



An Application to amend the rules relating to the admission of Chartered Legal Executives.

March 2021

FOREWORD FROM SAM YOUNGER ON BEHALF OF THE BOARD

The fundamental purpose of CILEx is to enrich the legal services sector, to serve the public and consumer interest by opening up the provision of legal services to a much more diverse range of practitioners than the traditional routes have delivered, thereby providing greater competition and wider consumer choice. CILEx Regulation, as the independent regulator for Chartered Legal Executives, supports that fundamental purpose by ensuring that the members of its regulated community meet the high standards necessary to command public confidence. It is our collective belief that success in our purpose is vital in particular to meeting three of the eight regulatory objectives enshrined in the Legal Services Act 2007:

- Improve access to justice
- Promote competition in the provision of legal services
- Encourage an independent, strong, diverse and effective legal profession

The core proposition has been and remains that the “CILEx route” is a means to bring into the legal profession more practitioners with non- traditional background by providing opportunities for people who do not necessarily possess traditional higher education qualifications and who - even more important - cannot afford the costs of qualification as a solicitor or barrister. CILEx provides a route that does not require a university degree and which is founded on learning while you earn. It is no coincidence therefore that Chartered Legal Executives are 70 per cent female and overwhelmingly from non-traditional backgrounds.

Chartered Legal Executives have made great strides in the past decade, challenging a status quo in which becoming solicitors and barristers provided the only route to being considered a ‘real’ lawyer. First the status of Chartered Legal Executive was achieved, adding to the right to act as Commissioners of Oaths. In 2014, a second crucial milestone was reached when Chartered Legal Executives became eligible to gain independent practice rights for specific areas of practice - conveyancing, probate, litigation, advocacy. This meant for the first time being able to practise on a level playing field with solicitors. A growing number of Chartered Legal Executives are taking up the opportunities offered by Practice Rights, but there is still a long way to go before they are accepted as the equals of solicitors and barristers - as is illustrated by continuing difficulties over access to Lender Panels for conveyancers and other continuing barriers to equal status.

That is the context for CILEx Regulation's application to the Legal Services Board for approval of its new Education Standards. The standards provide the indispensable underpinning for the ability of the Chartered Legal Executive community to command full public confidence. The aim of the standards is 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.

An obvious question is: if the required rigour is already in place under existing arrangements, why are new standards required? There are three reasons:

1. The key standards are indeed contained within the current qualification requirements. However, for historical reasons, these are co-terminous with the current CILEx qualifications. As an independent regulator, and especially in light of the new Internal Governance Rules, it is important that we articulate our own standards and use them explicitly as a regulatory tool. In addition, the current arrangements inhibit the flexibility of CILEx as a professional body, as it means any change in the qualifications it offers is a regulatory matter and can only be initiated by CILEx Regulation. The existing arrangements also inhibit wider competition in educational provision.
2. Also for historical reasons, Practice Rights must be applied for separately to an application for authorisation as a Chartered Legal Executive. The new Education Standards bring together the two processes, making the path to authorisation simpler, more accessible and better value for money for applicants. The aim is that all authorised practitioners should have independent practice rights in one or more areas of practice where this is their area of specialism, which both CRL and CILEx see as crucial to the full achievement of equal status with other lawyers.
3. While CILEx Regulation is committed to safeguarding the existing requirements for authorisation in terms of legal knowledge and experience, we believe that two other areas need greater emphasis in the standards in order to ensure that our authorised lawyers are fit for the requirements of the 21st century: emotional competence - in other words a clear awareness of best practice in how to interact with consumers of all types and to be focused on their needs; and technology awareness - not technical knowledge as such but an awareness of how new technologies can improve legal practice and the confidence to use them effectively.

Our firm belief is that these Education Standards will guarantee appropriately qualified practitioners, with full practice rights in their chosen specialisms and rooted in relevant legal experience and hence deserving of public and consumer

confidence. They will serve the public interest by facilitating the attraction into the profession of people from non-traditional backgrounds, enhancing the diversity and strength of the legal profession, promoting competition in the provision of legal services and improving access to justice. We commend them to you.

Sam Younger
1 February 2021

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GLOSSARY

Approved CILEx Regulation qualification	A legal qualification which has been submitted to CILEx Regulation for assessment against the technical knowledge requirements in the education standards and has been approved by CILEx Regulation as fully meeting the technical knowledge requirements.
Chartered Legal Executive	A Fellow of CILEx. An authorised person under the Legal Services Act 2007, who has been assessed by CILEx Regulation as meeting the knowledge, experience, skills and competences required to be authorised as a Commissioner for Oaths.
Chartered Legal Executive Advocate	An employed Chartered Legal Executive who has successfully completed the Advocacy training and assessment and who holds a right of audience in one or more of the following areas of practice; civil, criminal or family, in accordance with the CILEx Rights of Audience Certification Rules.
CILEx	The Chartered Institute of Legal Executives. The Approved Regulator named in the Legal Services Act 2007 and a professional body representing Chartered Legal Executives and other CILEx members
CILEx Regulation	The independent regulatory body for CILEx, regulating Chartered Legal Executives, CILEx Practitioners, Chartered Legal Executive Advocates, Associate Prosecutors and other CILEx members.
CILEx Practitioner	An authorised person under the Legal Services Act 2007, authorised to undertake one or more reserved activities or immigration practice. CILEx Practitioners may or may not be Chartered Legal Executives.
Competency Frameworks (current terminology)	The statement of knowledge, skills, experience and competencies required to be authorised in a practice right.
Day One Outcomes (current terminology)	The term used to describe the knowledge, skills, experience, and competence required of a Chartered Legal Executive at the point of first authorisation in the current framework. The term derives from the Legal Education and Training Review 2013.
Education standards (proposed new terminology)	The statement of knowledge, skills, experience and competence requirements under the proposed new framework for Chartered Legal Executives who will also be awarded a practice right on successful completion of the requirements within the standard.
Practice Rights	The right to practice in one or more of the reserved legal activities (criminal, civil or family litigation and advocacy; conveyancing or probate) or the right to practice in immigration practice.

Qualifying Employment	Work experience which meets the definition within the rules required to become authorised as a Chartered Legal Executive.
Recognised Legal Qualification	A qualification recognised by CILEx Regulation as meeting the technical knowledge requirements as defined in the education standards.
Technical knowledge requirements (terminology for new standards)	The minimum academic legal knowledge requirements as defined in the education standards.

CURRENT STATEMENT OF STANDARDS & APPLICATION PROCESS REQUIRED FOR ADMISSION

Introduction

1. CILEx Regulation is designated under the Legal Services Act to authorise the following individuals for practising reserved/regulated legal activities by specialism:

Chartered Legal Executive

- Commissioner of Oaths

Chartered Legal Executive Advocate

- Advocacy rights in one of:
 - Civil litigation
 - Criminal litigation
 - Family litigation

CILEx Practitioner (must also be a Chartered Legal Executive to be authorised for these rights):

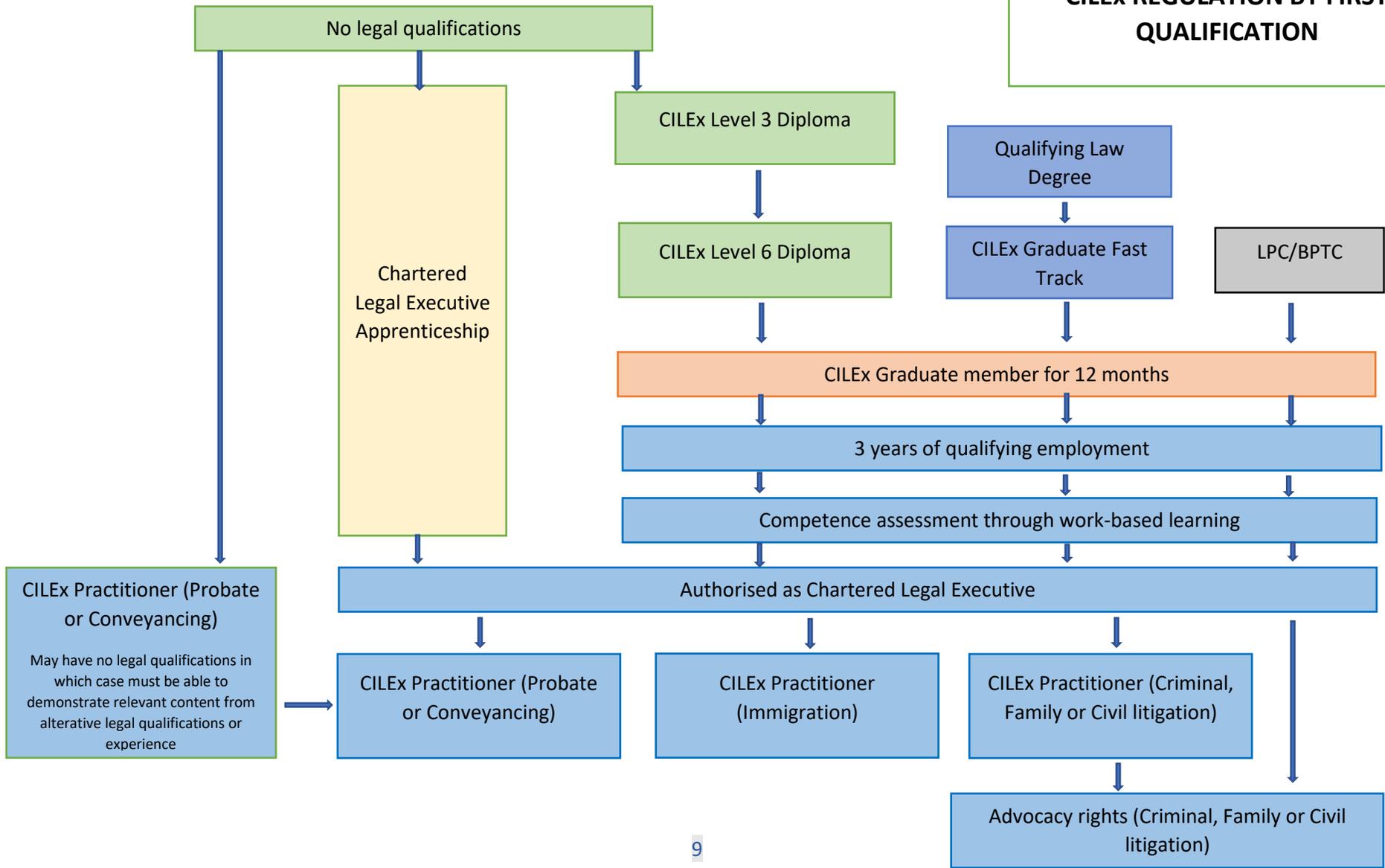
- Civil Litigation
- Criminal Litigation
- Family Litigation
- Immigration

CILEx Practitioner (no requirement to be a Chartered Legal Executive to practise):

- Probate
- Conveyancing

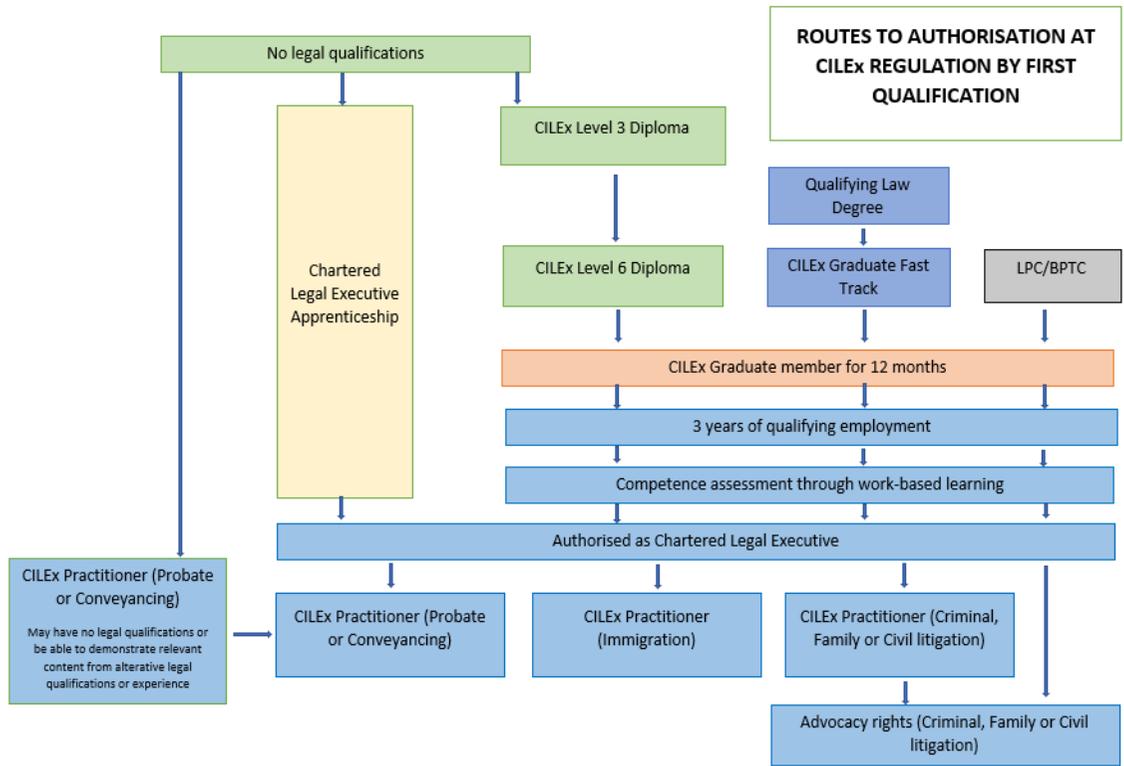
2. Competency Frameworks exist for each of these areas of practice and are set out by specialism. CILEx Regulation authorises individuals that are able to demonstrate that they are competent against these standards. Authorisation beyond Chartered Legal Executive is by *reserved activity* rather than by title, therefore the CILEx Practitioner standards are set out by activity rather than by title.
3. The routes to authorisation at CILEx Regulation are set out in the diagram below:

ROUTES TO AUTHORISATION AT CILEx REGULATION BY FIRST QUALIFICATION



Example of application of standards to becoming a Chartered Legal Executive (Probate Practice)

4. This diagram provides a practical example of the operation of the rules/guidance in practice, using the process to obtain Chartered Legal Executive and probate practice rights status.



