CILEx CHARTERED INSTITUTE OF LEGAL EXECUTIVES

CILEx REGULATION
PROFESSIONAL STANDARDS FOR SPECIALIST LAWYERS

Family Litigation and Advocacy Handbook

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FAMILY LITIGATION

INTRODUCTION

1. This handbook takes you through the application process to obtain family litigation and advocacy practice rights with CILEx Regulation and become authorised as a CILEx Litigator and Chartered Legal Executive Advocate in family proceedings.

2. We recommend that you read this handbook in conjunction with the Litigation and Advocacy Certification Rules which are at **Appendix 1**.

3. You should read all of the handbook and supporting documentation before starting to make your application.

4. In order to become authorised by CILEx Regulation as a CILEx Litigator and Chartered Legal Executive Advocate in family proceedings you are required to demonstrate your knowledge and understanding, experience and skills in family litigation and advocacy and, where you wish to work in a CILEx Regulation regulated entity, in practice management and accounts management at Level 1. This handbook explains how you will demonstrate each of these elements.

5. Once you have completed the process **and** you have been approved as a CILEx Litigator and Chartered Legal Executive Advocate in family proceedings, you will be authorised by CILEx Regulation to undertake litigation and advocacy in family matters. However, you will need to work in a legal practice that is regulated by an approved regulator. CILEx Regulation can regulate legal practice entities and there is a separate process for this.

6. This handbook is divided into different sections:

   - Introduction: this section sets out who is eligible to make an application for litigation and advocacy rights.
   - The application form: this section takes you through the application process including how to complete each part of the application form.
   - The Competence Framework: this section provides an overview of the competence framework. It explains how the knowledge, understanding, experience and skills contained in the framework should be demonstrated through your portfolios and logbook to demonstrate your competence in litigation and advocacy.
   - How your application is assessed: this section explains how your application is assessed, including the role of external assessors in the process.
   - Next steps: this section explains what happens once CILEx Regulation has received the assessment of your portfolios and logbook.

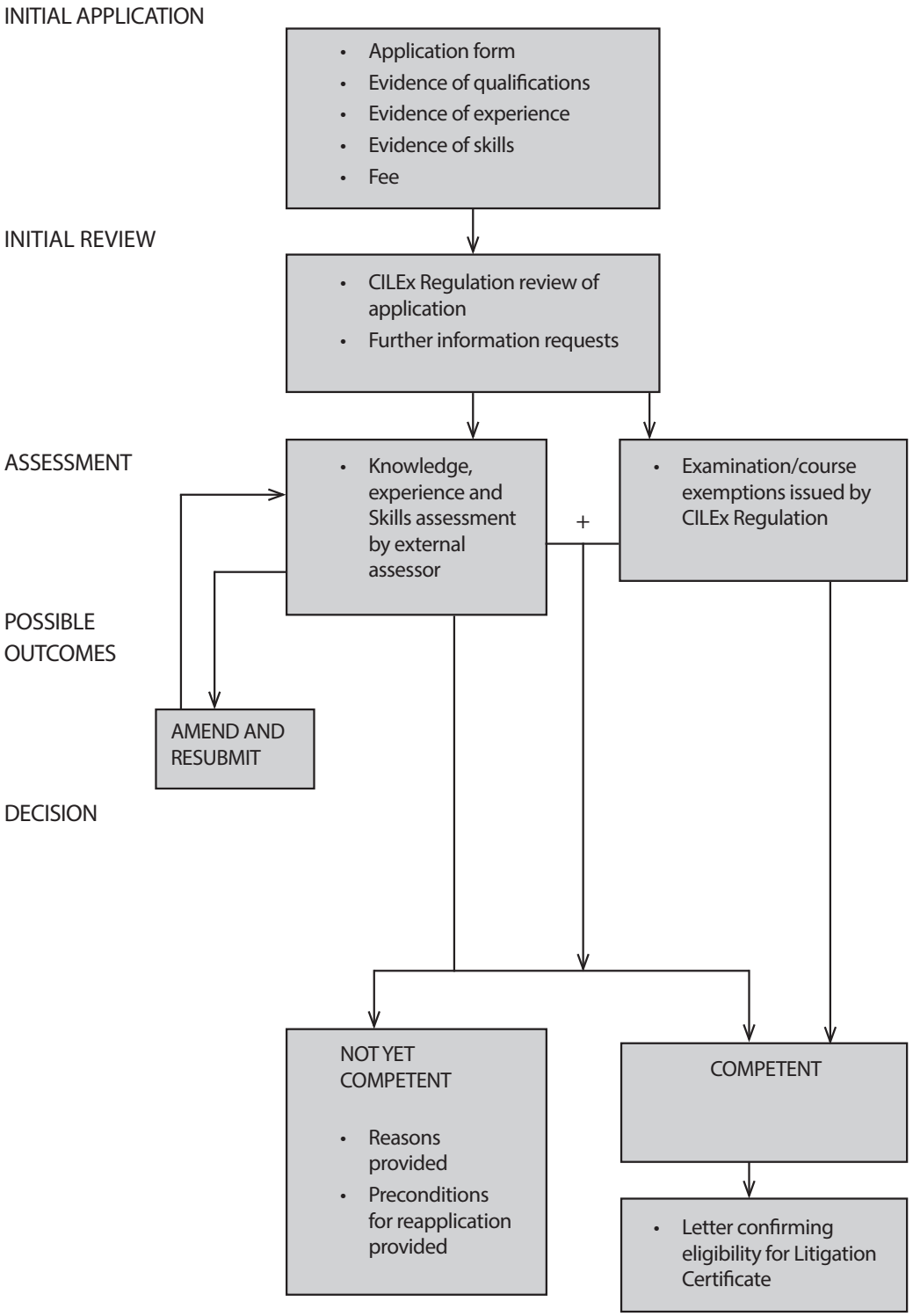
- Appendices and Annexes: these sections provide the competence framework, scheme rules and the Committee Rules.

7. In addition to demonstrating your competence in family litigation and advocacy, if you wish to work in a CILEx Regulation regulated entity, you must show your knowledge of Practice Management and Accounts: we call this Level 1. If you intend to set up your own entity to deliver litigation and advocacy services, which is regulated by CILEx Regulation, you will also need to demonstrate the Practice Management and Accounts competencies at Levels 2a, 2b and/or 2c, as appropriate, (see Compliance Manager handbook), and apply to CILEx Regulation to have your entity regulated by CILEx Regulation.

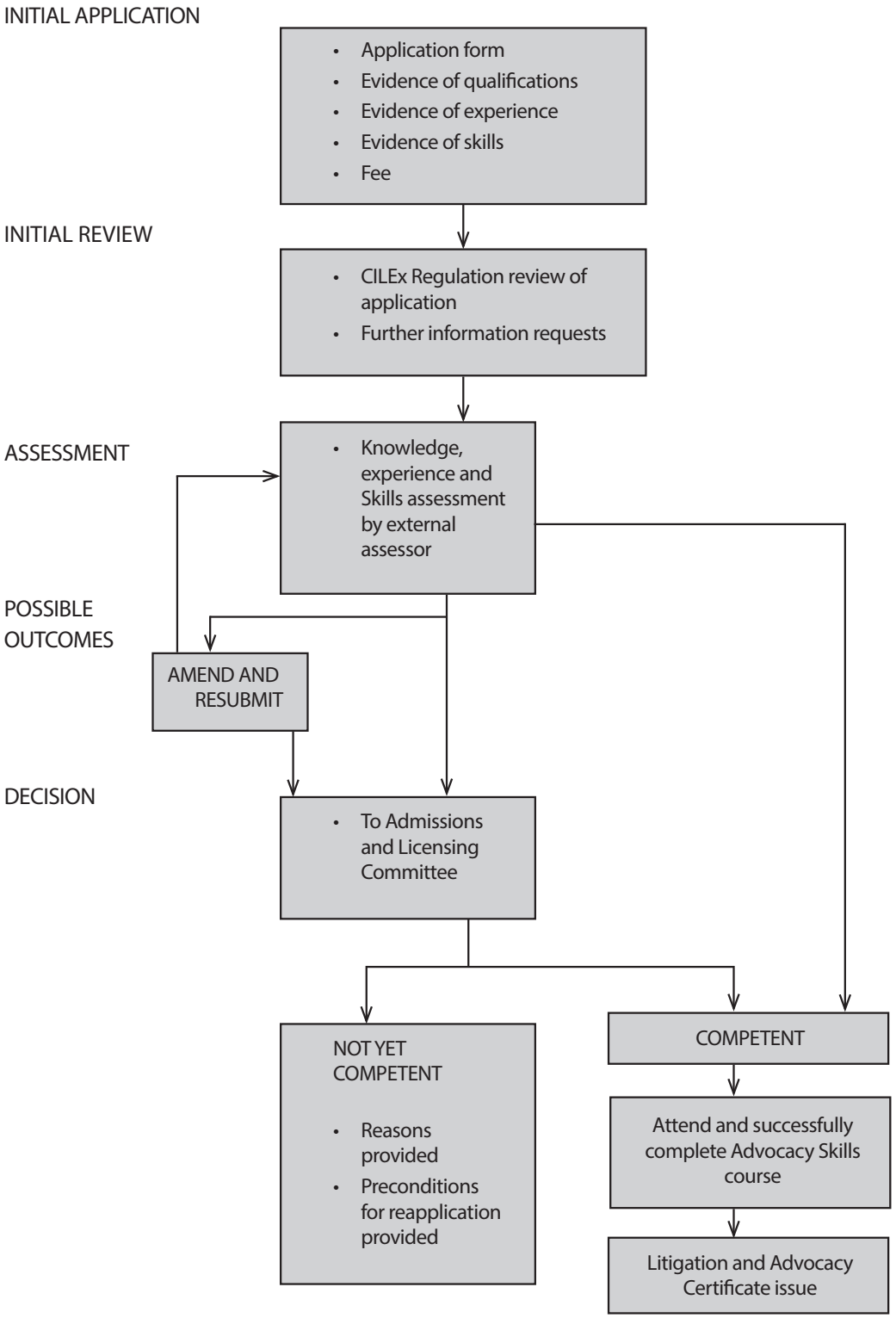
8. If, once you have read this handbook and the supporting documents, you have any questions on the application process, please contact us.

   Contact details:
   Telephone: (01234) 845770
   Email: practicerights@cilexregulation.org.uk

Summary of overall process (Litigation Rights)



Summary of overall process (Advocacy Rights)



What are Litigation and Advocacy practice rights?

9. Under the Legal Services Act 2007 (s12) litigation and advocacy activities can be carried out by an authorised person only. CILEx Regulation is a regulator that can award litigation and advocacy practice rights to enable you to become an authorised person. Litigation and advocacy activities, under the Legal Services Act, mean the right to conduct litigation and advocacy relates to the right to exercise of rights of audience in the Family Court.

10. CILEx Regulation has split the litigation and advocacy rights into different practice areas. They are civil, criminal and family. Therefore your authorisation will relate to one of these practice areas.

11. You may select to obtain advocacy rights in either the Judge's room or Open Court rights.

12. This handbook is for applicants applying for family litigation and advocacy rights. If you wish to apply also for civil and criminal rights you will need to refer to those handbooks.

Who can apply for Litigation and Advocacy rights?

13. Applications to become a CILEx Litigator and Chartered Legal Executive Advocate can be made by a range of applicants, including CILEx members, non-CILEx members, authorised persons from other branches of the legal profession and others who can demonstrate that they have met the necessary knowledge, understanding, experience and skills outlined in this handbook and the scheme rules. **However, you may not be authorised as a CILEx Litigator and Chartered Legal Executive Advocate by CILEx Regulation until you have been admitted to CILEx as a Chartered Legal Executive.** For further information on how to become a Chartered Legal Executive, you should contact the CILEx Membership department.

What can a Litigator and Advocate do?

14. As a CILEx Litigator and Chartered Legal Executive Advocate authorised by CILEx Regulation to undertake litigation and advocacy in family proceedings you will be able to undertake the activities set out on your litigation and advocacy certificate, this will be one of the following:

    - Family Litigation and Judge Room Advocacy (Chambers Advocacy)
    - Family Litigation and Open Court Advocacy

15. **Litigation and advocacy services can only be delivered through a regulated entity. You can become a CILEx Litigator and Chartered Legal Executive Advocate while you are working. If you want to practise independently in an entity you should apply to CILEx Regulation for regulation of your entity.**

If your application is approved

16. The application process outlined in this document, once successfully completed, will provide you with litigation rights and a certificate of eligibility to enable you to complete the Advocacy Skills course. You will not be authorised as an advocate until you have passed the Advocacy Skills course.

17. If your application is approved, you will become a CILEx Family Litigator and Chartered Legal Executive Advocate in family proceedings, who is an authorised person under the Legal Services Act 2007. This means you can carry out the litigation and advocacy activities set out in your certificate through a legal practice that is regulated.

18. If you intend to practise independently i.e. to set up your own practice you must also seek regulation of your entity. CILEx Regulation and other regulators are able to regulate legal practices. There is a separate application process for entity regulation.

Making Your Initial Application

19. To make your application to become a CILEx Litigator and Chartered Legal Executive Advocate in family proceedings you should submit the following:

    - Application form
    - Evidence of your qualifications
    - Evidence of your experience
    - Evidence of your skills
    - Fee

20. We will work with you during the application and decision process to ensure that we have all the information necessary to enable us to make an informed decision as to whether you have the required knowledge and understanding, experience and skills to become a CILEx Litigator and Chartered Legal Executive Advocate in family proceedings.

THE APPLICATION FORM

21. The application form can be found at www.cilexregulation.org.uk

22. You should fully complete all parts of the Application form which relate to your specialist area of practice unless you are already a Chartered Legal Executive Advocate in which case you need not complete part seven, which is only required for applicants who do not already have advocacy rights.

23. The application form includes sections for you to demonstrate your knowledge, understanding, skills and experience in Family Litigation and Advocacy. It also covers your knowledge, understanding, skills and experience in Practice Management and Accounts at Level 1. Level 1 in Practice Management and Accounts must be demonstrated by all applicants seeking to work in an entity regulated by CILEx Regulation. If you also are intending to run your own entity regulated by CILEx Regulation, you will also need a Compliance Manager. This could be you or it could be one or two other people. The Compliance Manager will need to demonstrate Practice Management and Accounts competence at Level 1 and Level 2. There is a separate handbook and application form for seeking additional authorisation as a Compliance Manager.

Completing the Application Form

24. On the first page of the application form, you should indicate the practice right you seek.

25. You should complete the remaining sections of the application form as follows:

Part One: General Information

26. This section asks for your personal information. You should answer all questions in this section.

27. You do not need to be a member of CILEx to apply for Litigation and Advocacy rights. However to be authorised as a CILEx Litigator and Advocate, **you must be a Chartered Legal Executive**. If you are successful in obtaining authorisation by us, we will register you as a CILEx Litigator and Chartered Legal Executive Advocate in family proceedings once you have been admitted as a Chartered Legal Executive. You could therefore apply to become a Chartered Legal Executive at the same time as you apply for litigation and advocacy rights, although we recommend that you apply to become a Chartered Legal Executive first.

Part Two: Knowledge and Understanding

28. To obtain Family Litigation and Advocacy rights, you must demonstrate that you have gained knowledge in either Family Law and Family Litigation to Level 6 standard. We have developed competence frameworks which set out the competencies we require in litigation and in advocacy. They are at **Annex 3**.

29. There are 3 routes through which you can demonstrate competence. This part of the application form requires you to choose one or a combination of options from the three routes. You may find you need to only choose one of these options, or alternatively you may demonstrate your knowledge and understanding through choosing elements from more than one of these options.

30. The options set out how you may demonstrate your knowledge and are explained below.

Option 1: CILEx Examinations

31. If you have passed the CILEx Level 6 examinations in family law and family litigation you should select this option. You must record the title of the examination and the date on which you passed the examination.

32. If you have not completed either or both of these examinations you may demonstrate your knowledge and understanding, equivalent to the Level 6 examinations in the subject(s) you do not have, through option 2 or option 3 or a combination of the two. Collectively you must demonstrate knowledge of relevant law and practice subjects.

Option 2: Equivalent Examinations

33. You may rely on examinations you have passed in family law and family litigation with an organisation other than CILEx. The examinations must be to Level 6 standard, which is honours degree level, and map to the competence framework at Annex 3 which is equivalent to the CILEx examinations. For example, you may have completed these subjects and been assessed in them on a law degree, LPC or BPTC.

34. If you have already been provided with exemptions from the Level 6 CILEx examinations, you will not need to repeat this process for the purpose of making an application for family litigation and advocacy rights.

35. We will map the examinations that you rely upon against the competencies at **Annex 3** for equivalency. To enable us to undertake this mapping exercise, we will need you to provide the following information:

    - The name of the Awarding body of each examination on which you seek to rely;
    - The title of each examination passed;
    - The date on which you passed each examination;
    - Evidence of your results (e.g. a certificate or transcript of marks); and
    - The syllabus for each examination.

36. Once we have received all the necessary information, we will map your examinations against the requirements set out in the Competence Framework located in the Litigation and Advocacy Certification Rules at **Annex 3**.

37. Each examination that you rely upon must have covered at least 50% of the competencies in the competence frameworks.

38. Where we do not find that the alternative examinations map to at least 50% of the competence frameworks we may ask you to supply further information about the examinations upon which you rely. Alternatively you may be asked to complete option 3 (the details of which are set out below) or take the relevant examinations. CILEx Regulation's assessment following the mapping exercise is final.

Option 3: Knowledge and understanding obtained through practice

39. Where you have not passed CILEx Level 6 or equivalent examinations in family law and family litigation you must use option 3 to demonstrate your knowledge in these subjects. Under this option you are able to demonstrate that through your practical experience you have gained knowledge of family law and family litigation. You must be able to demonstrate that the knowledge you have gained covers a sufficient breadth and depth to map to at least 50% of the competence frameworks at **Annex 3**.

40. You will be required to produce five portfolios of cases that you have dealt with, which set out how you have met the knowledge and understanding requirements as set out in the Litigation and Advocacy Competence Frameworks. A portfolio template can be found at **Annex 1 of the application form**. This template sets out the questions you need to answer in respect of each of the 5 cases. You will therefore need to produce 5 copies of the portfolio form. You should use a separate portfolio form for each of the 5 cases used.

41. You should select cases for your portfolios that demonstrate the range and breadth of your knowledge and understanding of the learning outcomes, as set out in the Competence Framework located in the Litigation and Advocacy Certification Rules at **Annex 3**.

42. We provide further guidance on how to complete the portfolios later in this handbook.

Part Three: Experience

43. In this part of the application form you must set out your experience in family litigation and advocacy, by outlining work you have undertaken in the last 5 years and producing portfolios of **3** cases you have dealt with.

44. You must begin by setting out your employment and work experience. This should cover the previous 5 years. If you have had a break in your employment in the last 5 years please provide an explanation for such breaks (e.g. maternity leave etc.).

45. You must have at least 2 years of experience in family litigation and advocacy immediately preceding your application. Where you have had a break in your employment, you may rely on litigation and advocacy experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.

46. For each of the employment/work roles you have identified on your application form, you should provide the following information:

    - A description of the types of cases that you have handled;
    - A description of your typical caseload, including details about the complexity of the caseload and a summary of any difficult cases you have handled;
    - The number of chargeable hours you spend on family litigation and advocacy;
    - The proportion of time you spend on family litigation, as opposed to other areas of practice;
    - A description of the range and nature of family litigation and advocacy matters you have handled; and
    - Any distinctive features of your work.

47. In addition to outlining your experience, you should provide **3** portfolios of cases you have handled. The cases you select for your portfolios must cover a range of matters you have handled and demonstrate the breadth of your experience in family litigation and advocacy. We have produced a portfolio template for you to use which can be found at **Annex 2 of the application form**. You will need to make 3 copies of the form in order to produce 3 portfolios. Where you have provided the 5 portfolios required to demonstrate your knowledge and understanding of the relevant area of law and practice and these also demonstrate your experience in family litigation, you may rely on these portfolios to evidence this aspect of the application process.

Part Four: Skills

48. In this part of the application you must demonstrate that you have the skills required to undertake family litigation and advocacy, deliver client care and undertake legal research. We have produced skills outcomes for client care, legal research and family litigation and advocacy.

49. The Competence Frameworks, located at Annex 3 of the handbook, set out the skills you must demonstrate. We have called them learning outcomes for litigation and advocacy.

