards are intended to enhance the diversity and strength of the legal profession.
50. We expect regulators to ensure that any assessments undertaken accurately capture the proposed Equality and Diversity Impacts of proposals. This will ensure they are well placed to evaluate whether measures have been successful.
51. We understand that CRL has made progress recently in gathering more up-to-date diversity data on its regulated community, which is done through the membership renewal process. We expect CRL to use this data and develop other processes to take account of members moving in and out of the profession, to inform its decision-making.

Decision

52. The LSB has considered CRL's application against the refusal criteria in paragraph 25(3) of Schedule 4 to the Act. We consider that there is no reason to refuse this application and accordingly, the application is granted.
53. **Annex A** to this decision notice contains the amendments to the regulatory arrangements approved by the LSB.

Matthew Hill, Chief Executive
Acting under delegated authority granted by the Legal Services Board
16 June 2021

Notes:

1. The LSB is required by Part 3 of Schedule 4 to the Act to review and grant or refuse applications by approved regulators to make alterations to their regulatory arrangements.
2. Paragraph 25(3) of Schedule 4 to the Act explains that the LSB may refuse an application setting out a proposed change to the regulatory arrangements only if it is satisfied that:
 - (a) granting the application would be prejudicial to the regulatory objectives
 - (b) granting the application would be contrary to any provision made by or by virtue of the Act or any other enactment or would result in any of the designation requirements ceasing to be satisfied in relation to the approved regulator
 - (c) granting the application would be contrary to the public interest
 - (d) the alteration would enable the approved regulator to authorise persons to carry on activities which are reserved legal activities in relation to which it is not a relevant approved regulator
 - (e) the alteration would enable the approved regulator to license persons under Part 5 [of the Act] to carry on activities which are reserved legal activities in relation to which it is not a licensing authority, or
 - (f) the alteration has been or is likely to be made otherwise than in accordance with the procedures (whether statutory or otherwise) which apply in relation to the making of the alteration.
3. The designation requirements referred to in paragraph 2(b) above are set out in paragraph 25(4) of Schedule 4 to the Act and are:
 - (a) a requirement that the approved regulator has appropriate internal governance arrangements in place
 - (b) a requirement that the applicant is competent, and has sufficient resources to perform the role of approved regulator in relation to the reserved legal activities in respect of which it is designated, and
 - (c) the requirements set out in paragraphs 13(2)(c) to (e) of Schedule 4, namely that the regulatory arrangements are appropriate, comply with the requirements in respect of resolution of regulatory conflict (imposed by sections 52 and 54 of the Act) and comply with the requirements in relation to the handling of complaints (imposed by sections 112 and 145 of the Act).
4. In accordance with paragraphs 20(1) and 23(3) of Schedule 4 to the Act, the LSB has made rules⁵ about the manner and form in which applications to alter regulatory arrangements must be made. Amongst other things, the rules highlight the applicant's obligations under section 28 of the Act to have regard to the Better Regulation Principles. They also require applicants to provide information about each proposed change and details of the consultation undertaken.
5. If the LSB is not satisfied that one or more of the criteria for refusal are met, then it must approve the application in whole, or the parts of it that can be approved.

⁵ LSB's Rules for applications to alter regulatory arrangements – Version 2 April 2018

[https://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/New%20folder%20\(2\)/FINAL_Rules_for_applications_to_alter_regulatory_arrangements.pdf](https://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/New%20folder%20(2)/FINAL_Rules_for_applications_to_alter_regulatory_arrangements.pdf)

Annex A: Regulatory arrangements approved by the LSB

CILEx Regulation Practitioner Authorisation Rules

Definitions

1. In these rules, the following definitions apply:
 - “Admissions and Licensing Committee” means the Committee established by CILEx Regulation to deal with matters relating to these Rules;
 - “Advocacy Certificate” means a Rights of Audience Certificate identified in these Rules;
 - “Advocacy Skills Course” means an advocacy skills course approved in accordance with the Rights of Audience Certification Rules;
 - “Appeals Panel” means the Panel established to hear appeals against decisions made by the Admissions and Licensing Committee following a rehearing;
 - “Applicant in good standing” means a person in respect of whose conduct there is no complaint or misconduct matter outstanding, and against whom there is no disciplinary record which, in the view of CILEx Regulation, affects their suitability to be a Chartered Legal Executive or CILEx Practitioner;
 - “Authorised person” means a person so described in the Legal Services Act 2007. An authorised person is defined by the Act as “a person who is authorised to carry on the relevant activity by a relevant approved regulator in relation to the relevant activity”;
 - “Business Certificate” means a Business Certificate identified in these Rules;
 - “Certificate of Eligibility” means a Certificate permitting an applicant to undertake an Advocacy Skills Course;
 - “Chartered Legal Executive” means a CILEx member authorised by CILEx Regulation to conduct one or more reserved activities (also known as a Fellow of CILEx)
 - “Chartered Legal Executive Litigator and Advocate” means a Fellow who has been granted a Litigation Certificate and a Rights of Audience Certificate by CILEx Regulation;
 - “CILEx Institute Board” means the Board of the Chartered Institute;
 - “CILEx Practitioner” means a person authorised to conduct Probate practice or Conveyancing practice as defined in these rules, but not authorised as a Chartered Legal Executive/Fellow of CILEx;
 - “CILEx Regulation” means CILEx Regulation Ltd;
 - “CILEx” means the Chartered Institute of Legal Executives;
 - “Conveyancing Certificate” means a Conveyancing Certificate identified in these Rules;
 - “CPD Regulations” means the Rules of CILEx Regulation which are in place to govern the continuing professional development of Chartered Legal Executives, CILEx Practitioners and members of CILEx;
 - “Employment Certificate” means an Employment Certificate identified in these Rules;
 - “Enforcement Rules” means the Rules of CILEx Regulation which are in place from time to time and which govern the complaints handling, misconduct investigation and disciplinary procedures of CILEx Regulation;

- “External advisor” means a person appointed by CILEx Regulation to carry out the roles and functions identified for them by CILEx Regulation;
- “Fellow” means a person who has met the requirements of CILEx Regulation (also known as a Chartered Legal Executive) and has paid all subscriptions and other fees to CILEx or has made arrangement for payment;
- “General Certificate” means a General Certificate identified in these Rules;
- “Immigration Advice” means advice which
 - a. Relates to a particular individual;
 - b. Is given in connection with one or more relevant matters;
 - c. Is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and
 - d. Is not given in connection with representing an individual before a Court in criminal proceedings or matters ancillary to criminal proceedings;
- “Immigration Certificate” means a certificate authorising a person to provide immigration advice and services, as identified in these Rules;
- “Immigration Services” means the making of representations on behalf of a particular individual:
 - a. In civil proceedings before a Court, Immigration Services Tribunal or Adjudicator in the United Kingdom, or
 - b. In correspondence with a Minister of the Crown or Government department, in connection with one or more of the following matters:
 1. A claim for asylum;
 2. An application for, or the variation of, entry clearance or leave to enter or remain in the United Kingdom;
 3. Unlawful entry into the United Kingdom;
 4. Nationality and Citizenship under the law of the United Kingdom;
 5. Citizenship of the European Union;
 6. Admission to a Member State under Community Law;
 7. Residence in a Member State in accordance with rights conferred by or under Community Law;
 8. Removal or deportation from the United Kingdom;
 9. An application for bail under the Immigration Act or under the Special Immigration Appeals Commission Act 1997;
 10. An appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in Paragraph (i) to (x);
- “Litigation and Advocacy Certificate” means a litigation and advocacy certificate identified in these Rules;
- “Litigation Certificate” means a litigation certificate identified in these Rules;
- “Practice Certificate” means a “Practice Rights Certificate” or a “Litigation Certificate” or an “Advocacy Certificate” identified in these Rules;
- “Practice Rights Certificate” means a Conveyancing Certificate, Immigration Certificate, Probate Certificate, Employment Certificate, Business Certificate or General Certificate identified in these Rules;
- “Probate Certificate” means a Probate Certificate identified in these Rules;
- “Regulated legal activity” means
 - a. a reserved legal activity;

- b. immigration advice or immigration services;
- “Reserved legal activity” has the same meaning as in the Act;
- “The Act” means the Legal Services Act 2007;
- “The Officer” means a person with responsibility for the Authorisation Rules.

NOTES ON THESE RULES

- 2. Reference to the male gender also includes female gender.
- 3. Words importing the singular include the plural and vice versa.

DELEGATIONS

- 4. Responsibility for this authorisation scheme is delegated to CILEx Regulation by CILEx.

Fellowship

ELIGIBILITY

- 5. Applications for Fellowship can only be made by applicants who:
 - are currently in qualifying employment;
 - have at least three years qualifying employment; and
 - have been in qualifying employment for two consecutive years immediately preceding the date of the application.
- 6. A period of up to 43 weeks spent in attendance on a Legal Practice Course recognised by the Law Society of England and Wales in connection with qualification as a solicitor or the Bar Professional Training Course recognised by the Bar Council in connection with qualification as a Barrister will be treated as qualifying employment.
- 7. A break in employment for any reason does not count as qualifying employment. Where the break is less than 12 months, it will not break continuity of employment for the purpose of the requirement to serve 2 consecutive years in qualifying employment immediately preceding the date of the application.

DEFINITION OF QUALIFYING EMPLOYMENT

- 8. A person is in qualifying employment if he is employed either:
 - by an authorised person in private practice;
 - by an organisation where the employment is subject to supervision by an authorised person employed in duties of a legal nature by that organisation; and in either case
 - the work under the terms of his employment is, for at least 20 hours per week, wholly of a legal nature.
- 9. An applicant for Fellowship will be regarded as being employed if:
 - he is employed under a contract of service and is engaged on his employer’s business for specified hours; or
 - he is a partner in any firm or is an owner of any company; or

- at the discretion of CILEx Regulation, he is employed under a contract for services, whether he works as an independent contractor or provides services through an intervening agent.
- 10. Part-time employment may be accepted as qualifying employment, if the work undertaken provides the opportunity for practical expertise to be developed. Part-time employment is employment for less than 20 hours per week. CILEx Regulation shall have the power to determine that employment for less than 20 hours per week shall be regarded as part-time qualifying employment, where it decides it is appropriate to do so.
- 11. Unpaid work may be regarded as 'employment' for the purposes of these rules.

ADMISSION

12. An applicant may be admitted as a Fellow if he is in qualifying employment and:
- He has been in qualifying employment for an aggregate of three years or more;
 - He has been in qualifying employment for at least two consecutive years immediately preceding the date of the application;
 - He has met the Chartered Legal Executive knowledge and competence requirements in accordance with the requirements set by CILEx Regulation;
 - He has paid all subscriptions and other fees payable by him to CILEx or has made arrangement for payment;
 - He provides an Employer's Endorsement signed by an authorised person within the meaning of the Legal Services Act 2007, or at the discretion of CILEx Regulation, any other person, who supervises his work or by whom he is employed, which confirms the nature of that work and that he is competent to be a Fellow; and
 - He accepts any obligations imposed on him by the Charter and Bye Laws and regulations and rules made by the CILEx Institute Board.

APPLICATIONS

13. To qualify as a Fellow, applicants must be able to demonstrate competence against the knowledge and competence requirements set out at Annex A.
14. Applicants for Fellowship should demonstrate meeting the knowledge and competence requirements using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.
15. Applicants for Fellowship must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.

DECISION MAKING

16. The decision to accept an applicant for Fellowship on the basis of his submitted application and portfolio of evidence may be made by an Officer of CILEx Regulation.
17. The Officer is not able to make a decision on the following:
- Where an individual seeks guidance or a decision as to whether or not their employment constitutes qualifying employment and no earlier precedent has been set.
 - Where an individual may be undertaking work which is similar to qualifying employment, but there is no authorised person employed to supervise his work.
 - Applications from individuals who seek to rely on qualifying employment which took place more than three years preceding the date of their application.

- Where there is doubt about the nature of the work and whether the work constitutes qualifying employment.
- Where there is doubt as to whether the outcomes have been met or have been properly written up.

The Admissions and Licensing Committee will determine applications for Fellowship in accordance with the Membership Requirement Regulations, these rules and the Admissions and Licensing Committee Rules.