	Process	Current Rules governing process	Outcome
Covered by Day One Outcomes statement	Complete CILEx L3 and L6 exams or equivalent qualifications	Fellowship (Work Based Learning) Rules Membership Requirement Regulations	Graduate member of CILEx
	Complete 12 months in CILEx Graduate grade	Fellowship (Work Based Learning) Rules	Contributes to qualifying employment requirements
	Complete total of 3 years of qualifying employment	Fellowship (Work Based Learning) Rules	QE requirements satisfied, ready to apply to become a CLE
	Compile and submit WBL portfolio of evidence and application form	Fellowship (Work Based Learning) Rules	Portfolio assessed. Prior conduct checked and if successful, admitted as CLE
Covered by Competency Framework in Practice Rights Handbook	Demonstrate required probate knowledge	Probate Practice Rights Handbook Probate Certification Rules	Once all elements have been assessed as met & prior conduct has been checked admission as Probate Practitioner
	Demonstrate required probate experience	Probate Practice Rights Handbook Probate Certification Rules	
	Compile a portfolio of evidence to demonstrate required competence	Probate Practice Rights Handbook Probate Certification Rules	

Current Day One Outcomes for Chartered Legal Executives

5. The summary statement of education and training requirements for Chartered Legal Executives is set out in the Day One Outcomes statement at **Appendix 1**. These standards are governed by the Application for Fellowship Rules (Work Based Learning) (**Appendix 2**) and the Membership Requirement Regulations (**Appendix 25**). This document sets out the knowledge, experience, skills and competence requirements for an individual to be authorised as a Chartered Legal Executive.
6. To summarise that statement, for individuals to become a Chartered Legal Executive they are required to demonstrate the following:

<p>Knowledge requirements:</p> <p><i>This is administered through CILEx. Both CILEx qualifications and all exemptions in the current arrangements</i></p>	<p>CILEx Level 3 Diploma + CILEx Level 6 Diploma</p> <p>Or</p> <p>Qualifying Law Degree + CILEx Level 6 Diploma in Legal Practice</p> <p>Or</p> <p>Qualifying Law Degree + LPC or BPTC</p>
<p>Experience requirements</p>	<p>A total of 3 years of qualifying employment assessed by CILEx Regulation, which breaks down as follows:</p> <p>1 year from any point in the last 10 years</p> <p>+</p> <p>2 years immediately preceding the application including 1 year served in the CILEx Graduate membership grade</p>
<p>Skills</p>	<p>These are part of the CILEx qualifications or equivalent as set out in the knowledge requirements and specifically assess:</p> <p>Client care and Legal research</p>

Competence requirements	<p>There are 8 competencies required:</p> <ul style="list-style-type: none">➤ Practical Application of the law and legal Practice➤ Communication skills➤ Client relations➤ Management of workload➤ Business Awareness➤ Professional Conduct➤ Self-awareness and development➤ Working with others <p>These are assessed through the submission of a work-based portfolio and accompanying reflective log. They are assessed by qualified assessors with occupational competence.</p>
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Current competency frameworks for CILEx Practitioners & Chartered Legal Executive Advocates

7. CILEx Regulation provides authorisation by competence rather than by title, which means that CILEx Practitioners must demonstrate that they are competent to practise in their specialist area, rather than being able to practice by virtue of the title they hold. As a result, there are separate standards frameworks for each of the areas of specialism.
8. The rules governing the authorisation process are:
 - Immigration Certification Rules (**Appendix 3**)
 - Probate Rights Certification Rules (**Appendix 4**)
 - Reserved Instrument Activity Certification Rules (**Appendix 5**)
 - Right to Conduct Litigation and Rights of Audience Certification Rules (**Appendix 6**)
 - Rights of Audience Certification Rules (**Appendix 7**)
9. Links to the practice rights competency frameworks (contained within the practice rights handbooks) can be found at the following links:

Probate Handbook [Probate-Practitioner-Handbook-1-1.pdf \(cilexregulation.org.uk\)](#)

From page 47

Conveyancing Handbook [Conveyancing-Practice-Rights-Handbook-1-1.pdf \(cilexregulation.org.uk\)](#)

From page 47

Immigration Handbook [Immigration-Practitioner-Handbook-1.pdf \(cilexregulation.org.uk\)](#)

From page 48

Civil Litigation & Advocacy Handbook [Civil-Litigation-Practitioner-Handbook-1.pdf \(cilexregulation.org.uk\)](#)

From page 65

Criminal Litigation & Advocacy Handbook [Criminal-Litigation-and-Advocacy-Handbook-1.pdf \(cilexregulation.org.uk\)](#)

From page 65

Family Litigation & Advocacy Handbook [Family-Litigation-and-Advocacy-Handbook-1.pdf \(cilexregulation.org.uk\)](#)

From page 65

For the purposes of illustration, 2 examples of what is required is set out below.

10. The first example illustrates the approach taken for probate. Conveyancing and Immigration also follow this structure and the second example illustrates the additional advocacy requirements for litigation rights.

➤ Example 1: CILEx Probate Practitioner

<p>Knowledge requirements:</p>	<p>CILEx Level 6 examinations in:</p> <ul style="list-style-type: none"> ➤ Wills and Succession ➤ Probate Practice <p>Or</p> <p>Equivalent legal qualifications</p> <p>Or</p> <p>Practical experience which demonstrates equivalent knowledge</p>
<p>Experience requirements</p>	<p>A total of 5 years legal employment with at least 2 years in probate practice</p>
<p>Skills</p>	<p>CILEx Level 6 examinations in:</p> <ul style="list-style-type: none"> ➤ Client care & ➤ Legal Research <p>Or</p> <p>Equivalent legal qualifications</p> <p>Or</p> <p>Practical experience which demonstrates equivalent knowledge</p>

Competence requirements	<p>There are 2 competencies required:</p> <ul style="list-style-type: none"> ➤ Drafting ➤ Managing probate activities <p>These are assessed through the submission of a work-based portfolio and accompanying reflective log. They are assessed by qualified assessors with occupational competence.</p>
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➤ Example 2: Civil Litigation

Knowledge requirements:	<p>CILEx Level 6 examinations in:</p> <ul style="list-style-type: none"> ➤ Contract or Tort ➤ Civil litigation <p>Or</p> <p>Equivalent legal qualifications</p> <p>Or</p> <p>Practical experience which demonstrates equivalent knowledge</p>
Experience requirements	A total of 5 years legal employment with at least 2 years in probate practice
Skills	<p>CILEx Level 6 examinations in:</p> <ul style="list-style-type: none"> ➤ Client care & ➤ Legal Research <p>Or</p>

	<p>Equivalent legal qualifications</p> <p>Or</p> <p>Practical experience which demonstrates equivalent knowledge</p>
<p>Competence requirements</p>	<p>There are 6 competencies required:</p> <ul style="list-style-type: none"> ➤ Interviewing, advising and communicating ➤ Costs and funding ➤ Conduct and ethics ➤ Managing litigation work ➤ Settlement v litigation ➤ Legal writing and drafting <p>These are assessed through the submission of a work-based portfolio and accompanying reflective log. They are assessed by qualified assessors with occupational competence.</p>
<p>Advocacy</p>	<p>Civil Litigators and Advocates may obtain 2 types of rights:</p> <ul style="list-style-type: none"> ➤ Judge's Room ➤ Open Court <p>To obtain civil litigation advocacy rights in the lower courts, applicants must demonstrate the following to become eligible to attend the CILEx Regulation advocacy course.</p> <ul style="list-style-type: none"> ➤ Experience of 5 litigation cases ➤ Experience of 3 advocacy cases <p>The advocacy course covers:</p> <p>Judge's Room only</p>

	<ul style="list-style-type: none"> ➤ Case analysis and theory ➤ Judge's room advocacy <p>Open Court rights</p> <ul style="list-style-type: none"> ➤ Case analysis and theory ➤ Judge's room advocacy ➤ Drafting a skeleton argument ➤ Professional conduct ➤ Trial advocacy ➤ Evidence <p>It is assessed by means of role play in a trial with a separate evidence test.</p>
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How are the current standards for Chartered Legal Executives assessed?

Knowledge requirements:	<p>The knowledge requirements are assessed by the qualifications provider and is evidenced through provision of a qualifications certificate.</p> <p>This is dealt with by CILEx at present as all applicants to become a chartered legal executive must first serve 12 months in the CILEx Graduate Member grade. This includes the assessment of all legal qualifications for suitability for an exemption.</p>
Experience requirements (Qualifying Employment)	CILEx Regulation assesses qualifying employment through submission of an application and outline of experience within all roles that fall within the qualifying period. This is supported by a reference from the applicant's employer.
Skills	<p>CILEx Level 6 examinations in:</p> <ul style="list-style-type: none"> ➤ Client care & ➤ Legal Research <p>Or</p>

	<p>Equivalent legal qualifications</p> <p>These requirements are assessed by the qualifications provider and is evidenced through completion of a qualifications certificate.</p>
Competence requirements	These are assessed through the submission of a work-based portfolio, which provides evidence from the applicant's workload and an accompanying reflective log. They are assessed by qualified assessors with occupational competence.

11. **Chartered Legal Executive Apprentices:** Are required to complete the above and in addition they must, in order to comply with the Institute for Apprenticeship rules, also complete an additional artefact for assessment (a case study), which demonstrates end to end completion of a case from 1st instruction through to resolution. The qualifying employment is certified by the employer. Once they have completed their apprenticeship, they apply for admission using the CILEx Exemptions Policy (**Appendix 8**). Competence assessment is completed by CILEx using CILEx Regulation assessors who attend the CILEx Regulation standardisation meetings and CILEx Regulation is the External Quality Assurer, approved by the Institute for Apprenticeships, overseeing the process to ensure that the standards applied to assessment are equivalent with the traditional route to qualification.

How are the current standards for CILEx Practitioners assessed?

Knowledge requirements:	<p>The knowledge requirements are assessed by the qualifications provider and is evidenced through completion of a qualifications certificate. This could be CILEx Level 6 units in the specialist area or equivalent legal qualifications, such as modules from a qualifying law degree, the LPC or BPTC.</p> <p>CILEx Regulation reviews the qualifications held by the applicant to ensure that the applicant holds the requisite specialist knowledge for the practitioner framework.</p> <p>Where the applicant does not hold specialist qualifications, they can demonstrate their knowledge through the provision of evidence through submission of 5 portfolios.</p>
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Experience requirements	CILEx Regulation assesses the experience requirements through submission of an application and outline of experience within all roles that fall within the qualifying period. This is supported by a reference from the applicant's employer.
Skills	<p>CILEx Level 6 examinations in:</p> <ul style="list-style-type: none"> ➤ Client care & ➤ Legal Research <p>Or</p> <p>Equivalent legal qualifications</p> <p>These requirements are assessed by the qualifications provider and is evidenced through completion of a qualifications certificate. This could be CILEx Level 6 units in the specialist area or equivalent legal qualifications.</p> <p>Where the applicant does not hold specialist qualifications, they can demonstrate their knowledge through the provision of evidence through submission of 5 portfolios (see above).</p>
Competence requirements	These are assessed through the submission of a work-based portfolio, which provides evidence from the applicant's workload and an accompanying reflective log. They are assessed by qualified assessors with occupational competence.