50. You can meet the legal research and client care skills through a number of routes:

    - by undertaking the CILEx Level 6 examinations in these subjects;
    - through having completed an LL.B (legal research only); and/or
    - LPC/BPTC; or
    - through your work experience.

51. You can demonstrate that you meet family litigation and advocacy skills and also in client care and legal research outcomes either by:

    - taking a course or examination, which meets the outcomes set out in the Competence Framework;
    - by providing a logbook and portfolio of evidence which demonstrates how you have met each of the outcomes; or
    - a combination of the two options.

52. Where you opt to use the logbook and portfolio option we have produced a logbook template which asks a series of questions about your skills. The template logbook sheet can be found at **Annex 3 of the application form**. You must be able to evidence that your skills cover each learning outcome identified in column 2 of the skills section of the competence frameworks. You do this by completing a logbook sheet and providing supporting evidence for each outcome in column 2 of the competence frameworks. More guidance on how the competence frameworks work is provided in the competence framework part of this handbook. Where you cannot demonstrate that you have met one or more of the learning outcomes, you must complete a course which covers these skills.

Part Five: Practice Management and Accounts

53. Complete this part of the application form if you intend to deliver family litigation and advocacy services through an entity that will be regulated by CILEx Regulation. The form asks you to demonstrate your knowledge, understanding, experience and skills in Practice Management and Accounts to Level 1. You will also need at least one Compliance Manager(s) responsible for practice and/or accounts management. You or the person(s) applying to become the Compliance Manager(s) will also need to complete the Compliance Manager application form, which is available separately.

54. There are two routes through which you can demonstrate competence to Level 1 in practice management and accounts. This part of the application form requires you to choose one or a combination of options from the two routes. You may find you need to only choose one of these options, or alternatively you may demonstrate your knowledge and understanding through choosing elements from both of these options.

55. The options set out how you may demonstrate your knowledge and are explained below.

Option 1: Course(s)

56. If you have completed or passed a course which demonstrates your competence in some or all of the outcomes as set out in the competence framework, you may rely on this as evidence of meeting the required standard to achieve authorisation in practice management and accounts. You must record the course provider/awarding body, the title of the course and the date on which you completed or passed the course.

57. In addition, you should also supply the syllabus/course outline for the course on which you seek to rely, together with any transcript of marks and proof of having completed and, where appropriate, passed the course.

58. We will map the courses that you rely upon against the competencies at **Annex 4** for equivalency. To enable us to undertake this mapping exercise, we will need you to provide the following information:

    - The name of the Awarding body/course provider of each course on which you seek to rely;
    - The title of each course completed/passed;
    - The date on which you completed/passed each course;
    - Evidence of your completion/results (e.g. confirmation of attendance, a certificate or transcript of marks); and
    - The syllabus/course outline for each course.

59. Once we have received all the necessary information, we will map your course(s) against the requirements set out in the Practice Management and Accounts Competence Framework at **Annex 4**.

60. Where we do not find that the course(s) map to each of the outcomes in the competence frameworks we may ask you to supply further information about the course(s) upon which you rely. Alternatively you may be asked to complete option 2 (the details of which are set out below).

61. CILEx Regulation's assessment following the mapping exercise is final.

62. If you have not completed a course which demonstrates meeting some or all of the outcomes as set out in the competence framework you must demonstrate these through option 2. Collectively you must demonstrate knowledge, understanding, experience and skills in practice management and accounts management to the level equivalent with the authorisation you seek.

Option 2: Knowledge, understanding, experience and skills obtained through practice

63. Where you have not passed course(s) which meet the relevant outcomes required for authorisation in practice management and accounts management, you must use option 2 to demonstrate your knowledge, understanding, experience and skills in these outcomes. Under this option you are able to demonstrate that through your practical experience you have gained knowledge of the relevant outcomes. You must be able to demonstrate that the knowledge you have gained covers a sufficient breadth and depth to map to each of the outcomes set out in the competence frameworks at **Annex 4**.

64. Where you opt to use the logbook and portfolio option we have produced a logbook template which asks a series of questions about your skills. The template logbook sheet can be found at **Annex 3 of the application form**. You must be able to evidence that your skills cover each learning outcome at the appropriate level for your desired authorisation in practice management and accounts management. These are identified in column 2 of the competence frameworks.

65. You do this by completing a logbook sheet and providing supporting evidence for each outcome in column 2 of the competence frameworks. More guidance on how the competence frameworks work is provided later in this handbook. Where you cannot demonstrate that you have met one or more of the learning outcomes, you must complete a course which covers these skills.

Part Six: Membership of Professional Bodies and Conduct

66. This part of the application form asks you to outline any memberships you have of other professional bodies and your prior conduct.

Membership of Professional Bodies

67. You should complete the table, setting out details of all memberships you hold of professional bodies. You should include past and present memberships you hold or have held and set out the dates of each period of membership where you have held membership more than once with the same organisation.

68. You should include a statement of good standing for each of these memberships. A statement of good standing confirms that you have maintained any CPD requirements required as a member of each organisation and, that for current memberships, your subscriptions or regulatory fees are up to date.

Statement of prior conduct

69. This section asks you about your past conduct. You must answer all questions on the statement of prior conduct.

70. Where you have answered 'yes' to any of the questions, you must provide full details of the circumstances giving rise to the declaration, including dates of any declared conduct.

71. We will refer any prior conduct matters you declare to the CILEx Regulation Investigation Team, which will ask you for further information. A decision will be made whether the prior conduct matter affects your application for Litigation and Advocacy rights.

Declaration of conduct

72. You should then sign this part of the document. This declaration relates specifically to the information declared in this section in respect of prior conduct. You will also be asked to sign the application form at the end, to confirm that the information you have provided within your whole application is accurate and complete.

Part Seven: Advocacy Application

73. If you are not currently a Chartered Legal Executive Advocate in family proceedings you will need to seek advocacy rights along with your litigation application. To do that you must complete this section of the application form and provide 3 portfolios which demonstrate your family advocacy experience. This will provide you with a certificate of eligibility which you must have before you can undertake the family advocacy skills course.

74. You should indicate which advocacy right you are applying for. You are able to choose open court rights or Judge's Room advocacy only. If you choose Judge's Room advocacy, you will not have rights of audience to appear in the open Family Court. Judge's Room advocacy will allow you to appear in Chambers Hearings in family cases. You must apply for at least Judge's Room advocacy rights.

75. Once you have selected the advocacy rights that you want to apply for, you should complete **Annex 4** of the application in which you set out your family advocacy experience.

76. This part of the application requires that you demonstrate the experience you have developed in family advocacy.

77. In relation to the 2 years preceding the application you must give the following information about advocacy or similar work you have undertaken:

    - Proportion of time spent on family proceedings work.
    - Proportion or number of cases which have included preparation for trial.
    - Range and nature of advocacy experience including observed advocacy.
    - Details of supervisory arrangements under which you work and/or your supervisory responsibilities.

78. You must also submit a portfolio of cases demonstrating your advocacy experience in compliance with the competence criteria set out in the competence framework. The portfolio template can be found at Annex 5 of the application form. Where you have not undertaken advocacy you may complete portfolios for advice you have given at the police station. This form is at Annex 6 of the application form.

79. The portfolio requires you demonstrate the learning outcomes through answering the questions set out below. We have outlined how you can answer the questions.

If you are completing advocacy portfolios (Annex 5) the following guidance applies.

- Provide a concise description of the case, its progression and outcome

  Describe the facts of the case but keep the case anonymous.

- Summarise the nature of the advocacy that you undertook, including any negotiation and arbitration

  Outline the advocacy that you undertook. You should set out what representations you made in the case, any responses you made to issues raised by the other side and any other submissions you made.

- State the court in which the advocacy took place and whether it was a contested matter.

  State the type of court, e.g. county court, that the hearing took place in. State whether it was contested or uncontested. If it was contested indicate what elements were contested.

- Outline the preparation work you undertook before the hearing.

  Summarise what you did to prepare for the hearing such as gathering information, preparing a case outline, preparing submissions.

- Set out the client's objectives and how you managed them.

  Summarise what your client expected from the case and how you dealt with those expectations in your advocacy.

- Summarise the legal, procedural, evidential and ethical issues that arose during the hearing or advocacy and how you dealt with them.

  Detail the legal issues that applied and the steps undertaken to progress the case, for example were any forms lodged with the court and what action did you take before that? Outline the procedures and processes involved in the case. The question is not limited to situations where a problem arose in relation to procedures and/or processes used in the case.

  Set out what the evidence was and how you dealt with it (on both sides). It may be relevant to comment on the strength of the evidence. The question is not limited to situations where a problem arose in relation to evidence used in the case.

  It is very important you demonstrate that you are aware of your obligations to your client and the court and act with honesty and integrity. For example, were there any unrepresented third parties? Was there any conflict of interest? Did your client's instructions change? Did your client have capacity?

- Outline the effectiveness of your advocacy

  State how well you managed to advance your client's case. You do need to have been the successful litigant. The question is about reflecting on your advocacy in advancing your client's case

- Summarise any training or development needs you identified while you dealt with this case

  Any training needs that are identified should be addressed by reference to how you sought to obtain the desired training.

80. If you are completing police station portfolios (Annex 6) the following guidance applies.

- Provide a concise description of the case, its progression and outcome

  Describe the facts of the case but keep the case anonymous.

- Summarise the manner in which instructions were received by you.

  Outline how you were instructed. For example, you or your firm may have been on the duty rota or the client may have contacted you.

- Indicate the context in which the advice was provided.

  For example, you may have provided advice at the police station, over the telephone or made representations to the duty officer.

- Provide a summary of any legal issues that arose during the course of the advice, assistant and representation you provided to the client and how you dealt with them.

  Summarise the legal issues. For example, this may include advising the client on the caution, the offence for which they were being questioned.

- Provide a summary of any procedural issues that arose during the course of the advice, assistance and representation you provided to the client and you dealt with them.

  Summarise what procedural elements were. For example, outline the process that was followed in the before, during and after the police interview and you ensured your client was aware of the procedure.

- Provide a summary of any conduct or ethical issues that arose during the course of advising, assisting and representing the client and how you dealt with them.

  It is very important you demonstrate that you are aware of your obligations to your client and your responsibilities under the Code of Conduct. For example, were you being asked to represent more than one client? Was there any conflict of interest? Did your client's instructions change?

- Summarise the action you took after you had provided advice, assistance and representation to the client

  Set out what you did after the advice. For example, you may have made representations on bail, you will have written up a file note.

- Indicate how effective your advice, assistance and representation of the client was in the case

  State how well you managed to advance your client's case. You do need to have been successful in charges being dismissed. The question is about reflecting on your ability in advancing your client's case

- Summarise any training or development needs you identified arising our of your advice, assistance or representation

  Any training needs that are identified should be addressed by reference to how you sought to obtain the desired training.

Examples of draft portfolios can be found in Appendix 3 of this handbook.

Part Eight: References and Declaration

81. This part of the application asks you to provide details of two legal professionals who have knowledge of your work and are willing to provide a reference for you. The legal professionals should be authorised persons or members of the judiciary. An authorised person is defined in section 18 of the Legal Services Act 2007 as a solicitor, barrister, CILEx Fellow, CILEx Practitioner, Licensed Conveyancer, Patent Agent, Trade Mark Attorney, Costs Lawyer or Notarial Agent.

82. You should provide full contact details of your referees, including their name, address, telephone number and professional position. We will write to your referees and ask for a reference. We treat references as confidential and therefore will not ordinarily share them with you.

83. The final section of the application form asks you to choose the practice right for which you are applying. In this case you should delete all parts, with the exception of the relevant Family Litigation and Advocacy rights applied for in the second part of the declaration.

84. You should then sign and date the application form, stating that you have provided full and complete information to the best of your knowledge and that you agree to be bound by the rules governing authorisation as a CILEx Litigator and Chartered Legal Executive Advocate in family proceedings by CILEx Regulation.

THE COMPETENCE FRAMEWORK

85. This handbook makes reference to the Competence Frameworks, which are located within the Litigation and Rights of Audience Rules at Annex 3 of this document.

86. You may not be familiar with competence frameworks, in which case you should read this section before you start to complete the portfolios.

87. The framework has 3 columns.

- The first column identifies the nature of the learning outcomes and supporting experience. This is where we identify which sections relate to knowledge and understanding, experience or skills elements.
- The second column identifies each learning outcome to be addressed. Learning outcomes set out what you are able to do, either because you have completed a course/examination or because you have developed the knowledge, understanding, experience or skill through your work. When completing your portfolio or logbooks you should refer to the outcomes in this column for the knowledge, skills or experience part.
- The final column sets out the experience that you must have gained in order to meet the learning outcome set out in column 2. Where relevant they explain the steps you should take to evidence the corresponding outcome.

88. You should focus on column 2, which sets out the relevant learning outcome. Column 3 sets out the necessary knowledge and skills that support meeting the learning outcome.

Completion of the Knowledge and Understanding Portfolios – Annex 1 of Application Form

89. You must demonstrate your knowledge and understanding of the elements set out in the competence framework included in the Litigation and Rights of Audience Certification Rules located at Annex 3 of this document.

90. If you have not passed the CILEx Level 6 examinations or equivalent examinations in family law and family litigation you must complete portfolios to demonstrate your knowledge and understanding of each of the knowledge and understanding learning outcomes. This section guides you on completing the portfolios.

91. You must complete portfolios of five cases to demonstrate your knowledge and understanding of the relevant area of law and practice in accordance with the learning outcomes from the relevant competence framework (column 2 of the knowledge and understanding section of the framework).

92. Whilst you need not demonstrate all of the outcomes in each portfolio, you should demonstrate each knowledge and understanding learning outcome at least once across the five portfolios.

93. Each learning outcome has an explanation of what information is needed to demonstrate that you have met that learning outcome. These are located in column 3 of the framework. You must explain how your case example demonstrates these as this in turn demonstrates that you have met the learning outcome. For example:

Knowledge & Understanding	**Learning Outcome**	**Supporting Experience**
Family law and practice	*This is made up of 9 learning outcomes: the 3rd outcome states:* Demonstrate knowledge and understanding of the provisions for family property and ownership	*The information in this column sets out what you need to demonstrate in your case study to have met this learning outcome:* – Knowledge and understanding of the effects on property rights of the breakdown of relationships, the impact of express and implied trusts, the acquisition, protection and enforcement of home rights and the application of these in practical situations – Differences in consequences of breakdown of a relationship for an unmarried family in relation to ownership and occupation of the family home.

94. To meet this outcome, you could outline a case where you took instructions from a party seeking representation following relationship breakdown where the ownership and occupation of the family home was at issue. In your explanation, you should demonstrate that you covered the steps outlined in the supporting experience column to show that you have satisfied this outcome of knowledge and understanding of Family law and practice.

95. There are 9 learning outcomes to be satisfied. Although each portfolio does not need to cover all of the learning outcomes, ideally you should demonstrate that you meet each learning outcome at least once across the 5 portfolios. The minimum requirement is to demonstrate overall that you meet at least 50% of the learning outcomes. You should indicate in your portfolios the learning outcomes you believe they demonstrate.

96. The portfolio requires you demonstrate the learning outcomes through answering the questions set out below. We have outlined how you can answer the questions.

- Provide an outline of the facts of the case/matter

  You should provide an outline of the facts of the case/matter that you handled that you are using. You could for example set out the facts of a case where a client asks you to represent them following the breakdown of their relationship.

- Provide an explanation of the law arising in the case/matter and how the law applies to the facts outlined above

  You should provide an outline of the law which you identify as relevant to the facts, in the matter that you are using, to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. You may find that you are able to demonstrate some of the law competencies from the competence framework in this section of the portfolio. For example for learning outcome 9, if appropriate, you could set out the law that relates to your instructions such as the Family Law Act 1996.

- Provide an outline of any procedural and process matters that arose in the case/matter and how they were dealt with

  You should outline the steps undertaken to progress the case. This may include any appropriate orders applied for, such as non-molestation orders.

- Provide an outline of the evidential issues that arose in the case and how they were dealt with

  You should provide an outline of the evidence you had and how you dealt with this to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. For example evidential issues arising where one party presents a risk to the child, based on previous incidents. You should outline the action you took to evidence the nature and seriousness of the risk, actions taken by the other carer to minimise the risk to the child and any expert evidence required in support of the application.

  You should note that 'Issues' does not mean problems. By this we mean that you should outline all the evidential matters involved in the case. The question is not limited to situations where a problem arose in relation to the evidence used in the case.

- Provide an outline of any ethical or conduct issues that arose in the case and how they were dealt with

  You should provide an outline of any relevant ethical or conduct issues that arose in the matter that you are using to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. It is important that you are aware of your obligations to your client and act with honesty and integrity. For example, where you needed to seek advice on an area of law where you were unfamiliar with the requirements so as to not act beyond your competence in a matter.

- Provide an outline of any funding issues that arose in the case and how they were dealt with

  You should provide an explanation of how the case was funded.

  You should note that 'Issues' does not mean problems. By this we mean that you should outline all the funding matters involved in the case. The question is not limited to situations where a problem arose in relation to the funding used in the case.

- Provide an outline of the advice provided to the applicant and the outcome of the matter

  You should provide an outline of the advice you provided to your client which was relevant to progressing the matter that you are using to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. For example, when a parent has automatic parental responsibility and where your client does not have this, how it can be acquired under the Children Act 1989.

- Provide an outline of the decisions you had to make in the case and whether you had to take any strategic decisions in the case

  You should provide an outline of any decisions you had to make, including strategic decisions relevant in the matter that you are using to illustrate the learning outcomes from the knowledge and understanding section of the competence framework.

- Provide a description of any training or development needs you have identified as a result of having dealt with the case

  Having reflected on the case/matter you used in your portfolio, you should consider whether any training or development arose either during the case or on reflection following completion of the matter which would assist you in dealing with similar cases in future. You should also outline how you have addressed the training need identified.

97. At the end of each portfolio you should identify which of the knowledge and understanding outcomes you believe you have met in the portfolio.

Completion of the Experience Portfolios – Annex 2 of Application Form

98. You are required to demonstrate your experience of the elements set out in the 'Entry Experience All Applicants' section of the competence framework included in the Litigation and Rights of Audience Certification Rules. The competence frameworks are at **Annex 3** of this document.

99. All applicants must complete this part of the form unless you have already completed five portfolios to demonstrate your knowledge.

100. You should complete portfolios of **three** cases to demonstrate your experience of family litigation and **three** portfolios to demonstrate your experience of advocacy, in accordance with the relevant elements identified in the competence framework.

101. Where you have not produced 5 portfolios to demonstrate knowledge and experience of Family Law and Family Litigation, you should produce 3 portfolios which demonstrate your breadth of experience in these areas. You should follow the guidance set out at above on answering the questions.

102. Each portfolio must cover a range of the learning outcomes from the knowledge and understanding part of the competence framework so as to demonstrate your experience of the relevant area of litigation and advocacy gained in the last 2 years.

103. Where the knowledge and understanding portfolios do not demonstrate your experience to meet this requirement, you should submit additional portfolios to demonstrate your experience of family litigation and advocacy gained in accordance with the experience requirements. The portfolios will be marked by an external assessor.

104. At the end of each portfolio you should identify how the portfolio demonstrates your experience in the relevant area of litigation and advocacy.

Completion of the Skills Logbook and Portfolio of Evidence – Annex 3 of Application Form

105. The following guidance explains how to complete and present your logbook and portfolio for the skills part of your application. You must demonstrate your skills in family litigation and advocacy, client care and legal research by completing a logbook sheet for each skills element. Alternatively, you may complete a skills course or qualification to meet the learning outcomes.

106. This section gives you guidance where you opt to complete a logbook and portfolio of evidence.

107. The skills that you are required to demonstrate can be found in 2 parts of the competence framework labelled: 'Stage 1: Entry Skills' and 'Stage 2 Qualification Criteria: Skills'. In the first column of the competence framework, there are 6 skills elements identified.