Practice Rights

ELIGIBILITY

Immigration Certificate

18. An applicant in good standing who

- is applying for Fellowship, and
- has three years' general legal experience including immigration practice experience in the two years preceding the application,

may apply to CILEx Regulation to be granted an Immigration Certificate.

19. The immigration practice rights exercisable by a person holding an Immigration Certificate are to provide immigration advice and immigration services.

Conveyancing Certificate

20. An applicant in good standing who

- has three years' general legal experience including conveyancing practice experience in the two years preceding the application, or
- is applying for Fellowship and has three years' general legal experience including conveyancing practice experience in the two years preceding the application,

may apply to CILEx Regulation to be granted a Conveyancing Certificate.

21. The Conveyancing Certificate will authorise a person to exercise reserved instrument rights. The reserved instrument rights exercisable by a person holding a Conveyancing Certificate are to:

- a. Prepare any instrument of transfer or charge for the purposes of the Land Registration Act 2002;
- b. Make an application or lodge a document for registration under that Act;
- c. Prepare any other instrument relating to real or personal estate for the purposes of the law of England and Wales or instrument relating to Court proceedings in England and Wales.

Instrument includes a contract for the sale or other disposition of land (except a contract to grant a short lease), but does not include

- a. A will or other testamentary instrument,
- b. An agreement not intended to be executed as a Deed, other than a contract that is included by virtue of the preceding provisions of this sub paragraph,
- c. A letter or Power of Attorney, or
- d. A transfer of stock containing no trust or limitation of the transfer.

"A short lease" means a lease referred to in Section 54(2) of the Law of Property Act 1925.

Probate Certificate

22. An applicant in good standing who

- has three years' general legal experience including probate practice experience in the two years preceding the application, or
- is applying for Fellowship and has three years' general legal experience including probate practice experience in the two years preceding the application,

may apply to CILEx Regulation to be granted a Probate Certificate.

23. The practice rights exercisable by a person holding a Probate Certificate are to prepare any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales. Probate papers mean any papers on which to found or oppose a grant of probate or a grant of letters of administration.

Employment Certificate

24. An applicant in good standing who

- is applying for Fellowship, and
- has three years' general legal experience including employment practice experience in the two years preceding the application

may apply to CILEx Regulation to be granted an Employment Certificate.

25. The Employment Certificate will authorise a person to exercise rights to administer oaths.

Business Certificate

26. An applicant in good standing who

- is applying for Fellowship, and
- has with three years' general legal experience including business practice experience in the two years preceding the application

may apply to CILEx Regulation to be granted a Business Certificate.

27. The Business Certificate will authorise a person to exercise rights to administer oaths.

General Certificate

28. An applicant in good standing who

- is applying for Fellowship,
- and has three years' general legal experience, including experience in a distinct area of practice in the two years' preceding the application,

may apply to CILEx Regulation to be granted a General Certificate.

29. The General Certificate will authorise a person to exercise rights to administer oaths.

APPLICATIONS

30. Applicants who seek a Practice Rights Certificate should demonstrate meeting the knowledge and competence requirements by using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.

31. Applicants who seek a Practice Rights Certificate must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.

Immigration Certificate

32. Applicants who seek an Immigration Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 4 in accordance with the application guidelines set by CILEx Regulation.

Conveyancing Certificate

33. Applicants who seek a Conveyancing Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 5 in accordance with the application guidelines set by CILEx Regulation.

Probate Certificate

34. Applicants who seek a Probate Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 6 in accordance with the application guidelines set by CILEx Regulation.

Employment Certificate

35. Applicants who seek an Employment Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 7 in accordance with the application guidelines set by CILEx Regulation.

Business Certificate

36. Applicants who seek a Business Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 8 in accordance with the application guidelines set by CILEx Regulation.

General Certificate

37. Applicants who seek a General Certificate must be able to demonstrate they meet the knowledge and competence requirements set out at Annex 9 in accordance with the application guidelines set by CILEx Regulation.

DECISION MAKING

38. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for matters relating to these Rules.

39. In making any assessment or decision required by these Rules, the Admissions and Licensing Committee shall have regard to the relevant eligibility criteria, application guidelines, and the knowledge and competence requirements.
40. CILEx Regulation shall appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on matters relating to these Rules.
41. CILEx Regulation will consider an application for a Practice Rights Certificate to ensure it meets the relevant eligibility criteria, the application guidelines and the related knowledge and competence requirements.
42. The decision to approve an application for a Practice Rights Certificate may be made by an Officer of CILEx Regulation. In reaching their decision, the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.
43. The portfolios which form part of the application may be sent to an external advisor for assessment. The external advisor will assess whether the portfolios meet the application guidelines and the relevant knowledge and competence requirements.
44. Where the external advisor finds that the portfolios are satisfactory, the CILEx Regulation Officer will decide whether the application may be approved. In reaching their decision, the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.
45. Where the external advisor decides that the portfolios do not meet the relevant knowledge and competence requirements they will give reasons for their decision. They shall indicate what action the applicant needs to take to provide a satisfactory portfolio. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and re-submit their application or make further representation and ask that the full application be referred to the Admissions and Licensing Committee to consider.
46. The Admissions and Licensing Committee will decide whether or not an application referred to it should be approved. In reaching its decision, the Committee will consider all the information provided by the applicant, and may call the applicant for interview or call for further information from any person or source it considers appropriate.
47. The Admissions and Licensing Committee may:
 - Approve the application;
 - Decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.
48. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.
49. Where the application has been approved, the notification shall include the Practice Rights Certificate.
50. Where the application is unsuccessful, the notification shall set out the reasons and any pre-conditions to the consideration of any subsequent application. Where an application is unsuccessful, the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.

Litigation and Advocacy Practice Rights

ELIGIBILITY

51. An applicant in good standing who

- is applying for Fellowship, and
- has three years' general legal experience including relevant litigation and advocacy experience in the two years preceding the application,

may apply to CILEx Regulation to be granted one or more of the following Certificates:

- A Rights to Conduct Litigation (Civil Proceedings) Certificate;
- A Rights to Conduct Litigation (Family Proceedings) Certificate;
- A Rights to Conduct Litigation (Criminal Proceedings) Certificate.

52. An applicant must, at the same time as their application for a Litigation Certificate, apply to CILEx Regulation to be granted one or more of the following Rights of Audience Certificates which relate to the same proceedings as the Litigation Certificate:

- A Rights of Audience (Civil Proceedings) Certificate in Judge's Room;
- A Rights of Audience (Family Proceedings) Certificate in Judge's Room;
- A Rights of Audience (Civil Proceedings) Certificate;
- A Rights of Audience (Family Proceedings) Certificate;
- A Rights of Audience (Criminal Proceedings) Certificate.

53. The Rights to Conduct Litigation exercisable by a person holding a Litigation Certificate are set out below:

- Rights to Conduct Litigation (Civil Proceedings) Certificate: To conduct litigation in all civil proceedings excluding family proceedings;
- Rights to Conduct Litigation (Family Proceedings) Certificate: To conduct litigation in all family proceedings;
- Rights to Conduct Litigation (Criminal Proceedings) Certificate: To conduct litigation in all criminal proceedings.

54. The rights of audience exercisable by a person holding an Advocacy Certificate are set out below:

- Rights of Audience (Civil Proceedings) Certificate in Judge's Room:
 - o to exercise rights of audience in Judge's room hearings in the County Court and High Court in all civil proceedings excluding family proceedings.
- Rights of Audience (Civil Proceedings) Certificate:
 - o to exercise rights of audience in Judge's room hearings in the County Court and High Court in all civil proceedings excluding family proceedings;
 - o to appear in open Court in the County Court in all actions, except family proceedings;
 - o to appear before Magistrates, District Judges (Magistrates' Court) or Justices' Legal Advisers in the Magistrates' Courts in relation to all civil and enforcement matters;
 - o to appear before any tribunal having jurisdiction in England and Wales, which is listed in Schedule 6 of the Tribunals, Courts and Enforcement Act 2007 (as amended or substituted from time to time) where the tribunal rules provide for a non-discretionary right of audience being available to barristers, solicitors and CILEx advocates;

- o to appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors and barristers. A Civil Proceedings Certificate does not confer a right of audience in any proceedings for which a Family Proceedings Certificate is required.
- Rights of Audience (Family Proceedings) Certificate in Judge's Room:
 - o to exercise rights of audience in Judge's room hearings in the Family Court and High Court, except reserved proceedings, in all family proceedings.
- Rights of Audience (Family Proceedings) Certificate:
 - o to exercise rights of audience in Judge's room hearings in the Family Court and High Court, in all family proceedings;
 - o to appear in the Family Court in all proceedings;
 - o to appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors and barristers.
- Rights of Audience (Criminal Proceedings) Certificate:
 - o to appear before Justices Clerks, Justices or a District Judge (Magistrates' Court) in all adult Magistrates' Courts in relation to all matters within that Court's criminal jurisdiction;
 - o to appear before Justices Clerks, Justices or a District Judge (Magistrates' Court) in all Youth Courts in relation to all matters within that Court's criminal jurisdiction;
 - o to appear in the Crown Court or High Court before a judge in chambers to conduct bail applications;
 - o to appear in the Crown Court on appeal from the Magistrates' Court, the Youth Court or on committal of an adult for sentence or to be dealt with, if they, or any approved person in the same employment as them, appeared on behalf of the defendant in the Magistrates' Court or Youth Court;
 - o to appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors and barristers.

APPLICATIONS

Rights to Conduct Litigation Certificates

55. Applicants who seek a Rights to Conduct Litigation (Civil Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 1, in accordance with the application guidelines set by CILEx Regulation.
56. Applicants who seek a Rights to Conduct Litigation (Criminal Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 2, in accordance with the application guidelines set by CILEx Regulation.
57. Applicants who seek a Rights to Conduct Litigation (Family Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 3, in accordance with the application guidelines set by CILEx Regulation.
58. Applicants who seek a Litigation Certificate should demonstrate meeting the knowledge and competence requirements by using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.

Rights of Audience – Application for Certificate of Eligibility

59. Applicants must make an application for a Certificate of Eligibility to undertake the rights of audience skills course relevant to the Certificate they seek.
60. Applicants who seek a Rights of Audience (Civil Proceedings) Certificate in Judge's room or a Rights of Audience (Civil Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 1, in accordance with the application guidelines set by CILEx Regulation.
61. Applicants who seek a Rights of Audience (Criminal Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 2, in accordance with the application guidelines set by CILEx Regulation.
62. Applicants who seek a Rights of Audience (Family Proceedings) Certificate in Judge's Room or a Rights of Audience (Family Proceedings) Certificate must demonstrate that they meet the knowledge and competence requirements set out at Annex 3, in accordance with the application guidelines set by CILEx Regulation.
63. Applicants who seek a Certificate of Eligibility should demonstrate meeting the knowledge and competence requirements by using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.
64. Where an applicant who has met the criteria set out in the application guidelines, the relevant knowledge and competence requirements, and has completed an advocacy skills course and qualification which is of a similar standard they may seek an exemption from the requirement to undertake the advocacy skills course and assessment. In making such an application for exemption, the applicant will be required to provide an outline of the advocacy skills course and assessment they completed, along with the results they obtained. CILEx Regulation will assess whether the course and assessment meet the advocacy skills course and assessment criteria set out in the Rights of Audience Qualification Scheme. An exemption will be granted where an applicant is able to demonstrate that the course and assessment covered at least 50% of the course outcomes and assessment criteria set out in the Rights of Audience Qualification Scheme. Where an applicant is unable to demonstrate that they meet the course outcomes and assessment criteria, they will be required to complete the advocacy skills course and assessment.
65. An application for a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience shall be made on such a form as may be prescribed for the purpose by CILEx Regulation and shall be accompanied by such fee as may be fixed by CILEx Regulation from time to time.

Decision making

66. Decisions about applications for a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience will be governed by Rules 41 to 48, save that in Rule 41, reference to Practice Rights Certificate should be a reference to a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience.
67. Where the application has been approved the notification shall include the Certificate(s) of Eligibility for Rights of Audience and an indication that the Rights to Conduct Litigation Application has been approved. The Certificate of Eligibility for Rights of Audience will specify which of the advocacy skills course options the applicant may take. The Litigation

Certification may only be granted on the successful completion of the associated Rights of Audience skills course and assessment, and admission as a Fellow.