How are the current standards for CILEx Advocates assessed (these requirements are not changing under the revised standards application)?

Knowledge requirements:	<p>The underpinning technical knowledge requirements are assessed by the qualifications provider and is evidenced through completion of a qualifications certificate. This could be CILEx Level 6 units in the specialist area or equivalent legal qualifications such as modules from a qualifying law degree, the LPC or BPTC.</p> <p>CILEx Regulation reviews the qualifications held by the applicant to ensure that the applicant holds the requisite specialist knowledge for the practitioner framework.</p>
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Experience requirements	CILEx Regulation assesses the experience requirements through submission of an application and outline of experience within all roles that fall within the qualifying period. This is supported by a reference from the applicant's employer.
Competence requirements	The applicant must demonstrate litigation experience through the submission of 8 portfolios and advocacy experience and competency through the submission of 3 portfolios. These are assessed by qualified assessors with occupational competence.
References	The applicant must provide 2 references supporting the applicant (these should come from individuals who know the applicant's work but who are not the employer)
Certificate of eligibility	Having successfully completed this stage of the process, the applicant receives a certificate of eligibility to attend the CILEx Regulation accredited advocacy course.
The Advocacy Course	This is a 6-day course and assessment that is run in groups of no more than 10 and provides practical experience and role play assessment.

Current application process

Academic qualifications

12. Academic qualifications are administered through CILEx at present including any exemptions. There are a range of entry points depending on the existing legal qualifications held. The typical cost of qualification through the current CILEx route is as follows:

Full CILEx route	£10214 (excluding member and authorisation fees)
Qualifying law degree with CILEx qualification top up	£2959 (excluding member and authorisation fees)
Qualifying law degree and LPC/BPTC	Member and authorisation fees only

Exemptions

13. For all exemptions [with the exception of exemptions from the Advocacy Course (where this is in conjunction with an application for independent practice rights)]*, under the current process, CILEx is responsible for administering applications for exemption. The CILEx Exemptions Policy can be found at **Appendix 8**. Applicants who wish to become a Chartered Legal Executive must serve 12 months in the Graduate grade of CILEx membership before being authorised.

*In relation to the Advocacy Course, where the application relates to the individual becoming a Litigator and Advocate (i.e. not a Chartered Legal Executive Advocate), the BPTC (or equivalent Bar qualification) will provide an exemption from the Advocacy Course.

Cost of authorisation

Qualifying Employment	£75
Chartered Legal Executive (CLE)	£300
CILEx Practitioner	£450 (plus advocacy fees see below for litigators)
CLE Advocate	£110 + £1725 excl VAT

14. To be admitted as a chartered legal executive, applicants must complete an application form which can be found [here](#). They pay a fee of £300 and make a declaration of prior conduct. Applicants may also apply at any point prior to application for admission to have their qualifying employment assessed which costs an additional £75. If they do not make an earlier application for the qualifying employment assessment this is assessed as part of the application to become a chartered legal executive and the £300 fee also covers this assessment.
15. To be admitted as a CILEx Practitioner, applicants must complete an application which can be found [here](#). They pay a fee of £450 and make a declaration of prior conduct. Where the applicant has applied for litigation and advocacy rights in their specialist area, they must also attend the advocacy course but are not required to apply separately for a certificate of eligibility (see below).
16. To be admitted as a Chartered Legal Executive Advocate, applicants must complete an application which can be found [here](#). They pay a fee of £110 and make a declaration of prior conduct. Once they have received the certificate of eligibility to attend the course, they pay the advocacy course fee (currently £1725 + VAT) to the course provider. On successful completion of the course, they receive 12 months authorisation, after which they must provide 3 examples of advocacy they have undertaken, together with an application for a 3-year renewal of their certificate (for which there is a fee of £150).

Supporting information

17. The application handbooks can be found on the CILEx Regulation website. There is also supporting information for applicants on the website.
18. There is information on our website specifically aimed at consumers which also sets out this information. The following links set out where this information is located.

For consumers:

www.cilexregulation.org.uk > I am a member of the public > who we regulate

- Chartered Legal Executives [What is a Chartered Legal Executive? - CILEx Regulation](#)
- CILEx Practitioners [CILEx Practitioner Definition - CILEx Regulation](#)

For applicants:

www.cilexregulation.org.uk > I am an applicant >

- Chartered Legal Executive [Become a Chartered Legal Executive - CILEx Regulation](#)
- Qualifying Employment [Making an application for Qualifying Employment - CILEx Regulation](#)
- Chartered Legal Executive Advocate [Become a Chartered Legal Executive Advocate - CILEx Regulation](#)
- CILEx Practitioner [Become a CILEx Practitioner - CILEx Regulation](#)

Support and guidance for applications (sample of materials available)

- Week by week guide to build your portfolio (Chartered Legal Executive) [Week-by-Week guidance examples and submission details - CILEx Regulation](#)
- CILEx Practitioner application guide [Practitioner Application - CILEx Regulation](#)

Information on internal assessment processes at CILEx Regulation (confidential section – not for publication)

Paragraphs 19-23 have been redacted.

19. xx

20. xx

21. xx

22. xx

23. xx

INTRODUCTION TO THE PROPOSED CHANGES

Background leading to the changes:

24. The legal landscape is in a period of change. The increasing use of legal technology, the need for greater resilience in the workplace as well as the benefits of introducing wider business skills to improve lawyers' ability to run a business rather than 'just' a legal practice, led CILEx Regulation to reconsider the core knowledge, skills and competences required of a Chartered Legal Executive.

Issues with the current approach

25. For a number of years, CILEx Regulation has received feedback from CILEx and applicants going through the authorisation process that there were too many barriers to becoming authorised. It was considered that there were too many hurdles which duplicated assessment processes leading to authorisation. CILEx also provided information which supported its members' frustrations relating to the barriers to authorisation.

26. In addition, the definition of a Chartered Legal Executive, as currently drafted, requires a period of 12 months to be served in the Graduate grade of membership at CILEx before they can be admitted. This requirement means CILEx controls the academic stage of the authorisation process and CILEx, as the only qualifications' provider assesses and approves exemptions for those seeking to qualify as a Chartered Legal Executive. CILEx also found this approach restrictive as in order to amend the CILEx qualification or membership grades (which are regulatory arrangements), permission had to be sought from the LSB.

Work underpinning the proposed changes

27. In 2017, CILEx Regulation began the process of reforming the Day One Outcomes for Chartered Legal Executives and the Competence Frameworks for Practice Rights, which apply to applicants seeking authorisation.

28. CILEx Regulation commissioned some independent research (**Appendix 10**) in relation to the changes that legal technology was likely to have on the requirements for future Chartered Legal Executives and CILEx Practitioners and worked with a team at the Open University on the need to enhance emotional competency for lawyers, which would have a beneficial impact on consumers and lawyers (**Appendix 11 - Confidential**). We also reviewed information generally available to the sector in these areas.

29. The CILEx Regulation Board has received regular updates on the development of the new education standards during each Board meeting. It has reviewed the consultation responses and the research and has approved the development of the standards to this stage of the process.

Proposals for change

30. As a result of these issues, CILEx Regulation has undertaken the following activities:

- Created a combined application process to achieve authorisation as a Chartered Legal Executive at the same time as achieving independent practice rights to remove additional costs and a hurdle to full authorisation (*Note: the existing option to obtain probate or conveyancing practice rights without Chartered Legal Executive status has been retained within the revised qualification structure*).
- Created a set of education standards. The standards set out the knowledge, experience and competence requirements and they no longer reference CILEx member grades and qualifications which acted as proxies for the knowledge component of the existing standards.
- Included additional competence requirements to ensure that a Chartered Legal Executive with practice rights is fit for the future.

31. These frameworks have been the subject of 2 consultations (see page 58) and have been reviewed by our external assessors who oversee and assess current practice rights applications. This was to ensure that the coverage of the consolidated frameworks maps to the current requirements.

- We have created a standalone policy to recognise legal qualifications which meet the revised technical knowledge requirements set out within the standards and created a route for training providers to seek approval for their legal qualifications, where these map to the new education standards as well as providing recognition of prior legal qualifications which meet our authorisation requirements.

32. These policies and handbooks have been the consulted on between 18 January 2021 and 16 February 2021.

Intended outcomes from the changes

33. The proposed changes create an integrated set of education standards, rules, and a single application process to enable competent individuals to become authorised in their specialist area of practice without duplicating application and assessment requirements and therefore ensuring the CILEx route remains cost-effective and provides value for money.
34. These changes are intended to deliver the following outcomes:
- To incorporate a right to practice in a reserved/regulated area without having to duplicate assessments and costs. This will only be awarded where the applicant can demonstrate the knowledge, skills, experience and competencies required to practice in the area for which the practice right is awarded.
 - To modernise the standards to take into account changes to working practices, including legal technology and emotional competence, whilst ensuring that it is possible to retain the cost-effectiveness of the route.
 - To untangle the regulatory responsibilities in relation to education and training which are currently split between CILEx and CILEx Regulation, which is also supported by the Internal Governance Rules.
 - Aligning the length of qualifying employment required through different routes.

Why these changes improve the approach

35. Multiple hurdles

CILEx Regulation has created specialist pathways which combine the technical knowledge and competence requirements in the existing schemes into a single framework, which will provide the applicant the opportunity to apply for both statuses within a single application, removing duplication of assessment and unnecessary additional costs of authorisation.

36. Modernising the standards

CILEx Regulation has incorporated understanding legal technology, emotional competence and additional business-related skills into the new education standards.

37. Untangling the regulatory and representative elements of the Day One Outcomes and Competence Frameworks

The new approach removes reference to CILEx membership requirements (Graduate member) within the definition of authorisation. It also enables CILEx Regulation to accept applications for authorisation where applicants have met all the requirements for authorisation without them having to complete 12 months as a CILEx member.

38. Enabling CILEx Regulation to approve legal qualifications from training providers other than CILEx

CILEx Regulation will be able to recognise qualifications delivered by training providers who have been approved under the new Training Provider Approved Qualification Policy at **Appendix 38a**. This will enable other training providers to design, develop and deliver qualifications which fully meet the technical knowledge requirements as set out in the new education standards, balancing this with the requirement to provide value for money. Once approved, any individual applicant presenting a qualification certificate will be able to demonstrate meeting the knowledge requirements and will be able to apply to become a Chartered Legal Executive by providing evidence of experience and competence. Where an applicant has pre-existing legal qualifications that they believe fully meet the technical knowledge requirements of the education standards, they will be able to apply to have their qualification/s mapped against the standards by CILEx Regulation. The process is outlined in the Recognition of Prior Legal Qualifications' Handbook at **Appendix 39**. A fee will be charged to cover administration costs and mapping qualifications to the knowledge requirements. The initial fee will be £200 and will be reviewed annually. This provides the opportunity for more competitive qualifications provision provided through a range of providers who can demonstrate meeting the knowledge requirements. Applicants seeking a partial exemption from the knowledge requirements set out in the education standards will make an application to their chosen training provider to complete the knowledge requirements prior to applying to CILEx Regulation for assessment of experience and competence and thereafter admission as a Chartered Legal Executive (with specialism). This reflects the general position in education, that training providers are able to recognise qualifications which meet some of the knowledge requirements that their own qualifications' offer and therefore they are able to provide exemptions from those elements of the qualification that have previously been demonstrated by individuals. This ensures that individuals are not duplicating assessments in knowledge they have already completed. CILEx Regulation will seek, as part of the annual reporting requirements from training providers, the number and type of exemptions that have been approved against their qualification requirements.

39. Aligning the required periods of time served pre-authorisation

CILEx Regulation is also seeking to amend the qualifying experience requirements for those seeking practice rights to align them with the requirements for Chartered Legal Executives. So that the requirement in all cases is 3 years of qualifying employment with 2 years in their specialist area immediately prior to admission.

The current practice rights requirements are to demonstrate 5 years of general experience in the law (not necessarily working with a caseload or even in the area of specialism) with 2 years of the 5 years of experience required in their specialist area. These requirements were to reflect the then qualifying employment requirements for Chartered Legal Executives of 5 years with 2 years in the Graduate grade which were in operation at the time the application for practice rights was submitted. The current qualifying experience requirements for Chartered Legal Executives is 3 years, with 2 years immediately preceding the application.