108. Entry Skills element 1 is client care. This can be demonstrated in a number of ways:

- By passing the CILEx Level 6 Client Care examination;
- completion and passing the LPC or BPTC;
- another examination which meets the outcomes set out in column 2 of the competence framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

109. Entry Skills element 2 is legal research. This can be demonstrated in a number of ways:

- By passing the CILEx Level 6 Legal Research examination;
- through completion of a qualifying law degree;
- another examination which meets the outcomes set out in column 2 of the competence framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

110. Qualification Skills elements 1-6 are specific to family litigation and advocacy. They cover the following elements:

- Interviewing, advising and communicating
- Costs and funding
- Conduct and ethics
- Managing litigation work
- Settlement v Litigation
- Legal writing and drafting

111. These can be demonstrated either through:

- successfully completing a course which meets the outcomes set out in column 2 of the competence framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

112. You should complete a separate logbook sheet (located at **Annex 3 of the application form**) for each of the skills learning outcomes that are set out in column 2 of the Competence Framework located in the Litigation and Rights of Audience Certification Rules at **Annex 3**. In producing your logbook for each of these outcomes in column 2 you should aim to address the experience elements in column 3 of the framework.

113. For each piece of evidence you provide to support meeting the skills outlined in column 2 you should provide a logbook sheet which explains what the evidence is that you have provided and how it meets the learning outcome and supporting experience (located in columns 2 and 3). For example, to meet the skill element 3 (drafting), learning outcome 2, you could provide evidence of having drafted a Form E, particulars for a divorce application or in the case of family advocacy drafting a witness statement or particulars of claim.

114. You should then outline how the evidence shows you have put the outcome into practice in your workplace. For example, to explain how the Form E will be used to assess the financial position of the parties.

115. Where your activity in meeting the outcome has highlighted opportunities for you to develop your legal knowledge or professional skills, you should identify this on the logbook sheet. You may also want to include any steps you have taken to address this opportunity for development.

116. The evidence used must come from matters that you have dealt with and must support the learning outcomes and supporting evidence identified on the logbook sheet.

117. The evidence should be provided in a page numbered portfolio, with the relevant logbook sheet attached to the evidence.

118. A template logbook sheet can be found at **Annex 3** of the application form.

119. There are up to 2 entry skills elements and 6 qualification skills to be satisfied through preparation of a logbook and portfolio of evidence (depending on how you have chosen to demonstrate you meet these outcomes) and each has a series of learning outcomes attached to them. Ideally you should demonstrate competence against each of the learning outcomes in the competence framework. However, the minimum requirement is to achieve a mark of at least 50%.

120. You should provide the date upon which each outcome was completed on the logbook sheet; this will be the most recent date of the evidence supplied. The evidence on which you rely should not normally be more than 2 years old by the date on which you submit your portfolio. Where you have had a break in your employment, you may rely on litigation and advocacy experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.

121. You should sign and date each logbook sheet with the date you complete the logbook entry.

122. You should not present your logbook and portfolio in a ring-binder or any other binding or wallet. You should not staple sheets together or use comb binding. You may connect pages using a treasury tag or an elastic band only.

PRACTICE MANAGEMENT AND ACCOUNTS

123. If you seek to deliver family litigation and advocacy services through an entity that is regulated by CILEx Regulation you must obtain authorisation to Level 1 in Practice Management and Accounts.

124. In addition all entities must have Compliance Manger(s) responsible for practice management and accounts. The person(s) who will be the Compliance Manager(s) (whether in practice management, accounts or both) must complete the Compliance Manager application form. The Compliance Manager does not have to become a family litigator and advocate if they are not undertaking litigation work. Alternatively you may be the CILEx Litigator and Chartered Legal Executive Advocate in family proceedings and the Compliance Manager for your practice.

125. Once you have demonstrated competence in family litigation and advocacy, passed the advocacy course and demonstrated competence in accounts and practice management to level 1 you will be authorised by CILEx Regulation to deliver litigation and advocacy services.

126. If you intend to practise independently i.e. to set up your own entity you must also seek regulation of your entity. CILEx Regulation and other regulators are able to regulate entities. There is a separate application process for entity regulation.

The Practice Management and Accounts Competence Framework

127. This handbook makes reference to the Practice Management Competence Framework and Accounts Management Competence Framework, which are located at **Annex 4** of this document.

128. You may not be familiar with competence frameworks, in which case you should read this section before you start to complete the portfolios.

129. The framework has 3 columns.

- The first column identifies the nature of the learning outcomes and supporting experience. This is where we identify the required knowledge, understanding, experience and skills elements.

- The second column identifies each learning outcome to be addressed. Learning outcomes set out what you are able to do, either because you have completed a course/examination or because you have developed the knowledge, understanding, experience or skills through your work. When completing your logbook you should refer to the outcomes in this column for the knowledge, understanding, skills and experience.

- The final column sets out the experience that you must have gained in order to meet the learning outcome set out in column 2. Where relevant they explain the steps you should take to evidence the corresponding outcome.

130. You should focus on column 2, which sets out the relevant learning outcome. Column 3 sets out the necessary knowledge and skills that support meeting the learning outcome.

131. Each learning outcome has an explanation of what information is needed to demonstrate that you have met that learning outcome. These are located in column 3 of the framework. You must explain how your case example demonstrates these as this in turn demonstrates that you have met the learning outcome. For example (from Practice Management Competence Framework):

Knowledge, Understanding, Skills and Experience	**Learning Outcome**	**Supporting Experience**
Being part of a profession	*This is made up of 1 learning outcome: It states:* Demonstrate knowledge, understanding and application of the current legal market and legal entities which may be created to provide a legal service	*The information in this column sets out what you need to demonstrate in your case study to have met this learning outcome. It has 2 levels (level 1 and level 2a). All applicants must complete level 1, those seeking authorisation as a Compliance Manager must also complete level 2a.* *Level 1 states:* – Knowledge and understanding of the types of structure through which a legal entity may be formed – Knowledge and understanding of those able to regulate reserved legal activities – Understanding that the structure and regulation of legal entities and activities may change and be able to identify these changes – Knowledge and understanding of a business plan, taking into account recent and current changes to the legal services market – Knowledge, understanding and ability to comply with a complaints procedure in line with LeO guidelines.

132. To meet level 1 of this outcome you should outline your knowledge and understanding of each element, set out in the supporting experience column and explain how you apply this knowledge to your practice. This will demonstrate that you have satisfied this outcome at level 1 in practice management.

Completion of the Skills Logbook and Portfolio of Evidence

133. The following guidance explains how to complete and present your logbook and portfolio for your application. You must demonstrate your knowledge, understanding, experience and skills in the relevant level of competence for practice management and accounts management by completing a logbook sheet for each skills element. Alternatively, you may complete a course or courses to meet the learning outcomes.

134. This section gives you guidance where you opt to complete a logbook and portfolio of evidence.

135. The knowledge, understanding, experience and skills that you are required to demonstrate can be found in the competence frameworks. In the first column of the competence framework, there are 4 elements identified in the practice management competence framework and 3 elements identified in the accounts management competence framework.

136. The elements identified in the practice management competence framework cover the following elements:

- Being part of a profession
- CILEx regulations
- Management of a legal entity
- Business acumen

137. The elements identified in the accounts competence framework cover the following elements:

- CILEx Accounts Rules
- General Bookkeeping
- Finances

138. Each of the outcomes which fall within each element are levelled, at either level 1, level 2a, level 2b or level 2c. If you are not seeking authorisation as a Compliance Manager, you need only demonstrate competence at level 1.

139. The outcomes can be demonstrated either through:

- successfully completing a course which meets the outcomes set out in column 2 of the competence framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

140. You should complete a separate logbook sheet (located at **Annex 3 of the application form**) for each of the knowledge, understanding, skills and experience learning outcomes that are set out in column 2 of the Competence Framework at **Annex 4**. In producing your logbook for each of these outcomes in column 2 you should aim to address the experience elements set out in column 3 of the framework.

141. For each piece of evidence you provide to support meeting the skills outlined in column 2 you should provide a logbook sheet which explains what the evidence is that you have provided and how it meets the learning outcome and supporting experience (located in columns 2 and 3). For example, in the Accounts Management Competence Framework, to meet element 2 (General Bookkeeping), learning outcome 1 (Double Entry Bookkeeping) you could provide evidence of your knowledge and understanding of client ledgers, making entries into legal cashbooks, trial balances and a bill of costs.

142. You should then outline how the evidence shows you have put the outcome into practice in your workplace. For example, to explain how the financial statement clearly sets out the position of the client and how your knowledge of time costing has been applied to benefit reporting.

143. Where your activity in meeting the outcome has highlighted opportunities for you to develop your knowledge or professional skills, you should identify this on the logbook sheet. You may also want to include any steps you have taken to address this opportunity for development.

144. The evidence used must come from matters that you have dealt with and must support the learning outcomes and supporting evidence identified on the logbook sheet.

145. The evidence should be provided in a page numbered portfolio, with the relevant logbook sheet attached to the evidence.

146. A template logbook sheet can be found at **Annex 3** of the application form.

147. There are 7 elements to be satisfied to the required level (as set out above) through preparation of a logbook and portfolio of evidence (depending on how you have chosen to demonstrate you meet these outcomes) and each has a series of learning outcomes attached to them. You should demonstrate meeting each learning outcome at least once.

148. You should provide the date upon which each outcome was completed on the logbook sheet; this will be the most recent date of the evidence supplied. The evidence on which you rely should not normally be more than 2 years old by the date on which you submit your portfolio. Where you have had a break in your employment, you may rely on experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.

149. You should sign and date each logbook sheet with the date you complete the logbook entry.

150. You should not present your logbook and portfolio in a ring-binder or any other binding or wallet. You should not staple sheets together or use comb binding. You may connect pages using a treasury tag or an elastic band only.

HOW YOUR APPLICATION IS ASSESSED

General Guidance

151. The assessment of your application for litigation and advocacy rights will be made on the basis of the evidence you have provided to demonstrate you have met each of the learning outcomes in relation to your knowledge and understanding, experience and skills in litigation and advocacy, client care and legal research.

152. Assessment is set at a level which is considered to be equivalent with Level 6 on the Qualifications and Credit Framework, except for practice management and accounts management, which is not levelled in this way.

153. You should be able to demonstrate that you are able to:

- refine and apply knowledge, understanding and application of the law to complex problems;
- take responsibility for planning and developing courses of action autonomously;
- make a judgement and take into account changes and developments in the law.

This means that the evidence you provide should demonstrate the following standards:

Knowledge and understanding

- Ability to refine and use facts, law and evidence involved in the matter to create ways forward;
- Ability to critically analyse, interpret and evaluate complex information in the context of legal practice;
- Ability to understand the matter in the context of the area of practice;
- Awareness of recent legal developments in area of practice;
- Ability to understand different approaches, perspectives and developments in the law and business in the legal context, including the legal theory which underpins these approaches.

Application and action

- Ability to address problems that have limited definition and involve a number of related issues;
- Ability to determine, refine, adapt and use appropriate methods and skills;
- Ability to use and/or develop legal research to inform actions;

- Ability to evaluate the likely outcome of actions and methods and the implications of these.

Autonomy and accountability

- Ability to demonstrate responsibility for planning and developing courses of action in the context of legal practice;
- Ability to initiate and lead tasks and processes in the context of legal practice;
- Ability to exercise broad autonomy and judgement.

154. In determining whether your application has met the required standard, we will consider your ability to do the following:

- Recognise and rank items and issues in terms of relevance and importance;
- Integrate information and materials from a variety of different sources;
- Undertake the analysis of information in a logical and coherent way;
- Make critical judgements on the merits of particular courses of action;
- Present and make a reasoned choice between alternative solutions;
- Act independently in planning, preparation and undertaking tasks in probate activities;
- Undertake independent research in probate practice using standard legal information sources; and
- Reflect on learning and make constructive use of feedback.

WHAT HAPPENS NEXT?

155. Once you have completed your application form and supporting evidence, you should submit your application to:

CILEx Regulation
Kempston Manor
Kempston
Bedford
MK42 7AB

156. You should also submit the required fee with your application. The current fee for submitting your application can be found on the CILEx Regulation website www.cilexregulation.org.uk

157. When we receive your application, we will send a letter of acknowledgement to you. This will provide you with a likely timescale for the internal review of your application.

158. Once we have reviewed your application, it is usual for us to come back to you for additional information. This is to ensure that as far as possible, your application appears to fully demonstrate that you have met all of the learning outcomes set out on the Competence Framework at **Annex 1**, before we submit your portfolios covering your knowledge (where appropriate) and experience to our external assessors.

159. Our external assessors are experienced academics and assessors who are subject matter experts in your area of practice. They will review the information and evidence you have submitted in your application in order to assess whether the information you have provided meets the learning outcomes and supporting experience from columns 2 and 3 of the Competency Framework. Your portfolios may be sent to different assessors based on the subject matter of the relevant portfolio.

160. External assessment may take a few weeks. The external assessors will review all of the evidence and portfolios that you have provided to demonstrate your knowledge, understanding, skills and experience and will assess your portfolios against each of the learning outcomes.

161. There are a number of outcomes from assessment:

- Where you meet the outcomes your portfolio/logbook will be considered to demonstrate that you are competent in that element; or
- Where we cannot determine a matter on the evidence provided, we or the external assessor may seek further information before we can reach a decision, for example, we may ask for additional evidence or more detailed explanation of the matter(s) you have relied upon; or

- The assessor may assess you as not yet competent (a score of less than 50%), in which case they will provide reasons for their decision.

  Once we have received the outcome of the assessment from the external assessor, we will decide the next action required.

162. Our action, once we have received the external assessor's assessment may be to:

- Approve the application in the office as all elements have been assessed as 'Competent' in accordance with the Competence Framework.
- Where the portfolio/logbook has been assessed as overall competent, but issues have been identified by the assessor, the office may refer your application to the Admissions and Licensing Committee for their decision.
- Request further information from you and resubmit the application and/or ask you to make further submissions in support of your application. We will then submit this with your existing application to the Admissions and Licensing Committee for a decision.

Where the application is approved in the office

163. If you have demonstrated that you meet all of the learning outcomes set out in the competence framework, covering knowledge and understanding, experience and skills and the external adviser has assessed all of your portfolios as competent, your application for litigation rights and for the certificate of eligibility in relation to the advocacy skills course can be approved by a CILEx Regulation Officer.

164. We will write to you confirming that you have been successful in your application as a Litigator and that you have received your certificate of eligibility to undertake the advocacy skills course.

Advocacy skills course

165. On the award of a Certificate of Eligibility you will be eligible to undertake the advocacy skills course.

166. The course will involve the teaching of advocacy skills relevant to the rights you seek (chambers or open court). The course will be of at least 6 days duration for full rights and 2 days for Judge's Room only rights and must involve formal assessments of advocacy skills and a test in the law of evidence. The course provider will be responsible for testing and will inform CILEx of the assessment results.

167. You will be advised, when you obtain your Certificate of Eligibility, to obtain and study a self-study manual in the law of evidence. This will assist you in your preparation for the evidence test.

168. Once you have passed the advocacy skills course, we will send out your certificate confirming that you have been authorised as a CILEx Litigator and Chartered Legal Executive Advocate in family proceedings and will send out your practising certificate.

NOTE: If you are seeking to practise litigation and advocacy in an entity regulated by CILEx Regulation and act as the Compliance Manager for that entity, you must also satisfy the requirements as set out in the Compliance Manager handbook and for entity regulation.

Where the application cannot be approved in the office

169. Where the external adviser has identified areas for further development in your application before you can be assessed as competent, you will be asked to provide further information, make representations to the Admissions and Licensing Committee or you may decide to withdraw your application.

Withdrawing your application

170. If you decide to withdraw your application where the external adviser has assessed your application as not yet competent, your application will be cancelled. Your fee will not be refunded. If you would like to seek authorisation as a CILEx Litigator and Chartered Legal Executive Advocate in the future, you will be required to make a fresh application.

The Admissions and Licensing Committee

171. If you decide to continue with your application, you should provide additional supporting information to demonstrate your competence and/or make representations to the Committee as to your competence.

172. Once your additional information has been received, your application will be presented to the next available meeting of the Admissions and Licensing Committee for their decision.

173. The Committee may decide to approve or refuse your application.

174. If the Committee determines that your application demonstrates that you are competent to become a CILEx Litigator/undertake the advocacy skills course, we will write to you confirming that you have been successful in your application as a CILEx Litigator and that you have received your certificate of eligibility to undertake the advocacy skills course.

Advocacy skills course

175. On the award of a Certificate of Eligibility you will be eligible to undertake the advocacy skills course.

176. The course will involve the teaching of advocacy skills relevant to the certificate you seek. The course will be of at least 6 days duration for full rights and 2 days for Judge's Room only rights and must involve formal assessments of advocacy skills and a test in the law of evidence. The course provider will be responsible for testing and will inform CILEx Regulation of the assessment results.

177. You will be advised, when you obtain your Certificate of Eligibility, to obtain and study a self-study manual in the law of evidence. This will assist you in your preparation for the evidence test.

178. Once you have passed the advocacy skills course, we will send out your certificate confirming that you have been authorised as a CILEx Litigator and Chartered Legal Executive Advocate in family proceedings and will send out your practising certificate.

NOTE: If you are seeking to practise litigation and advocacy in an entity regulated by CILEx Regulation and act as the Compliance Manager for that entity, you must also satisfy the requirements as set out in the Compliance Manager handbook and for entity regulation.

179. If the Committee determines that your application does not demonstrate that you have yet met the competence requirements necessary to become a Litigator and Advocate they will refuse your application.

180. In this situation, your application will be cancelled. Your fee will not be refunded. If you would like to seek authorisation as a CILEx Litigator and Chartered Legal Executive Advocate you will be required to make a fresh application.

181. You may appeal the outcome of the Committee's decision. The rules governing appeal are located in the Admissions and Licensing Committee's rules and Investigation, Disciplinary and Appeal Rules.

APPENDIX 1

RIGHTS TO CONDUCT LITIGATION AND RIGHTS OF AUDIENCE CERTIFICATION RULES

APPENDIX 1 - RIGHTS TO CONDUCT LITIGATION AND RIGHTS OF AUDIENCE CERTIFICATION RULES

Definitions

1. In these Rules, except where otherwise indicated:

- "Advocacy Certificate" means a Rights of Audience Certificate identified in these Rules;
- "Advocacy Skills Course" means an advocacy skills course approved in accordance with the Rights of Audience Certification Rules;
- "Appeals Panel" means the Panel established to hear appeals against decisions made by the Admissions and Licensing Committee following a rehearing;
- "Authorised Litigator" means a person who has been granted a right to conduct litigation by an authorised body, under the terms of the Act;
- "Bar Standards Board (BSB)" means the regulatory body for barristers;
- "Certificate of Eligibility" means a Certificate permitting an applicant to undertake an Advocacy Skills Course;
- "Certification Rules" means these Rights to Conduct Litigation and Rights of Audience Certification Rules;
- "Chambers advocacy" means rights of audience exercised in Judge's room hearings;
- "Criminal Advocacy Evaluation Form (CAEF)" means the form used by judges to complete assessments/evaluations of advocates appearing before them;
- "External adviser" means a person appointed by CILEx Regulation to carry out the roles and functions identified for them by CILEx Regulation;
- "Fellow of CILEx or applicant in good standing" means a Fellow of CILEx whose subscriptions to CILEx are fully paid, or an applicant seeking registration with CILEx Regulation, and in both cases in respect of whose conduct there is no complaint or misconduct matter outstanding, whose CPD requirements are up to date and against whom there is no disciplinary record which in the view of CILEx Regulation affects their suitability to be a Chartered Legal Executive Litigator and Advocate;
- "CILEx" means the Chartered Institute of Legal Executives;
- "Independent assessor" means an individual that has been appointed by JAG to undertake assessments/evaluations of advocates in court;
- "Investigation, Disciplinary and Appeals Rules" means the rules of CILEx Regulation which are in place from time to time and which govern the complaints handling and disciplinary procedures of CILEx Regulation;

- "JAG" means the Joint Advocacy Group;
- "Joint Advocacy Group" means the body made up of representatives from the SRA, BSB and CILEx Regulation, responsible for the development and oversight of the scheme;
- "Chartered Legal Executive Advocate" means a Fellow who has been granted a Rights of Audience Certificate by CILEx Regulation;
- "Chartered Legal Executive Litigator" means a Fellow who has been granted a Litigation Certificate by CILEx Regulation;
- "The Act" means the Legal Services Act 2007;
- "Litigation Certificate" means a litigation certificate identified in these Rules;
- "The Officer" means a person with responsibility for the rights to conduct litigation qualification scheme and the rights of audience qualification scheme;
- "QASA or the Quality Assurance Scheme for Advocates" means the scheme under which the competence of criminal advocates appearing in the courts of England and Wales is assured by the SRA, BSB and CILEx Regulation;
- "Reaccreditation" means the process by which an advocate demonstrates their competence and renews their accreditation for a further five years;
- "Scheme (the)" means the Quality Assurance Scheme for Advocates or the QASA;
- "Solicitors Regulation Authority (SRA)" means the regulatory body for solicitors; and
- "Standards" means the nine expectations which are assessed by judicial evaluation, assessment organisation, assessed CPD, independent assessor or any other method approved by JAG.