68. Where the application is unsuccessful, the notification shall set out the reasons and any preconditions to the consideration of any subsequent application. Where an application has been unsuccessful the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.

Advocacy Skills Courses

69. Upon receiving a Certificate of Eligibility an applicant will complete a Judge's room or full advocacy skills course in accordance with the Rights of Audience they seek.
70. Courses must meet the qualification criteria which are set out in the Rights of Audience Qualification Scheme. Courses will be assessed in accordance with the assessment criteria which are set out in the Rights of Audience Qualification Scheme. Advocacy skills courses will be provided by course providers who are accredited by CILEx Regulation in accordance with the Rights of Audience Certification Rules.
71. Where an applicant fails to start an advocacy skills course within 12 months of being granted a Certificate of Eligibility, they must make a fresh application for such a Certificate before they may start an advocacy skills course. In exceptional cases the Admissions and Licensing Committee or the CILEx Regulation Officer may exercise discretion to extend the duration of a Certificate of Eligibility.

AWARD OF LITIGATION AND ADVOCACY CERTIFICATE

72. Upon successfully demonstrating that they meet the criteria for a Rights to Conduct Litigation Certificate and successful completion of the Judge's room or full advocacy course an applicant may apply for a Litigation and Advocacy Certificate.
73. Applicants who seek a Litigation and Advocacy Certificate must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.
74. The Officer will process the application for a Litigation and Advocacy Certificate. The applicant shall be granted a Litigation and Advocacy Certificate provided the Officer is satisfied that the applicant:
- is a Fellow in good standing;
 - has met the relevant knowledge and competence requirements; and
 - has completed and passed an advocacy skills course and assessment.
75. Where the Officer has any doubt as to the suitability of the applicant to be awarded a Litigation and Advocacy Certificate they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.
76. Applications referred to the Admissions and Licensing Committee will be governed by Rules 46-47.
77. Notification of application decisions will be governed by Rules 48-50, save that in Rule 49 reference to Practice Rights Certificate should be a reference to the Litigation and Advocacy Certificate.

Authorised Persons at CILEx Regulation

78. An applicant who has been awarded Fellowship and a Litigation and Advocacy (Civil Proceedings) Certificate will be a **Chartered Legal Executive Litigator and Advocate (Civil Litigation)**.
79. An applicant who has been awarded Fellowship and a Litigation and Advocacy (Criminal Proceedings) Certificate will be a **Chartered Legal Executive Litigator and Advocate (Criminal Litigation)**.
80. An applicant who has been awarded Fellowship and a Litigation and Advocacy (Family Proceedings) Certificate will be a **Chartered Legal Executive Litigator and Advocate (Family Litigation)**.
81. An applicant who has been admitted as a Fellow and awarded an Immigration Certificate will be known as a **Chartered Legal Executive (Immigration)**.
82. An applicant who has been admitted as a Fellow and awarded a Conveyancing Certificate will be known as a **Chartered Legal Executive (Conveyancing)**.
83. An applicant who has been admitted as a Fellow and awarded a Probate Certificate will be known as a **Chartered Legal Executive (Probate)**.
84. An applicant who has been awarded a Conveyancing Certificate will be known as a **CILEx Practitioner (Conveyancing)**.
85. An applicant who has been awarded a Probate Certificate will be known as a **CILEx Practitioner (Probate)**.
86. An applicant who has been admitted as a Fellow and awarded an Employment Certificate will be known as a **Chartered Legal Executive (Employment)**.
87. An applicant who has been admitted as a Fellow and awarded a Business Certificate will be known as a **Chartered Legal Executive (Business)**.
88. An applicant who has been admitted as a Fellow and awarded a General Certificate will be known as a **Chartered Legal Executive**.

RENEWAL OF ADVOCACY CERTIFICATES

89. The first Advocacy Certificate issued to a Chartered Legal Executive Litigator and Advocate will be valid until either 1 June or 1 December, whichever is the earlier, after 12 months have elapsed from the date on which that Certificate was issued. Thereafter, any Advocacy Certificate will be valid indefinitely.
90. Applicants who seek first renewal of an Advocacy certificate must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.
91. An applicant for first renewal of an Advocacy certificate must be able to demonstrate he meets the relevant knowledge and competence requirements using documentation prescribed by CILEx Regulation to produce a portfolio of evidence.
92. Decisions about applications for the first renewal of an Advocacy Certificate will be governed by Rules 42 to 50, save that in Rule 49, reference to Practice Rights Certificate should be a reference to the Advocacy Certificate.

LAPSED ADVOCACY CERTIFICATES

93. A Chartered Legal Executive Litigator and Advocate who has held a Litigation and Advocacy Certificate which has lapsed may apply for that certificate to be renewed.

94. Applicants who seek renewal of a lapsed Litigation and Advocacy certificate must complete all application forms required by CILEx Regulation and pay such fees as may be fixed by CILEx Regulation from time to time.
95. An applicant for renewal of a lapsed Litigation and Advocacy certificate must be able to demonstrate he meets the relevant knowledge and competence experience requirements using documentation prescribed by CILEx Regulation to produce a portfolio of evidence.
96. CILEx Regulation will consider an application to renew a lapsed Litigation and Advocacy Certificate to ensure it meets the relevant eligibility criteria, the application guidelines and the related knowledge and competence requirements.
97. Decisions about applications to renew a lapsed Litigation and Advocacy Certificate will be made by the Admissions and Licensing Committee.
98. The portfolios which form part of the application may be sent by the Officer to an external advisor for assessment. The external advisor will assess whether the portfolios meet the application guidelines and the relevant knowledge and competence requirements.
99. Where the Officer/external advisor finds that the portfolios are satisfactory, the Officer will refer the application to the Admissions and Licensing Committee for decision.
100. Where the Officer/external advisor decides that the portfolios do not meet the relevant knowledge and competence requirements they will give reasons for their decision. They shall indicate what action the applicant needs to take to provide a satisfactory portfolio. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and re-submit their application or make further representation and ask that the full application be referred to the Admissions and Licensing Committee to consider.
101. Applications to renew of a lapsed Litigation and Advocacy certificate referred to the Admissions and Licensing Committee will governed by rules 46 to 50 save that in rule 49 reference to a Practice Rights Certificate should be reference to the Litigation and Advocacy Certificate.
102. A lapsed Litigation and Advocacy Certificate is one which has expired and has not been renewed, whether by decision of the holder of the certificate or as a result of a decision of the Admissions and Licensing Committee.
103. Where a Litigation and Advocacy Certificate which has lapsed is renewed by the Admissions and Licensing Committee it will be valid indefinitely.

CONTINUING PROFESSIONAL DEVELOPMENT

104. Chartered Legal Executives and CILEx Practitioners are required to undertake Continuing Professional Development (CPD) in accordance with the CPD regulations issued by CILEx Regulation from time to time.
105. Where a Chartered Legal Executive or CILEx Practitioner's Practice Certificate has been withdrawn for 12 months or more, on the basis that they have not met their CPD requirements, they will be required to make a fresh application for a Practice Certificate in accordance with these Rules.

DISCIPLINARY PROCEDURES AND CODE OF CONDUCT

106. Chartered Legal Executives and CILEx Practitioners will be required to abide by the Code of Conduct of CILEx for the time being in force. They will also be bound by the associated regulatory arrangements in force from time to time.
107. Where a complaint is made, or an issue is brought to the attention of CILEx Regulation, regarding the conduct of a Chartered Legal Executive or CILEx Practitioner, that matter will be dealt with in accordance with the CILEx Regulation Enforcement Rules.
108. Where a finding, order or decision is made against a Chartered Legal Executive or CILEx Practitioner, that finding, order or decision will be referred to the Admissions and Licensing Committee. The Admissions and Licensing Committee will decide whether the Chartered Legal Executive or CILEx Practitioner remains a suitable person to hold a Practice Certificate. The Admissions and Licensing Committee must give reasons for its decision.
109. Rule 108 shall not apply where an order is made excluding a Chartered Legal Executive or CILEx Practitioner from registration of CILEx Regulation or membership of CILEx. In such a case the Chartered Legal Executive or CILEx Practitioner's Practice Certificate shall be invalid from the date the exclusion from membership or registration takes effect.
110. Where the Admissions and Licensing Committee decides that the Chartered Legal Executive or CILEx Practitioner is no longer a suitable person to hold a Practice Certificate or their Practice Certificate is invalid in accordance with Rule 108, they must return their Practice Certificate to CILEx Regulation within 28 days of them being notified of the decision. Failure to do so will constitute a disciplinary offence. The Chartered Legal Executive or CILEx Practitioner may not exercise any practice rights granted to them under their Practice Certificate after they have been notified of the decision.
111. Notwithstanding the Admissions and Licensing Committee Rules an appeal against the decision of the Admissions and Licensing Committee that a Chartered Legal Executive or CILEx Practitioner is no longer a suitable to hold a Practice Certificate will be considered by a professional member and two lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation's Appeals Panel.

Annexes

Annex A: Chartered Legal Executive knowledge and competence requirements

Annex 1: Chartered Legal Executive Litigator and Advocate (Civil Litigation)

Annex 2: Chartered Legal Executive Litigator and Advocate (Criminal Litigation)

Annex 3: Chartered Legal Executive Litigator and Advocate (Family Litigation)

Annex 4: Chartered Legal Executive (Immigration)

Annex 5: Chartered Legal Executive (Conveyancing)

Annex 6: Chartered Legal Executive (Probate)

Annex 7: Chartered Legal Executive (Employment)

Annex 8: Chartered Legal Executive (Business)

Annex 9: Chartered Legal Executive

ANNEX A - Chartered Legal Executive knowledge and competence requirements

Technical knowledge requirements

General knowledge requirements for all Chartered Legal Executives / Fellows

Minimum content:

Stage 1

- Introduction to law and legal practice
- Introduction to dispute resolution
- Introduction to conveyancing
- Introduction to criminal practice
- Introduction to wills and probate
- Introduction to public law
- Introduction to equality and human rights law
- Introduction to legal technology
- Conduct and professional ethics

Stage 2

- Contextualised legal technology
 - Conduct and professional ethics
- Chartered Legal Executive
- Basic accounts
 - Specialist legal technology
 - Conduct and professional ethics

Knowledge requirements specific to a Chartered Legal Executive

Minimum Content:

This will depend on the distinct area of practice in which Chartered Legal Executive status is sought, but the minimum requirements will be:

- Law element: set and assessed at Level 6, comprising not less than 15 credits (approximately 150 hours of guided learning)
- Practice element: set and assessed at Level 6, comprising not less than 15 credits (approximately 150 hours of guided learning)

Competence requirements

Application of law and practice

- Undertake legal research
- Critically analyse facts and law
- Synthesise all relevant information

- Find solutions
- Draft legal documents

Communication

- Communicate orally and in writing clearly and effectively
- Negotiate effectively
- Advocate (formally or informally as appropriate)
- Develop, maintain and manage 3rd party relationships

Client relationship

- Take instructions
- Evaluate options and risks to the client
- Communicate advice
- Manage expectations
- Provide good customer service

Effective working practices

- Progress matters
- Plan workload and manage files
- Caseload management
- Understand and utilise innovation

Business awareness

- Identify and evaluate options and risks
- Undertake business development
- Network
- Identify marketing opportunities
- Understand and use financial management tools

Self development

- Reflect and self-evaluate, including understanding your own limitations and the need for adaptability.
- Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients.
- Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment.
- Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements.
- Demonstrate leadership and management skills (optional).