What is staying the same between the existing process and the proposals

- Only applicants who are competent in the specialist area in which they seek practice rights will be awarded rights in that area.
- Applicants who do not specialise in a reserved or regulated area of activity will be able to seek specialist recognition in either business law, employment law or receive a general certificate.
- Those seeking litigation and advocacy rights will still be required to follow the specialised advocacy training and assessment as is required under the current rules.
- Specialists in Probate and Conveyancing will continue to be able to obtain independent practice rights without seeking Chartered Legal Executive status.

40. The next section of the application works through these proposals to explain how the revised scheme will operate.

The proposals for revised education standards

41. The key changes are as follows:

- On qualification, a Chartered Legal Executive will be authorised as a Commissioner for Oaths and with a practice right if they specialise in one of the reserved or regulated activities, rather than having to duplicate application and assessment processes to obtain both authorisations and pay additional fees.
- Chartered Legal Executives will qualify with their specialism included within the title, whether or not that is a reserved activity (e.g. Chartered Legal Executive (Employment Practice). Employment Practice and Business Law are new specialist designations for Chartered Legal Executives on the basis that these are the most common of the unreserved areas of practice in which CLE's work.
- Where there is not a specialist framework to accommodate the specialism of the Chartered Legal Executive, they may qualify as a Chartered Legal Executive under the general framework set out in Annex 9 of **Appendix 13**.

- CILEx Regulation has removed the reference to CILEx qualifications and Graduate member status from the definition of a Chartered Legal Executive and replaced this with a description of the knowledge requirements previously covered through these references. This provides CILEx Regulation with more control over the recognition of alternative legal qualifications offered by providers other than CILEx and enables CILEx to amend its membership and qualification structures without reference to the LSB.
- In order to introduce these changes CILEx Regulation has created new combined Chartered Legal Executive and Practice Rights Rules. It has created new frameworks which set out the requirements for authorisation by each specialism which are annexed to the rules.
- CILEx Regulation has created a policy and handbook to support training providers in making an application to CILEx Regulation to deliver approved qualifications which meet the technical knowledge requirements set out in the standards.
- CILEx Regulation has created a policy and handbook to support individual applicants with a qualification recognised by CILEx Regulation as meeting either the entirety of the technical knowledge qualifications (by either holding an approved qualification or a qualification which CILEx Regulation has mapped to the standards) or the entirety of the education standards requirements (apprentices and authorised persons of another approved regulator)

42. The routes for authorisation at CILEx Regulation will be:

Chartered Legal Executive (with specialism)

- Commissioner for Oaths

And where appropriate to the applicant's competence one of:

- Civil Litigation
- Criminal Litigation
- Family Litigation
- Immigration
- Probate
- Conveyancing
- Business Law
- Employment Law

43. These will be governed by the new rules (Practitioner Authorisation Rules (**Appendix 12**) and Specialist Frameworks Annexes 1-9 to the Practitioner Authorisation Rules at **Appendix 13**)

Chartered Legal Executive Advocate

- Advocacy rights in one of:
 - Civil litigation
 - Criminal litigation
 - Family litigation

44. These will use the existing Rights of Audience Certification Rules at **Appendix 7**.

CILEx Practitioner (no requirement to be a Chartered Legal Executive to practise):

- Probate
- Conveyancing

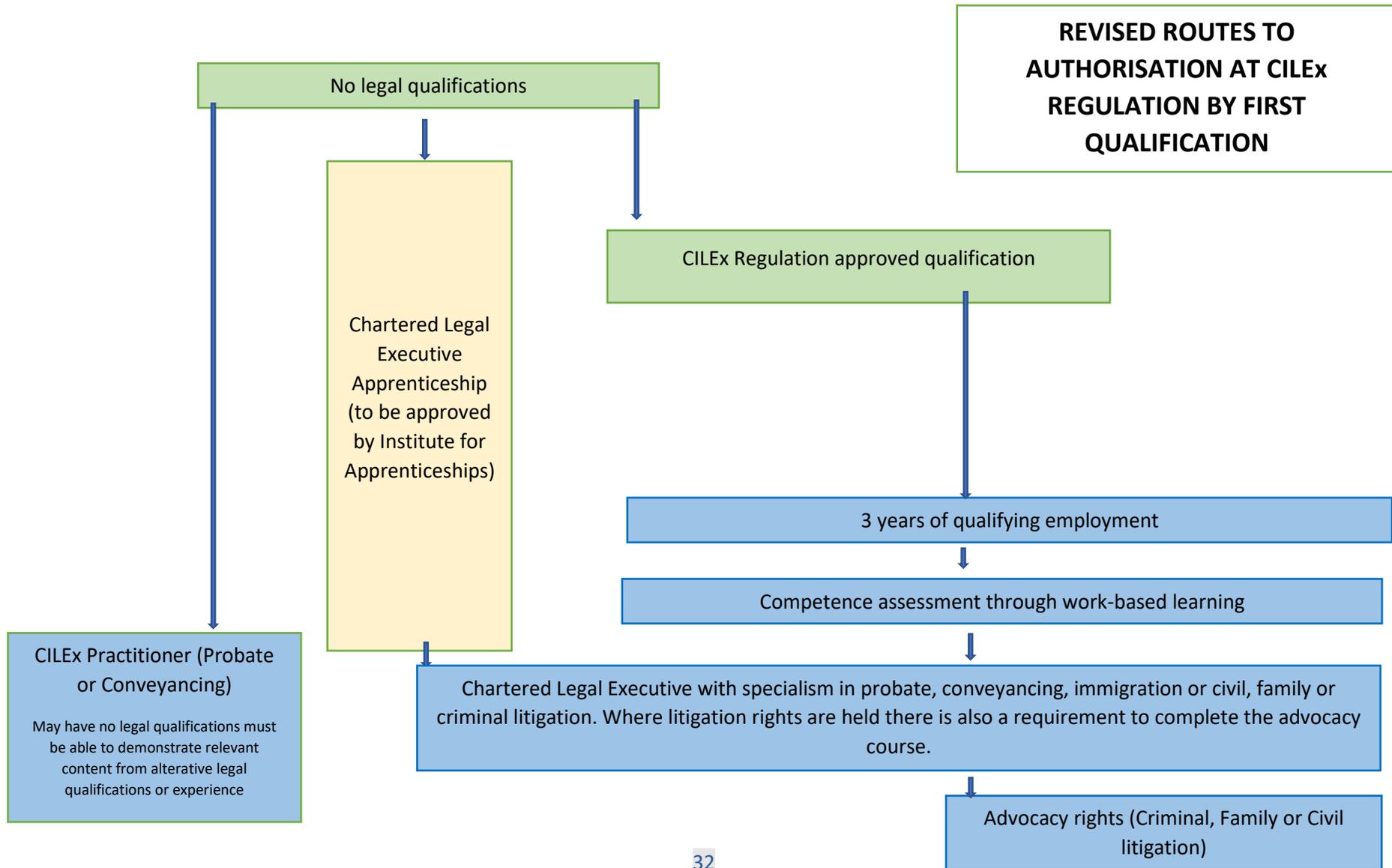
45. These will use the existing Probate Rights Certification Rules (**Appendix 4**) and Reserved Instrument Activity Certification Rules (**Appendix 5**).

46. In summary the rules governing the new process are as follows:

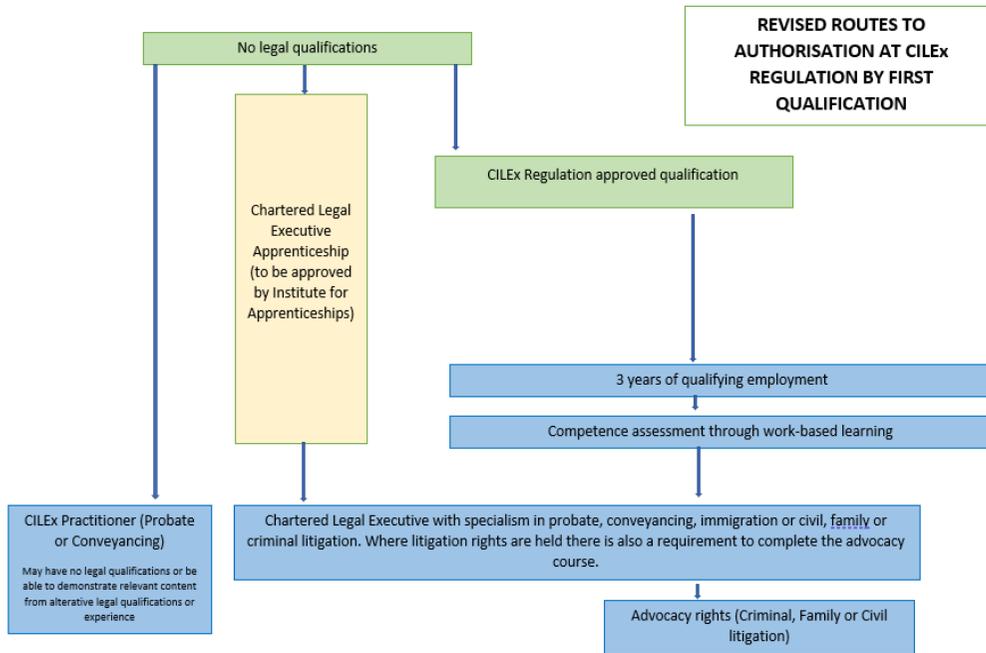
Chartered Legal Executive (with relevant specialism)	Practitioner Authorisation Rules (Appendix 15)
Chartered Legal Executives seeking advocacy rights only	Rights of Audience Certification Rules (Appendix 7)
Individual seeking right to become a CILEx Practitioner (not a Chartered Legal Executive) Probate and Conveyancing rights only	Probate Certification Rules (Appendix 4) Reserved Instrument Certification Rules (Appendix 5)

47. The routes for authorisation at CILEx Regulation are set out in the diagram below:

**REVISED ROUTES TO
AUTHORISATION AT CILEx
REGULATION BY FIRST
QUALIFICATION**



49. The proposal to combine the application process to become a Chartered Legal Executive with the process to be authorised as a CILEx Practitioner is a key element of this application. The proposed new approach is set out below:



28

	Process	Rules governing process	Outcome
Covered in the education standards statement	Complete any CILEx Regulation approved qualification	Practitioner Authorisation Rules	Technical knowledge outcomes complete
	Complete total of 3 years of qualifying employment	Practitioner Authorisation Rules	QE requirements satisfied, ready to apply to become a CLE (probate practice)
	Compile and submit portfolio of evidence and application form	Practitioner Authorisation Rules	Portfolio assessed. Prior conduct checked and if successful, admitted as CLE (probate practice)

50. Supporting information to assist applicants can be found in the draft probate practice handbook which has been attached at **Appendix 14**.

NEW EDUCATION STANDARDS FOR CHARTERED LEGAL EXECUTIVES WITH PRACTICE RIGHTS

51. The rules in relation to qualification as a CILEx Practitioner in probate and conveyancing without qualifying as a Chartered Legal Executive and the rules relating to obtaining the Advocacy qualification as a Chartered Legal Executive without obtaining litigation rights remain in force as they are currently and there are no proposed changes to the approach for these routes to authorisation (as explained at page 8 onwards).
52. The Chartered Legal Executive Apprenticeship route will adopt the new education standards. Currently all apprenticeships are governed by the rules applied by the Institute for Apprenticeships. The application to the Institute of Apprenticeships to change the route will only be made once the new education standards have approved by the LSB.
53. The rules which will be amended as a result of the application in relation to the revisions to the education standards will be the Fellowship (Work Based Learning) Rules (**Appendix 2**) and the rules governing authorisation in relation to each of the specialist areas of practice, which have been amalgamated to create a single set of rules (**Appendices 12 & 13**). These have been mapped (see **Appendices 15-19**). This will enable applicants to avoid multiple hurdles to becoming authorised in their specialist reserved area.
54. Each specialist practice right has its own unique standard which sets out the knowledge, skills, experience and competencies required for authorisation. These standards combine the requirements to become a Chartered Legal Executive with the requirements to become a CILEx Practitioner (see **Appendix 13**). Therefore, each is contextualised for the specialist area of practice. However, each has a common framework to ensure consistency between the specialisms (this is set out in Annex 1 of the new rules at **Appendix 12**).
55. The common framework covers the following elements:
- A common core of legal knowledge for all Chartered Legal Executives
 - Common experience requirements
 - A common competency framework
56. For each specialist practice right the knowledge requirements are outlined, and the competency framework is contextualised for the area of practice. The experience requirements are the same for each specialism

The specialist areas:

- Civil Litigation and Advocacy
- Criminal Litigation and Advocacy
- Family Litigation and Advocacy
- Probate Practice
- Conveyancing
- Immigration
- Employment Practice
- Business Law
- Other specialist area (not specified, for those specialising in a different area of practice)

Common core of legal knowledge (Technical Knowledge)

57. All applicants must demonstrate core legal knowledge by completing an approved qualification.

58. A qualification will be approved by CILEx Regulation using the approval handbook for training providers. This handbook accompanies the Training Provider Approval Policy and together they set out the requirements that a Training Provider must meet if they would like to offer a CILEx Regulation approved qualification:

59. The common core of legal knowledge from the education standards is set out below:

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 (STAGE 3)
Relevant technical knowledge by pathway (see Annexes 1-9 in Appendix 16)
Basic accounts
Specialist legal technology
Conduct and professional ethics

60. The common core of legal knowledge from the new education standards has been divided into stages. This enables CILEx Regulation to set minimum qualification requirements for each of the stages and to specify the minimum content for each of the elements within each stage. This enables the qualification provider to understand and meet the minimum level and breadth of the qualification requirements, the detail of which can be found in the Training Provider Handbook (**Appendix 38**).