  Words importing the singular include the plural and vice versa.

2. Responsibility for this qualification scheme is delegated to CILEx Regulation by CILEx.

The Rights to Conduct Litigation and Rights Of Audience Certificates

3. A Fellow of CILEx or an applicant eligible to qualify as a Fellow of CILEx who is in good standing may apply to IPS to be granted one or more of the following Certificates:

   (a) A Right to Conduct Litigation (Civil Proceedings) Certificate;

   (b) A Right to Conduct Litigation (Family Proceedings) Certificate;

   (c) A Right to Conduct Litigation (Criminal Proceedings) Certificate.

4. A Fellow of CILEx in good standing must, at the same time as their application for a litigation certificate, apply to CILEx Regulation to be granted one or more of the following Rights of Audience Certificates which relate to the same proceedings as the Litigation Certificate:

   (a) A Rights of Audience (Civil Proceedings) Certificate in Judge's Room;

   (b) A Rights of Audience (Family Proceedings) Certificate in Judge's Room;

   (c) A Rights of Audience (Civil Proceedings) Certificate;

   (d) A Rights of Audience (Family Proceedings) Certificate;

   (e) A Rights of Audience (Criminal Proceedings) Certificate.

5. The Rights to Conduct Litigation exercisable by Chartered Legal Executive Litigators holding Litigation Certificates are set out below:

   Rights to Conduct Litigation (Civil Proceedings) Certificate:

   To conduct litigation in all civil proceedings excluding family proceedings;

   Rights to Conduct Litigation (Family Proceedings) Certificate:

   To conduct litigation in all family proceedings;

   Rights to Conduct Litigation (Criminal Proceedings) Certificate:

   To conduct litigation in all criminal proceedings.

6. The rights of audience exercisable by Litigators holding Rights of Audience Certificates are set out below:

   Rights of Audience (Civil Proceedings) Certificate in Judge's Room:

   - to exercise rights of audience in Judge's room hearings in the County Court and High Court in all civil proceedings excluding family proceedings.

   Rights of Audience (Civil Proceedings) Certificate:

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

- to appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors and barristers.

A Civil Proceedings Certificate does not confer a right of audience in any proceedings for which a Family Proceedings Certificate is required.

Rights of Audience (Family Proceedings) Certificate in Judge's Room:

- to appear in Judge's room hearings in the Family Court.

Rights of Audience (Family Proceedings) Certificate:

- to appear in the Family Court in all proceedings;
- to appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors and barristers.

A Family Proceedings Certificate does not confer a right of audience in any proceedings for which a Civil Proceedings Certificate is required.

Rights of Audience (Criminal Proceedings) Certificate:

- to appear before Justices Clerks, Justices or a District Judge (Magistrates' Court) in all adult Magistrates' Courts in relation to all matters within that Court's criminal jurisdiction;
- to appear before Justices Clerks, Justices or a District Judge (Magistrates' Court) in all Youth Courts in relation to all matters within that Court's criminal jurisdiction;
- to appear in the Crown Court or High Court before a judge in chambers to conduct bail applications;
- to appear in the Crown Court on appeal from the Magistrates' Court, the Youth Court or on committal of an adult for sentence or to be dealt with, if they, or any approved person in the same employment as them, appeared on behalf of the defendant in the Magistrates' Court or Youth Court;
- to appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors and barristers.

7. A person who has qualified as a Chartered Legal Executive Advocate before qualification as a Chartered Legal Executive Litigator may continue to exercise all the rights of audience appropriate to the Advocacy Certificate or Certificates they hold, as described in Rule 5 above immediately upon qualification as a Chartered Legal Executive Litigator.

Qualification Arrangements – Rights to Conduct Litigation

8. Applicants who seek rights to conduct litigation must demonstrate that they meet the knowledge, skills and experience for the certificate they seek in accordance with the knowledge, skills and experience guidelines and portfolio guidelines which appear at Annexes 1 and 2 and the competence framework at Annex 3.

Qualification Arrangements – Rights of Audience

9. Applicants who seek rights to conduct litigation must also make an application for rights of audience. In the case of rights to conduct litigation in civil or family proceedings, an applicant must make an application in civil proceedings either for a Rights of Audience (Civil Proceedings) Certificate in Judge's room or Rights of Audience (Civil Proceedings) Certificate. In the case of family proceedings, an applicant must make an application for either a Rights of Audience (Family Proceedings) Certificate in Judge's room or Rights of Audience (Family Proceedings) Certificate. In the case of criminal proceedings, an applicant must make an application for a Rights of Audience (Criminal Proceedings) Certificate.

10. Applicants must make an application for a Certificate of Eligibility to undertake the rights of audience skills course relevant to the Certificate they seek. In their application they must demonstrate that they meet the entry criteria for the certificate they seek in accordance with the knowledge, skills and experience guidelines which appear at **Annex 1**.

11. An application for a Certificate of Eligibility must be supported by:

    - Evidence of the applicant's knowledge of the law, the rules of evidence and legal practice relevant to the practice area in which they seek rights of audience in accordance with the competence criteria set out at **Annex 3**;
    - A portfolio of cases in which the Applicant has been involved during the two years preceding their application, in accordance with the portfolio guidelines at **Annex 2**;
    - Details of two referees, who are members of the legal profession, who can attest to the applicant's knowledge of civil, criminal or family law and practice, whichever is relevant, and who are able to offer an informed opinion on whether the applicant meets the competence criteria set out in the knowledge, skills and experience guidelines at **Annex 1**;
    - A statement from the applicant confirming that the details provided in their application are true to the best of their knowledge and belief.

12. CILEx Regulation will assess an application for a Certificate of Eligibility in accordance with the criteria set out in the knowledge, skills and experience guidelines and the portfolio guidelines at **Annexes 1 and 2** and the criteria at **Annex 3**. An applicant who meets the criteria will be granted a Certificate of Eligibility.

13. Upon receiving a Certificate of Eligibility an applicant will complete a Judge's room or full advocacy skills course in accordance with the Rights of Audience they seek. Courses must meet the qualification criteria which appear at **Annex 3**. Courses will be assessed in accordance with the assessment criteria which appear at **Annex 4**.

14. Where an applicant who has met the criteria set out in the knowledge, skills and experience guidelines and the portfolio guidelines, has completed an advocacy skills course and qualification which is of a similar standard they may seek an exemption from the requirement to undertake the advocacy skills course and assessment. In making such an application for exemption, the applicant will be required to provide an outline of the advocacy skills course and assessment they completed, along with the results they obtained. CILEx Regulation will assess whether the course and assessment meet the advocacy skills course and assessment criteria set out at **Annexes 3 and 4**. An exemption will be granted where an applicant is able to demonstrate that the course and assessment covered at least 50% of the course outcomes and assessment criteria set out at **Annexes 3 and 4**. Where an applicant is unable to demonstrate that they meet the course outcomes and assessment criteria, they will be required to complete the advocacy skills course and assessment.

All Applications

15. An application for a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience shall be made on such a form as may be prescribed for the purpose by CILEx Regulation and shall be accompanied by such fee as may be fixed by CILEx Regulation from time to time.

16. CILEx Regulation will check the application to ensure it meets the criteria set out in the knowledge, skills and experience guidelines at **Annex 1**. The portfolios which form part of the application will be sent to an external advisor. The external advisor will assess whether the portfolios meet the criteria set out at **Annexes 1 to 3**.

17. Where the external advisor decides that the portfolios are satisfactory and meet the criteria set out at **Annexes 1 to 3**, a CILEx Regulation Officer will consider whether the application for a Rights to Conduct Litigation Certificate and a Certificate of Eligibility for Rights of Audience may be approved. In reaching their decision the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.

18. Where the external advisor decides that the portfolios are not satisfactory and do not meet the criteria set out at **Annexes 1 to 3** they will give reasons for their decision. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and resubmit their application or make further representations and ask that the full application be referred to the Admissions and Licensing Committee to consider.

19. The Admissions and Licensing Committee will decide whether or not an application should be approved. In reaching its decision the Committee will consider all the information provided by the applicant, and may call the applicant for interview or call for information from any person or source it considers appropriate. The Committee may:

    - approve the application; or
    - decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.

    In making any assessment or decision required by these Rules the Admissions and Licensing Committee shall have regard to the criteria at **Annexes 1 to 3** to these Rules.

20. The Officer will notify an applicant in writing of their decision or the decision of the Admissions and Licensing Committee.

21. Where the application has been approved the notification shall include the Certificate(s) of Eligibility for Rights of Audience and an indication that the Rights to Conduct Litigation Application has been approved. The Litigation Certification may only be granted on the successful completion of the associated Rights of Audience skills course and assessment.

22. Where the application for a Certificate of Eligibility in Rights of Audience has been approved but the application for the Rights to Conduct Litigation Certificate identifies gaps in an applicant's knowledge, skills or experience, the notification shall set out details of the gaps and the reasons why the assessment has identified the full knowledge, skills and experience guidelines and portfolio guidelines have not been met. An applicant may defer their application while they develop their knowledge, skills or experience or attend a course. A course must meet the outcomes set out at **Annex 3** in respect of the aspects where the applicant had not met the outcomes. Upon completion of a course or development of experience, CILEx Regulation will reassess the application to determine whether the applicant meets the knowledge, skills and experience guidelines. Where an application meets the guidelines, they may then undertake the Rights of Audience Skills Course and Assessment.

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

24. The Certificate of Eligibility for Rights of Audience will specify which of the advocacy skills course options the applicant may take.

Admissions and Licensing Committee

25. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for the Rights to Conduct Litigation and Rights of Audience schemes.

External Advisors

26. CILEx Regulation shall appoint external advisors to advise the Admissions and Licensing Committee and CILEx Regulation on issues relating to litigation and advocacy.

Advocacy Skills Courses

27. An applicant who has been granted a Certificate of Eligibility in Rights of Audience may take advocacy skills courses relating to the Certificate for which they have been granted a Certificate of Eligibility.

28. Where an applicant fails to start an advocacy skills course within 12 months of being granted a Certificate of Eligibility, they must make a fresh application for such a Certificate before they may start an advocacy skills course. In exceptional cases the Admissions and Licensing Committee or the CILEx Regulation Officer may exercise discretion to extend the duration of a Certificate of Eligibility.

29. Applicants will be required to:

    - successfully complete the training sessions; and
    - pass the formal assessments in accordance with the Assessment Criteria set out in **Annexes 3 and 4**.

30. An approved advocacy skills course must:

    - Meet the course delivery criteria set out at **Annex 3**; and
    - Include arrangements for assessment of advocacy skills in accordance with the assessment criteria set out in **Annex 4**.

Course Providers

31. Independent teaching or testing organisations will provide advocacy skills courses and assessments.

32. Advocacy skills courses will be provided by course providers who are accredited in accordance with the Rights of Audience Certification Rules.

Certification

33. Upon successfully demonstrating that they meet the criteria for a Rights to Conduct Litigation Certificate and successful completion of the Judge's room or full advocacy course an applicant may apply for a Litigation and Advocacy Certificate. An applicant who is not a Fellow and has completed an advocacy course may not make an application for a certificate until they become a Fellow of CILEx.

34. A Fellow may only apply for a Litigation and Advocacy Certificate relating to the type of proceedings covered by the litigation application and advocacy skills course they completed.

35. An application shall be made on a form prescribed by CILEx Regulation from time to time for this purpose and shall be accompanied by such fee as may be fixed by CILEx Regulation from time to time.

36. The Officer will process the application for a Litigation and Advocacy Certificate. The applicant shall be granted a Litigation and Advocacy Certificate provided the Officer is satisfied that the applicant:

    - is a Fellow in good standing;
    - has met the litigation skills criteria; and
    - has completed and passed an advocacy skills course and assessment.

37. Where the Officer has any doubt as to the suitability of the applicant to be awarded a Litigation and Advocacy Certificate they may request additional information from the applicant and/ or refer the application to the Admissions and Licensing Committee for decision.

38. When considering an application to award a Litigation and Advocacy Certificate the Admissions and Licensing Committee will consider all the information before it and may request additional information from any person or source it considers appropriate. It may require or permit the applicant to attend for interview before reaching its decision.

39. If the Admissions and Licensing Committee is satisfied that the applicant is a fit and proper person to be issued with a Certificate it shall grant the Certificate. If it is not satisfied, it must give its reasons and indicate any preconditions to the consideration of any subsequent application by the applicant.

40. The Officer will notify an applicant in writing of the decision as to whether their application for a Litigation and/or Advocacy Certificate is successful. Where the application has been approved the notification shall include the Litigation and Advocacy Certificate. Where the application is unsuccessful, the notification shall set out the reasons and any preconditions to the consideration of any subsequent application by the applicant for a Litigation and Advocacy Certificate. The applicant may apply for reconsideration of their application in accordance with the Admissions and Licensing Committee Rules.

41. A Fellow holding a Litigation and Advocacy Certificate will be described as a Chartered Legal Executive Litigator and Advocate.

42. A Chartered Legal Executive Litigator and Advocate who holds a Criminal Litigation and Criminal Advocacy Certificate will upon qualification receive provisional QASA accreditation which is valid until the Chartered Legal Executive Litigator and Advocate has successfully completed the first renewal process.

Application for Additional Certificates

43. A Chartered Legal Executive Litigator and Advocate may apply to be granted Litigation and Advocacy Certificates additional to any Certificates already granted to them under these Rules. Prior to seeking an additional Advocacy Certificate the Litigator must obtain a Litigation Certificate in that practice area or make an application for a Litigation Certificate at the same time.

44. Applications shall be processed in accordance with these Rules.

Renewal of Certificates

45. The first Advocacy Certificate issued to a Fellow, and the first Advocacy Certificate issued in respect of any additional proceedings, will be valid until either 1 June or 1 December, whichever is the earlier, after 12 months have elapsed from the date on which that Certificate was issued. Thereafter, any Advocacy Certificate will be valid indefinitely.

46. A Chartered Legal Executive Litigator and Advocate who holds a Criminal Litigation and Criminal Advocacy Certificate must also comply with the requirements of the QASA as set out in the CPD Regulations and QASA Handbook.

47. Applications for the first renewal of a certificate will be made on a form prescribed by CILEx Regulation from time to time for the purpose and shall be accompanied by such fee as may be fixed by CILEx Regulation from time to time.

48. An application for the first renewal of a Advocacy Certificate must be supported by:

    - Confirmation that the applicant is working as a Chartered Legal Executive Litigator and Advocate;
    - a record of the applicant's litigation and advocacy experience gained during the period since their Certificate was granted;
    - a portfolio of cases in which the applicant has been involved during the period since their Certificate was granted, in accordance with the Portfolio Guidelines set out in **Annex 2**;
    - a statement from the applicant confirming the details provided of their litigation and advocacy experience and whether any rights to conduct litigation and rights of audience granted will be exercised in the future.

49. The portfolio which forms part of the application for the first renewal of the Certificate will be sent to an external advisor. The external advisor will assess the portfolio against the criteria set out in **Annexes 1 and 2**.

50. Where the external advisor decides that the portfolio is satisfactory and shows that the applicant has applied the litigation and advocacy skills in the cases described in accordance with the Portfolio Guidelines in **Annex 2** and the course outcomes and assessment criteria set out in the competence framework at **Annexes 3 and 4** the Officer will consider the application and decide whether it should be approved. In reaching a decision the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate.

51. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.

52. Where the external advisor decides that the portfolio is not satisfactory and does not show that the applicant has applied the litigation and/or advocacy skills in the cases described in accordance with the Portfolio Guidelines set out in **Annex 2** and the Course Outcomes and assessment criteria set out in **Annexes 3 and 4** the external advisor shall give reasons for their decision. They shall indicate what action the applicant needs to take to provide a satisfactory portfolio. The Officer will inform the applicant of the decision. The applicant may withdraw their application or make further representations and ask that the full application be referred to the Admissions and Licensing Committee to consider.

53. The Admissions and Licensing Committee will decide whether or not an application should be approved. In reaching its decision the Committee will consider all the information provided by the applicant and may call the applicant for interview or call for further information from any person or source it considers appropriate. The Committee may approve the application or reject it.

54. In making any assessment or decision required by these Rules the Officer and the Admissions and Licensing Committee shall have regard to the portfolio guidelines in **Annex 2** and the course outcomes in **Annexes 3 and 4**.

55. The Officer will notify an applicant in writing of the decision. Where the application has been approved the notification shall include the Advocacy Certificate. Where the application is unsuccessful the notification shall set out the reasons for the decision and any preconditions to the consideration of any subsequent application for an Advocacy Certificate.

56. Where the application is unsuccessful an applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules. The Admissions and Licensing Committee will have the same powers available upon an application for reconsideration.

Lapsed Certificates

57. A Fellow who has held a Litigation Certificate and an Advocacy Certificate which has lapsed may apply for that certificate to be renewed. Renewal of a lapsed certificate will be governed by Rules 46 to 57 which deal with first renewal of a advocacy certificate save that in Rule 49:

    - the reference to an application for the first renewal of a Advocacy Certificate should be a reference to an application for renewal of a lapsed Litigation and Advocacy Certificate;
    - the applicant will not be required to provide confirmation that they are working as a Chartered Legal Executive Litigator and Advocate;
    - the applicant will be required to provide a record of their litigation and advocacy experience since their Litigation and Advocacy Certificate lapsed, except where the Certificate which has lapsed is a Criminal Litigation and Criminal Advocacy Certificate, in which case reference to the record of the applicant's advocacy experience shall include police station advice and observed advocacy in accordance with the Portfolio Guidelines; and
    - the information required to be provided by the applicant shall include, additionally, reasons why the Litigation and Advocacy Certificate lapsed and details of CPD undertaken during the 12 months prior to the application.

58. A lapsed Litigation and Advocacy Certificate is one which has expired and has not been renewed, whether by decision of the holder of the certificate, or as a result of a decision of the Admissions and Licensing Committee, or in the case of a Criminal Proceedings Litigation and Advocacy Certificate, one which has lapsed because the QASA requirements have not been met or because the holder has ceased to be eligible to hold a certificate for any reason.

59. Where a Litigation Certificate and an Advocacy Certificate which has lapsed is renewed by the Admissions and Licensing Committee it will be valid indefinitely. In the case of a Criminal Proceedings Litigation and Advocacy Certificate, it will be valid indefinitely subject to meeting the requirements for reaccreditation as set out in the QASA handbook.

Practice Management and Accounts

60. A Chartered Legal Executive Litigator and Advocate who seeks to practise in an entity seeking regulation by CILEx Regulation must demonstrate that they meet the knowledge, skills and experience in accounts and practice management in accordance with the knowledge, skills and experience guidelines and portfolio guidelines and the competency frameworks which appear at **Annexes 5 and 6**. They will not be authorised to be an approved manager in an entity until these requirements are met.

61. Where an applicant relies upon existing experience they must complete a log in accordance the portfolio guidelines. An applicant who relies upon a qualification as evidence of meeting the competency framework must provide details of that qualification and assessment. CILEx Regulation will consider whether the experience or qualification relied upon demonstrates that the applicant meets the requirements of the competency framework.

62. An applicant who does not meet the knowledge, skills and experience requirements for practice management and/or accounts must complete qualification courses and assessment in those areas which meet the competency frameworks at **Annexes 5 and 6**.

Continuing Professional Development (CPD)

63. Chartered Legal Executive Litigators and Advocates are required to undertake the same CPD as Chartered Legal Executives (in the case of Litigators with Judge's room advocacy only) and Chartered Legal Executive Advocates (in case of Litigators and Advocates), in accordance with the CPD regulations issued by CILEx Regulation from time to time.

