

'ASSOCIATE TO FELLOWSHIP'

SPECIAL ARRANGEMENTS FOR ASSOCIATES QUALIFIED PRIOR TO 1
JANUARY 1986 TO OBTAIN FELLOWSHIP OF THE CHARTERED
INSTITUTE OF LEGAL EXECUTIVES

CERTIFICATION RULES

June 2012

ASSOCIATE TO FELLOWSHIP CERTIFICATION RULES

DEFINITIONS

1. In these Rules, except where otherwise indicated:

"Associate member of CILEx in good standing" means a person enrolled as an Associate before 31 December 1985 whose subscriptions to CILEx are fully paid, in respect of whose conduct there is no complaint outstanding, and against whom there is no disciplinary record which in the view of the Admissions and Licensing Committee affects their suitability for Fellowship;

"Certification Rules" means the Associate to Fellowship Certification Rules;

"External Assessor" means a person appointed by IPS to carry out the roles and functions identified for them in these Rules;

"Fellow" means a Chartered Legal Executive;

"Investigation, Disciplinary and Appeals Rules" means the rules of IPS which are in place from time to time and which govern the complaints handling and disciplinary procedures of IPS;

"IPS" means ILEX Professional Standards Ltd;

"The Admissions and Licensing Committee" means the Committee established under the Rights of Audience Certification Rules to carry out the roles and functions identified for it in these Rules;

"The Institute" or "CILEx" means The Chartered Institute of Legal Executives;

"The Officer" means an IPS officer with responsibility for the Associates to Fellowship qualification scheme.

Words importing the male gender include the female gender and vice versa.

APPLICATION FOR EXEMPTION

2. The application procedure for exemption set out in these rules will be valid for a period of 12 months from a date determined by IPS which shall be not more than 3 months after the date of approval of these rules by the Legal Services Board.

3. An Associate of CILEx who obtained the Associate grade of membership before 1 January 1986 and who is in good standing may apply to IPS to be granted Fellowship of CILEx through the application procedure for exemption.
4. An Associate member who seeks to apply for Fellowship under the exemption procedure must:
 - produce a portfolio which provides evidence of their knowledge and understanding of both law and practice in the Associate's specialist area of practice in accordance with the portfolio guidelines found at **Annex 1; and**
 - produce a portfolio of evidence to demonstrate understanding of the professional skills required at Level 6 in accordance with the portfolio guidelines found at **Annex 2; and**
 - pay the application fee which will be set by IPS.
 - supply a satisfactory certificate of fitness
5. The portfolios of evidence provided in support of the application for exemption, in accordance with Annexes 2 and 3, will be assessed by an external assessor.
6. The external assessor will determine whether the portfolios are satisfactory and meet the criteria set out in the Portfolio Guidelines at Annexes 1 and 2.
7. Where the external assessor determines that the portfolios meet the criteria in Annexes 1 and 2, the Officer will consider the full application. The Officer will decide whether the application for exemption can be approved. Where it can be approved, the Officer will approve the application for Fellowship.
8. Where the Officer has any doubt as to whether the application can be approved, they will refer it to the Admissions and Licensing Committee for further consideration.
9. An application can be approved by an Officer where:
 - The external assessor has confirmed that the portfolio of evidence provided to meet the requirements set out in the portfolio guidelines found at annexes 1 and 2 has met those requirements
 - A satisfactory certificate of endorsement has been obtained, attesting to the applicant's knowledge of their specialist area of practice, their experience in this area of practice and offering an informed opinion as to the applicant's suitability to be granted Fellowship of CILEx

- The applicant has provided evidence demonstrating they have met the qualifying employment requirements
 - The applicant is in good standing
10. Where the external assessor decides that the portfolio is not satisfactory and/or does not meet the criteria set out in the Portfolio Guidelines found at Annexes 1 and 2 he will give reasons for his decision. The Officer will inform the applicant of his decision. The applicant may either withdraw his application or make further representations and ask that the full application be referred to the Admissions and Licensing Committee.
 11. The Admissions and Licensing Committee will decide whether or not an application that has been referred to it should be approved. In reaching its decision, the Committee will consider all the information provided by the applicant and may call the applicant for interview or call for information from any person or source it considers appropriate. The Committee may:
 - Approve the application and grant the application Fellowship of CILEx
 - Refuse the application
 12. 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 found at Annexes 1 and 2.
 13. The Officer will notify an applicant in writing of their decision or of the decision of the Admissions and Licensing Committee. Where the application has been approved the applicant will be notified by IPS. The Certificate of Fellowship of The Chartered Institute of Legal Executives will thereafter be issued by CILEx. Where the application is unsuccessful, the notification shall set out the reasons of the Committee and any preconditions to the consideration of any subsequent application for Fellowship via this exemption procedure. The applicant may apply for reconsideration of the decision in accordance with rules 18 and 19. The applicant may appeal a decision made on reconsideration in accordance with rule 18.