Conduct, ethics and professionalism

- Identify, understand and put into practice the CILEx Regulation Code of Conduct
- Identify, understand and put into practice all relevant legal and regulatory requirements (e.g. data protection)
- Understand and put into practice the principles of client care
- Provide certainty and clarity as to the legal services being provided and the basis of charging
- Understand and put into practice complaint handling requirements
- Understand and put into practice, principles of equality and diversity, including the needs of vulnerable consumers

- Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- Resist pressure to condone, ignore or act unethically

Use of technology

- Use available technology
- Identify uses for emerging technology and recommend implementation appropriately
- Understand ethical challenges of technology and use technology ethically

CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (CIVIL LITIGATION)^[1]

A Chartered Legal Executive (Civil Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEx Fellow is a pre-requisite of practising civil litigation independently. The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge requirements have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated. Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

MINIMUM CONTENT:
STAGE 1
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to human rights law
Introduction to legal technology
Conduct and professional ethics

STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE
Basic accounts
Specialist legal technology
Conduct and professional ethics

TECHNICAL KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (CIVIL LITIGATION)

MINIMUM CONTENT:
Contract law
The core principles of the law of contract including;
The requirements of a legally binding contract
Determining a party's intention to create legal relations
Understanding 'Consideration'.
Understanding Privity of contract and the rights of third parties
Determining the terms of a contract – both express and implied terms, including certainty
Understanding the implications of Exemption clauses and unfair terms
Understanding Misrepresentation and mistake
Determining whether Duress and/or undue influence arises
Understanding Illegal contracts
Determining the discharge of a contract
Understanding the legal and equitable Remedies for breach of contract that may arise, including interpretation of terms and performance
Tort law
The core principles of tortious liability and sources – cases, statutes or regulations.
Understanding the objectives of the law of tort
Understanding vicarious liability

Understanding Trespass
Understanding Negligence, including causation, duty of care and remoteness (of damage)
Understanding Employers' liability
Understanding Occupiers' liability
Understanding Nuisance
Determining defences including consent and contributory negligence
Remedies, including damages and injunctions
Civil litigation
Understanding Alternative Dispute Resolution (ADR) – methods and their appropriateness as a means of dispute resolution
Main underlying features that enable litigation, including courts' structure
The portals
Pre-action steps before a claim is issued, (including ADR)
Understanding limitation, joinder
The stages of proceedings in court, including jurisdiction and, which court
Drafting Statements of Case
Understanding when a matter can be terminated without a trial
Track allocation system, directions
Disclosure
Key steps made in the progress of a matter to trial
Interim applications
Evidence, drafting witness statements and drafting applications
Offers of settlement
Trial procedure and preparations for trial
Orders and judgments, enforcement and appeal
Costs and Funding
Evidence
Rules and principles of evidence as they operate in civil proceedings

Drafting witness statements
Expert evidence – appropriate use, adducing
Throughout to demonstrate an ability to act honestly and with integrity and in accordance with the principles of professional conduct rules

COMPETENCE REQUIREMENTS:

1. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research
 - o Use relevant sources and appropriate research tools
 - o Apply current law to the research problem
 - o Record and present findings accurately and clearly
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents
 - o Apply the principles of good drafting to produce clear, unambiguous and accurate documents with appropriate language structure and formatting and which meet all formal and legal requirements
 - o Select forms and precedents and use, adapt and edit them in a way that is appropriate to the claim/defence and the Civil Procedure Rules
 - o Draft a document, whether from scratch or by using precedents, that forms a coherent whole and, which reflects the client's wishes and objectives, and where appropriate advances the matter and provides a clear risk analysis

2. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
 - o Choose the most appropriate method of communication, including electronic communication and observing appropriate etiquette
 - o Use language tailored to the audience and the purposes of the communication
 - o Apply oral communication and listening skills to build trust, ask questions and understand, to provide explanation and advice, as appropriate
 - o Produce clear, unambiguous and accurate written communications with appropriate language and structure
 - o Demonstrate emotional competence to achieve effective communication
- ✓ Negotiate effectively
 - o Identify when negotiation is necessary
 - o Demonstrate effective preparation and planning and apply strategies which reflect an understanding of the client's objectives, expectations and risk, and which seeks to manage those appropriately, as far as practicable
 - o Identify and evaluate the interests, strengths, weaknesses and risks of other parties who have an interest in the matter being negotiated
 - o Choose and explain the most appropriate method of negotiation (e.g. letter, face to face meeting etc.)

- o Identify when it is in the client's best interests to settle and give appropriate advice
- o Take the necessary steps to ensure agreement/settlement reached is clear and lawful
- o Recommend any appropriate ADR process which would be in the best interest of the client and advise the client as to how to pursue a particular ADR process
- o Behave ethically in negotiating agreement or compromise
- ✓ Advocate/oral presentation
 - o Apply oral presentation techniques clearly, succinctly and persuasively, appropriate to the audience and focussed and relevant to the context
- ✓ Advocate
 - Apply the rights of audience conduct rules as they operate in civil practice
 - o *Chambers rights only*
 - Draft:
 - a skeleton argument using case analysis and theory, and
 - a consent order
 - o *Open court rights*
 - Analyse relevant facts and law to achieve effective preparation which anticipates and responds to potential counter arguments and challenges, and which advances the client's case
 - Apply principles of good writing and drafting in the preparation and presentation of written submissions
 - Make oral presentations clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience
 - Respond to arguments and questions presented during a hearing
 - Demonstrate courtesy and respect for equality and diversity
 - Examine, cross-examine and re-examine appropriately, using emotional competence
 - Identify when it is appropriate to adduce expert evidence and challenge expert evidence effectively
 - Demonstrate good practice when dealing with vulnerable clients and witnesses
 - Deal effectively with uncooperative witnesses
 - Identify issues of ethical and professional conduct and take appropriate action
 - Act according to the requirements of court etiquette and conventions of advocacy
- ✓ Develop, maintain and manage 3rd party relationships
 - o Work both independently and as part of a team
 - o Conduct effective interviews with potential witnesses
 - o Deal with others involved in a matter appropriately, professionally and ethically
 - o Provide others involved in a matter with appropriate information, instructions and guidance
 - o Identify, and where appropriate, instruct an advocate or expert

3. CLIENT RELATIONSHIP

- ✓ Take instructions
 - o Conduct effective interviews with a client to achieve a full understanding of the facts and the client's objectives
 - o Identify and obtain all relevant information , and where appropriate, investigate relevant facts
 - o Recognise when information is missing or held by a 3rd party and seek to obtain the necessary consents to acquire it
 - o Identify what evidence is required to advance the client's case and takes steps to acquire
 - o Identify and apply any specific requirements relating to minors and/or vulnerable clients
 - o Identify actual or potential conflicts and act accordingly
- ✓ Evaluate options and risks to the client
 - o Analyse the strengths and weaknesses of the client's claim/defence
 - o Identify issues, including the client's personal circumstances, which may impact on the achievement of the client's objectives
 - o Formulate a case strategy which is compatible with the client's objectives and is legally and procedurally sustainable
- ✓ Give advice
 - o Communicate clear, accurate and practical advice both orally and in writing on matters relating to law, procedure, strategy and prospects of success
 - o Be aware of and apply the practice rules relating to contentious and non-contentious costs and give clear accurate and regular advice on costs issues arising in the case
 - o Provide clear and accurate advice on funding options including private funding, public funding, insurance, conditional fees and other types of 3rd party funding
- ✓ Provide good customer service
 - o Identify the steps which need to be taken to achieve the client's wishes or further their objectives as far as practicable, and plan and implement their progress
 - o Communicate with the client on progress towards achieving their objectives, including risks which have not previously been identified

4. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
 - o Deal with matters without causing delay
 - o Identify and manage risks, as far as practicable, to the achievement of the client's objectives
- ✓ Plan workload and manage files
 - o Plan and prioritise workload and manage files and tasks concurrently and efficiently, making best use of resources and exercising effective judgement
 - o Maintain files and records in accordance with office and regulatory procedures
 - o Seek support where necessary
 - o Manage financial transactions on the file
- ✓ Caseload management
- ✓ Understand and utilise innovation where appropriate

5. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

6. SELF DEVELOPMENT

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability.
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients.
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment.
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements.
- ✓ Demonstrate leadership and management skills (optional).

7. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Regulation Code of Conduct and the CILEx Rights of Audience Conduct Rules
 - o Apply professional obligations in a diverse range of situations relating to substantive law and the rules of professional conduct
 - o Apply obligations to the court, clients, other lawyers and the public
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant care letters
- ✓ Understand and put into practice complaint handling requirements
 - o Apply the conduct rules
 - o Take the necessary steps required in the event that a mistake (or an act of negligence) has occurred
- ✓ Understand and put into practice, principles of equality, diversity and inclusion, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

8. USE OF TECHNOLOGY

You will be able to:

- ✓ Use available technology as it is used in civil litigation and advocacy
- ✓ Identify uses for emerging technology in civil litigation and advocacy and recommend its implementation where appropriate

- ✓ Understand ethical challenges of technology and use technology ethically

[\[1\]](#) This document forms the education standards for Civil Litigators and Advocates

ANNEX 2: CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (CRIMINAL LITIGATION)⁶

A Chartered Legal Executive (Criminal Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEx Fellow is a pre-requisite of practising criminal litigation independently.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated. Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

⁶ This document forms the education standards for Criminal Litigators and Advocates

KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

MINIMUM CONTENT:
STAGE 1
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to equality and human rights law
Introduction to legal technology
Conduct and professional ethics
STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE
Basic accounts
Specialist legal technology
Conduct and professional ethics

TECHNICAL KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (CRIMINAL LITIGATION)

MINIMUM CONTENT:
Criminal Law
Fundamental legal principles of criminal liability
Requirements for liability for homicide
Requirements for liability for non-fatal offences against the person, including harassment offences

Requirements for liability for criminal damage
Requirements for liability for theft, robbery and burglary
Requirements for liability for inchoate offences and accomplice liability
Requirements for general defences and defences specific to the offences of theft, homicide, sexual offences, criminal damage, inchoate offences and non-fatal offences against the person)
Criminal Litigation
Criminal Procedure Rules
Police powers of stop and search, identification procedures, arrest and detention for the purposes of investigating a crime
Public funding for advice, assistance and representation in the criminal justice process
Procedures and processes involved in advising clients at the police station,
Special rules relating to juveniles and vulnerable clients in relation to giving advice at the police station and throughout criminal proceedings, including youth court proceedings
Rules and procedures relating to bail applications
The stages and procedures in the Magistrates' and Crown Courts from the first hearing before the Magistrates to trial and sentencing
Sentencing and ancillary orders in criminal proceedings
Appeals procedures from Magistrates' Court and Crown Court
Principles of professional ethics in criminal matters
Evidence
Rules and principles of evidence as they operate in the investigation of a crime and criminal proceedings for example, their relationship with Human Rights contained in Articles 5,6 & 8 of the ECHR

COMPETENCE REQUIREMENTS:

1. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research
 - o Use relevant sources and appropriate research tools
 - o Apply current law to the research problem
 - o Record and present findings accurately and clearly
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents
 - o Apply the principles of good drafting to produce clear, unambiguous and accurate documents with appropriate language structure and formatting and which meet all formal and legal requirements
 - o Select forms and precedents and use, adapt and edit appropriate to the criminal proceedings and the Criminal Procedure Rules
 - o Draft a document, whether from scratch or by using precedents, that forms a coherent whole and, which reflects the client's wishes and objectives, and advances the matter and manages client risk

2. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
 - o Choose the most appropriate method of communication, including electronic communication and observing appropriate etiquette
 - o Use language tailored to the audience and the purposes of the communication
 - o Apply oral communication and listening skills to build trust, ask questions and understand, to provide explanation and advice, as appropriate
 - o Produce clear, unambiguous and accurate written communications with appropriate language and structure
 - o Demonstrate emotional competence to achieve effective communication
- ✓ Negotiate
 - o Identify when negotiation is necessary
 - o Demonstrate effective preparation and planning and apply strategies which reflect an understanding of the client's objectives, expectations and risk, and which seeks to manage those appropriately as far as possible
 - o Identify and evaluate the interests, strengths, weaknesses and risks of other parties who have an interest in the matter being negotiated
 - o Choose and explain the most appropriate method of negotiation (e.g. letter, face to face meeting etc.)
 - o Take the necessary steps to ensure agreement/compromise reached is clear and lawful, and where appropriate, legally binding
 - o Behave ethically in negotiating agreement or compromise
- ✓ Advocacy/oral presentation
 - o Comply with the rights of audience conduct rules as they apply in criminal practice
 - o Apply oral presentation techniques clearly, succinctly and persuasively, appropriate to the audience and focussed and relevant to the context
- ✓ Advocate/oral presentation (*open court rights*)