64. Where a Chartered Legal Executive Litigator or Advocate has failed to undertake CPD which meets the requirements of the CPD regulations or fails to provide a record of such CPD, or in the case of a Chartered Legal Executive Litigator and Advocate who holds a Criminal Litigation and Criminal Advocacy Certificate fails to meet the QASA requirements as set out in the QASA handbook, the Officer will refer the matter to the Admissions and Licensing Committee. The Admissions and Licensing Committee will consider whether the Chartered Legal Executive Litigator and Advocate should retain their Litigation and Advocacy Certificate. The Chartered Legal Executive Litigator and Advocate will have the opportunity to make written representations to the Committee and a right to be heard by the Committee. The Committee may decide to:

    - Grant an extension of up to 3 months for the Chartered Legal Executive Litigator and Advocate to meet their outstanding CPD requirements or in the case of a Chartered Legal Executive Litigator and Advocate who holds a Criminal Litigation and Criminal Advocacy Certificate grant an extension of up to 12 months to meet the QASA requirements as set out in the QASA handbook. The Litigator or Advocate will still be required to meet their current CPD requirements in the normal way; or

    - Withdraw the Litigation and Advocacy Certificate until they comply with the CPD requirements.

Disciplinary Procedures and Code of Conduct

65. Chartered Legal Executive Litigators and Advocates will be required to abide by the Code of Conduct of CILEx for the time being in force. Those holding a Criminal Litigation and Criminal Advocacy Certificate will additionally be required to comply with the QASA.

66. Where an issue relating to the competence of a Chartered Legal Executive Litigator and Advocate who holds a Criminal Litigation and Criminal Advocacy Certificate is brought to the attention of CILEx Regulation by means of a completed CAEF or otherwise, the Admissions and Licensing Committee will consider whether the Chartered Legal Executive Litigator and Advocate remains a fit and proper person to hold a Litigation and Advocacy Certificate. The Admissions and Licensing Committee must give reasons for its decision. The Committee may ask for further information or evidence, including a report from an independent assessor regarding the competence of the Litigator and Advocate in order to assist in its decision making.

67. Where a complaint is made or an issue is brought to the attention of CILEx Regulation regarding the conduct of a Chartered Legal Executive Litigator and Advocate that matter will be dealt with in accordance with CILEx Regulation's Investigation, Disciplinary and Appeals Rules.

68. Where a Finding, Order or Decision is made against a Chartered Legal Executive Litigator and Advocate by a Disciplinary Tribunal or Panel that Finding, Order or Decision will be referred to the Admissions and Licensing Committee. The Admissions and Licensing Committee will decide whether the Chartered Legal Executive Litigator and Advocate remains a fit and proper person to hold a Litigation and Advocacy Certificate. The Admissions and Licensing Committee must give reasons for its decision.

69. Rule 69 shall not apply where an Order is made excluding a Chartered Legal Executive Litigator and Advocate from membership of CILEx. Rule 71 shall apply in such a case.

70. Where the Admissions and Licensing Committee decides that the Chartered Legal Executive Litigator and Advocate is no longer a fit and proper person to hold a Litigation and Advocacy Certificate, they must return their Certificate(s) to CILEx Regulation within 28 days of them being notified of the decision. Failure to do so will constitute a disciplinary offence. The Fellow may not exercise any litigation or advocacy rights granted to them under their Litigation and Advocacy Certificate(s) after they have been notified of the decision.

71. Notwithstanding the Admissions and Licensing Committee Rules an appeal against a decision of the Admissions and Licensing Committee that a Chartered Legal Executive Litigator and Advocate is no longer a fit and proper person to hold a Litigation or Advocacy Certificate will be considered by a professional member and two lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation's Appeals Panel.

Rules 2013

ANNEX 1 - KNOWLEDGE, SKILLS AND EXPERIENCE GUIDELINES

1. The knowledge, skills and experience guidelines have been split into applications for rights to conduct litigation and applications for certificates of eligibility for the rights of audience qualification.

2. An applicant who seeks rights to conduct litigation and rights of audience (Judge's room or open court), must satisfy the guidelines set out below.

Rights to Conduct Litigation – Guidelines

3. An applicant seeking rights to conduct litigation must provide the following information:

   - The total litigation experience they have gained;
   - The type of litigation work they have undertaken, including their main areas of specialism.

4. In relation to the two years preceding the date of their application, applicants must provide the following information:

   - A general description of the litigation work they have carried out;
   - Details of their typical case load;
   - The number of chargeable hours they spent on litigation work in each year;
   - The proportion of time they spent on litigation work each year;
   - The proportion, or number of cases, which have included preparation for trial;
   - Details of any distinctive features of their work;
   - Details of any supervisory arrangements under which they work and their own supervisory responsibilities.

5. Applicants must demonstrate that they have knowledge of law and legal practice; skills; and experience in the subject area relevant to the litigation rights that they seek in accordance with the criteria at **Annex 3**.

Competence Criteria

6. In deciding whether an applicant has adequate knowledge, skills and experience CILEx Regulation will have regard to the competency framework set out at **Annex 3**.

7. Applicants will be required to demonstrate their knowledge, skills and experience in accordance with the portfolio guidelines set out at **Annex 2**.

8. In their application, portfolios and logbook, an applicant will be expected to demonstrate that they can:

   - Recognise and rank items and issues in terms of relevance and importance;
   - Integrate information and materials from a variety of different sources;
   - Undertake the analysis of factual information in a logical and coherent way;
   - Make critical judgements on the merits of particular arguments;
   - Present and make a reasoned choice between alternative solutions;
   - Act independently in planning, preparing and undertaking tasks in the area in which they seek reserved legal activity rights;
   - Undertake independent research in the areas where rights are sought using standard legal information sources; and
   - Reflect on their learning and make constructive use of feedback.

Evaluating Experience

9. An applicant will be expected to have a range of experience across the litigation practice area in which they seek rights. Applicants should have handled cases from the beginning to the end of the process, including preparing cases for trial and undertaking post trial work.

10. CILEx Regulation will consider the quality of experience that an applicant has gained, as well as the quantity of their experience. In considering the quality of experience an applicant has gained, CILEx Regulation will look at various factors such as the seriousness and complexity of cases handled, difficult cases handled, the nature of the matter and the types of hearings that have been undertaken.

11. CILEx Regulation will recognise that applicants could have had a break in their experience due to factors such as career breaks, job changes, maternity or paternity leave, long term illness, or disability. CILEx Regulation will not discriminate directly or indirectly against an applicant whose experience has been affected in this way. However, CILEx Regulation will need to ensure that an applicant has an acceptable level of experience.

12. Where an applicant has had a break in their experience, they may provide details of experience gained during a different period when they were more actively engaged in practice in the area where rights are sought. However, the break must not have been longer than 5 years. In exceptional circumstances, applications may be accepted from applicants who have had a break longer than 5 years.

13. There may be other factors which affect an applicant's experience in the preceding 2 years. CILEx Regulation will consider details of more active periods from applicants whose experience discloses a pattern that they regard as atypical.

Rights of Audience – Guidelines

14. These guidelines apply to applicants who seek a Certificate of Eligibility for the rights of audience qualification. Applicants must satisfy these guidelines in addition to the knowledge, skills and experience guidelines for the rights to conduct litigation certificate.

Certificate of Eligibility

15. An applicant who seeks litigation rights in civil and family proceedings must, at the same time, make an application for rights of audience, either in Judge's room proceedings, or Judge's room and open court proceedings. An applicant who seeks litigation rights in criminal proceedings must, at the same time, make an application for rights of audience in open court proceedings.

16. The applicant must provide the following information about their experience:

    - Total years advocacy experience and the number of years' experience in advocacy gained as a fee earner;
    - The types of advocacy they have undertaken.

17. Applicants will complete a form which sets out the following information:

    - A general description of the advocacy they have carried out;
    - Details of their typical case load;
    - The proportion or number of cases which have included preparation for trial;
    - The range and nature of their advocacy experience, including experience of observed advocacy.

18. Applicants must submit a portfolio of cases demonstrating their advocacy experience in compliance with the criteria set out at **Annex 3** and portfolio criteria at **Annex 2**.

19. In their application, applicants will need to satisfy CILEx Regulation that they have an appropriate level of knowledge of law and practice, experience and skills to enable them to undertake the rights of audience skills course and upon successful completion of that course, to exercise the right of audience they seek.

Evaluating Advocacy Experience

20. CILEx Regulation will need to be satisfied that an applicant is actively undertaking advocacy. In considering whether an applicant is an active advocate, CILEx Regulation will take into account advocacy experience that an applicant has gained outside their normal area of work. It will also take into account that advocacy is part of the dispute resolution process and may be reflected in successful case preparation, negotiation, arbitration and mediation.

21. CILEx Regulation will also need to be satisfied that applicants have extensive first hand experience of the style and standards of practice and advocacy expected in the course for which they are seeking extended rights of audience.

22. An applicant will be expected to have observed advocacy in those areas where currently no rights of audience exist, but where they will be granted rights upon completion of the course. Applicants will be required to state the number of cases they have observed and indicate the nature of the cases concerned.

23. CILEx Regulation will take a balanced view about an applicant's experience in deciding whether it is sufficient to grant them a Certificate of Eligibility, particularly where they rely in part on observed advocacy.

24. CILEx Regulation will recognise that applicants could have had a break in their experience due to factors such as career breaks, job changes, maternity or paternity leave, long term illness, or disability. CILEx Regulation will not discriminate directly or indirectly against an applicant whose experience has been affected in this way. However, CILEx Regulation will need to ensure that an applicant has an acceptable level of experience.

25. Where an applicant has had a break in their experience, they may provide details of experience gained during a different period when they were more actively engaged in practice in the area where rights are sought. However, the break must not have been longer than 5 years. In exceptional circumstances, applications may be accepted from applicants who have had a break longer than 5 years.

26. There may be other factors which affect an applicant's experience in the preceding 2 years. CILEx Regulation will consider details of more active periods from applicants whose experience discloses a pattern that they regard as atypical.

ANNEX 2 - PORTFOLIO GUIDELINES AND ASSESSMENT CRITERIA

Introduction

1. An applicant seeking reserved legal activity rights must provide evidence of their:

   - Knowledge and understanding of the area of law in which they seek rights, demonstrated to CILEx Level 6 standard;
   - Knowledge and understanding of the area of practice in which they seek rights, demonstrated to CILEx Level 6 standard;
   - Experience in the area of law in which they seek rights; and
   - Skills in the legal practice area in which they seek rights.

2. Applicants must demonstrate their knowledge, skills and experience, set out at Rule 1, in accordance with the competency framework which appears at Annex 3.

Knowledge of Law and Legal Practice

3. An applicant who has successfully completed and passed an assessment in the CILEx Level 6 examinations in the law and associated legal practice subject relevant to the area in which they seek practice rights will have demonstrated their knowledge of the law and legal practice.

4. An applicant who has obtained a qualification which is not the CILEx Level 6 qualification, but of an equivalent standard, may rely upon that as evidence of their knowledge. In determining whether to accept an alternative qualification, CILEx Regulation will assess the syllabus of that qualification, date upon which the qualification was obtained and details of the assessment the applicant undertook, to determine whether an exemption may be granted. In assessing the details of the qualification, CILEx Regulation will determine whether the qualification relied upon is of an equivalent standard and covered at least 50% of the syllabus of the relevant CILEx Level 6 subject(s).

5. Where an applicant does not rely upon an alternative qualification, or the qualification is deemed as not providing sufficient coverage to the same standard as the CILEx Level 6 subject(s), they may rely upon experience which has developed their knowledge of the relevant law area and/or legal practice.

6. Applicants seeking to rely upon their experience must demonstrate how they have developed their knowledge of the relevant law and/or legal practice subject area(s) through their experience. Applicants will complete portfolios of 5 cases they have handled, within the 2 years preceding the date of their application, which demonstrate the knowledge they have gained through experience.

7. Applicants will be required to select a range of cases and provide an outline of the following in respect of each portfolio:

   - The facts of the case;
   - The law arising in the case and its application to the facts of the case;
   - The appropriate procedural and process matters that arose in the case and how they were dealt with;
   - The evidential issues that arose in the case and how they were dealt with;
   - An outline of any ethical or conduct issues that arose in the case and how they were dealt with;
   - The funding issues that arose in the case and how they were dealt with;
   - The advice the applicant provided to the client and the outcome of the matter;
   - Decisions the applicant had to make in the case and whether they had to take advice on any strategic issues in the case;
   - Advice given in the case and how it has been recorded; and
   - Any training or development needs the applicant identified from having dealt with the case.

8. CILEx Regulation will assess the portfolios to establish whether they demonstrate that an applicant has acquired sufficient knowledge, through experience, to the same standard as the CILEx Level 6 subject. The knowledge gained must cover at least 50% of the syllabus of the CILEx Level 6 subject.

9. In making its assessment, CILEx Regulation will take into account the competence criteria set out at **Annex 3** which outline the knowledge requirements for the relevant subject area.

Experience

10. All applicants must provide an outline of their experience in the area of practice in which they seek to become an authorised person for the purposes of conducting reserved legal activities.

11. Applicants must provide an outline of their experience in an application along with 3 portfolios of cases they have handled which demonstrate their experience.

12. The experience outlined in an application must set out the following information for the 2 years preceding the date of the application:

    - A description of cases that the applicant has handled;

- A description of the applicant's typical case load, including details about the complexity of the case load and a summary of any difficult cases the applicant has handled;
- The number of chargeable hours spent on the practice area in which rights are sought;
- The proportion of time spent on that area of law;
- A description of the range and nature of matters that the applicant has handled in the area of practice in which rights are sought;
- Details of any distinctive features of the applicant's work; and
- Details of any supervisory arrangements under which the applicant works and any supervisory responsibilities they have.

13. An applicant will be required to produce a portfolio of 3 cases which demonstrate their experience in the area in which rights are sought.

14. In the portfolios, applicants must provide the following information:

- The facts of the case;
- The law arising in the case and its application to the facts of the case;
- The procedural and process matters that arose in the case and how they were dealt with;
- The evidential issues that arose in the case and how they were dealt with;
- Any ethical or conduct issues that arose in the case and how they were dealt with;
- The funding issues that arose in the case and how they were dealt with;
- The advice the applicant provided to the client and the outcome of the case;
- Decisions that the applicant had to make in the case, including whether they had to take advice on any strategic issues; and
- Any training or development needs that the applicant identified from having dealt with the case.

15. CILEx Regulation will assess the outline of experience provided in the application, along with the 3 portfolios. The assessment will consider whether the applicant meets the experience requirements set out in the competency framework at **Annex 3**.

Skills

16. An applicant must provide evidence of their skills in the area in which they seek reserved legal activity rights in accordance with the skills criteria for each practice and law area which appear at Annex 3.

17. An applicant may demonstrate their skills through either undertaking a skills course which meets the outcomes set out at Annex 3, or producing a log of their experience which demonstrates their skills.

18. Where an applicant seeks to rely upon a course, they must demonstrate that the course meets the outcomes set out at Annex 3.

19. An applicant who seeks to rely upon their experience as evidence of their skills must demonstrate that they meet each of the outcomes set out at Annex 3 through the production of a log book and supporting evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.

20. CILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the skills criteria set out at Annex 3.

Advocacy Experience Post Qualification

21. At the first renewal of the rights of audience certificate Advocates must produce portfolios of 3 cases which demonstrate their advocacy experience since they qualified as a Chartered Legal Executive Advocate.

22. In selecting cases for their portfolio, Advocates should identify cases which demonstrate that they have conducted advocacy in accordance with the skills course outcomes set out at Annex 3.

23. When considering applications for renewal CILEx Regulation will expect the skills course outcomes to be reflected in the portfolios and, where they are not, may refuse the application for renewal of the certificate.

24. Where no such advocacy has been carried out, the applicant must explain the reasons. Applicants who have not had an opportunity to exercise their new rights of audience may include details of no more than one case in which they have observed advocacy in open court.

25. Where an applicant has not been able to demonstrate through 3 portfolios that they have conducted advocacy which meets the course outcomes set out at Annex 3, they may be granted a certificate for a further year and be required to produce 3 additional portfolios demonstrating exercise of their rights the following year.

26. For each portfolio, the record of advocacy must set out the following:

    - Description of the case, its progression and outcome;
    - The nature of the advocacy the applicant has undertaken, including details of any negotiation and arbitration undertaken;

- The court in which the advocacy took place, and whether it was a contested hearing;
- The preparation work the applicant carried out before the hearing;
- The client's objectives for the case;
- The legal, procedural, evidential and ethical issues that arose during the course of the hearing or advocacy and an outline of how the applicant dealt with them;
- A statement as to the effectiveness of the advocacy undertaken by the applicant; and
- Any training or development needs the applicant identified from having dealt with the case.

Practice Management and Accounts

27. An applicant who relies upon their existing practical experience of practice management and accounts must provide evidence of their knowledge, skills and experience of accounts and practice management in accordance with the competency criteria which appear at **Annexes 5 and 6**.

28. An applicant must demonstrate their knowledge, skills and experience through producing a log which demonstrates that they meet each of the outcomes set out at **Annexes 5 and 6**. The log must be supported by evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.

29. CILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the competency requirements set out at **Annexes 5 and 6**.

Lit portfolio

ANNEX 3 – COMPETENCE FRAMEWORKS

FAMILY LITIGATION PRACTICE RIGHTS

INTRODUCTION

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to practise in the area of Family Litigation
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – client care, research and interviewing
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements
- In order to obtain Family Litigation Practice Rights, applicants must combine the application with an application for rights of audience in chambers in the County Courts. An application for advocacy rights of audience in open court remains optional (although it will be necessary in the case of applicants seeking rights of audience in the Family Proceedings Court).

Note: that applicants seeking rights of audience in hearings in open court and/or in chambers should refer to the criteria set out in the Advocacy Rights competency framework.