Stage 1 & Stage 2:

61. The minimum size of the qualification covering the common core of legal knowledge must be at least 150 credits (1500 hours of guided learning – i.e. time spent being guided by a training provider either within lessons or study outside formal lessons, e.g. reading). The minimum level for this part of the qualification is Level 3 (equivalent with study at A' level)

Chartered Legal Executive Stage (Stage 3):

62. The minimum size of the qualification covering the specialised legal knowledge must be at least 30 credits (300 hours of guided learning – i.e. time spent being guided by a training provider either within lessons or study outside formal lessons, e.g. reading). The minimum level for this part of the qualification is Level 6 (equivalent with study at final year of an undergraduate degree)

Common experience requirements

63. All applicants, regardless of their specialism must demonstrate that they have been in qualifying employment for a minimum of 3 years, with at least 2 years spent practising in their area of specialism. This is a change from the current requirements as set out in the table below:

	Current requirements	Duplication	New requirements
Chartered Legal Executive	3 years of qualifying employment 2 years immediately preceding application including 1 year in the CILEx Graduate grade of membership	This is an example of duplication of requirements. An applicant must first show the qualifying employment element for admission as a Chartered Legal Executive and then use a different process to demonstrate the qualifying employment requirements to be admitted as a CILEx Practitioner.	3 years of qualifying employment 2 years of qualifying employment in the area of specialism immediately preceding the application
CILEx Practitioner	5 years of general legal experience (not necessarily qualifying employment) 2 years in the area of specialism		

64. Although the level of qualifying employment required under the new rules appears reduced from the current requirements, the 5 years currently stipulated is not tested as qualifying experience and therefore the new requirements can be considered to be equally rigorous with the existing rules. It also removes the duplication of assessment of the same employment which can occur in the existing rules. Qualifying employment assessment will be assessed as now, through an application to CILEx Regulation ([Making an application for Qualifying Employment - CILEx Regulation](#) for application form) and overseen by the Admissions and Licensing Committee (see page 20 for details).

Common competency framework

65. The competency framework has been designed to have a set of common elements that can be contextualised by area of specialism. The common elements are outlined in **Appendix 12** (the new Practitioner Authorisation Rules) at Annex A.

There are 8 competencies:

1. Application of law and practice
2. Communication
3. Client relationship

4. Effective working practices
5. Business awareness
6. Self-development
7. Conduct, ethics and professionalism
8. Use of technology

66. Competencies 1-6 are tested individually whereas competencies 7 and 8 are woven through the assessment. How this works in practice is set out in the example handbook for Chartered Legal Executive (Probate Practice) provided as part of the application and can be found at **Appendix 14**.

Mapping the existing competencies to the new requirements

67. This table shows how the competencies from the existing Day One Outcomes and Competency Frameworks from the existing processes, map across to the new combined requirements of the Education Standards.

68.

Day One Outcomes	Competency Framework	Existing route to become a Chartered Legal Executive	New route to become a Chartered Legal Executive (with specialism) using Probate Practice as an example
Chartered Legal Executive	CILEx Practitioner	<p>Practical application of law and legal practice</p> <ul style="list-style-type: none"> ✓ Apply the law to a matter ✓ Apply the relevant legal procedures to a matter ✓ Identify and deal with the issues arising in a matter ✓ Undertake legal research <p>Drafting</p> <ul style="list-style-type: none"> ✓ Wills ✓ Probate ✓ Administration of Estates 	<p>Application of law and legal practice</p> <ul style="list-style-type: none"> ✓ Undertake legal research ✓ Critically analyse facts and law ✓ Synthesise all relevant information to provide advice ✓ Find solutions where possible ✓ Draft legal documents

Chartered Legal Executive		<p>Communication skills</p> <ul style="list-style-type: none"> ✓ Communicate legal issues using appropriate methods ✓ Use suitable language in communication ✓ Address all issues in communication ✓ Seek appropriate information through communication ✓ Represent a client through effective use of communication and other skills 	<p>Communication</p> <ul style="list-style-type: none"> ✓ Communicate orally and in writing, clearly and effectively: ✓ Negotiate effectively ✓ Advocacy/oral presentation ✓ 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
Chartered Legal Executive	CILEx Practitioner	<p>Working with others</p> <ul style="list-style-type: none"> ✓ Establish effective working relationships with others involved in a legal matter ✓ Demonstrate ability to select and provide appropriate information to others as required by the law <p>Managing probate activities</p> <ul style="list-style-type: none"> ✓ Instruct other professionals 	
Chartered Legal Executive		<p>Client Relations</p> <ul style="list-style-type: none"> ✓ Identify and understand a client's or service user's position ✓ Take accurate instructions relating to a legal matter from clients or service users 	<p>Client relationship</p> <ul style="list-style-type: none"> ✓ Take instructions ✓ Evaluate options and risks to the client ✓ Give advice ✓ Manage expectations ✓ Provide good customer service

Chartered Legal Executive	CILEx Practitioner	<ul style="list-style-type: none"> ✓ Provide clear legal advice to clients or service users ✓ Evaluate the risks, costs and benefits of alternative courses of action ✓ Take action to deal with instructions received ✓ Manage a client's or service user's expectations <p>Management of workload</p> <ul style="list-style-type: none"> ✓ Progress matters expeditiously ✓ Plan your workload and deliver a good legal service to clients or service users ✓ Maintain files and records in accordance with procedures <p>Managing probate activities</p> <ul style="list-style-type: none"> ✓ Plan and manage probate activities effectively ✓ Assemble all materials relevant to the matter in hand, in accordance with its requirements 	<p>Effective working practices</p> <ul style="list-style-type: none"> ✓ Progress matters ✓ Plan workload and manage files ✓ Caseload management ✓ Understand and utilise innovation where appropriate
Chartered Legal Executive		<p>Business awareness</p> <ul style="list-style-type: none"> ✓ Demonstrate an understanding of the business environment of a legal practice or organisation 	<p>Business awareness</p> <ul style="list-style-type: none"> ✓ 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

Chartered Legal Executive		<ul style="list-style-type: none"> ✓ Evaluate the risks, costs and benefits of alternative courses of action to the business <p>Self-awareness and development</p> <ul style="list-style-type: none"> ✓ Evaluate your professional skills and legal knowledge ✓ Understand the limitations of your professional skills and knowledge 	<p>Self-development</p> <ul style="list-style-type: none"> ✓ 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).
Chartered Legal Executive		<p>Professional conduct</p> <ul style="list-style-type: none"> ✓ Apply the rules of professional conduct appropriately to relevant situations ✓ Provide appropriate information to clients and service users ✓ Understand the need to avoid discrimination and promote equality and diversity 	<p>Conduct, ethics and professionalism</p> <ul style="list-style-type: none"> ✓ Understand and put into practice the CILEx Regulation Code of Conduct ✓ 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

			<ul style="list-style-type: none"> ✓ 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 ✓ 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 <p>Use of technology</p> <ul style="list-style-type: none"> ✓ Use available technology as it is used in the area of practice and associated matters ✓ Identify uses for emerging technology in the area of practice and recommend its implementation where appropriate ✓ Understand ethical challenges and the limitations of technology and use technology ethically
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69. As can be seen from this mapping, little has been added to the competency requirements. Notable changes include the addition of understanding legal technology and emotional competence (which sits within the self-development section of the new standards) and additional business and accounts knowledge to support those who will gain a practice right automatically through the process and may therefore want to set up their own firm. We have also extended the requirements in the competence framework to include assessment of professional conduct and ethics.

Legal Technology

70. This requirement has been included in both the knowledge requirements and the competence assessment.
71. For the knowledge element, CILEx Regulation requires that upon authorisation an individual would have contextual knowledge of the operation of legal technology in their own specialisation.
72. The competence element of the legal technology requirement would form part of the portfolio of evidence supplied to CILEx Regulation for assessment prior to authorisation. The outcomes and supporting evidence required for this element is set out in the example handbook provided at **Appendix 14**. As now, the portfolio submission would be assessed by CILEx Regulation's in-house assessors against these requirements.

Emotional competence

73. This element of the assessment will be submitted as part of the portfolio of evidence and assessed by CILEx Regulation's in-house assessors. How this will be assessed is set out in **Appendix 14**. Should an individual require additional information on the development of emotional competence, Law Care has developed free resources in conjunction with the Open University and these are accessible to all. The relevant elements and mechanisms for assessment have been drafted by experts at the Open University and it is not intended that CILEx Regulation will be assessing this competence in-house, rather CILEx Regulation will review reflective information provided by applicants to demonstrate that they have sought to develop themselves in this area of competence.

Other key changes

74. At the same time, CILEx Regulation has taken the opportunity to review the existing competence elements of the Day One Outcomes, which was created in 2012.

75. These changes have been the subject of discussion with CILEx as to the relevance of the additions to the frameworks following their response to the first consultation, which considered some of the requirements to be beyond the scope of the regulator. The new competence framework has been mapped to the existing framework and key additions are as follows (and in the mapping on pages 38-42:

- Caseload management
- Understand and utilise innovation
- Leadership and management

Assessing the new requirements

Knowledge requirements:	The underpinning technical knowledge requirements will be assessed by an approved qualifications provider and will be evidenced through completion of a qualifications certificate. This could be the proposed new CILEx professional qualification or another approved qualification in the specialist area or equivalent legal qualifications.
Experience requirements	CILEx Regulation assesses the experience requirements through submission of an application and outline of experience within all roles that fall within the qualifying period. This is supported by a reference from the applicant's employer.
Competence requirements	The applicant must demonstrate competency through the submission of a portfolio of evidence. These are assessed by qualified assessors with occupational competence.
References	The applicant must provide a reference supporting the applicant
(Where the applicant is seeking litigation rights in one of the specialisms, they must	This is a 6-day course and assessment that is run in groups of no more than 10 and provides practical experience and role play assessment.

also complete the Advocacy Course	
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New application process

Academic qualifications

76. Academic qualifications will be reviewed by CILEx Regulation as part of the Training Provider Approval process.

Cost of authorisation

Qualifying Employment	£75
Chartered Legal Executive with a specialism	£450
Advocacy Rights	£1725 + VAT

77. To be admitted as a chartered legal executive with a specialist practice right, applicants must complete an application form. They will pay a fee of £450 and make a declaration of conduct. They may also apply earlier to have their qualifying employment assessed which costs an additional £75. If they do not make an earlier application for the qualifying employment assessment this is assessed as part of the application to become a chartered legal executive and the £450 fee also covers this assessment. Where the applicant has applied for litigation and advocacy rights in their specialist area, they must also attend the advocacy course but are not required to apply for a certificate of eligibility (see below).

78. To be admitted as a Chartered Legal Executive Advocate, applicants must complete an application which can be found [here]. They pay a fee of £110 and make a declaration of conduct. Once they have received the certificate of eligibility to attend the course, they pay the fee (currently £1725 + VAT) to the course provider. On successful completion of the course, they receive 12 months authorisation, after which they must provide 3 examples of advocacy they have completed together with an application for a 3 year renewal of their certificate (for which there is a fee of £150).

Supporting information

79. A sample application handbook has been attached at **Appendix 14**. There will also be supporting information for applicants on the CILEx Regulation website similar to that available to applicants for the current process.

80. There is information on our website specifically aimed at consumers which will also set out this information, current information can be found [here](#).