- o Analyse relevant facts and law to achieve effective preparation which anticipates and responds to potential counter arguments and challenges, and which advances the client's case
- o Apply principles of good writing and drafting in the preparation and presentation of written submissions
- o Make oral presentations that are clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience
- o Respond to arguments and questions presented during a hearing
- o Demonstrate courtesy and respect for equality and diversity
- o Examine, cross-examine and re-examine appropriately, using emotional competence
- o Identify when it is appropriate to adduce expert evidence and challenge expert evidence effectively
- o Demonstrate good practice when dealing with vulnerable clients and witnesses
- o Deal effectively with uncooperative witnesses
- o Demonstrate an ability to make a closing speech that is legally and factually accurate, succinct, and persuasive
- o Identify issues of ethical and professional conduct and take appropriate action
- o Act according to the requirements of court etiquette and conventions of advocacy
- ✓ Develop, maintain and manage 3rd party relationships
 - o Work both independently and as part of a team
 - o Conduct effective interviews with potential witnesses
 - o Deal with others involved in a matter appropriately, professionally and ethically
 - o Provide others involved in a matter with appropriate information, instructions and guidance
 - o Identify and where appropriate instruct an advocate or expert

3. CLIENT RELATIONSHIP

- ✓ Take instructions
 - o Conduct effective interviews with a client to achieve a full understanding of the facts
 - o Identify and obtain all relevant information and where appropriate, investigate all relevant facts
 - o Recognise when information is missing or held by 3rd parties and seek to obtain the necessary consents to acquire it
 - o Identify what evidence is required to further the client's interest and take steps to admit it
 - o Identify and apply specific requirements relating to juveniles and/or vulnerable clients
- ✓ Evaluate options and risks to the client
 - o Analyse the strengths and weaknesses of the prosecution case or defence
 - o Analyse and evaluate evidence and take the appropriate steps to exclude evidence improperly obtained
 - o Evaluate pre-trial options, including bail, and formulate a strategy compatible with the client's objectives which is legally, ethically and procedurally sustainable
 - o Identify issues, including the client's personal circumstances, which may impact on the achievement of the client's objectives,
- ✓ Give advice

- o Communicate clear, accurate and practical advice, both orally and in writing, on matters relating to law, procedure and strategy and possible outcomes of criminal proceedings
 - o Give clear and accurate advice on funding
- ✓ Provide good customer service
 - o Identify the steps which need to be taken to achieve the client's wishes or further their objectives and plan and implement their progress
 - o Communicate with the client on progress towards achieving their objectives as far as practicable, including risks which have not previously been identified

4. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
 - o Deal with matters without causing delay
 - o Identify and manage risks as far as practicable to the achievement of the client's objectives
- ✓ Plan workload and manage files
 - o Plan and prioritise workload and manage files and tasks concurrently and efficiently, making best use of resources and exercising effective judgement
 - o Maintain files and records in accordance with office and regulatory procedures
 - o Seek support where necessary
 - o Manage financial transactions on the file
- ✓ Caseload management
- ✓ Understand and utilise innovation where appropriate

5. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

6. SELF DEVELOPMENT

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability.
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients.
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment.
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements.
- ✓ Demonstrate leadership and management skills (optional).

7. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Regulation Code of Conduct and the CILEx Rights of Audience Conduct Rules

- o Apply professional obligations in a diverse range of situations relating to substantive law and the rules of professional conduct
 - o Apply obligations to the court, clients, other lawyers and the public
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
 - o Apply the conduct rules
 - o Take the necessary steps required in the event that a mistake (or an act of negligence) has occurred
- ✓ Understand and put into practice, principles of equality, diversity and inclusion, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

8. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in criminal law practice and associated matters
- ✓ Identify uses for emerging technology in criminal law practice and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 3: CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (FAMILY LITIGATION)⁷

A Chartered Legal Executive (Family Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEx Fellow is a pre-requisite of practising family litigation independently. The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated. Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

⁷ This document forms the education standards for Family Litigators and Advocates

TECHNICAL KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

MINIMUM CONTENT:
STAGE 1
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to equality and human rights law
Introduction to legal technology
Conduct and professional ethics
STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE
Basic accounts
Specialist legal technology
Conduct and professional ethics

KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (FAMILY LITIGATION)

MINIMUM CONTENT:
Family Law
Formation of marriage and civil partnership
Validity of marriage and civil partnerships
Dissolution, nullity, judicial separation and divorce
Financial provision during and after marriage/civil partnership

Provisions for family property and ownership
Inheritance and intestacy
Cohabitation and financial consequences of a relationship breakdown including the Trusts of Land and Appointment of Trustees Act 1996
Domestic violence and abuse
Legal basis of parental responsibility
Legal provisions relating to private matters under the Children Act 1989
Family law practice
The Family Court
Alternative dispute resolution in family law
Law and procedure relating to termination of a marriage/civil partnership
Pre-marital agreements
Financial orders following divorce or dissolution
Pensions in financial proceedings
Procedures for financial orders, including variation and enforcement
Protection orders and procedures in cases of domestic violence and abuse
Private children law procedures
Child abduction
Public children procedures
Child care law practice
Legal framework governing children proceedings including the public law proceedings from the Children Act 1989
Role, powers and duties of personnel involved in child protection processes and proceedings
Duties of local authorities in relation to the welfare and protection of children
Law and procedures relating to care and supervision orders
Options for securing a permanent placement for a child

Emergency interventions

COMPETENCE REQUIREMENTS:

9. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research
 - o Use relevant sources and appropriate research tools
 - o Apply current law to the research problem
 - o Record and present findings accurately and clearly
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents and other communications
 - o Apply the principles of good drafting to produce clear, unambiguous and accurate documents [and agreements] with appropriate language structure and formatting and which meet all formal and legal requirements
 - o Select forms and precedents and use, adapt and edit them in a way that is appropriate to family proceedings and proceedings relating to children
 - o Draft a document, whether from scratch or by using precedents that forms a coherent whole and, which reflects the client's wishes and objectives, and where appropriate advances the matter and manages client risk

10. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
 - o Choose the most appropriate method of communication, including electronic communication and observing appropriate etiquette
 - o Use language tailored to the audience and the purposes of the communication
 - o Apply oral communication and listening skills to build trust, ask questions and understand, to provide explanation and advice as appropriate
 - o Produce clear, unambiguous and accurate written communications with appropriate language and structure
 - o Demonstrate emotional competence to achieve effective communication
- ✓ Negotiate effectively
 - o Identify when negotiation is necessary
 - o Demonstrate effective preparation and planning and apply strategies which reflect an understanding of the client's objectives, expectations and risk, and which seeks to manage those appropriately as far as possible
 - o Identify and evaluate the interests, strengths, weaknesses and risks of other parties who have an interest in the matter being negotiated
 - o Choose and explain the most appropriate method of negotiation (e.g. letter, face to face meeting etc.)
 - o Take the necessary steps to ensure agreement/compromise reached is clear and lawful, and where appropriate, legally binding
 - o Behave ethically in negotiating agreement or compromise
- ✓ Advocate/oral presentation
 - o Comply with the rights of audience and conduct rules as they apply in Family proceedings
 - (Chambers rights only)*
 - o Draft:
 - o a skeleton argument using case analysis and theory, and

- o a consent order

(Open court rights)

- o Analyse relevant facts and law to achieve effective preparation which anticipates and responds to potential counter arguments and challenges, and which advances the client's case
 - o Apply principles of good writing and drafting in the preparation and presentation of written submissions
 - o Make oral presentations that are clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience
 - o Respond to arguments and questions presented during a hearing
 - o Demonstrate courtesy and respect for equality and diversity
 - o Examine, cross-examine and re-examine appropriately and using emotional competence
 - o Identify when it is appropriate to adduce expert evidence and challenge expert evidence effectively
 - o Demonstrate good practice when dealing with vulnerable clients and witnesses
 - o Deal effectively with uncooperative witnesses
 - o Identify issues of ethical and professional conduct and take appropriate action
 - o Act according to the requirements of court etiquette and conventions of advocacy
- ✓ Develop, maintain and manage 3rd party relationships
 - o Work both independently and as part of a team
 - o Conduct effective interviews with potential witnesses
 - o Deal with others involved in a matter appropriately, professionally and ethically
 - o Provide others involved in a matter with appropriate information, instructions and guidance
 - o Identify and where appropriate instruct an advocate or expert

11. CLIENT RELATIONSHIP

- ✓ Take instructions
 - o Conduct effective interviews with a client to achieve a full understanding of the facts
 - o Identify and obtain and where appropriate, investigate all relevant facts
 - o Recognise when information is missing or held by 3rd parties and acquire the necessary consents to obtain it
 - o Identify and apply specific requirements relating to children and vulnerable clients
- ✓ Evaluate options and risks to the client
 - o Analyse the strengths and weaknesses of the prosecution case or defence
 - o Evaluate options and formulate a strategy compatible with the client's objectives which is legally, ethically and procedurally sustainable
 - o Identify issues, including the client's personal circumstances, which may impact on the achievement of the client's objectives,
- ✓ Give advice
 - o Communicate clear, accurate and practical advice, both orally and in writing, on matters relating to law, procedure and strategy and possible outcomes if family proceedings
 - o Give clear and accurate advice on funding
- ✓ Provide good customer service

- o Identify the steps which need to be taken to achieve the client's wishes or further their objectives and plan and implement their progress
- o Communicate with the client on progress towards achieving their objectives, as far as practicable, including risks which have not previously been identified

12. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
 - o Deal with matters without causing delay
 - o Identify and manage risks as far as practicable to the achievement of the client's objectives
- ✓ Plan workload and manage files
 - o Plan and prioritise workload and manage files and tasks concurrently and efficiently, making best use of resources and exercising effective judgement
 - o Maintain files and records in accordance with office and regulatory procedures
 - o Seek support where necessary
 - o Manage financial transactions on the file
- ✓ Caseload management
- ✓ Understand and utilise innovation where appropriate

13. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

14. SELF DEVELOPMENT

You will be able to:

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability.
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients.
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment.
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements.
- ✓ Demonstrate leadership and management skills (optional).

15. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Regulation Code of Conduct and the CILEx Rights of Audience Conduct Rules
 - o Apply professional obligations in a diverse range of situations relating to substantive law and the rules of professional conduct
 - o Apply obligations to the court, clients, other lawyers and the public
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)

- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
 - o Apply the conduct rules
 - o Take the necessary steps required in the event that a mistake (or an act of negligence) has occurred
- ✓ Identify issues where ethical, legal and regulatory requirements are engaged and take appropriate action
- ✓ Recognise and handle value conflicts and ethical dilemmas to maintain professional integrity
- ✓ Resist pressure to condone, ignore or act unethically

16. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in family proceedings and proceedings relating to children
- ✓ Identify uses for emerging technology in family and child care law and practice and recommend its implementation where appropriate
- ✓ Understand ethical challenges and the limitations of technology and use technology ethically

ANNEX 4: CHARTERED LEGAL EXECUTIVE (IMMIGRATION)⁸

A Chartered Legal Executive (Immigration) must follow the Chartered Legal Executive route to qualification as being a CILEx Fellow is a pre-requisite of practising immigration independently. The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated. Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

⁸ This document forms the education standards for Immigration Practitioners

TECHNICAL KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVE

MINIMUM CONTENT:
STAGE 1
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to equality and human rights law
Introduction to legal technology
Conduct and professional ethics
STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE
Basic accounts
Specialist legal technology
Conduct and professional ethics

KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (IMMIGRATION)

MINIMUM CONTENT:
Immigration Law and practice
The legal framework of immigration control in the UK
Rights of abode and citizenship
The routes to admission for employment or self-employment
Rules relating to family, partners and children

Visits, study and temporary purposes
Other settlement routes
British nationality law
<i>Law governing free movement of persons in the EEA – subject to Brexit</i>
Discretionary provisions including human rights law
Refugees, asylum and humanitarian protection rules and procedures
Welfare provisions for migrants and asylum seekers
Law and procedure relating to deportation and removal
Refusals
Detention, bail and immigration offences
Appeals process, Administrative review and other remedies
The jurisdiction and powers of the First Tier, Upper Tribunal and Special Immigration Appeals Commission
Judicial review law and procedure
Judicial review principles: remedy, restrictions and procedure in the UT and Administrative Court
Grounds for judicial review
Funding a judicial review case
Settlement and costs
Protective costs orders
Third party interventions

COMPETENCE REQUIREMENTS:

17. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research
 - o Use relevant sources and appropriate research tools
 - o Apply current law to the research problem
 - o Record and present findings accurately and clearly
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents
 - o Apply the principles of good drafting to produce clear, unambiguous and accurate documents [and agreements] with appropriate language structure and formatting and which meet all formal and legal requirements
 - o Select forms and precedents and use, adapt and edit them in a way that is appropriate to immigration, asylum and judicial review proceedings
 - o Draft a document, whether from scratch or by using precedents, that forms a coherent whole and, which reflects the client's wishes and objectives, and advances the matter and manages client risk

18. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
 - o Choose the most appropriate method of communication, including electronic communication and observing appropriate etiquette
 - o Use language tailored to the audience and the purposes of the communication
 - o Apply oral communication and listening skills to build trust, ask questions and understand, to provide explanation and advice as appropriate
 - o Produce clear, unambiguous and accurate written communications with appropriate language and structure
 - o Demonstrate emotional competence to achieve effective communication
- ✓ Negotiate effectively
 - o Identify when negotiation is necessary
 - o Demonstrate effective preparation and planning and apply appropriate strategies which reflect an understanding of the client's wishes, expectations and risks, and which seeks to manage those appropriately as far as possible
 - o Identify and evaluate the interests, strengths, weaknesses and risks of other parties who have an interest in the agreement
 - o Choose and explain the most appropriate method of negotiation (e.g. letter, face to face meeting etc.)
 - o Take the necessary steps to ensure agreement or settlement reached is clear and lawful, and legally binding
 - o Apply ethical behaviours in negotiating agreement
- ✓ Advocate/oral presentation
 - o Make oral presentations that are clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience
- ✓ Advocate (*open court/tribunal rights - optional*)
 - o Comply with the rights of audience conduct rules as they apply

- o Analyse relevant facts and law to achieve effective preparation which anticipates and responds to potential counter arguments and challenges, and which advances the client's case
- o Apply principles of good writing and drafting in the preparation and presentation of written submissions
- o Make oral presentations that are clear, succinct, focused and relevant to the context, persuasive and appropriate to the audience
- o Respond to arguments presented during a hearing
- o Demonstrate courtesy and respect for equality and diversity
- o Examine, cross-examine and re-examine appropriately, using emotional competence
- o Identify when it is appropriate to adduce expert evidence and challenge expert evidence effectively
- o Demonstrate good practice when dealing with vulnerable clients and witnesses
- o Deal effectively with uncooperative witnesses
- o Identify issues of ethical and professional conduct and take appropriate action
- o Act according to the requirements of court etiquette and conventions of advocacy
- ✓ Develop, maintain and manage 3rd party relationships
 - o Work both independently and as part of a team
 - o Conduct effective interviews with potential witnesses
 - o Deal with others involved in a matter appropriately, professionally and ethically
 - o Provide others involved in a matter with appropriate information, instructions and guidance
 - o Identify and as appropriate instruct an advocate or expert

19. CLIENT RELATIONSHIP

- ✓ Take instructions
 - o Conduct effective interviews with a client to achieve a full understanding of the facts
 - o Identify, obtain and where appropriate, investigate all relevant facts
 - o Recognise when information is missing or held by 3rd parties and acquire the necessary consents to obtain it
 - o Identify what evidence is required to advance the client's case and take the necessary steps to acquire and admit it
 - o Identify and apply any specific requirements relating to children and vulnerable clients
 - o Identify actual or potential conflicts and act accordingly
- ✓ Evaluate options and risks to the client
 - o Analyse and make critical judgements on the merits of particular courses of action
 - o Evaluate options and formulate a strategy compatible with the client's objectives which is legally, ethically and procedurally sustainable
 - o Identify issues, including the client's personal circumstances, which may impact on the achievement of the client's objectives,
- ✓ Give advice
 - o Communicate clear, accurate and practical advice, both orally and in writing, on matters relating to law, procedure and strategy and possible outcomes criminal proceedings
 - o Give clear and accurate advice on funding
- ✓ Provide good customer service

- o Identify the steps which need to be taken to achieve the client's wishes or further their objectives and plan and implement their progress
- o Communicate with the client on progress towards achieving their objectives, as far as practicable, including risks which have not previously been identified

20. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
 - o Deal with matters without causing delay
 - o Identify and manage risks, as far as practicable, to the achievement of the client's objectives
- ✓ Plan workload and manage files
 - o Plan and prioritise workload and manage files and tasks concurrently and efficiently, making best use of resources and exercising effective judgement
 - o Maintain files and records in accordance with procedures
 - o Seek support where necessary
 - o Manage financial transactions on the file
- ✓ Caseload management
- ✓ Understand and utilise innovation where appropriate

21. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

22. SELF DEVELOPMENT

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability.
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients.
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment.
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements.
- ✓ Demonstrate leadership and management skills (optional).

23. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Regulation Code of Conduct and the CILEx Rights of Audience Conduct Rules
 - o Apply professional obligations in a diverse range of situations relating to substantive law and the rules of professional conduct
 - o Apply obligations to the court, clients, other lawyers and the public

- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
 - o Apply the conduct rules
 - o Take the necessary steps required in the event that a mistake (or an act of negligence) has occurred
- ✓ Understand and put into practice, principles of equality and diversity, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

24. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in immigration proceedings
- ✓ Identify uses for emerging technology in immigration law practice and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically

ANNEX 5: CHARTERED LEGAL EXECUTIVE (CONVEYANCING) OR CILEx PRACTITIONER (CONVEYANCING)⁹

There are two available routes that individuals can take to be authorised to practise conveyancing independently.

Individuals seeking to be authorised as a Chartered Legal Executive (Conveyancing) must follow the Chartered Legal Executive route to qualification.

Alternatively, an individual may complete the knowledge requirements specific to becoming a CILEx Practitioner (Conveyancing) (for stage 1 highlighted in grey + stage 2), in which case they will be authorised as a CILEx Practitioner (Conveyancing) and not a Chartered Legal Executive. The knowledge requirements are set out below and must be coupled with the general qualification route to achieve Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated. In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice. Chartered Legal Executive and CILEx Practitioner knowledge requirements should be set and assessed at Level 6 as a minimum

⁹ This document forms the education standards for Conveyancers

TECHNICAL KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

MINIMUM CONTENT:
STAGE 1
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to equality and human rights law
Introduction to legal technology
Conduct and professional ethics
STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE OR CILEx PRACTITIONER
Basic accounts
Specialist legal technology
Conduct and professional ethics

KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (CONVEYANCING) OR CILEx PRACTITIONER (CONVEYANCING)

MINIMUM CONTENT:
Land law
Legal concepts of real and personal property
Characteristics and significance of legal and equitable property interests
Creation of legal and equitable interests in land
Protection of third-party rights and interests

Registered and unregistered land systems and different titles in land
Co-ownership and trusts of land
Proprietary rights: easements, freehold covenants and mortgages
Equity and trusts
The role of equity and equitable principles
Equitable remedies
The creation of express and implied trusts including when trusts will be implied by law (resulting trusts, constructive trusts and secret trusts)
Rules relating to purpose trusts
The duties, remedies and powers of personal representatives and trustees
Rights, remedies and powers of trustees and beneficiaries
Co-ownership and succession
Landlord and tenant
Key features of leasehold property, including the superior and inferior leasehold titles, sub-leases, etc
Formal requirements for the grant of a lease
Leasehold covenants and remedies for different types of breach
Enforceability of leasehold covenants between landlord and tenant (including under 'old' and 'new leases'), successor parties and third parties
Key clauses in a lease
Assignment of a lease
Termination of a lease
Nature and regulation of business tenancies including security of tenure
Stamp Duty Land Tax and VAT
Contract law

General nature of the law of contract
Formation of a contract
Intention to create legal relations
Consideration
Privity of contract
Terms and warranties
Exemption clauses
Misrepresentation
Duress and undue influence
Illegal contracts
Discharge of a contract
Remedies for breach of contract
Conveyancing of registered and unregistered freehold and leasehold transactions in England and Wales
The critical steps in a conveyancing transaction
Professional conduct and regulation relating to property transactions, including money laundering.
Taking instructions
Pre-contract searches and enquiries
Deducing and investigating title in both registered and unregistered freehold and leasehold transactions
Sales of part
Funding of a property transaction
Acting for a lender and the mortgage documentation
Preparing the contract for sale and preparation for exchange of contracts
Drafting and negotiating conveyancing deed and ancillary documents
Issues relating specifically to planning, building regulations and newly built residential property

Exchange of contracts, including methods of holding a deposit, insurance and undertakings
Consequences of exchange of contracts
Pre-completion steps, requirements and formalities
Completion steps, requirements and formalities
Post-completion steps, requirements and formalities
Late completion and other default
Core principles of property taxation: Stamp Duty Land tax, VAT and Capital Gains Tax

COMPETENCE REQUIREMENTS:

25. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research:
 - o Use relevant sources and appropriate research tools
 - o Apply current law to the research problem
 - o Record and present findings accurately and clearly
 - o Apply results of research to progress matter and/or advise client
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents:
 - o Apply the principles of good drafting to produce clear, unambiguous and accurate documents and agreements with appropriate language, structure and formatting which meet all formal and legal requirements
 - o Select precedents and templates and use, adapt and edit them in a way that is appropriate to the matter or transaction
 - o Correctly use numbering, schedules, recitals, definitions and boilerplate provisions in the drafting of documents and agreements
 - o Identify the client's objectives and then draft a legal document, whether from free drafting or using a precedent, that forms a coherent whole, which achieves the client's objectives and, where appropriate, advances the matter or transaction and manages client risk

26. COMMUNICATION

You will be able to:

- ✓ Communicate orally and in writing, clearly and effectively with a range of colleagues, clients and third parties:
 - o Choose the most appropriate method of communication, including electronic communication and observing appropriate etiquette for particular situations and/or transactions
 - o Use language tailored to the audience and the purposes of the communication
 - o Apply oral communication and listening skills to build trust, ask questions and understand, to provide explanation and advice, as appropriate
 - o Produce clear, unambiguous and accurate written communication with appropriate language and structure
 - o Demonstrate emotional competence to achieve effective communication
- ✓ Negotiate effectively
 - o Identify when negotiation is necessary
 - o Demonstrate effective preparation and planning and apply strategies which reflect an understanding of the client's objectives, expectations and risk, and which seeks to manage those appropriately as far as possible
 - o Identify and evaluate the interests, strengths, weaknesses and risks of other parties who have an interest in the matter being negotiated
 - o Choose and explain the most appropriate method of negotiation (e.g. letter, face to face meeting etc.)
 - o Take the necessary steps to ensure agreement/compromise reached is clear and lawful, and where appropriate, legally binding
 - o Behave ethically in negotiating agreement or compromise

- o Demonstrate how the outcome of the negotiations met your initial objectives and/or client's requirements
- ✓ Advocacy/oral presentation
 - o Make oral presentations clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience
- ✓ Develop, maintain and manage 3rd party relationships
 - o Work both independently and as part of a team
 - o Deal with others involved in a matter appropriately, professionally and ethically
 - o Provide others involved in a matter with appropriate information, instructions and guidance
 - o Identify and where appropriate instruct an advocate or expert

27. CLIENT RELATIONSHIP

- ✓ Take instructions
 - o Conduct effective interviews with a client to achieve a full understanding of the client's wishes, objectives and concerns
 - o Identify and obtain all relevant information necessary to achieve the client's objectives and address the client's concerns
 - o Recognise where information is missing or held by 3rd parties and seek to obtain the necessary consents to acquire it
 - o Obtain all information necessary to understand the roles and interests of the parties involved in the matter or transaction to give advice, plan for the progress and completion of the matter or transaction
 - o Identifying and applying the requirements of lenders in the creation of valid mortgages
 - o Identify actual or potential conflicts and act accordingly
- ✓ Evaluate options and risks to the client
 - o Be alert to issues of undue influence and duress
 - o Identify issues, including the client's personal circumstances, which may impact on the achievement of the client's wishes and objectives,
 - o Identify any alternative means of achieving the client's wishes and objectives
- ✓ Give advice
 - o Communicate clear, accurate and practical advice, both orally and in writing, relevant to the matter or transaction
- ✓ Manage expectations
- ✓ Provide good customer service
 - o Identify the steps which need to be taken to achieve the client's wishes or further their objectives as far as practicable and plan and implement their progress
 - o Communicate with the client on progress towards achieving their objectives including risks which have not previously been identified

28. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
 - o Deal with matters without causing delay
 - o Identify and manage risks as far as practicable to the achievement of the client's objectives
- ✓ Plan workload and manage files

- o Plan and prioritise workload and manage files and tasks concurrently and efficiently, making best use of resources and exercising effective judgement
 - o Maintain files and records in accordance with office and regulatory procedures
 - o Seek support where necessary
 - o Manage financial transactions on the file
- ✓ Caseload management
- ✓ Understand and utilise innovation where appropriate

29. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

30. SELF DEVELOPMENT

You will be able to:

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability.
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients.
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment.
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements.
- ✓ Demonstrate leadership and management skills (optional).

31. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Regulation Code of Conduct
 - o Apply professional obligations in a diverse range of situations relating to substantive law and the rules of professional conduct
 - o Apply obligations to the court, clients, other lawyers and the public
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation, FSMA and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
 - o Apply the conduct rules
 - o Take the necessary steps required in the event that a mistake (or an act of negligence) has occurred
- ✓ Understand and put into practice, principles of equality and diversity, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

32. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in property practice and associated matters
- ✓ Identify uses for emerging technology in property practice and recommend its implementation where appropriate
- ✓ Understand ethical challenges and the limitations of technology and use technology ethically

ANNEX 6: CHARTERED LEGAL EXECUTIVE (PROBATE & PRIVATE CLIENT) OR CILEx PRACTITIONER (PROBATE & PRIVATE CLIENT)¹⁰

There are two available routes that individuals can take to be authorised to practise probate independently.

Individuals seeking to be authorised as a Chartered Legal Executive (Probate & Private Client) must follow the Chartered Legal Executive route to qualification.

Alternatively, an individual may complete the knowledge requirements specific to becoming a CILEx Practitioner (Probate & Private Client) (for stage 1 highlighted in grey + stage 2), in which case they will be authorised as a CILEx Practitioner (Probate) and not a Chartered Legal Executive.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated. In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

Chartered Legal Executive and CILEx Practitioner requirements should be set and assessed at Level 6 as a minimum

¹⁰ This document forms the education standards for Probate Practitioners

TECHNICAL KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

MINIMUM CONTENT:
STAGE 1
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to equality and human rights law
Introduction to legal technology
Conduct and professional ethics
STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE Or CILEx PRACTITIONER
Basic accounts
Specialist legal technology
Conduct and professional ethics

KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE

(PROBATE & PRIVATE CLIENT) OR CILEX PRACTITIONER (PROBATE & PRIVATE CLIENT)

MINIMUM CONTENT:
Wills and Probate Practice
Formal requirements for making a will
Testamentary capacity and intention
Duress and undue influence
Legal principles relating to legacies and devises

Execution of a will
Alterations to a will and the use of codicils
Revocation
Principles of construction
Assets passing outside of a will
Statutory rules for entitlement to property on intestacy, including the Inheritance and Trustees Powers Act 2014
Law and procedure relating to Grants of Representation
Powers, duties and liabilities of personal representatives
Law and practice relating to the administration and distribution of the estate including taxation
Claims against the estate under the Inheritance (Provision For Family and Dependants) Act 1975 and the effect on the distribution of the estate and the operation of the intestacy rules
Effect of post death variations and disclaimers
The preparation of estate accounts
Key principles of inheritance tax relating to lifetime transfers, potentially exempt transfers and transfers on death
Inheritance Tax – exemptions and reliefs, anti-avoidance provisions
Rules for the submission of IHT accounts to HMRC
Basic principles of income tax, capital gains tax and IHT applying to trusts
Basic inheritance tax planning in lifetime and in the will
The law and procedure relating to Enduring and Lasting Powers of Attorney
Living and statutory wills
Requirements for mental capacity
Equity and trusts
The role of equity and equitable principles
Equitable remedies
The creation of trusts including when trusts will be implied by law (resulting trusts, constructive trusts and secret trusts)

Rules relating to purpose trusts
The duties, remedies and powers of personal representatives and trustees
Rights, remedies and powers of beneficiaries
Anti-money laundering legislation

COMPETENCE REQUIREMENTS:

33. APPLICATION OF LAW AND PRACTICE

Using the technical knowledge from the wills and probate framework, you will be able to:

- ✓ Undertake legal research
 - o Use relevant sources and appropriate research tools
 - o Apply current law to the research problem
 - o Record and present findings accurately and clearly
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide
- ✓ Find solutions where possible
- ✓ Draft legal documents
 - o Apply the principles of good drafting to produce clear, unambiguous and accurate documents and agreements with appropriate language, structure and formatting which meet all formal and legal requirements
 - o Select precedents and templates and use, adapt and edit them in a way that is appropriate to the matter or transaction
 - o Correctly use numbering, schedules, recitals, definitions and boilerplate provisions in the drafting of documents and agreements
 - o Draft a document, whether from scratch or by using precedents, that forms a coherent whole, which reflects the clients objectives and, where appropriate, advances the matter or transaction and manages client risk

34. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
 - o Choose the most appropriate method of communication, including electronic communication and observing appropriate etiquette
 - o Use language tailored to the audience and the purposes of the communication
 - o Apply oral communication and listening skills to build trust, ask questions and understand, to provide explanation and advice, as appropriate
 - o Produce clear, unambiguous and accurate written communications with appropriate language and structure
 - o Demonstrate emotional competence to achieve effective communication
- ✓ Negotiate effectively
 - o Identify when negotiation is necessary
 - o Demonstrate effective preparation and planning and apply strategies which reflect an understanding of the client's objectives, expectations and risk, and which seeks to manage those appropriately as far as possible
 - o Identify and evaluate the interests, strengths, weaknesses and risks of other parties who have an interest in the matter being negotiated
 - o Choose and explain the most appropriate method of negotiation (e.g. letter, face to face meeting etc.)
 - o Take the necessary steps to ensure agreement or compromise reached is clear and lawful, and where appropriate, legally binding
 - o Behave ethically in negotiating agreement or compromise
- ✓ Advocacy/oral presentation
 - o Make oral presentations that are clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience
- ✓ Develop, maintain and manage 3rd party relationships

- o Work both independently and as part of a team
 - o Deal with others involved in a matter appropriately, professionally and ethically
 - o Provide others involved in a matter with appropriate information, instructions and guidance
 - o Identify and where appropriate instruct an advocate or expert
- ✓ Develop, maintain and manage 3rd party relationships
 - o Work both independently and as part of a team
 - o Deal with other professionals involved in a matter appropriately, professionally and ethically
 - o Provide other professionals involved in a matter with appropriate information, instructions and guidance
 - o Identify when to instruct an advocate or expert

35. CLIENT RELATIONSHIP

- ✓ Take instructions
 - o Conduct effective interviews with a client to achieve a full understanding of the client's wishes, objectives and concerns
 - o Identify and obtain all relevant information necessary to achieve the client's wishes, objectives and concerns
 - o Recognise where information is missing or held by 3rd parties and acquire the necessary consents to obtain it
 - o Obtain all information necessary to understand the roles and interests of the parties involved in the matter to give advice, plan for the progress and completion of the matter
 - o Identify actual or potential conflicts and act accordingly
- ✓ Evaluate options and risks to the client
 - o Be alert to issues of undue influence and duress
 - o Identify issues, including the client's personal circumstances, which may impact on the achievement of the client's wishes and objectives,
 - o Identify any alternative means of achieving the client's wishes and objectives
- ✓ Give advice
 - o Communicate clear, accurate and practical advice, both orally and in writing, relevant to the matter
- ✓ Manage expectations
- ✓ Provide good customer service
 - o Identify the steps which need to be taken to achieve the client's wishes or further their objectives, as far as practicable, and plan and implement their progress
 - o Communicate with the client on progress towards achieving their objectives, including any risks which have not previously been identified

36. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
 - o Deal with matters without causing delay
 - o Identify and manage risks as far as practicable to the achievement of the client's objectives
- ✓ Plan workload and manage files
 - o Plan and prioritise workload and manage files and tasks concurrently and efficiently, making best use of resources and exercising effective judgement

- o Maintain files and records in accordance with office and regulatory procedures
 - o Seek support where necessary
 - o Manage financial transactions on the file
- ✓ Caseload management
- ✓ Understand and utilise innovation where appropriate

37. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

38. SELF DEVELOPMENT

You will be able to:

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability.
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients.
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment.
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements.
- ✓ Demonstrate leadership and management skills (optional).

39. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Regulation Code of Conduct
 - o Apply professional obligations in a diverse range of situations relating to substantive law and the rules of professional conduct
 - o Apply obligations to the court, clients, other lawyers and the public
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
 - o Apply the conduct rules
 - o Take the necessary steps required in the event that a mistake (or an act of negligence) has occurred
- ✓ Understand and put into practice, principles of equality, diversity and inclusion, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

40. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in will drafting and the administration of estates and associated matters
- ✓ Identify uses for emerging technology in wills and probate practice and recommend its implementation where appropriate
- ✓ Understand ethical challenges and the limitations of technology and use technology ethically and use technology ethically

ANNEX 7: CHARTERED LEGAL EXECUTIVE (EMPLOYMENT)¹¹

A Chartered Legal Executive (Employment) may follow the Chartered Legal Executive route to qualification.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status where this authorisation is sought. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

¹¹ This document forms the education standards for Employment Practitioners

TECHNICAL KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

MINIMUM CONTENT:
STAGE 1
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to equality and human rights law
Introduction to legal technology
Conduct and professional ethics
STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE
Basic accounts
Specialist legal technology
Conduct and professional ethics

KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (EMPLOYMENT)

MINIMUM CONTENT:
Employment Law and Practice
An understanding of the law relating to the formation and structure of the employment relationship including the statutory definitions of “employee” and “worker”.
An understanding of the various means of engaging labour and the respective legal implications of each as well as the rights and obligations of each of the parties.

An understanding of the contract of employment: legality; formalities and; express and implied terms.
An understanding of the use of express terms to protect the business interests of the employer
An understanding of 'Vicarious liability' of employers for certain actions of employees
An understanding of the remuneration package, including holiday pay pay and working time regulation and family friendly policies
An understanding of termination of a contract and the consequences at common law and statute
An understanding of the protections given to workers against unlawful treatment, unfair, constructive and wrongful dismissal and redundancy
An understanding of the principles and concepts which underpin the law on discrimination in the workplace including equal pay
An understanding of the law and policy relating to fair reasons for dismissal
An understanding of the law and procedure relating to presenting and defending claims for unlawful treatment, unfair and wrongful dismissal, including remedies available, recoupment of benefits and of interest on Employment Tribunal awards
An understanding of the tax implications of termination payments and Employment Tribunal awards
An understanding of the law and procedure relating to presenting and defending claims of discrimination
An understanding of employment rights and protections governed by the Transfer of Undertaking Regulations
An understanding of the role of ACAS
An understanding of the processes leading to a settlement of employment disputes and compromise agreements
An understanding of the implications of Insolvency and Employment Law
Understanding best practice in HRM
Throughout to demonstrate an ability to act honestly and with integrity and in accordance with the principles of professional conduct rules

COMPETENCE REQUIREMENTS:

41. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research
 - o Use relevant sources and appropriate research tools
 - o Apply current law to the research problem
 - o Record and present findings accurately and clearly
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents
 - o Apply the principles of good drafting to produce clear, unambiguous and accurate documents and agreements with appropriate language structure and formatting and which meet all formal and legal requirements
 - o Select forms and precedents and use, adapt and edit them in a way that is appropriate to employment law and employment and discrimination disputes and proceedings
 - o Correctly use numbering, schedules, recitals, definitions and boilerplate provisions in the drafting of documents and agreements
 - o Draft a document, whether from scratch or by using precedents, that forms a coherent whole and, which reflects the client's objectives, and where appropriate advances the matter and provides a clear risk analysis

42. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
 - o Choose the most appropriate method of communication, including electronic communication and observing appropriate etiquette
 - o Use language tailored to the audience and the purposes of the communication
 - o Apply oral communication and listening skills to build trust, ask questions and understand, to provide explanation and advice as appropriate
 - o Produce clear, unambiguous and accurate written communications with appropriate language and structure
 - o Demonstrate emotional competence to achieve effective communication
- ✓ Negotiate effectively
 - o Identify when negotiation is necessary
 - o Recommend any appropriate employment ADR processes which would be in the best interest of the client and advise the client as to how to pursue a particular ADR process and achieve lawful and binding settlement
 - o Demonstrate effective preparation and planning and apply strategies which reflect an understanding of the client's objectives, expectations and risk, and which manages those appropriately
 - o Identify and evaluate the interests, strengths, weaknesses and risks of other parties who have an interest in the matter being negotiated
 - o Choose and explain the most appropriate method of negotiation (e.g. letter, face to face meeting etc.)
 - o Take the necessary steps to ensure agreement or settlement reached is clear and lawful, and legally binding
 - o Behave ethically in negotiating agreement or settlement

- ✓ Advocate/oral presentation
 - o Make oral presentations that are clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience
- ✓ Advocate (*employment tribunal - optional*)
 - o Apply principles of good writing and drafting in the preparation and presentation of written submissions
 - o Devise and sustain arguments and questions based on the appropriate use of the main modes of enquiry found in Employment Law
 - o Analyse relevant facts and law to achieve effective preparation which anticipates and responds to potential counter arguments and challenges, and which advances the client's case
 - o Make oral presentations that are clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience Respond to arguments presented during a hearing
 - o Demonstrate courtesy and respect for equality and diversity
 - o Examine, cross-examine and re-examine appropriately using emotional competence
 - o Identify when it is appropriate to adduce expert evidence and challenge expert evidence effectively
 - o Demonstrate good practice when dealing with vulnerable clients and witnesses
 - o Deal effectively with uncooperative witnesses
 - o Identify issues of ethical and professional conduct and take appropriate action
 - o Act according to the requirements of court etiquette and conventions of advocacy
- ✓ Develop, maintain and manage 3rd party relationships
 - o Work both independently and as part of a team
 - o Conduct effective interviews with potential witnesses across a range of employment disputes
 - o Deal with other professionals involved in a matter appropriately, professionally and ethically
 - o Provide other professionals involved in a matter with appropriate information, instructions and guidance
 - o Identify when to instruct an advocate or expert

43. CLIENT RELATIONSHIP

- ✓ Take instructions
 - o Conduct effective interviews with a client to achieve a full understanding of the client's objectives and concerns, and where appropriate, the nature of any claim or defence which may have arisen
 - o Identify, seek to obtain and, where appropriate investigate all relevant facts
 - o Recognise where information is missing or held by 3rd parties and acquire the necessary consent to obtain it
 - o Identify actual or potential conflicts and act accordingly
- ✓ Evaluate options and risks to the client
 - o Formulate a case strategy which is compatible with the client's objectives and is legally and procedurally sustainable
 - o Identify issues, including the client's personal circumstances, which may impact on the achievement of the client's objectives
 - o Identify any alternative means of achieving the client's wishes and objectives
- ✓ Give advice

- o Communicate clear, accurate and practical advice, both orally and in writing to employers and workers on matters relating to employment law, procedure, strategy and to the prospects of success in employment and discrimination disputes
- ✓ Provide clear and accurate advice on funding
- ✓ Manage expectations
- ✓ Provide good customer service
 - o Identify the steps which need to be taken to achieve or further the clients' objectives as far as practicable and plan and implement their progress
 - o Communicate with the client on progress towards achieving their objectives, including risks which have not previously been identified.

44. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
 - o Deal with matters without causing delay
 - o Identify and manage risks as far as practicable to the achievement of the client's objectives
- ✓ Plan workload and manage files
 - o Plan and prioritise workload and manage files and tasks concurrently and efficiently, making best use of resources and exercising judgement
 - o Maintain files and records in accordance with office and regulatory procedures
 - o Seek support where necessary
 - o Manage financial transactions on the file
- ✓ Caseload management
- ✓ Understand and utilise innovation where appropriate

45. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

46. SELF DEVELOPMENT

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability.
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients.
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment.
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements.
- ✓ Demonstrate leadership and management skills (optional).

47. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Regulation Code of Conduct

- o Apply professional obligations in a diverse range of situations relating to substantive law and the rules of professional conduct
 - o Apply obligations to the court, clients, other lawyers and the public
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
 - o Apply the conduct rules
 - o Take the necessary steps required in the event that a mistake (or an act of negligence) has occurred
- ✓ Understand and put into practice, principles of equality and diversity, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

48. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in employment law matters and disputes
- ✓ identify uses for emerging technology in employment law practice and recommend its implementation where appropriate
- ✓ Understand ethical challenges of technology and use technology ethically

ANNEX 8: CHARTERED LEGAL EXECUTIVE (BUSINESS)¹²

A Chartered Legal Executive (Business) may follow the Chartered Legal Executive route to qualification.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status, where this authorisation is sought. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum.

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice. This is set out below.

¹² This document forms the education standards for Business Practitioners

TECHNICAL KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

MINIMUM CONTENT:
STAGE 1
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to equality and human rights law
Introduction to legal technology
Conduct and professional ethics
STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE
Basic accounts
Specialist legal technology
Conduct and professional ethics

KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE (BUSINESS)

MINIMUM CONTENT:
Contract law
An understanding of the core principles of the law of contract including;
The requirements of a legally binding contract
Determining a party's intention to create legal relations
Understanding 'Consideration'.

Understanding Privity of contract and the rights of third parties
Determining the terms of a contract – both express and implied terms, including certainty
Understanding the implications of Exemption clauses and unfair terms
Understanding Misrepresentation and mistake
Determining whether Duress and/or undue influence arises
Understanding Illegal contracts
Determining the discharge of a contract
Understanding the legal and equitable Remedies for breach of contract that may arise, including interpretation of terms and performance
Company and Partnership law and practice
An understanding of the various business models
An understanding of the key legal and taxation frameworks in which the different business models operate
An understanding of the procedural requirements and formalities relevant to the formation of each business model
An understanding of 'Limited liability', and of the 'legal personality' in a business context
An understanding of 'Partnerships' and LLP's, including partnership agreements, decision-making, partnership property and termination of the partnership
An understanding of the prospective rights, duties and responsibilities as an employer within a business model.
An understanding of the legal and commercial factors arising for a business (within each business model) as a party to common commercial transactions
An understanding of the rules and procedures necessary to ensure proper governance of each business model
An understanding of basic business accounting and business finance
An understanding of the procedure/processes to issue, allot and transfer shares, share capital and capital maintenance
An understanding of company borrowing and security for debts
An understanding of corporate governance and company decision-making and meetings

An understanding of the rights and protection of minority shareholders
An understanding of the principles of reconstruction, merger and acquisition
An understanding of the key concepts of bankruptcy and insolvency
An understanding of the procedural requirements relating to the options available for continuing the business or winding up and the order of priority for creditors
Throughout to demonstrate an ability to act honestly and with integrity and in accordance with the principles of professional conduct rules

COMPETENCE REQUIREMENTS:

49. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research
 - o Use relevant sources and appropriate research tools
 - o Apply current law and practice to the research problem
 - o Record and present findings accurately
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents
 - o Apply the principles of good drafting to produce clear, unambiguous and accurate documents and agreements with appropriate language, structure and formatting which meet all formal and legal requirements
 - o Select precedents and templates and use, adapt and edit them in a way that is appropriate to the matter or transaction
 - o Correctly use numbering, schedules, recitals, definitions and boilerplate provisions in the drafting of documents and agreements
 - o Draft a document, whether from scratch or by using precedents, that forms a coherent whole, which reflects the client's objectives, advances the matter or transaction and manages client risk

50. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively:
 - o Choose the most appropriate method of communication, including electronic communication and observing appropriate etiquette
 - o Use language tailored to the audience and the purposes of the communication
 - o Apply oral communication and listening skills to build trust, ask questions and understand, to provide explanation and advice, as appropriate
 - o Produce clear, unambiguous and accurate written communication with appropriate language and structure
 - o Demonstrate emotional competence to achieve effective communication
- ✓ Negotiate effectively
 - o Identify when negotiation is necessary
 - o Demonstrate effective preparation and planning and apply strategies which reflect an understanding of the client's objectives, expectations and risk, and which seeks to manage those appropriately as far as possible
 - o Identify and evaluate the interests, strengths, weaknesses and risks of other parties who have an interest in the matter being negotiated
 - o Choose and explain the most appropriate method of negotiation (e.g. letter, face to face meeting etc.)
 - o Take the necessary steps to ensure agreement/compromise reached is clear and lawful, and where appropriate, legally binding
 - o Behave ethically in negotiating agreement or compromise
- ✓ Advocacy/oral presentation
 - o Make oral presentations that are clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience
- ✓ Develop, maintain and manage 3rd party relationships

- o Work both independently and as part of a team
- o Deal with others involved in a matter or transaction appropriately, professionally and ethically
- o Provide others involved in a matter with appropriate information, instructions and guidance
- o Identify and where appropriate instruct an expert

51. CLIENT RELATIONSHIP

- ✓ Take instructions
 - o Conduct effective interviews with a client to achieve a full understanding of the client's objectives and concerns
 - o Identify and obtain all relevant information necessary to achieve the client's objectives and address the client's concerns
 - o Recognise where information is missing or held by 3rd parties and obtain the necessary consent to acquire it
 - o Obtain all information necessary to understand the roles and interests of the parties involved in the matter or transaction to give advice, plan for the progress and completion of the matter or transaction
 - o Identify actual or potential conflicts and act accordingly
- ✓ Evaluate options and risks to the client
 - o Identify relevant and appropriate business models to meet the client's objectives
 - o Identify any alternative means of achieving the client's objectives
 - o Explain the practical, financial, and taxation implications relevant to each model to enable the client to make informed decisions
 - o Evaluate the contractual nature of the relationships between parties involved in the business and the business's relationship with third parties to understand the respective rights and obligations which subsist
 - o Identify risks of minority shareholder oppression and identify possible solutions
 - o Identify and evaluate where risks relating to bankruptcy and insolvency arise
- ✓ Give advice
 - o Communicate clear, accurate, timely and practical advice, both orally and in writing, on matters relating to law and practice relevant to the matter or transaction including, where appropriate:
 - The procedural requirements and formalities required to enable the business to commence and continue operating
 - Taxation of the business model and its owners
 - The principles of corporate governance
 - Financing the business
 - The rights and obligations which exist in contracts and transactions arising in the course of the business's usual activity
 - The rights and obligations of all stakeholders, including minority shareholders
 - The options and claims arising in insolvency or bankruptcy and the mechanisms for solvent and insolvent winding up of the business
- ✓ Manage expectations
- ✓ Provide customer service
 - o Identify the overall nature of the transaction necessary to further the client's goal and plan and implement its progress

- o Communicate with the client on progress towards achieving their objectives, including risks which have not previously been identified.

52. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters and transactions
 - o Deal with matters without causing delay
 - o Identify and manage risks as far as practicable to the achievement of the client's objectives
- ✓ Plan workload and manage files
 - o Plan and prioritise workload and manage files and tasks concurrently and efficiently, making best use of resources and exercising effective judgement
 - o Maintain files and records in accordance with office and regulatory procedures
 - o Seek support where necessary
 - o Manage financial transactions on the file
- ✓ Caseload management
- ✓ Understand and utilise innovation where appropriate

53. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work
- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

54. SELF DEVELOPMENT

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability.
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients.
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment.
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements.
- ✓ Demonstrate leadership and management skills (optional).

55. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEx Regulation Code of Conduct
 - o Apply professional obligations in a diverse range of situations relating to substantive law and the rules of professional conduct
 - o Apply obligations to the court, clients, other lawyers and the public
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant client care letters

- ✓ Understand and put into practice complaint handling requirements
 - o Apply the conduct rules
 - o Take the necessary steps required in the event that a mistake (or an act of negligence) has occurred
- ✓ Understand and put into practice, principles of equality and diversity, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal or regulatory requirements are engaged and take appropriate action
- ✓ Understand and apply ethical concepts and resist pressure to condone, ignore or act unethically

56. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in business law and practice
- ✓ Identify uses for emerging technology in business law and practice and recommend its implementation where appropriate
- ✓ Understand ethical challenges of technology and use technology ethically