Certification of Family Litigation Practice Rights will ensure that the applicant has:

- met the application requirements
- an appropriate level of experience in the field of family litigation in practice, which must include not less than 2 years relevant experience immediately preceding the application
- an appropriate level of knowledge and appreciation of the key legal features of family litigation, including the ability to advise, manage and undertake different methods of dispute resolution in all aspects of family practice. Emphasis will be given to the practical aspects of conducting cases in a family litigation context through the court system but a level of knowledge and understanding of other forms of dispute resolution will also be expected

- the ability and experience to research aspects of case law, legal procedure and documentation that is current
- the ability and experience to interview clients appropriately, identify the client's objectives and different means of achieving those objectives and advise and be aware of the financial, commercial and personal priorities and constraints to be taken account of together with the costs, benefits and risks involved in a transaction or procedure or course of action
- the ability and experience to perform the tasks required to advance transactions or matters, to include (but not restricted by), drafting letters of advice to clients, communicating with co-professionals and with the court
- the ability and experience to draft statements of case, applications and witness statements
- the ability and experience to undertake advocacy in the required fields within this practice area
- demonstrate a level of experience, knowledge and understanding of all aspects of professional conduct and regulation which includes an understanding of the key ethical requirements contained in the relevant conduct rules and other law and regulations and where these may impact and be able to apply them in context.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
STAGE 1 **ENTRY CRITERIA** • KNOWLEDGE • UNDERSTANDING • SKILLS • EXPERIENCE **ENTRY KNOWLEDGE AND UNDERSTANDING**	• Have practical knowledge, understanding, experience and skills	• **Knowledge and understanding qualifications** • **Legal Skills qualifications** • **Fellowship** **Knowledge and understanding qualifications** • Successful completion of CILEx Level 6 Professional Higher Diplomas in Family Practice and Family Law **Or** • Supplied evidence of qualification of an equivalent standard **Or** • Supplied evidence of experience of an equivalent standard **Legal Skills qualifications** • Successful completion of CILEx Level 6 Professional Higher Diplomas in Legal Research and Client Care **Or** • Supplied evidence of qualification of an equivalent standard **Or** • Supplied evidence of experience of an equivalent standard **Fellowship** • Is a Fellow of CILEx **Note 1:** Where the applicant holds appropriate qualifications which enable an application for Fellowship to be made, this can be made concurrently with the application for Family Litigation Practice Rights **Note 2:** Where the applicant does not hold the relevant Level 6 examinations (or equivalent), they are required to demonstrate their knowledge and understanding through the submission of 5 portfolios, in accordance **with the Portfolio Guidelines**. Examples will be drawn from a range of cases from the applicant's case load.
KNOWLEDGE AND UNDERSTANDING	**Demonstrate knowledge and understanding of the underlying legal principles of marriage, adult partnerships and nullity in marriage**	• Evidence their knowledge, understanding and application of at least one of these areas, for example analysis of the legal differences between marriage and cohabitation, the concept of domicile and foreign marriages, the legal consequences of a void marriage etc.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must::	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge and understanding of the underlying legal principles of dissolution of marriage, civil partnership and judicial separation	• Evidence their knowledge and understanding of the requirements for each and the application of these. This should include the discussion of undefended divorce and dissolution of civil partnership, the process and effect of each, costs which may be incurred, funding implications and identify best practice (including with reference to the Family Law Protocol) • Identify the most common forms of dispute resolution including mediation and the costs involved in this process.
	Demonstrate knowledge and understanding of the provisions for family property and ownership	• Knowledge and understanding of the effects on property rights of the breakdown of relationships, the impact of express and implied trusts, the acquisition, protection and enforcement of home rights and the application of these in practical situations • Differences in consequences of breakdown of a relationship for an unmarried family in relation to ownership and occupation of the family home.
	Demonstrate knowledge and understanding of the law concerning provisions for financial relief during and after marriage/civil partnership	• Knowledge and understanding of financial relief (both during and after marriage/civil partnership and including financial relief available for children), including the various orders available and their use, the factors taken into account by the court when making financial orders, the power of the court to vary or discharge orders for financial relief and the legal requirements for maintenance agreements. The applicant should evidence the application of their knowledge to their work and should identify best practice (including with reference to the Family Law Protocol). • Applicants may also include examples which evidence knowledge and understanding of the financial relief process, action which may be taken to prevent disposal of assets, enforcement provisions and the need for full and frank disclosure. • Explain the costs incurred in these proceedings including consideration of whether costs will be met by private means or by public funding (including the effects of the statutory charge). • Explain the overriding objective in relation to proportionality of costs including tactics for making offers to settle and the pre application protocol. • Identify the most common forms of dispute resolution including mediation, collaborative law, the benefits and limitation as well as the costs involved in those processes.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must::	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge and understanding of the legal basis for parental responsibility, **or** **Demonstrate knowledge and understanding of the law relating to children: private law**	• Knowledge and understanding of how parental responsibility arises automatically and how it can be acquired under the Children Act 1989, including the factors the court considers in parentage identification cases. • Knowledge, understanding and application of the welfare principle, no delay principle and no order principle, the orders available for private matters under the Children Act 1989, Section 8 Orders and entitlement to apply (including requirement for leave), the key legal principles under the Children Act that the court will consider in making any order and their application and the procedure for obtaining these orders. Applicants should where possible identify best practice (with reference to relevant sections of the protocol). • Knowledge and understanding of relevant legislation and current practice directions relating to removal from the jurisdiction, child abduction or change of name, financial relief available for children under Children Act 1989 and the powers of the court to make family assistance orders. This evidence should demonstrate an understanding of the relevant procedure and the impact of relevant protocols and practice directions.
	Demonstrate knowledge and understanding of the law relating to children: public law	• Knowledge and understanding of Local Authority obligations to support families and children in need; the requirements for the making of and the impact of interim orders, to include emergency protection orders; the statutory criteria for the making of care and supervision orders and the legal effect of such orders and the discharge of those orders; contact relating to children within public law proceedings and the making of special guardianship orders and their effect.
	Demonstrate knowledge and understanding of the law relating to adoption **Demonstrate knowledge and understanding of the legislation, provisions and remedies available in cases of domestic violence and molestation**	• Knowledge and understanding of relevant legislation and current practice direction relating to the making of adoption orders and their effect. • Knowledge and understanding of the alternatives to court proceedings in domestic violence cases, the impact of legislation in this area (FLA 1996 and Protection from Harassment Act 1997), the procedure and criteria to apply for appropriate orders, including non molestation and exclusion orders (with or without notice) and methods of enforcement of both orders.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must::	Supporting Experience The applicant will need to provide evidence of:
ENTRY SKILLS:		• Where the applicant does not hold the relevant CILEx Level 6 Legal Research or Client Care (or equivalent) qualification, they should provide a portfolio of evidence and logbook which demonstrates meeting each of the outcomes set out below in accordance with **the Portfolio Guidelines**. Examples will be drawn from a range of cases from the applicant's case load.

Client care	**Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice**	• Explain what they understand by successful client interviewing
		• Demonstrate interviews which they consider to be successful and identify what made them successful
		• Explain what they understand by negotiation and its importance in legal practice, including identification of a number of types of negotiation and the importance of preparation in successful negotiation. Identify a number of media through which negotiation can take place
		• Provide examples of the following which have been overcome in a negotiation situation:
		  • The use of different types of negotiation using different media
		  • A situation in which preparation for negotiation was central to success
		  • A situation in which communication barriers were overcome for a successful outcome
		  • Use of persuasion to achieve a successful outcome.

	Demonstrate good practice in legal writing	Provide evidence of legal writing which demonstrates their understanding of the following key areas of good practice: • Accurate, succinct, complete and precise writing • Awareness of the need to use 'plain English' and writing using correct grammar and spelling • Legal English is used only when necessary and is appropriately explained • Judicious use of structure to clearly and logically set out information • The synthesis of a variety of sources to provide advice to the client • Use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must::	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge and understanding of professional conduct issues arising in practice	• Explain where they will find the rules of professional conduct which affect their practice of the law • Identify situations in which an ethical issue may have arisen in their practice and how they dealt with those situations • Identify any professional organisations that exist within their area of practice and explain benefits of membership.
	Demonstrate knowledge and understanding the importance of client care in legal practice	• Explain the rules relating to client care and evidence their use of the rules in practice • Evidence use of the use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc. • Demonstrate understanding of the need for good client care to benefit the business.
Legal Research	**Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research**	• Identify situations in which the need for legal research has arisen in their work • Explain the steps they undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of the information discovered
	Demonstrate knowledge and understanding of and be able to evaluate legal research sources	• Explain their understanding of primary and secondary sources and how these sources can be used to ensure they have sufficiently researched the problem
	Demonstrate knowledge and understanding of and be able to perform appropriate legal research	• Identify relevant statutes, case law and other sources from their research
	Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems	• Evidence how they prioritised and analysed the research and used this to better understand the issues raised in the legal matter.
	Ability to record and evaluate information **Ability to synthesise research to present advice**	• Evidence their synthesis of the research materials to provide a structured and accurate report. • Evidence how they evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
ENTRY EXPERIENCE: **ALL APPLICANTS**	• Family proceedings litigation experience in the 2 years preceding the application	• General description of family work carried out • Description of typical case load • An indication of chargeable hours spent on family proceedings work in each of the last 2 years • The proportion of time spent on family proceedings work • The number of cases which have included preparation for trial • Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities The applicant is required to demonstrate their experience of Family Law and Practice through the submission of 3 portfolios in accordance with **the Portfolio Guidelines**. Examples will be drawn from a range of cases from the applicant's case load.
STAGE 2 **QUALIFICATION CRITERIA: SKILLS**	**To obtain Family Litigation Practice Rights the applicant must demonstrate:**	The applicant must demonstrate the outcomes by either: • attendance on a course, or • through work experience and by satisfying the assessment criteria. Applicants must show the required level of skills in 6 elements, across a range of family matters to include: • Matrimonial/divorce and Civil Partnership Proceedings • Relationship breakdown between cohabitees • Financial matters/proceedings • Domestic violence • Private law children proceedings; issues relating to children involving both parents and the wider family • Public law children proceedings • Adoption • Bankruptcy and insolvency in so far as it may affect family problems • Welfare benefits and housing. This can be evidenced by the applicant demonstrating the ability to:
Element 1. INTERVIEWING, ADVISING AND COMMUNICATING	**INTERVIEWING** • An ability to conduct effective interviews with the client and potential witnesses across a range of family disputes	• Prepare for an initial interview and apply a structured approach to it • Greet the interviewee appropriately • Use appropriate listening, questioning and feedback techniques • Maintain rapport with the interviewee • Be sensitive to diversity issues • Keep a full and accurate record of the interview • Close the interview appropriately.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
	ADVISING & COMMUNICATING An ability to give and communicate clear, accurate and practical advice both orally and in writing on matters relating to law, procedure, strategy and prospects of success (either orally, in writing or other media). Where necessary, the applicant will be able to refer the client on to outside agencies or professionals better able to deal with the wider aspect of their problem	• Obtain all relevant information and identifying the clients objectives • Give clear advice on all relevant matters arising • Identify the options available and explain the pros and cons of each of those options • Enable the client to make decisions in the case based on appropriate advice • Give clear, appropriate and accurate advice regarding costs and funding • Seek appropriate instructions and give clear advice regarding the next steps to be taken • Deal appropriately with any diversity issues that arise • Handle an emotionally distressed client in a sensitive and professional manner • Producing an accurate record of the interview.
Element 2. COSTS & FUNDING	**COSTS** An awareness of the requirements of the relevant practice rules that relate to contentious and non-contentious costs and be able to give clear, accurate and regular advice or information on costs issues arising in the case	• Provide realistic costs estimates of all costs and disbursements at the start of the case and update throughout the progress of the action to include the cost implications of case strategies • Ensure full compliance with the FPR, FP(FPC)R and CPR costs rules • Explain the differences between the indemnity and standard basis of costs • Explain the steps that can be taken under CPR and FPR to transfer costs risks to the other side • Provide appropriate advice regarding the fees that will be charged.
	FUNDING An ability to provide clear and accurate advice on funding options to include private funding, public funding and third party funding	• Identify the funding available in a particular case and advise on the suitability of alternative funding sources • Communicate the risks and benefits of each method of funding available • Be aware of the funding regulations and restrictions (for example non-regulated activities) • Advise the client of significant developments in the case • Identify and have regard to potential conflicts of interest on funding issues • If the client is in receipt of public funding, provide appropriate advice including relevant financial implications and in particular explain the significance of the statutory charge in publicly funded cases where this might have an impact and take all necessary steps to protect the interests of both the client and the CLS fund • Prepare estimates and schedules of costs • Understand all matters relating to a summary assessment of costs and detailed costs assessment.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
Element 3. PROFESSIONAL CONDUCT AND ETHICS	**DOCUMENTATION** Draft or complete the necessary documents relating to funding	• Draft client care letters • Complete all appropriate applications, notices and records in publicly funded cases • Prepare detailed cost assessments or instruct a specialist to do so.
	CONDUCT AND ETHICS PROFESSIONAL OBLIGATIONS • An awareness of their professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct An awareness of their obligations to: the court: their client: other lawyers; the public; the Community Legal Service in respect of money laundering legislation and regulation	• Identify situations and their obligations to: the court; their client; other lawyers; the public; and money laundering legislation.
	CONFLICTS An ability to identify and deal appropriately with conflicts of interest throughout their handling of the matter	• Identify and deal appropriately with conflicts: arising between the applicant and the client; arising between the applicant and their duty to the court; or arising between the applicant and any relevant third party.
	WITHDRAWAL FROM THE CASE an awareness of when they can and/or must withdraw from a case; the proper steps to be taken when doing so whilst observing the interest of the client	• Show an awareness of the need to withdraw; of the proper action when the client refuses to make proper disclosure; of the proper action where the interests conflict with the applicant's duties to the court or any other circumstances where withdrawal is required.
	UNDERTAKINGS An understanding of the bases for the giving of professional undertakings to clients, the court and others; the implications of giving such undertakings; the consequences of breaching such undertakings and demonstrate awareness of the appropriate use of undertakings in legal proceedings	• Identify when an undertaking may be required and show an awareness of the implications of giving the undertaking and putting in place, or obtaining the appropriate safeguards in respect of the undertaking given.
	CONFIDENTIALITY AND PRIVILEGE An understanding of and the ability to apply the law and practice of confidentiality and privilege in a variety of practical contexts	• Distinguish between legal advice privilege and litigation privilege • Distinguish between confidential information and privileged information.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
	COMPLAINTS AND NEGLIGENCE An awareness of how complaints and allegations of negligence might arise and appropriate measures/procedures for preventing and dealing with them and the ability to apply the relevant conduct rules and other law and regulations in respect of complaints and negligence	• Identify the circumstances when a complaint could be made or negligence may arise • Describe/explain the complaints procedure operated by their professional body • Be aware of procedures or processes which can be adopted to reduce the risk of complaints or allegations of negligence being made • Explain what steps would need to be taken in respect of the identified, or potential, mistake or act of negligence • Identify the appropriate professional conduct rules applying and the indicative behaviours that would need to be shown to evidence that no mistake or negligence had occurred.
Element 4. MANAGING LITIGATION WORK DEALING WITH OTHER PROFESSIONALS	**FILE HANDLING** • An ability to plan and manage litigation; to progress matters expeditiously and maintain files and records in accordance with procedures	• Allocate time and resources appropriately and prioritise workloads effectively • Deal with matters without causing delay • Apply project planning principles to casework • Adopt and maintain an appropriate case strategy • Be aware of procedural requirements including relevant protocols • Actively and efficiently manage cases, making best use of resources • Maintain files and systems (including electronic systems) appropriately and correctly.

	CASE ANALYSIS AND CASE PREPARATION
	• An ability to formulate a case strategy which is:
	  • Compatible with the client's objectives
	  • Legally and procedurally sustainable
	• An ability to draft legal documents and letters that can be used effectively in the presentation and procedures for an action to proceed either by way of settlement or litigation
		• Identify strengths and weaknesses in a case
		• Identify gaps in available evidence
		• Draw up a realistic case plan
		• Relate the case theory to the client's objectives and expectations
		• Provide the client with a balanced view of the likely risks, costs and benefits of case strategies
		• Adopt a cost effective, analytical and pragmatic approach to the wider factual issues
		• Draft or write documents, letters, memoranda or agreements that have been used effectively in the presentation and procedures for an action to proceed by way of settlement or litigation.

	ASSEMBLY SKILLS An ability to assemble all materials relevant to the case, in accordance with the case analysis	• Identify relevant law • Efficiently collate all relevant evidence • Summarise relevant law and evidence • Locate and interview witnesses • Locate and instruct expert witnesses in accordance with relevant Family Procedure Rules.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must::	Supporting Experience The applicant will need to provide evidence of:
	INSTRUCTING ADVOCATES An ability to instruct an advocate when necessary	• Identify when a specialist legal opinion is required/when it is necessary to instruct an advocate • Identify a suitably qualified/experienced advocate • Agree an appropriate fee for work to be carried out by the advocate • Draft a brief to the advocate providing appropriate information and instructions • Liaise between the client and advocate • Demonstrate an awareness of the obligations of the advocate to the court and under their professional obligations • Deal with the advocate in an appropriate and professional manner.
	EXPERTS An ability to select, instruct and appoint an expert and show an awareness of the range of expertise that may be needed for a case	• Appreciate the nature and function of different type of expert relevant to family practice, such as child psychiatrist, educational psychologist and forensic accountant • Identify when it is appropriate to instruct an expert • Agree an appropriate fee for work to be carried out by the expert • Be familiar with the available registers and databases through which an appropriate expert may be identified and located • Instruct an expert appropriately applying relevant rules and protocol; for example the Children Act Protocol • Provide the expert with appropriate information, instructions and guidance • Understand the substantive law relating to expert evidence and the ways in which such evidence can be challenged • Deal with the expert in an appropriate and professional manner.
Element 5. SETTLEMENT V LITIGATION	**CONCLUDING CASES** Identify and carry out steps to be taken to conclude cases	• Draft and check orders of the court and/or agreements of the parties • Check judgments • Advise clients on the outcome of the proceedings or disputes and any further steps necessary • Implement and/or enforce agreements/orders • Understand the rules/procedure relating to appeals against a judgment • Deal with any costs issues arising.

Entry Level Competencies	Learning Outcome To obtain Family Litigation Practice Rights an applicant must::	Supporting Experience The applicant will need to provide evidence of:
	SETTLEMENT Be able to identify when settlement of a case is in the client's interest, give clear and accurate advice on settling a case and take the necessary steps to secure settlement	• Explain the merits of settlement in achieving the client's objectives • Give consideration to offers to settle • Understand the significance of 'open' offers under the financial relief costs rules • Explain the advantages of conciliation, negotiation, counselling, mediation and resolving matters using a collaborative lawyer.
	NEGOTIATION Knowledge and understanding of effective and appropriate negotiation (to include immediately before, and during, the trial or hearing)	• Apply the principles of proportionality • Prepare effectively prior to negotiation • Prepare an agenda to deal with relevant issues • Determine the client's and opponent's underlying interests and expectations • Identify the strengths and weaknesses of the client's and opponent's position • Identify the most and least favourable outcomes for the client • Identify the likely outcome if the case goes to trial • Draft negotiated agreements and secure relevant orders.
	ADR Be aware of the ADR processes available, including mediation, early neutral evaluation, conciliation and Financial Dispute Resolution appointments in financial proceedings and be able to identify those which are relevant to the case in hand and when they should be applied	• Explain the nature and procedures of alternative dispute resolution methods • Explain the advantages and disadvantages of those methods • Recommend any appropriate ADR process which would be in the client's best interests • Advise a client how to pursue a particular ADR process.

Entry Level Competencies	**Learning Outcome** To obtain Family Litigation Practice Rights an applicant must::	**Supporting Experience** The applicant will need to provide evidence of:
Element 6 LEGAL WRITING AND DRAFTING	An ability to understand and apply the principles of good writing and drafting	• Understand and apply the principles of good writing • Use accurate, straightforward and modern language • Use correct spelling, grammar, syntax and punctuation • Draft a document that is clear, logical, consistent and with appropriate structure and format • Draft a document that forms a coherent whole and, where appropriate, has advanced the matter, has identified the client's objectives and priorities, provided a clear risk analysis • Address the document appropriately and accurately • Understand the appropriate use of e-mails, letters, memoranda and other forms of written communication • Choose the appropriate medium, form and style of written communication • Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients.

FAMILY LITIGATION ADVOCACY RIGHTS

INTRODUCTION

In chambers and in open court in the Family Proceedings Court, County Courts and Coroners' Courts

The entry criteria and evidence of competency stated in this schedule set out and envisage:

- that the applicant will already have obtained practice rights in Family Litigation Practice or is making a combined application for Family Litigation Advocacy Rights at the same as an application for Family Litigation Practice Rights

NOTE: an application may also be combined with one for Civil Litigation Practice Rights or Criminal Litigation Practice Rights (or a combination of these)

Certification of Family Proceedings Advocacy Rights will ensure that the applicant has:

- provided the required evidence to demonstrate the required level of competency, knowledge and understanding set out in this document
- the required level of competency in the relevant skills: in advocacy, client care, research and interviewing
- entered on to and passed the relevant CILEx advocacy skills course

NOTE: that the applicant may make an application for rights of audience in chambers only in the County Courts or for rights of audience in open court in the County Courts and the Family Proceedings Court (FPC) and that applicants seeking rights of audience in the FPC must complete the open court rights of audience qualification.