HOW THE PROPOSED REVISIONS MEET THE REGULATORY OBJECTIVES AND BETTER REGULATION PRINCIPLES

81. Protecting and promoting the public interest and the interests of consumers

- a. The proposed amendments continue to protect and promote the interests of consumers and the public interest as they are designed to consolidate assessment of competence to practise in reserved areas of activity in order to remove duplication rather than to remove current requirements.
- b. The proposed competency framework will continue to ensure competence and quality by requiring the demonstration of competence against each of the elements within the new framework (which amalgamates the requirements within the existing frameworks) and evidenced through the production of a portfolio of their work.
- c. The revised scheme provides a mechanism to measure that applicants meet these competencies and thereby ensure that they are able to deliver legal services to consumers with the required skills.
- d. The addition of competences relating to legal technology and emotional competence enhances the skills of Chartered Legal Executives and CILEx Practitioners.
- e. By introducing technical knowledge and competence requirements, we ensure that CILEx Practitioners meet both a specialist standard and a general standard, maintaining an overall standard of quality amongst CILEx Practitioners.
- f. By removing reference to the Graduate grade of membership, competence-based authorisation is emphasized, and quality is prioritised over years-served as a measure of competence. This promotes quality of service, and better serves the interests of consumers.

82. Promoting competition in the provision of services provided by Authorised Persons

- a. Protecting and promoting the interests of consumers necessitates the promotion of competition to provide market driven quality. Changes to this process will increase the number of Chartered Legal Executives with independent practice rights and will therefore enhance competition in the legal sector.

- b. The changes to the application process creating and integrating assessment will continue to provide an objective and fair assessment of the competence of applicants, whilst at the same time eliminating unnecessary duplication of assessment, making it more straightforward for applicants seeking independent practice rights and therefore increasing the number of authorised individuals able to practise independently.
- c. Furthermore, by introducing new technological and emotional competencies, authorised practitioners will be better equipped to remain competitive in the future legal services market.
- d. This should ensure that there are an increased number of authorised practitioners for consumers to access.

83. Encouraging an independent, strong, diverse, and effective legal profession

- a. CILEx remains an accessible route into the legal profession, which is truly open to all, whatever their background.
- b. This flexibility allows for the widest possible access to qualification as a lawyer.
- c. The social and economic backgrounds of CILEx Practitioners increase the likelihood of consumers seeking legal advice and assistance from practitioners with similar backgrounds.
- d. The diversity of CILEx members increases the possibility and opportunity available to them to become independent practitioners delivering legal advice and services, while meeting appropriate standards of experience and skills.
- e. This will further increase the diversity of the legal workforce bringing it closer to the diversity of the population.
- f. By introducing new legal technology and emotional competences we are broadening the remit of CILEx members to independently adapt to the needs of consumers and increase the scope of the services provided with respect to future developments.

- g. This is supplemented by the changes to the technical knowledge and competence requirements, and in combination, will increase effectiveness and access to legal services via better qualified CILEx Practitioners.

84. Promoting and maintaining adherence to the professional principles

- a. The professional principles govern the behaviour of individual Authorised persons.
- b. They firmly place a responsibility on Authorised Persons to act in a manner that is consistent with the status of belonging to a profession and are set out in the Code of Conduct.
- c. Under the revised application arrangements an increased emphasis has been placed on the competence relating to conduct, professionalism and ethics, which will be embedded throughout the other competencies in the revised framework, rather than simply operating as a standalone requirement.

85. Proportionate

- a. The proposed amendments to the authorisation arrangements present a proportionate approach through the amalgamation of requirements where appropriate to eliminate unnecessary duplication of assessment, whilst ensuring that the standards are not diminished.
- b. Incorporating legal technology into our educational standards is proportionate given the increasing role of technology in the legal profession, and in anticipation of its continued use in the future.

86. Accountable

- a. As now, applications may be assessed either by CILEx Regulation Officers, by external assessors or by the Admissions and Licensing Committee, the committee with oversight of individual authorisations at CILEx Regulation. In situations where the Office is

unable to approve the application, in both instances reference to external assessors will be available to ensure that the assessment of competence is robust and appropriate. Standardisation of assessment decisions will continue under the proposed scheme.

87. Consistent

- a. The approach to the qualification scheme is consistent across all areas of practice and this is evidenced through the common framework which has been used to contextualise the individual frameworks.
- b. These contextualised frameworks provide clear requirements and decision making will be subject to both scrutiny via standardisation as well as oversight from the Admissions and Licensing Committee.
- c. By removing reference to the Graduate grade of membership, competence-based authorisation is emphasized. Measuring competence by quality markers rather than years-served will allow for greater consistency in the service standards of CILEx Practitioners.

88. Transparent

- a. CILEx Regulation has taken a transparent approach to developing the qualification and regulatory arrangements.
- b. The public and consumers will be clear as to the standards against which applicants to become Chartered Legal Executives are assessed and 2 consultations have been conducted in relation to the proposed amendments. In addition, the changes have been outlined at 2 Westminster Legal Policy Forums (in 2017 and 2018).

89. Targeted

- a. The proposed amendments to the authorisation scheme have created an approach which has been targeted at assessing and developing the knowledge, skills and experience required by practitioners to qualify as Chartered Legal Executives and CILEx Practitioners without unnecessary duplication of assessment.

b. The competency framework provides a clear statement of the competencies necessary for authorisation.

HOW THE NEW PROCESS MEETS THE LSB'S STATUTORY GUIDANCE ON EDUCATION AND TRAINING (PUBLISHED MARCH 2014)

90. The statutory guidance seeks an outcomes-focused approach to regulation of education and training and the revised CILEx Regulation education standards have been designed to meet this requirement.

Outcome 1: Education and training requirements focus on what an individual must know, understand and be able to do at the point of authorisation

a. Requirements may be role or activity specific, with certain universal requirements being consistent regardless of regulator. These universal requirements may focus on areas such as professional principles and ethics

CILEx Regulation has strengthened its approach to the assessment of professional conduct and ethics and this is now woven through the competence assessment rather than being a stand-alone element.

b. Regulators move away from 'time served' models that focus predominantly on inputs rather than outcomes as a default position

CILEx Regulation considers that it is necessary to have a period of time working in practice in order to develop the minimum competence required in the applicant's specialist area. The revised standards have reduced the time-served element for practice rights to align with the requirements to become a Chartered Legal Executive and this is considered proportionate in relation to our experience in relation to assessment as it does not reduce the time served requirement in relation to development of specialist competence, only to general experience required earlier in the applicant's career.

c. Requirements exist only where needed to mitigate risks posed by the provision of a legal activity. We would therefore expect regulators to review their approach to the regulation of students. It is difficult to see how the regulatory burdens and costs involved can be justified when students are acting under the supervision of a qualified person and in many cases within a regulated entity

CILEx Regulation has removed the compulsory requirement to serve 12 months in the Graduate grade of membership prior to authorisation as it is not considered to add to the knowledge, skills experience or competence requirements. CILEx Regulation regulates CILEx students on a voluntary basis and will continue to do so on this basis after the new standards have been approved.

d. Regulators act to facilitate easier movement between the professions, during training, at the point of qualification and beyond

CILEx Regulation has created a standalone exemptions policy which will enable other legal professionals to be recognised by CILEx Regulation where they hold a practising certificate in the area of practice for which they seek recognition.

- e. Regulators review requirements regularly to ensure that education and training stays current and relevant to modern practice*

CILEx Regulation ensures that it undertakes period reviews of the requirements of the changing legal landscape and one of the outcomes of this application is to introduce understanding legal technology and emotional competence into the frameworks.

Outcome 2: Providers of education and training have the flexibility to determine how to deliver training, education and experience which meets the outcomes required

- a. Approval of education and training routes is dependent on providers' ability to demonstrate how their approach enables candidates to achieve the required outcomes*

The new approach to recognising legal qualifications is to accredit qualifications based on their fit with the revised education standards, the accreditation process will enable training providers to seek recognition for qualifications where they meet the standards. CILEx Regulation has not imposed requirements in relation to how knowledge is assessed or taught, providing the provider can demonstrate that candidates having completed the qualification will be able to meet the technical knowledge requirements set out in the standards.

- b. Regulators take care not to predetermine approval by prescribing particular routes*

The changes made to the education standards ensure that no one route will be prescribed. This is extended through the exemptions policy which allows for the recognition of legal qualifications obtained through non-accredited providers, as long as the qualification can be demonstrated to meet the knowledge outcomes.

- c. Multiple routes to authorisation are able to emerge, with no one route being the 'gold standard'*

This new approach will enable multiple routes from a range of provider to emerge and CILEx Regulation will not treat any qualification as being the gold standard.

- d. Approval processes for new routes to authorisation support providers in their delivery of the required education and training outcomes and do not put in place unnecessary obstacles (for example, not requiring burdensome authorisation and reporting requirements, repeated waivers or exemptions from regulators)*

The accreditation process has taken a differential approach depending on the status of the provider to ensure that there are no unnecessary obstacles, whilst at the same time protecting the interests of learners proceeding through a qualification.

- e. *Regulators complement rather than duplicate existing quality assurance processes such as those undertaken by higher education institutions themselves and those carried out by the Quality Assurance Agency (QAA). We would expect all regulators to undertake a review of their existing quality assurance processes to identify where changes can be made.*

CILEx Regulation has ensured that the requirements complement existing regulatory processes where the qualification is regulated through a qualifications' regulator such as the Office for Students or Ofqual. Additional requirements which would otherwise be fulfilled by the qualifications' regulators have been added into the accreditation process to ensure all qualification providers are meeting a consistent standard.

Outcome 3: Standards are set that find the right balance between what is required at the point of authorisation and what can be fulfilled through ongoing competency requirements

- a. *Education and training requirements should be set at the minimum level at which an individual is deemed competent for the activity or activities they are authorised to do*

The education standards frameworks have been devised to meet the minimum requirements for each authorisation and are tailored to each specialism, albeit with an overarching general standard of competence.

- b. *Requirements beyond the minimum are only in place where they can be justified by the risks. We would expect regulators to review all available evidence to determine the likelihood of the risk occurring and to monitor the impact of any requirements over time. This may lead to an ongoing review cycle with strong links to regulatory supervision functions*

Where there are additional requirements, currently only in relation to authorisation of advocates, the risk is considered such that regular assessment of meeting the competence requirements through regular CPD are met.

- c. *The balance between initial and ongoing requirements for education and training should be determined in accordance with the risks posed by that activity*

The assessment of competence is considered to be the minimum required at the point of authorisation. CPD requirements ensure that authorised individuals maintain and develop their knowledge, skills and competence through an annual cycle of reflection, evaluation, planning and acting.

- d. *Regulators should consider whether broad based knowledge of all areas of law needs to be a prerequisite for authorisation in all areas. For example, there may be areas where the risks allow for authorisation in a specific activity and a broad base of knowledge is not necessary*

An outline broad-base of knowledge has been retained in the standards to ensure that individuals are aware of the limits of their competence. However, for non-contentious probate and conveyancing, CILEx Regulation will retain the route to qualification which requires only knowledge, skills, experience and competence in those specific areas of practice.

- e. On the job training is utilised where knowledge can be obtained effectively in this way rather than requiring all knowledge to be obtained before authorisation*

The assessment of competence is undertaken through the use of work-based experience and competence assessment. This is required prior to authorisation but at a level that would be expected of a newly qualified lawyer. The standard to be applied has not changed from the existing approach.

- f. Continuing Professional Development (CPD) participants are required to plan, implement, evaluate and reflect annually on their training needs. A robust approach to monitoring is developed and aligned or integrated with existing supervision functions*

CILEx Regulation has used this approach to CPD since 2013.

- g. Regulators are risk based in relation to reaccreditation and make a clear assessment about its use. Significant risk-based requirements at the point of authorisation are likely to indicate sufficient risk to require some form of reaccreditation. However, this does not mean that wherever there is an initial requirement this must be duplicated at a later date.*

CILEx Regulation operates reaccreditation only for CILEx Advocates. The approach is as follows:

- Initial authorisation; pre-assessment of competence prior to attending course, attend approved course, post-course certification where successfully assessed
- 1st reauthorisation: Assessment of 3 portfolios submitted demonstrating advocacy undertaken in 1st 12 months of accreditation, advocacy-focused CPD
- Periodic reauthorisation: advocacy-focused CPD

Outcome 4: Regulators successfully balance obligations for education and training between the individual and the entity both at the point of entry and ongoing

- a. Regulators move towards obtaining assurance from entities that day-to-day competency requirements are being met. This means a shift away from low risk decisions (e.g. about staff secondments) being made by regulators themselves*

CILEx Regulation does not make secondment decisions or other competency requirements. These are left to the employer and the regulated individual. Where the regulated individual falls below the required standard of competence, they may be subject to an investigation.

- b. When authorising an entity to provide reserved legal activities, regulators focus on ensuring the appropriate controls and supervision arrangements are in place to ensure the competence of all those employed to provide legal services and not only those with professional titles. For the avoidance of doubt, we do not see that a licensing regime for individual paralegals is needed in the context of entity regulation*

CILEx Regulation follows this approach to entity regulation, although this is not part of the current changes.

- c. The systems and processes required of entities vary depending on the business model or nature of the services provided, and to whom services are provided. For example, we would expect regulators to take account of the proportion of reserved and unreserved services being provided*

CILEx Regulation regulates entities by specialism and therefore systems and processes are tailored in this way.

Outcome 5: Regulators place no inappropriate direct or indirect restrictions on the numbers entering the profession

- a. Regulatory arrangements promote competition and the interests of consumers through the availability of a range of qualification options*

The revisions to the education and training requirements at CILEx Regulation means that there will be increased choice in the method of education and training undertaken, which should act to support competition and work in the interests of consumers, particularly as it has the potential to increase the qualification options open to applicants.

- b. Regulators should not impose limits on numbers entering the profession either directly or indirectly (for example by restricting places on vocational training courses to those that have successfully obtained a pupillage or training contract)*

CILEx Regulation does not pose any restrictions beyond the requirement to undertake qualifying employment, which is considered a necessary component to becoming sufficiently competent to be authorised to deliver reserved legal activities to the public and the consumer. A range of qualifying options exist and CILEx Regulation individually assesses each applicant to ensure that they meet the requirements without prescribing a particular job role.

- c. *Any education and training requirements are sufficiently flexible to meet the needs of a developing market, enabling businesses to make decisions about who they employ*

CILEx Regulation considers that the new approach increases flexibility and choice and at the same time reduces unnecessary duplication of assessment for authorisation as a Chartered Legal Executive and then separately as a CILEx Practitioner in the applicant's specialist area.

OTHER SUPPORTING INFORMATION:

RESEARCH AND CONSULTATIONS

91. CILEx Regulation commissioned research into the likely future education and training needs for legal practitioners considering the increasing influence of legal technology on the sector. This research is attached at **Appendix 10**. This research has informed the addition of legal technology through the new education standards.
92. CILEx Regulation has conducted 3 consultations in relation to the proposed changes. The first consultation took place between 6 December 2018 and 28 February 2019 and set out the proposals and new draft standards. The second consultation took place between 12 August 2019 and 9 September 2019 and consulted on the amendments made we had made and the draft rules and policy. The third consultation took place between 18 January 2021 and 16 February 2021 in relation to the proposed recognition of alternative legal qualifications and the approval process for training providers to follow who are seeking to offer a CILEx Regulation approved qualification. These consultation documents can be found at **Appendices 26-41**.

Consultation outcomes:

93. There were 17 responses to the first consultation and three responses to the rules' consultation. Whilst these numbers may appear modest, the responses do reflect a range of stakeholder views, including the Consumer Panel, the Open University and Law Care. Further, CILEx Regulation would not expect a significant response to the rules consultation as this is a technical consultation designed to implement the proposals within the earlier consultation.
94. The consultations and analysis of responses is attached at **Appendices 26-30** and **Appendices 40-41 (confidential)**.
95. An additional consultation (which was conducted in respect of a different rule change) has been attached at **Appendix 20**, as it contains research from the professional body which supports the information contained within this application relating to the challenges of the multiple hurdle approach to authorisation, thereby supporting the approach to consolidation of the assessments for Chartered Legal Executive and CILEx Practitioner into a single assessment of competence.
96. CILEx Regulation does not provide the academic qualifications and therefore cannot consult on the direct costs of resulting qualifications to the applicant. However, CILEx Regulation recognises that it has made some additions to the knowledge and competence requirements as part of the amendments set out in this application to become authorised as a Chartered Legal Executive.

The additions to the education standards are considered to be essential requirements and updates, to ensure that a chartered legal executive is fully competent to practise in the changing legal landscape, particularly the additions of legal technology and emotional competence.

97. In our opinion the changes to the knowledge component could be incorporated into qualifications offered by training providers without having a material impact on the costs of the qualification to the individual. This is because it would be possible to incorporate the additional knowledge requirements into existing units/modules (for example consideration of the use of legal technology and basic accounts information could be included as part of a module on the specialist area of practice). Some of the additional requirements, such as the addition of emotional competence and additional business skills are not part of the knowledge qualification and competence can be developed and assessed using free resources such as those available through the Open University and Law Care and learnt on the job as now.
98. CILEx Regulation is aware that CILEx (currently the only training provider offering CILEx qualifications) has taken the opportunity to re-work the qualifications which support CILEx members in meeting both the knowledge and competence elements of the standards (and not just the knowledge element of the standards currently offered by CILEx). The resulting CILEx Professional Qualification (CPQ) will, once the CILEx Regulation education standards have been approved, be considered by CILEx Regulation to become an approved qualification. As part of the assessment for approval, CILEx Regulation will consider the costs of the revised qualification which it is understood will be higher than the cost of the current qualification, owing to elements being incorporated over and above the minimum standards. CILEx Regulation will, as part of the approval process, ensure that additional costs for qualification elements which are not essential to meet the education standards have been kept to a minimum. We have also added, through the annual reporting requirements for approved training providers a requirement to notify CILEx Regulation in advance of proposed changes to qualifications and where appropriate any additional costs which may be incurred by students as a result of proposed changes.
99. The new education standards and related rules allow for the introduction of competition into the supply of qualifications to provide the knowledge elements of the education standards and over time this should ensure that qualifications remain cost-effective to applicants as well as offering greater choice of study options.
100. This paragraph has been redacted.

101. Over time we will ensure that applicants are able to choose from a range of delivery models, including different costs models – both distance learning and face to face. However, the CILEx qualification can be delivered and assessed remotely as well as face to face. Other individuals may seek to opt for a training provider that delivers the qualification locally and it is important to CILEx Regulation in order to maximise choice that as many modes of delivery as possible are available.
102. The costs of the regulatory elements of the authorisation process are reduced from the current costs to applicants owing to the removal of the requirement to qualify as a chartered legal executive and then reapply for practice rights. The costs of the qualification will vary dependent on whether the applicant chooses to undertake a CILEx Regulation approved qualification, the CILEx Professional Qualification and, whether or not the applicant has pre-existing legal qualifications. A CILEx Regulation approved qualification undertaken as part of a qualifying law degree will have no additional cost to the applicant (see **Appendix 21 - confidential**). Costs will be a factor taken into account as part of the CILEx Regulation Approved Training Provider process.
103. One anomaly which currently exists within the CILEx Exemptions Policy is the differential treatment of units/modules completed within a qualifying law degree and those completed in a non-qualifying law degree (e.g. where the degree does not cover all of the foundations of legal knowledge). This anomaly leads to a situation where, although the degree students may have been in the same class at university, contract law in a qualifying law degree will be treated as a level 6 unit/module, but in a non-qualifying law degree the same unit will be treated as a level 4 unit and therefore cannot be recognised as an exemption from a level 6 unit at CILEx. CILEx Regulation has agreed with CILEx that this anomaly will be removed from CILEx Exemptions Policy once the education standards have been approved and the CILEx Exemptions policy has been removed from the regulatory arrangements.
104. Where specific issues have been raised within the consultation responses, CILEx Regulation has explained its response in CILEx Regulation's response to the consultation.

Approach to authorisation:

105. CILEx Regulation's general approach to authorisation remains unchanged from the current approach. The current requirements for an academic qualification in law and legal practice, assessed qualifying work experience, assessment of competence in the workplace and review of prior conduct with a DBS check for those holding practice rights remain.

Academic requirements (technical knowledge):

106. The difference is that rather than CILEx making the decision in relation to whose academic qualifications meet the required standard, this decision will rest with CILEx Regulation. CILEx is creating a qualification which will meet the approval requirements and also extend beyond the minimum standards. In addition, other legal qualifications will be able to be approved by CILEx Regulation, thereby increasing choice to individuals who are seeking authorisation as a Chartered Legal Executive. This will provide CILEx Regulation with greater control and oversight than it currently has in relation to the quality of academic qualifications completed by applicants. The approval process looks for assurance of financial stability where the training provider is not regulated by a qualifications' regulator such as the Office for Students or Ofqual.
107. A further issue raised by CILEx in relation to the revised standards was the emphasis on requirements which focus on private practice, which they consider will exclude some applicants who work with consumers where there is less asymmetry of information (e.g. in-house or local authority applicants). However, as the resulting standards will provide a practising certificate for working in all areas of practice, rather than a restricted practising certificate limiting which consumers a practitioner is able to work with, CILEx Regulation considers it essential that the elements covering private practice remain within the practitioner authorisation rules.
108. The consultees, including CILEx, were broadly supportive of the rationale for making the changes, although CILEx has provided feedback in relation to the detail within the standards. CILEx Regulation has made amendments where appropriate and these final drafts are attached to the application at **Appendix 12 & 13**.
109. The new standards do not make reference to CILEx qualifications, unlike the existing Day One Outcomes (see **Appendix 1**) and CILEx Regulation will approve any academic qualification that has been assessed as meeting the underpinning knowledge requirements set out in the standard.

Caseload Management

110. The inclusion of this element (originally project management) within the standards was not intended to create a full project management qualification alongside the lawyer qualification, but to ensure that the project management approach to workload is adopted. To better reflect this approach, 'project management' has been amended in the competence framework to 'caseload management' in the final submission.

Understand and utilise innovation as appropriate

111. In the original standards reference to entrepreneurship was included. This term was not intended to reflect in a newly qualified lawyer to ability to set up in business, rather it was (as explained in the standard) intended to ensure that Chartered Legal Executives were able to 'understand and utilise innovation'. It is considered that the 'entrepreneurship' descriptor can be removed from the standards without altering the intention of its inclusion. Therefore, this has been removed.

Leadership and Management (optional)

112. This element was included as mandatory in the competence framework which also acts as a prompt for CPD activities once authorised. Therefore, this element has been made optional within the standards to reflect that this is not a compulsory element on authorisation but may be appropriate for CPD once qualified.

Emotional Competence

113. This is not considered to be a threshold requirement by CILEx. However, the inclusion of this element within the threshold competence is considered to be essential to practising lawyers and is supported by the Legal Services Consumer Panel, Law Care and the Open University. Therefore, whilst CILEx's concerns have been considered, CILEx Regulation intends to proceed with its inclusion in the education standards framework.

114. The 3rd consultations, which related to the proposed recognition of alternative legal qualifications and the approval process for training providers to follow who are seeking to offer a CILEx Regulation approved qualification, have been analysed and the outcomes can be found at **Appendix 37**. The proposals were generally supportive with suggestions for minor amendments. Two issues of note are as follows:

- One respondent considered that only recognising legal qualifications awarded by approved training providers may result in applicants who hold legal qualifications which meet the requirements, but which are not approved having to unnecessarily duplicate study and assessment and that this could be discriminatory and unnecessarily add to costs of training to the applicant. As a result, CILEx Regulation has added into the recognition of prior legal qualifications an option for those with completed legal qualifications to apply to have those qualifications mapped and recognised by CILEx Regulation.
- One respondent considered that the existing approach to exemptions (I.e. that CILEx would complete the exemptions arrangements) should be replicated in the new scheme. However, this system only operates owing to the requirement for

applicants to first be Graduate members of CILEx (which is not a requirement under the new scheme) and as CILEx will be making an application to be an approved training provider, it is not considered appropriate to have one approved provider undertaking exemption applications from other approved providers.

Full details of the changes made to the policies and handbooks can be found at **Appendices 38, 38a, 39 and 39a**. The changes have been made in tracked changes.

HOW DO THE CHANGES MEET CONSUMER NEED?

115. The changes to the education standards which enable Chartered Legal Executives to obtain an additional practice right at the point of first authorisation will mean that there are many more Chartered Legal Executives available to offer reserved legal activities to the consumer. They will also be eligible to apply to set up their own law firm without the need to obtain further qualifications, which should further expand the pool of potential firms, again increasing consumer choice and accessibility. The cost-effective nature of the CILEx route to qualification makes the route more attractive to more diverse applicants and this should enhance the diversity of the legal profession as a whole.

COSTS (see also para 96 onwards):

116. The CILEx route to qualification has always been a cost-effective route as it does not require a degree (although we recognise legal knowledge gained through a qualifying law degree and the LPC/BPTC) and can be undertaken whilst working. This proposal has not changed under the revised standards. The cost of the academic qualification will depend on the source of the education and training. Undergraduates are able to access government support for completing a degree and it is understood from CILEx that the new CILEx Professional Qualification will remain cost-effective in comparison with other routes to legal qualification, although there are additional requirements in the proposed CILEx qualification which go beyond the requirements of the education standards and may have increased the cost to applicants. Cost will be a factor taken into account during the Training Provider Approval process.

117. In addition, an apprenticeship route is available which enables applicants to become Chartered Legal Executives using government funding. CILEx Regulation has already had discussions with the Institute for Apprenticeship regarding making changes to the apprenticeship standard once the revised standards have been approved. The cost of the experience and competence elements of authorisation will be reduced, as the assessment process has been streamlined, saving applicants £300.