QUALIFICATION Competencies	**LEARNING OUTCOME**	**SUPPORTING EXPERIENCE**
Stage 1 **ENTRY LEVEL** **COMPETENCY CRITERIA:** In order to apply for the rights of audience qualification the applicant must meet the criteria for Family Litigation Rights and will have relevant advocacy experience (on the determination of the Admissions and Licensing Committee) in the 2 years immediately preceding their application	The applicant will be able to demonstrate: • 2 years advocacy experience of an appropriate standard of advocacy expected in the courts for which they are seeking rights of audience • Analysis, evaluation and critical judgement • Autonomy and ability to learn	In relation to the 2 years preceding the application, the applicant must give, by way of statement, the following information: • A general description of the advocacy, trial preparation and trial involvement carried out • A breakdown of the proportion or number of cases which have concluded at trial or been prepared for trial and the stage when the cases were concluded if before trial • A description of the applicant's typical caseload • A description of the range and nature of advocacy experience, including observed advocacy. The applicant must also submit a portfolio of cases based on the caseload in which they have been involved (stating their level of involvement) which demonstrates their advocacy experience in compliance with the competence criteria set out below. The portfolio requirements are set out in the Portfolio Guidelines. The applicant will be expected to be able to demonstrate through their portfolios that they can: • Recognise and rank items and issues in terms of relevance and importance • Integrate information and materials from a variety of different sources • Undertake the analysis of factual information in a logical and coherent way • Make critical judgements of the merits of particular arguments • Present and make a reasoned choice between alternative solutions. An applicant will be expected to be able to demonstrate through their portfolio that they can: • Act independently in planning, preparing and undertaking tasks in the above areas of law • Undertake independent research in the above areas of law using standard legal information sources • Reflect on their learning and make constructive use of feedback. This can be evidenced by the applicant demonstrating the ability to: • Identify the relevant factual, legal and evidential issues in a given case • Identify the evidence available to both parties to prove these issues • Identify the strengths and weaknesses of a case • Understand the relevant law in context • Prepare a case theory that is both succinct and persuasive • Prepare a case theory that observes the rules of professional conduct

QUALIFICATION Competencies	**LEARNING OUTCOME**	**SUPPORTING EXPERIENCE**
QUALIFICATION CRITERIA Stage 2 FOR ALL APPLICANTS **Case analysis and theory**	The applicant must be able to demonstrate: An appropriate level of experience of case analysis, critical judgment and evaluation	• Understand the importance of preparation and effective ways to undertake this • Identify the client's goals • Analyse the relevant factual issues • Understand the legal and evidential context in which these factual issues arise and how they relate to each other • Summarise the strengths and weaknesses of each party's case • Develop an effective case presentation strategy • Outline the relevant facts in a clear, effective format • Understand and use the English language proficiently in relation to legal issues
Judge's Room Advocacy	An appropriate level of experience of judge's room advocacy	• Present a sustained argument in a way which is comprehensible to others • Prepare and present a coherent submission to the court based upon relevant facts, general principles and legal authority in a structured, concise and persuasive manner in a practical setting in relation to a without notice application • Understand and appreciate the relevant communication skills and techniques used by an advocate.
Skeleton Arguments	The ability to draft a skeleton argument	• Draft a skeleton argument and consent order • Identify appropriately the relevant chronology and issues • Make effective submissions on these issues by use of numbered paragraphs; citing relevant authorities; arguments for the case and use of appropriate factual and legal arguments.
Professional Conduct	knowledge and understanding of the conduct rules as they apply in family proceedings	• How to deal appropriately with client care and ethical issues • The fundamental duties to the court and the administration of justice • Making an appropriate decision to appear and represent the client at court • When it would be appropriate to cease to act as an advocate.
FOR APPLICANTS SEEKING OPEN COURT RIGHTS OF AUDIENCE **Trial Advocacy**	An appropriate level of trial advocacy	• Understand in particular the purpose, technique and tactics of opening speeches; examination-in-chief; cross-examination; re-examination and closing speeches to adduce, rebut and clarify evidence • Undertake competently an opening speech, examination-in-chief, cross-examination, re-examination and a closing speech • Deal appropriately with client care and ethical issues • Demonstrate an understanding of the ethics, etiquette and convention of advocacy.

QUALIFICATION Competencies	**LEARNING OUTCOME**	**SUPPORTING EXPERIENCE**
Evidence	knowledge and understanding of the rules of evidence as they apply in family proceedings	• The incidence of the burden and standard of proof • The rules relating to competence and compellability of witnesses • The significance and admissibility of circumstantial evidence • The ways in which evidence may be adduced • The rules relating to admissibility and weight to be attached to prior consistent statements and to impugning the testimony of witnesses by their prior inconsistent statements • The rules relating to finality to collateral issues • The rules relating to the admissibility of hearsay evidence • The rules relating to expert evidence • The relevance of human rights issues.

ASSESSMENT CRITERIA AND FRAMEWORK DOCUMENT FOR ADVOCACY SKILLS COURSES

GENERAL

Assessment Criteria

The competence of candidates will be assessed in accordance with the criteria set out in this annex by means of case studies relating to a trial or an application.

Assessment Standard

The standard of competence for each assessment will be 50% and candidates will be required to meet this standard of attainment for each formal assessment to attain an overall level of competence. This requirement only applies to formal assessments and candidates will not be required to reach this standard on the formative assessments which will take place at various stages during the Advocacy Skills Course. Course providers will decide which assessments will be formally assessed.

The Assessment Organisation(s) will be required to develop their own mark and weighting bands for each element of the formal assessment criteria to be approved by CILEx Regulation. Assessors should have the flexibility to mark in between the weighting bands devised by the Assessment Organisation(s).

Assessors will retain a general discretion to determine overall competence even if a candidate reaches the appropriate mark of 50% in each formal assessment. The following is a non-exhaustive list of examples that may affect the assessor's overall assessment of competence:

- errors relating to gross professional misconduct;
- fundamental errors of law / evidence / procedure;
- making a majority of submissions from a prepared script;
- engaging in inappropriate court room behaviour.

Written Test

The standard that candidates seeking open court rights of audience will be required to achieve in evidence will be comparable to the standard required generally. However, the marks required to achieve a comparable standard may be higher than 50% where a multiple choice question format is adopted. The nature of the written test and the proposed standard of competence will be considered by the Admissions and Licensing Committee.

Resubmissions

A candidate who is assessed as being not yet competent in one or more of the formal assessments will be allowed one further opportunity to achieve the required standard of competence in relation to that assessment(s). If they are successful they may be awarded a pass mark. If they are still assessed as being not yet competent on this resubmission then they will be required to undertake all the assessments again before they can achieve the appropriate level of competence.

A candidate who is unable to complete one or more of the formal assessments owing to ill health or other such cause, beyond their control, will be allowed a further opportunity to achieve the required standard of competence.

Professional Conduct

Case studies will enable candidates to be assessed on their ability to recognise and deal with issues of professional and ethical conduct in the course of advocacy. The conduct issues to be assessed may include:

- The overriding duty to the court.
- The duty not to engage in conduct which is dishonest/discreditable, prejudicial to the administration of justice or likely to diminish public confidence in the administration of justice or the legal profession.
- The duty to the client to promote and protect their interests, to act in good faith towards them and to avoid or deal with any conflict.
- The interests of the client and the advocate, their employer and any other party to the proceedings.
- The duty not to discriminate against, nor treat less favourably any person, including the client, on the grounds of their age, race, colour, ethnic or national origin, sex, sexual orientation, religion or political persuasion of the client.
- The duty of confidentiality in relation to a client's affairs and misuse of confidential information.
- The duties owed to other advocates in court.

ASSESSMENT CRITERIA FOR THE FAMILY PROCEEDINGS CERTIFICATE

In order to pass the advocacy assessments for the Family Proceedings Certificate a candidate seeking chambers rights of audience must demonstrate competence in the following assessment categories:

(1) Case Analysis & Theory or Skeleton Arguments;

(2) Interim Application.

In order to pass the advocacy assessments for the Family Proceedings Certificate a candidate seeking open court rights of audience must demonstrate competence in one assessment from each of the following assessment categories:

(1) Opening speech or closing speech;

(2) Examination in chief, cross examination or exchanged witness statement/ sworn statement and re-examination;

(3) Legal submission.

A candidate who completes the chambers and open court rights of audience course at the same time must demonstrate competence in one assessment from each of the following assessment categories:

(1) Case analysis and theory or skeleton arguments;

(2) Opening speech or closing speech;

(3 Examination in chief, cross examination or exchanged witness statement/ sworn statement and re-examination;

(4) Interim application / legal submission.

CASE ANALYSIS & THEORY

It will normally be expected that this element will be assessed by a written assessment where candidates are required to produce a case theory based on a case study and/or to make use of such a case theory during an interim application, a piece of cross-examination or a closing speech.

ACTIVITY	***CRITERIA***
CASE ANALYSIS	Factual issues • 3 best facts • 3 worst facts Available evidence to prove factual issues Legal issues Relevant law
CASE THEORY	• Succinct • Provable

SKELETON ARGUMENTS

It will normally be expected that this element will be assessed by a written assessment where candidates are required to produce a skeleton argument based on a case study.

ACTIVITY	***CRITERIA***
STRUCTURE	Identifies appropriately: • Parties • Chronology • List of issues • Relevant facts • Relevant law
SUBMISSIONS	States and develops a sound argument in an effective and persuasive manner on the above issues
GENERAL	• Divided into numbered paragraphs • Paged consecutively • Cites main authorities relied on • Avoids formality • Appropriate use of abbreviations • Use of clear, grammatical English

WITHOUT NOTICE APPLICATION / LEGAL SUBMISSIONS

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in an interim application or to make legal submissions to a court in the context of a case study scenario.

ACTIVITY	***CRITERIA***
PREPARATION	• Undertake case analysis • Perform appropriate legal research
CONTENT	The application / submission must: • Be appropriate and relevant to context • Be legally, evidentially and factually accurate • Have appropriate reference to legal sources • Use documents where necessary • Observe the rules of professional conduct
STRUCTURE	• Clear and logical • Respond to the judge's questions • Respond to points raised by the other side
DELIVERY	• Clear and fluent • Appropriate language, pace, volume and mannerisms • Refer to documents when required
EFFECTIVE AND PERSUASIVE	The extent to which the application/response influences the tribunal to find for the applicant/ respondent

OPENING SPEECH

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	***CRITERIA***
INTRODUCTION	Appropriate "in" line introducing self, opponent and nature of case
DOCUMENTS	Check court has relevant documents and the opportunity to read them
SUMMARISES DISPUTE	• Background • Identifies legal and factual issues in dispute
EVIDENCE	Introduces evidence by reference to the witnesses intended to be called and matters contained in agreed documents
LAW	• Summarises legal principles involved • Indicates areas where a ruling will be necessary
CONCLUSION	Appropriate "out" line
GENERAL	• Speaks effectively (including not reading from a prepared text) • Maintains suitable court room demeanour • Avoids overstating case • Deals appropriately with any conduct issues

EXCHANGED WITNESS STATEMENT / SWORN STATEMENT & RE-EXAMINATION

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	***CRITERIA***
EXAMINATION-IN-CHIEF	• Name, address, occupation • Directions • Identifies witness statement, Form E or sworn statement • Identifies signature • Confirms date signed • Elicits further evidence with an appropriate range of non-leading questions • Confirms truth to the best of knowledge and belief • "Out" line (with appropriate directions to remain for xx)
RE-EXAMINATION	• Was it necessary to re-examine? • No inappropriate leading questions • Only deals with issues already raised • "Out" line
GENERAL	• Speaks effectively (including not reading from a prepared text) • Maintains suitable court room demeanour • Deals appropriately with any conduct issues

CROSS-EXAMINATION

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	***CRITERIA***
TECHNIQUES	• Leading questions to control witness • Short questions that witness understands • Asks one question at a time • Listens to witnesses' answers and makes appropriate notes • Avoids: Making statements; asking too many questions; misquoting witness; echoing witness' reply inappropriately
OBJECTIVES	Does the advocate achieve the following objectives where appropriate: • Obtains favourable information from the witness • Demonstrates that the witness is wrong (mistaken/lying) • Undermines the witnesses' credibility • Puts the client's case to the witness
GENERAL	• Appropriate range of leading questions • Speaks effectively (including not reading from a prepared text) • Maintains suitable court room demeanour • Deals appropriately with any conduct issues

CLOSING SPEECH

It will normally be expected that this element will be assessed by an oral assessment where candidates are required to represent a party in a contested trial in the context of one or more case study scenarios.

ACTIVITY	***CRITERIA***
ISSUES	Identifies the outstanding issues
EVIDENCE	Summarises the evidence appropriately by highlighting the points which: • Strengthen own case • Weaken opponent's case Deals appropriately with unfavourable evidence Deals appropriately with burden of proof
LAW	Makes appropriate submissions on points of law (with copies of authorities if necessary)
CONCLUSION	Appropriate "out" line
GENERAL	• Speaks effectively (including not reading from a prepared text) • Maintains suitable court room demeanour • Avoids giving evidence/introducing new matters • Deals with any conduct issues

EVIDENCE

Candidates seeking open court rights of audience will be required to sit an examination on the rules and principles of evidence as they operate in family proceedings. The examination will be in the format of a written test or multiple choice questions.

Candidates must achieve a mark 50% or above to be assessed as competent in this examination.

The examination will assess candidates' knowledge and understanding on a number of the following rules and principles of the law of evidence as they apply to family proceedings:

- The operation of the burden and standard of proof.
- The court's power to control evidence.
- Competence and compellability of witnesses.
- Expert opinion evidence.
- Examination-in-chief and re-examination of witnesses called by that party.
- Previous consistent and inconsistent statements made by witnesses.
- Cross-examination of witnesses called for the other party.
- Finality to collateral issues.
- Admissibility and weight to be given to hearsay evidence.
- Improperly obtained evidence.
- Character and disposition in relation to a party or a witness to the proceedings.
- Privilege and public interest immunity.
- The relevance of human rights issues in family proceedings.

ANNEX 4 - PRACTICE MANAGEMENT

INTRODUCTION

The qualification criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to run a business which provides a legal service, having consideration for rules and regulations, both professional and legislative
- the elements required to evidence that level of competency, knowledge and understanding.
- the level of competency required in the relevant skills for this area of practice –what it means to be part of a profession, CILEx regulations, management of a legal entity and business acumen
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Certification of practice management will ensure that the applicant has:

- met the application requirements
- an appropriate level of suitability to manage a practice
- an appropriate level of knowledge and appreciation of the key features both financial and non-financial of practice management to include the ability to deal with risk, have a strategy, make informed business decisions, manage and motivate others, the benefits of IT and the external and internal forces which will ultimately will affect an organisation's ability to succeed
- the ability and skill to advance the organisation through the creation of a strategy appropriate to the market sector the organisation wishes to target, to include the use of a business plan, marketing plan, corporate social responsibility policy and other appropriate associated documents which may be needed to support the organisation's strategy
- the ability and skill to manage a client's expectations appropriately, not just at the outset of a case, but throughout the life of the retainer relationship

- the ability and skill to read and interpret the firm's accounts, in addition to any supporting budgets, cash flows, management accounts and ad hoc reports pertaining to the firm's profitability and financial position
- the ability and skill to perform the tasks required to evaluate the benefits of IT and the need for good project management
- to demonstrate a level of experience, knowledge and understanding of professional conduct and regulation contained in the relevant conduct rules and other law and regulations, including government legislation, and where these may impact and to be able to apply them in context.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
• KNOWLEDGE • UNDERSTANDING • EXPERIENCE • SKILLS	• Sufficient practical knowledge, understanding, experience and skills – note these are different depending of the role of the applicant	Demonstrate they meet the outcomes set out below by: • attendance on a course, or • practical experience The outcomes are split into the following levels: • Level 1 - mandatory for all applicants • Level 2a - mandatory for compliance managers • Level 2b - mandatory for compliance manager undertaking practice management • Level 2c - mandatory for compliance manager undertaking accounts management
Element 1 BEING PART OF A PROFESSION	**EXTERNAL INFLUENCES** **Demonstrate knowledge, understanding and application of the current legal market and legal entities which may be created to provide a legal service**	LEVEL 1: • Knowledge and understanding of the types of structure through which a legal entity may be formed • Knowledge and understanding of those able to regulate reserved legal activities • Understanding that the structure and regulation of legal entities and activities may change and be able to identify these changes • Knowledge and understanding of a business plan, taking into account recent and current changes to the legal services market • Knowledge, understanding and ability to comply with a complaints procedure in line with LeO guidelines. LEVEL 2a: • Ability to prepare a business plan, taking into account recent and current changes to the legal services market • Ability to create a complaints procedure in line with LeO guidelines.
	REGULATION **Demonstrate knowledge, understanding and application of the relevant conduct rules and other laws and regulation affecting the professional and legal practice**	LEVEL 1: • Knowledge, understanding and application of obligations to the court, the client, other lawyers and barristers, stakeholders, third parties and the general public • Knowledge, understanding and application of the regulations for which an individual is personally responsible • Knowledge, understanding and application of obligations to the client • Knowledge and understanding of how and when a retainer relationship should be terminated • Knowledge and understanding of professional indemnity insurance. LEVEL 2a: • Ability to complete a professional indemnity proposal form, gathering and identifying relevant information for proposal.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge, understanding and appropriate application of effective procedures for compliance	LEVEL 1: • Knowledge and understanding of the nomination procedure and suitability for the Money Laundering Reporting Officer (MLRO) • Knowledge and understanding of the Money Laundering regulations. LEVEL 2b: • Ability to identify and appoint a MLRO • Knowledge, understanding and application of procedures which a legal entity must follow in order to produce an office policy on money laundering • Knowledge, understanding and application of appropriate file testing which ensures files are only opened after necessary money laundering checks • Knowledge, understanding and application of the requirements of the Information Commissioner's Office (ICO) and why legal entities must register with them • Knowledge, understanding and application of equality and diversity monitoring both in the workplace and through contracting of third parties.
Element 2 CILEx REGULATIONS	**CILEx PRACTICE RULES (GENERAL)** **Demonstrate knowledge, understanding and appropriate application of the scope of the CILEx practice rules**	LEVEL 1: • Knowledge and understanding of situations which would give rise to a breach of the practice rules • Knowledge, understanding and application of the duty of confidentiality, including identification of when this starts and ends LEVEL 2b: • Knowledge, understanding and application of the requirements to fulfil the role of practice manager. LEVEL 2c: • Knowledge, understanding and application of the requirements to fulfil the role of the financial manager.
	CILEx PRACTICE RULES (ADMINISTRATION) **Demonstrate knowledge, understanding and appropriate application of the administration requirements of a CILEx regulated entity in addition to any requirements to remain individually compliant**	LEVEL 1: • Knowledge, understanding and ability to provide appropriate advice regarding fees to be charged and the merits of the case following a cost benefit analysis • Knowledge, understanding and ability to provide realistic cost estimates in the form of a 'costing' of all costs and disbursements at the start of the case and to provide regular updates throughout the life of the file • Knowledge and understanding of identification, documentation and dealing appropriately with potential conflicts of interests both at the outset and throughout a retainer relationship

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		• Knowledge and understanding of situations which may give rise to an undertaking and the implications of giving an undertaking • Knowledge and understanding of situations which would result in a breach of the equality and diversity code. LEVEL 2a: • Knowledge, understanding and demonstration of good internal governance • Knowledge, understanding and application of systems, procedures and reporting to monitor compliance • Application of monitoring equality and diversity, both in the workplace and in the selection of external resources. LEVEL 2b: • Knowledge, understanding and implementation of procedures to review and test systems put in place to meet the outcomes of the CILEx practice rules (including management of undertakings, cost information, file reviews, client care, referral arrangements and conflicts of interest • Ability to identify when a fee earner has undertaken work in the absence of sufficient resources and outside their competence • Ability to draft policies which promote equality and diversity • Ability to draft appropriate safeguards for the issuing of undertakings and the consequences of not fulfilling the created obligation • Knowledge and understanding of the difference between an introduction and a referral • Knowledge, understanding and ability to draft an outsourcing policy.
	CILEX PRACTICE RULES (COMMUNICATION) **Demonstrate the ability to communicate the requirements of the CILEx practice rules appropriately**	LEVEL 1: • Ability to establish good relationships with client and third parties, including the ability to adapt the style, medium or method of communication for a diverse range of clients to identify the client's objective(s) • Ability to communicate to the client how legal services will be provided including expected time frame, what the client must do and duties and obligations applicant will carry out • Ability to draft a letter which identifies the client's objectives and advises them of the right to complain • Ability to communicate to ensure the client is kept up to date with progress of a matter and advise who is dealing with the matter, including the status of that person.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		LEVEL 2b: • Ability to communicate values to all staff which promote client outcomes, transparency of costs Ability to manage client expectations and evaluate overall client satisfaction.
	FILE MANAGEMENT **Demonstrate knowledge, understanding and appropriate application of good file management**	LEVEL 1: • Knowledge and understanding of examples of key dates and the methods which could be used in recording such dates in a diarised system and on the client's file • Ability to identify and record key dates. LEVEL 2a: • Knowledge and understanding of the elements of a good case management system, including the potential benefits • Ability to implement and operate a case management system, including for use as a supervision and compliance monitoring tool • Ability to design and implement a file closure procedure. LEVEL 2b: • Ability to create and perform a file review process covering both legal and administrative obligations • Ability to participate significantly in the successful application of an accreditation standard.
Element 3 MANAGEMENT OF A LEGAL ENTITY	**EXTERNAL INFLUENCES** **Demonstrate knowledge, understanding and impact of external influences on a business**	LEVEL 1: • Knowledge and understanding of recent and/or current external issues facing business/legal entities • Knowledge and understanding of the impact of inflation, how this impacts on business and actions which can be taken to counterbalance this. LEVEL 2a: • Ability to assess the impact of the current economic environment. LEVEL 2b: • Knowledge, understanding and ability to identify pending legislation or professional changes which could affect the business.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	INTERNAL INFLUENCES **Demonstrate knowledge, understanding and appropriate application of internal influences which can affect a business**	LEVEL 1: • Knowledge and understanding of the internal influences which a business is likely to face and effective ways of controlling them. LEVEL 2a: • Ability to develop a culture of accountability, compliance and openness for the business • Ability to manage a team. • Knowledge and understanding of the different types of risk affecting a business • Ability to identify examples of risks and to identify how these risks can be managed.
	RISK MANAGEMENT **Demonstrate knowledge, understanding and appropriate application of risk management**	LEVEL 2a: • Ability to respond to risks • Knowledge and understanding of collection, review, evaluation and management of risk • Ability to produce a risk management policy • Knowledge, understanding and implementation of appropriate supervision • Knowledge and understanding of the principles supporting delegation.
	CONTINGENCY PLANNING **Demonstrate knowledge, understanding and application of basic contingency planning**	LEVEL 2b: • Knowledge and understanding of the key contents of an effective contingency plan, and the need for regular review • Ability to draft a contingency plan • Ability to test a contingency plan.
	PEOPLE MANAGEMENT **Demonstrate knowledge, understanding and application of good supervision; including appropriate management, motivation and delegation**	LEVEL 1: • Knowledge and understanding of the negative effects of poor management • Ability to manage and motivate others. LEVEL 2a: • Ability to identify the link between low motivation and low production • Knowledge, understanding and application of procedures to manage and motivate • Ability to use specific, measurable, achievable, relative, time bound objectives to delegate • Ability to encourage a culture of continuous improvement