DIFFERENTIAL ATTAINMENT:

118. In relation to equality diversity and inclusion, the CILEx route to qualification is considered to offer an accessible and flexible route to qualification and the new proposals do not alter that position, in fact they extend choice by enabling a wider range of qualifications providers to deliver a qualification which meets the standards. In relation to the current approach, there is historically some weak evidence that the requirements for qualifying employment may have a differential impact on those seeking authorisation. However, the numbers are small, and an earlier independent study could not find evidence that the process was discriminatory in its

impact. We will continue to monitor the outcomes across the protected characteristics. Reasonable adjustments are addressed through the accreditation process.

ASSESSMENT IN WELSH:

119. CILEx Regulation has considered making the assessment of applicants in Welsh available on request. However, this would require at least one bilingual assessor who is occupationally competent in the specialist areas to be assessed and who is a qualified assessor with knowledge and experience of assessing at CILEx Regulation (including attendance at standardisation meetings). This is considered to be disproportionate as CILEx Regulation only receives in the region of 600 applications across England and Wales and in the last 5 years CILEx Regulation has never received a request to undertake an assessment in Welsh. To introduce this for competence assessments would significantly increase the cost of assessment. CILEx Regulation has considered introducing a requirement that training providers who are intending to deliver the accredited qualification in Wales to make assessment available in the Welsh language. However, there is a risk that providers would choose not to deliver the qualification in Wales rather than make such provision available. We are currently working with CILEx to identify additional information from a historical perspective in support of this decision.

CROSS-QUALIFICATION AND RECOGNITION OF PRIOR LEGAL QUALIFICATIONS POLICY:

120. As part of the CILEx Regulation prior legal qualifications policy, CILEx Regulation will accept a practising certificate from another approved regulator which covers the same specialist area of practice. Therefore, CILEx Regulation believes that this will extend the options for cross-qualification between the legal professions.

EVALUATION AND MONITORING:

121. CILEx Regulation considers that the changes to the education standards proposed within this document will provide a more streamlined route to authorisation in reserved legal activities whilst maintaining the competence requirements for authorisation, so that individuals are safe to practise in the public interest and to protect and promote the interests of consumers. This approach should increase the numbers of legal professionals able to deliver reserved legal activities to the public and the accessibility of the CILEx route to authorisation is likely to enhance the diversity of the legal profession.

122. As the new requirements are introduced, CILEx Regulation will monitor the number of learners progressing through the revised authorisation process and the number of successful applicants for authorised person status through the competence assessment. As now, data will be collected in terms of gender, age and BAME characteristics annually to ensure that the amendments do not have a significant negative impact on those able to progress through the CILEx route.

123. To assess the success of the changes proposed, CILEx Regulation will monitor and evaluate the impact of the changes proposed as follows:
124. Gather baseline data from current information to provide a benchmark against which to test the activities below:
- a. Monitor the number of applicants (including equality and diversity characteristics) choosing to apply for authorisation under the old and new routes throughout the transitional period
 - b. Monitor the number of individuals (including equality and diversity characteristics) regulated by CILEx Regulation as holders of independent practice rights
 - c. Seek the views of applicants under the old and new schemes throughout the transitional period to understand the views of the regulated community through the issue of feedback forms
 - d. Seek the views of other stakeholders (including CILEx and the Legal Services Consumer Panel) after 5 years of operation of the new standards (this timeframe has been chosen as it will take time for applicants to become authorised under the new standards)
 - e. Monitor and evaluate a sample of the CPD activity undertaken by CILEx Practitioners who have qualified under the new standards
 - f. Monitor the complaints data received in relation to regulated individuals who have progressed through the old and new routes throughout the transitional period to ensure that there is no adverse impact on consumers
125. CILEx Regulation anticipates that there will be an increase in the number of authorisations with practice rights. We will seek the views of these individuals to ensure that the intended consequences of the changes have been realised.
126. CILEx Regulation intends to utilise this data to ensure that the new standards are working effectively and where improvements to the new standards are signalled that they can be promptly identified and effectively proposed, implemented and monitored.
127. CILEx Regulation anticipates that the impact of the introduction of the new standards will take some time to impact upon authorisations, as applicants will need to complete the knowledge qualification and accumulate sufficient experience in the workplace to demonstrate competence against the standards. We anticipate that the new CILEx Professional Qualification will be the first qualification which is approved to deliver the new standards and that this may deliver individuals seeking authorisation 2-3 years after first implementation. As other training providers are approved, we would expect that this will take 3-4 years before we receive applications from individuals seeking authorisation. Therefore, CILEx Regulation would expect to be able to provide some evaluative

information relating to approved training providers to the LSB in 2023 and in relation to individuals progressing through each route to the LSB from 2025 onwards.

TRANSITIONAL ARRANGEMENTS

128. Subject to Legal Services Board approval of the revised authorisation rules, CILEx Regulation is proposing to introduce the new rules with effect from 1 June 2021.

129. CILEx and CILEx Regulation have agreed the transitional arrangements from the existing qualification that would be required for the introduction of the revised standards as follows:

1 June 2021	New Authorisation Rules come into force
June 2021	Open approval process for Training Providers, to deliver qualifications that meet the new education standards
November 2023	Level 3 legacy units end
November 2026	Level 6 legacy units end
31 December 2028	Work Based Learning rules end

130. The existing rules and standards are intended to end on 31 December 2028.

131. Once the legacy CILEx units are ended there will remain a route through to authorisation for those with legacy units using the new CILEx professional qualification modules.

132. Until 24 months prior to the existing rules coming to an end, the legacy CILEx qualification will support completion of the existing qualification route. After which time the route to qualification will be through the new standards, using either the new CILEx qualification or a CILEx Regulation accredited alternative.

133. The proposed transitional arrangements enable those who are currently registered on the existing CILEx qualification sufficient time to complete the existing route to qualification should they wish to do so. Our statistics indicate that the average time to completion of the full academic qualifications is as follows:

<i>Level 3 & Level 6</i>		
<i>Mean</i>	<i>Median</i>	<i>Mode</i>
5	5	5

134. Therefore, introducing the new standards with effect from 1 May 2021 will provide existing learners with sufficient notice and time to complete their qualification within the transitional time period (5 years). For those learners who have not completed their qualification within the existing timeframe, there will be a route to authorisation using the new standards and the CILEx professional qualification or equivalent. Therefore, learners should not be disadvantaged through the application of these transitional arrangements.

135. The existing standard will remain open for a further 2 years to enable those who have completed the old academic qualification time to make an application to become authorised under the old standards.

136. Applicants who wish to transfer to the new standard will be able to so, using their existing academic qualifications.

THE RULES' APPLICATION FOR REVISING THE EDUCATION STANDARDS CHANGES OUTLINED ABOVE

137. This section of the application provides the technical information and rule changes sought to introduce the revised education standards.

Which rules are affected?

138. To bring the changes outlined in the previous sections of the application. We propose replacing the following rules with a consolidated set of Practitioner Authorisation Rules which are set out in **Appendix 12 and 13**

- Application for Fellowship Rules (Work Based Learning) Rules (**Appendix 2**)
- Immigration Certification Rules (**Appendix 3**)
- Probate Rights Certification Rules (**Appendix 4**)
- Reserved Instrument Activity Certification Rules (**Appendix 5**)
- Right to Conduct Litigation and Rights of Audience Certification Rules (**Appendix 6**)

139. The amendments have been mapped from the old rules with the new rules in the following mapping documents:

- Comparison of Admission for Fellowship (work-based learning) and with CILEx Regulation Practitioner Authorisation rules (**Appendix 15**)
- Comparison of Rights to Conduct Litigation and Rights of Audience Certification Rules with CILEx Regulation Practitioner Authorisation rules (**Appendix 16**)
- Comparison of Immigration Certification Rules with CILEx Regulation Practitioner Authorisation rules (**Appendix 17**)
- Comparison of Reserved Instrument Activities Certification Rules with CILEx Regulation Practitioner Authorisation rules (**Appendix 18**)
- Comparison of Probate Rights Certification Rules with CILEx Regulation Authorisation rules (**Appendix 19**)

Consultation responses to the rules:

The Practitioner Authorisation Rules

140. The rules which will introduce these changes are included at **Appendix 12 & 13**. Mapping documents have been included to enable comparison with the new and old rules at **Appendices 15-19**.
141. The consultation responses were broadly supportive of the changes to be introduced through the revised education standards, subject to the following amendments:
- Removal of reference to 'CILEx Lawyer' from the rules. Although originally agreed with CILEx that this should be included in these rules (to present a single title to simplify authorisation status to the consumer and improve understanding of CILEx roles), CILEx is intending to create this as a member grade which sits above 'Chartered Legal Executive' and which requires additional knowledge, skills and competencies. Therefore, this has been removed from the rules consulted upon.
 - A technical point has been raised that the rules do not allow for applicants to apply for additional rights. It is possible that applicants who can demonstrate competence in more than one practice right can hold additional rights, therefore this has been included within the rules.
142. The mechanisms for assessment are outlined in earlier sections of the application. The documents to support these are attached at **Appendix 22** shows how the new competencies will be assessed drawn from the handbook.

IMPACT ASSESSMENTS

143. CILEx Regulation has undertaken both an Equality Impact Assessment and a Consumer Impact Assessment. These are attached at **Appendices 23 & 24**. The application of these assessments has shown no issues to address within the proposals. More work is required as to the future of qualifying employment and is planned once these changes have been embedded.

Impact on other regulators

144. Chartered Legal Executives currently benefit from an exemption from the training contract required for authorisation as a solicitor. The amendments to the qualification requirements have not reduced the current requirements for qualification as a Chartered Legal Executive and therefore, these changes should not impact on this exemption. However, the Solicitors Regulation Authority is also making changes to its qualification requirements and the future of the exemption is the subject of ongoing discussion between CILEx Regulation and the Solicitors Regulation Authority.

ANCILLARY CHANGES TO THE EXISTING RULES

- Membership Requirement Regulations (**Appendix 25**)

Removal of reference to the Graduate Grade of membership from the Practitioner Authorisation Rules

145. The existing authorisation rules governing the admission as a Chartered Legal Executive/Fellow of CILEx (**Appendix 2**) (an Authorised Person under the Legal Services Act 2007) make reference, in the definition of qualifying employment, to having served a period of 12 months in the Graduate grade of membership. This part of the definition forms a link between CILEx membership and authorisation which CILEx has found to be restrictive. It forms no part of the authorisation process beyond ensuring a membership-based time served element linked to qualifying employment.
146. In the consultation, the removal of reference to serving 12 months in the Graduate grade from the qualifying employment requirements was supported. Whilst only 1 member responded to the second consultation, CILEx was one of the respondents, which represents the 20,000 CILEx members (see **Appendix 29**).
147. The use of the Graduate grade within the current definition of Fellowship is to provide a proxy for assuring that applicants for Fellowship have met the minimum academic standards, however this can be checked by the regulator on application for Fellowship and therefore it is recommended that the Graduate grade be removed from the definition of a Fellow, that the Membership Requirement Regulations (**Appendix 25**) should be released from the regulatory arrangements and returned to the control of CILEx. These regulations sit below the Charter and Bye Laws and are therefore bound, where appropriate, by the requirement of the professional body to separate its regulatory and representative functions and to delegate its regulatory functions to the Delegated Regulatory Body (CILEx Regulation).
148. It is proposed to amend the definition of qualifying employment as part of the authorisation process to remove reference to time served in the Graduate grade. At present, all the other elements of qualifying employment will be retained and subject to further consideration at a later date, as there was no consensus through the consultation process of an alternative approach to this element of authorisation.

Removal of the CILEx Exemptions Policy from regulatory arrangements

149. As part of the separation of CILEx membership and qualifications from the authorisation process, the CILEx Exemptions policy (Appendix 8) will cease to have effect as a regulatory arrangement and will be replaced with the Recognition of Prior Legal Qualifications Policy and the Recognition of Approved Training Providers. These policies will enable CILEx Regulation to recognise suitable qualifications which meet the technical knowledge requirements within the new education standards and will enable CILEx to recognise qualifications which partially meet the qualifications delivered by them without these exemptions being regulatory arrangements. As explained at paragraph 38, all approved training providers will be required as part of the reporting requirements to provide information on the exemptions awarded against their qualifications.

MRPQ

CILEx Regulation is in the process of developing a new policy which will ensure that applicants which formerly would be able to make an application for recognition of EEA and Swiss qualifications. This will be the subject of a separate application for approval by the LSB.

CONTACT DETAILS

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I am working from home until further notice. You can contact me via email, Teams, Skype or mobile 07887 613398.