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	PROJECT MANAGEMENT **Demonstrate knowledge, understanding and application of planning, control, managing and evaluating a project successfully**	LEVEL 2a: • Knowledge and understanding of the need for a project plan and the elements which should be included in the plan • Ability to apply these elements to allow for successful project management • Ability to evaluate the success of the project.
	INFORMATION TECHNOLOGY (IT) **Demonstrate knowledge, understanding and application of IT in a legal environment**	LEVEL 1: • Knowledge, understanding and application of bespoke third party software to complete prescribed electronic applications/submissions. LEVEL 2a: Knowledge and understanding of the use of IT in monitoring compliance and understand its advantages, including as a time saving device.
Element 4 BUSINESS ACUMEN	**STRATEGY** **Demonstrate knowledge, understanding and appropriate application of strategy and the use of a business plan to underpin that strategy**	LEVEL 1: • Knowledge and understanding of a strategy • Ability to perform an analysis which identifies the strengths, weaknesses, opportunities and threats (SWOT analysis) of/to the business • Knowledge and understanding of how a competitive advantage arises and how a firm can differentiate themselves from competitors. LEVEL 2b: • Implementation and creation of strategy • Knowledge, understanding and application of likely trends evident following changes to internal and external influences and use these to identify a firm's current market position • Knowledge, understanding and application of the critical success factors (CSF) of a business and use these to identify the factors which are likely to be critical to the success of the business.
	MARKETING **Demonstrate knowledge, understanding and application of a marketing strategy which supports the business plan**	LEVEL 1: • Knowledge and understanding of what is meant by a marketing mix • Ability to implement and evaluate a marketing plan which supports the business plan • Knowledge and understanding of the importance of a website (or where appropriate provide a rationale as to why a website would not meet client needs). LEVEL 2b: • Ability to create an effective marketing plan • Knowledge and understanding of various methods of social media

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		• Ability to identify potential benefits of effective use of social media • Ability to identify the potential risks presented by social media both internally and externally.
	PROFITABLITY **Demonstrate knowledge, understanding and application of appropriate tools to determine profitability**	LEVEL 1: • Knowledge and understanding of working within budgets • Knowledge and understanding of a cash flow forecast. LEVEL 2a: • Ability to budget and analyse the variances which arise through a given period • Ability to create a cash flow forecast and update it for a given period • Knowledge, understanding and identification of key performance indicators (KPIs), including how these can be met and used to measure a firm's success in comparison with the business strategy. LEVEL 2c: • Knowledge and understanding of /and ability to differentiate between fixed and variable costs and direct and indirect costs • Knowledge and understanding of the use of appropriate ratios and formulae to ascertain an organisation's overall profitability and department profitability • Ability to calculate 2 ratios to assist in ascertaining overall profitability • Ability to use appropriate formulae to ascertain a department's profitability • Knowledge and understanding of what is meant by direct, indirect, fixed and variable costs • Knowledge and understanding of what is meant by inefficiencies and how processes can be measured for value • Ability to identify inefficiencies which would lead to a loss of profit:

ACCOUNTS

INTRODUCTION

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to keep the books of accounts specific to a legal entity and to apply a minimum standard of accountancy for a business
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – to accurately account for clients' money, run the firm's own accounts, apply CILEx Accounts Rules, bring the accounts from trial balance to profit and loss /balance sheet account position
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Certification of accounts will ensure that the applicant has:

- met the application requirements
- an appropriate level of expertise to manage the firms accounts and finances to an acceptable standard
- an appropriate level of knowledge and appreciation of the key features of protecting client's money, effective billing and efficient financial management
- the appropriate level of knowledge and skill to perform double entry booking, raise a valid invoice and a three way bank reconciliation.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
• KNOWLEDGE • UNDERSTANDING • EXPERIENCE • SKILLS	• Has sufficient practical knowledge, understanding, experience and skills – note these are different depending of the role of the applicant	Demonstrate they meet the outcomes set out below by: • attendance on a course, or • practical experience The outcomes are split into the following levels: • Level 1 - mandatory for all applicants • Level 2a - mandatory for compliance managers • Level 2b - mandatory for compliance manager undertaking practice management • Level 2c - mandatory for compliance manager undertaking accounts management
Element 1 CILEx ACCOUNTS RULES	**Demonstrate knowledge, understanding and where appropriate apply the rules and regulations relating to the handling of client money**	LEVEL 1: • Knowledge and understanding of the accounts rules • Ability to complete a three way bank reconciliation to accurately account for all client money • Ability to record and account for client money, ensuring it is banked promptly and not left unattended or unsecure • Understand the importance of the audit trail and ensure there is a clear audit trail • Understand the need to keep client money safe and separate from that of the business • Knowledge and understanding of the situations where it is fair and reasonable to account for interest to the client • Knowledge and understanding of money held as an agent/stakeholder • Knowledge, understanding and application of the internal policy on who can withdraw money • Knowledge and understanding of what is meant by trust money and an individual's legal responsibility as a trustee. LEVEL 2a: • Ability to apply controls to safeguard client money • Communicate knowledge and understanding of the accounts rules to staff to ensure compliance • Understand the difference between client money and client account. LEVEL 2c: • Ability to draft, implement and test robust internal controls, including who can withdraw client money and be able to distinguish between a material and non-material breach • Ability to perform an internal audit • Ability to draft, implement and communicate a fair and reasonable interest policy • Ability to make a calculation of interest • Ensure files are closed in a timely manner and surplus funds are returned promptly

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		• Ability to draft, implement and periodically review a compliance register and maintain complete records of all breaches • Control the release of client bank details outside of the legal entity • Knowledge, understanding and application of time costing and understanding the benefits of this information for reporting purposes.
Element 2 GENERAL BOOKKEEPING	**DOUBLE ENTRY BOOKKEEPING** **Demonstrate knowledge, understanding and application of double entry bookkeeping**	LEVEL 1: • Knowledge and understanding of posting entries to the client ledger account and appropriate cashbooks of a legal entity • Knowledge and understanding of a bill of costs • Knowledge and understanding of a trial balance. LEVEL 2c: • Ability to post entries to client ledger account and cashbooks • Ability to produce bill of costs • Ability to produce trial balance.
	FINANCIAL STATEMENTS **Demonstrate knowledge and understanding of the use of financial statements**	LEVEL 1: • Knowledge and understanding of when it is appropriate to provide the client with a financial statement. LEVEL 2c: • Ability to produce clear and informative financial statements which reflect the client's position and which include balances due to the client or to the legal entity • Ability to draft a financial statement • Knowledge, understanding and application of time costing and understanding the benefits of this information for reporting purposes.
Element 3 FINANCES	**VALUE ADDED TAX (VAT)** **Demonstrate knowledge, understanding and appropriate application of VAT**	LEVEL 1: • Knowledge and understanding as to how to calculate VAT payable • Knowledge and understanding of a vatable disbursement and a re-charge and understand the difference between the two. LEVEL 2c: • Ability to post a vatable disbursement and a re-charge to a client ledger • Ability to perform a partial exemption calculation • Ability to complete a UK VAT return.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	CREDIT CONTROL AND DEBT COLLECTION **Demonstrate knowledge, understanding and appropriate application of the creation of a credit control policy**	LEVEL 1: • Knowledge and understanding of how credit control including business payment terms and debt collection policies and procedures are created. LEVEL 2: • Ability to implement and communicate a credit control policy including business payment terms and debt collection policies and procedures. LEVEL 2c: • Ability to create a credit control policy • Ability to create and communicate a set of business terms and conditions relevant to a legal entity • Ability to draft debt collection procedures.
	NOMINAL LEDGERS **Demonstrate knowledge, understanding and appropriate application of nominal ledgers for a legal entity**	LEVEL 1: • Knowledge and understanding of maintaining a nominal ledger • Ability to post a small selection of non-vatable entries to a nominal ledger • Ability to explain what is meant by 'drawings' and the use of the capital and current accounts. LEVEL 2c: • Knowledge, understanding and ability to distinguish between profit and loss ledgers and a balance sheet nominal ledger • Ability to post entries to a nominal ledger.
	ACCOUNTS **Demonstrate knowledge, understanding and application of information relating to the financial position of a legal entity**	LEVEL 1: • Ability to read and interpret management reports which include Profit and Loss Accounts and Balance Sheet • Ability to identify significant variations to the accounts from previous years. LEVEL 2a: • Ability to determine the general financial position of a legal entity. LEVEL 2c: • Ability to produce Profit and Loss Accounts and Balance Sheet • Ability to calculate a liquidity ratio, provide commentary on the findings and provide guidance on what is viewed as a poor liquidity ratio • Ability to understand and explain working capital and how it can be effectively and efficiently managed • Ability to explain different finance options available to each type of legal structure.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	TAXATION **Demonstrate outline knowledge and understanding of taxation**	LEVEL 1: • Knowledge and understanding of the taxation system as it applies to individuals and corporations. LEVEL 2c: • Ability to apply rules of taxation to individuals and corporations.
	SET OF ACCOUNTS **Demonstrate knowledge, understanding and appropriate application of the creation and interpretation of accounts**	LEVEL 1: • Ability to understand a profit and loss account and balance sheet and relationship with a trial balance • Ability to interpret a profit and loss account and balance sheet. LEVEL 2a: • Ability to identify that the business is unlikely to meet its forthcoming liabilities and when it is appropriate to notify ILEX Professional Standards of this. LEVEL 2c: • Ability to produce profit and loss account and balance sheet from a trial balance • Ability to make the necessary annual adjustments to produce an accurate set of accounts • Ability to calculate a liquidity ratio • Ability to identify and explain the early indicators of a failing business • Ability to identify the point when a business is no longer a going concern.

APPENDIX 2

ADMISSIONS AND LICENSING COMMITTEE RULES

APPENDIX 2 - ADMISSIONS AND LICENSING COMMITTEE RULES

1. CILEx Regulation shall establish an Admissions and Licensing Committee.

2. The Admissions and Licensing Committee shall:

   - apply and monitor the Certification Rules for the reserved legal activity and regulated legal activity schemes;
   - consider and determine applications by applicants for reserved or regulated legal activity rights referred to it;
   - consider and determine applications for the renewal of advocacy certificates referred to it;
   - consider referrals under the QASA relating to the competence of an advocate;
   - consider and determine applications by prospective or current course providers for accreditation or renewal of accreditation to provide courses referred to it by the Officer;
   - consider whether or not an authorised person may continue to hold a Certificate which authorises them to undertake a reserved or regulated legal activity;
   - determine whether accreditation of a course provider to provide a course should be withdrawn;
   - receive reports of inspections of courses from the external advisors and the Officer;
   - receive reports of the moderation of course assessments from the external advisors;
   - receive annual reports from course providers;
   - submit an annual report to the CILEx Regulation Board.

3. The Officers will report all decisions made by them to the Admissions and Licensing Committee.

4. Wherever the Officer is unable to make a decision or takes the view that the matter requires Committee consideration they may refer the matter to the Admissions and Licensing Committee.

5. A person or organisation affected by any decision which the Admissions and Licensing Committee makes pursuant to its powers under these Rules may apply for reconsideration of that decision. Any such person or organisation must lodge an application for reconsideration at the CILEx Regulation offices within 20 working days of receiving written notification of the decision. The application must include written reasons why it should be reconsidered. The applicant shall have a right to be heard by the Committee when it reconsiders their application.

6. Where an application is reconsidered by the Admissions and Licensing Committee it shall have all the powers that were available to it at the original consideration of the application.

7. An appeal may be made against the decision reached by the Admissions and Licensing Committee in accordance with Rule 5. Appeals will be considered by an Appeal Panel comprising a professional member and two lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation's appeal bodies under the Investigation, Disciplinary and Appeal Rules (IDAR). The Appeal Panel will have available to it all the powers available to the Admissions and Licensing Committee at the original consideration of the application.

8. Appeals against decisions to refuse or revoke reaccreditation or certification of a Chartered Legal Executive Litigator and Advocate who holds or has held a Criminal Proceedings Certificate will be made to the Appeals Panel.

9. The Admissions and Licensing Committee shall report annually to the CILEx Regulation Board on its work during the preceding calendar year, and make such recommendations as it thinks fit concerning the operation of the scheme Rules falling within its remit.

10. The Admissions and Licensing Committee will comprise:

    - Fellows of CILEx; and
    - Independent members, at least 1 of whom shall have knowledge or experience of consumer issues

    Who are not be members of CILEx Council or the CILEx Regulation Board and provided that the independent members are in the majority.

11. A Fellow who is a member of CILEx Regulation's Professional Conduct, Disciplinary or Appeals Panel shall not be eligible to serve as a member of the Admissions and Licensing Committee.

12. Appointments of independent members and Fellows shall be made by the CILEx Regulation Board.

13. Each independent member and Fellow will be appointed to the Admissions and Licensing Committee by CILEx Regulation for a period of five years. Upon the termination of the five year period of their appointment the Board may reappoint them or make a new appointment.

14. No Fellow or independent member may serve more than two consecutive terms as a member of the Admissions and Licensing Committee. Where they fail without good reason to fulfil their duties set out in these Rules CILEx Regulation may terminate their appointment whether or not they have completed their current term of office.

15. The external advisors shall be invited to attend meetings of the Admissions and Licensing Committee. Where necessary the Committee may seek advice on matters under its consideration from other persons or sources.

16. At least three members of the Admissions and Licensing Committee must be present at a meeting to constitute a quorum. The external advisors will not form part of the quorum.

17. The Admissions and Licensing Committee will appoint one of its members as Chair. The Chair will be appointed for a period of one year. The Chair will be eligible for reappointment, but may not serve as Chair for more than three consecutive years.

18. Decisions of the Admissions and Licensing Committee will be reached by a majority vote. In the case of an equality of votes the Chair shall have a casting vote. External advisors may not vote on any matter at a meeting.

19. The Admissions and Licensing Committee shall meet at least once each year. Subject to this, where the Committee deems it appropriate it may consider applications and any other matter by way of a postal agenda or telephone conference.

20. CILEx Regulation shall have the power to pay fees to members of the Admissions and Licensing Committee and shall from time to time, determine the amount and basis of payments of such fees.

APPENDIX 3

DRAFT ADVOCACY PORTFOLIOS

PORTFOLIO FORM – FAMILY CASE

Date you were instructed in the case ……

Provide a concise description of the case, its progression and outcome
Being instructed on behalf of a mother in connection with two children who were in foster care as a result of mental health problems that she was suffering. The Local Authority then issued care proceedings under Section 31 of the Children Act, the case was issued in the Family Proceedings Court and then transferred to the County Court. During the course of the proceedings mother's mental health then become an issue and the Official Solicitor was instructed to act on behalf of the mother. Mother's mental health then improved and the Official Solicitor was not involved and at the end of the case mother gave her own evidence at the final hearing. There were various professional meetings and meetings with Social Services, there was a care plan that was amended with a view to rehabilitation following further assessments and contact increases, the care plan was drafted for a final hearing when rehabilitation was not an option. At the end of the final hearing a care order was made which mother consented but the care plan was approved in its format.

Outline the law arising in the case and its application to the facts of the case
The law arising in respect of the case was Section 31 of the Children Act, the Threshold Criteria. Considering mother's position and her mental health issues, obtaining leave for the Official Solicitor to be instructed, dealing with the Official Solicitor. Considering later on in the case application under Section 34 of the Children Act for contact to children in care. Considering with mother the ability in the future of her to make application for contact under Section 34 should she feel that it was relevant and necessary. Consideration of whether it was a case appropriate for a Section 386 application which it was not.

Summarise the procedural or process issues that arose in the case. Your answer should include the Court, and in civil cases, the track to which the case was allocated

This was a care proceedings case issued by the Local Authority in the Family Proceedings Court which was then transferred to the County Court. The procedural and process issues that arose in this case that I had to consider was the necessity of requesting leave to instruct the Official Solicitor due to the Mental Health of mother and her inability to give proper instructions. Arranging for the appropriate examination and certificate from the Psychiatrist instructed in the case to deal with. When mother became well considering her ability to give instructions under her mental capacity and obtaining a relevant certificate from a Psychiatrist, advising the Official Solicitor and for them to withdraw from the case.

Considering the procedural issues when the Official Solicitor was involved, importance of close contact with them and obtaining an "opinion" of mother rather than her instructions, finding her wishes and feelings and reverting to taking instructions once she was certified with capacity to continue the matter herself.

Summarise the evidential issues that arose in the case and how you dealt with them

Being a representative, instructing the Psychiatrist Dr Ann Stanley to conduct interviews and prepare a report with regard to mother's psychiatric condition and her ability to parent the two children. Considering the report together with that of the Child Psychologist Lori Beth Bisbey and ultimately that of the Guardian. When mother had capacity to instruct taking her detailed instructions with regard to reports going through them with her and advising her of the implications with regard to the conclusions of the reports. Considering the evidence of the Local Authority and dealing with mother's replies to the threshold criteria. Going through the professional report with mother when her capacity enabled her to give instructions, taking those instructions and preparing her statement having advised her of the implications of the reports. When mother was not incapacitated obtaining her wishes and feelings and her opinions with regard to issues that had arisen in evidence, advising the Official Solicitor of this information. Mother came back into capacity and therefore preparing her final statement. Advising her with regard to the Guardian's report and the final care plan of the Local Authority, trying to prepare mother for a 5 day hearing.

Provide a summary of any ethical or conduct issues that arose in the case and how you dealt with them

No ethical issues arose in the case. As far as conduct issues are concerned making a decision to request leave for Official Solicitor to be instructed due to mental health issues of mother and again requesting discharge of Official Solicitor once mother's capacity returned.

Provide a summary of the funding issues that arose in the case and how you dealt with them
Mother entitled to Public Funding under care proceedings as parent with parental responsibility, keeping a close eye on costings, making appropriate applications for increase in level of costs to take on board the professionals' charges and the 5 day hearing. Preparing high cost plan and submitting to Reading Office of Legal Services Commission, having the same approved.

Outline any research that you undertook into law or procedure when handling this case
Refreshing memory with regard to procedures concerning the Official Solicitor time limits and duties prior to requesting leave from the Court on receipt of documentation from Official Solicitor, again refreshing memory (have previously instructed Official Solicitor in care case).

Summarise any decisions you had to make, how you made them and whether you had to take any advice on strategic issues in the case
Making the decision that it was important for mother to see Adult Psychiatrist on the day that her interview had been arranged despite the fact that mother was clearly suffering from mental health problems. Making a decision that it was in mother's best interests to see the Psychiatrist so that appropriate steps can be taken for her to receive medical attention later on in that day and to be hospitalised for her own safety.

Summarise any training or development needs you identified while you dealt with this case
I decided that I would like to undertake further work with regard to care proceedings either on behalf of parents or ultimately the children's guardian and therefore the need to obtain the appropriate advocacy certificate and to embark upon the care training and ultimately apply for being placed on the Children's Panel.

DECLARATION

I confirm that the information contained on this form is accurate to the best of my knowledge and belief.

Signed …… Date ……..

CILEx Regulation Limited

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CILEx REGULATION

PROFESSIONAL STANDARDS FOR SPECIALIST LAWYERS