ADMISSIONS AND LICENSING COMMITTEE

14. Applications shall be considered by Admissions and Licensing Committee, established under the Rights of Audience Certification Rules.
15. The Admissions and Licensing Committee shall under this exemption procedure:
 - apply and monitor CILEx's Associate to Fellowship Certification Rules;

- consider and determine applications made by Associates referred to it by the Officer for Fellowship under the exemption procedure.
16. The Officers will report all decisions made by them to the Admissions and Licensing Committee.
 17. 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.
 18. A member 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 member must lodge an application for reconsideration at the IPS offices at Kempston Manor within 20 working days of receiving written notification of the decision. The application must include written reasons why it should be reconsidered. The member shall have a right to be heard by the Committee when it reconsiders his application.
 19. Where an application is reconsidered by the Admissions and Licensing Committee it shall have all the powers available that were available to it at the original consideration of the application. An appeal may be made against the decision of the Admissions and Licensing Committee upon reconsideration. 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 IPS' Disciplinary and Appeal bodies. 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.
 20. The Admissions and Licensing Committee shall report to the IPS Board on the operation of the Associates to Fellows exemption procedure as part of its Annual Report.
 21. The external assessors appointed in accordance with these Rules shall be invited to attend meetings of the Admissions and Licensing Committee when applications for exemption under these procedures are being considered. Where necessary the Committee may seek advice on matters under its consideration from other persons or sources.

EXTERNAL ASSESSORS

22. IPS shall appoint external assessors to advise the Admissions and Licensing Committee and IPS on issues relating to the required knowledge and understanding of law and practice in each of the specialist areas and understanding of the professional skills.
23. When making such appointments IPS shall take into account the following:
 - That the person appointed is a law graduate or has qualifications in law of a comparable level;
 - That the person appointed is qualified to assess knowledge and understanding relevant to the area of specialist work in which they are appointed;
 - That the person appointed has experience of teaching and assessment of law and legal practice, at degree or post graduate level.
24. The external assessors will provide advice to the Admissions and Licensing Committee and IPS in respect of the demonstrated knowledge and understanding of applicants applying for Fellowship via this exemption route.
25. The Admissions and Licensing Committee and the Officer shall consider any advice given by the external assessors, but shall not be bound by such advice.
26. The external assessors shall decide whether a portfolio submitted with an application for Fellowship via the exemption route meets the criteria set out in the Portfolio Guidelines at annexes 1 and 2.
27. The external assessors shall receive notice of meetings of the Admissions and Licensing Committee when applications under the exemption procedure are being considered and may attend such meetings in their advisory capacity.
28. IPS shall have the power to pay fees to the external assessors and shall, from time to time, determine the amount and basis of payment of such fees.

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ANNEX 1

Portfolio guidance – Knowledge of Family Law and Practice

In order to gain exemption from the Family Law and Practice CILEx examinations at Level 6, you should be able to evidence the following information:

For each outcome you should provide examples from at least 3 different cases to evidence understanding of these issues. Evidence can be in the form of a reflective statement, suitably anonymised file notes etc.

Learning Outcome	Evidence of knowledge and use of knowledge in practical situations	Supporting evidence provided + page reference to portfolio
<p>LO1: Demonstrate knowledge and understanding of the law of marriage, adult partnerships and nullity in marriage</p>	<p>1.1 Provide examples from your work which evidence your 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.</p>	
<p>LO2: Demonstrate knowledge and understanding of dissolution of marriage, civil partnership and judicial separation</p> <p>This should include understanding of the financial consequences of terminating a marriage or dissolving a civil partnership</p>	<p>2.1 Provide examples from your work which evidence your knowledge and understanding of the requirements for each and the application of these issues. This should include the discussion of undefended divorce and dissolution of civil partnership, costs which may be incurred, funding implications and identify best practice.</p> <p>2.2 Using examples from your caseload, you should identify the most common forms of dispute resolution including mediation and the costs involved in this process</p>	

<p>LO4: Demonstrate knowledge and understanding of the legal basis for parental responsibility, or</p> <p>Demonstrate knowledge and understanding of the law relating to children</p>	<p>4.1 Provide examples from your work which evidence your knowledge, understanding and the application of the requirements for parental responsibility, including the factors the court considers in parentage identification cases and how parental responsibility orders can be acquired.</p> <p>4.2 Provide examples from your work which evidence your knowledge, understanding and application of the orders available for private matters under the Children Act 1989, section 8 Orders, the powers of the court in family assistance orders, the considerations of the court identified under the Children Act 1989 and financial relief available for children.</p>	
<p>OPTIONAL</p> <p>LO5: Demonstrate knowledge and understanding of the legislation, provisions and remedies available in cases of domestic violence and molestation</p>	<p>5.1 Provide evidence from your caseload of your knowledge and understanding of the alternatives to court proceedings in domestic violence cases, the impact of legislation in this area, the procedure to apply for appropriate orders and methods of enforcement.</p>	

Portfolio guidance – Knowledge of Land Law and Conveyancing

In order to gain exemption from the Land Law and Conveyancing CILEx examinations at Level 6, you should be able to evidence the following information:

For each outcome you should provide examples from at least 3 different cases to evidence understanding of these issues. Evidence can be in the form of a reflective statement, suitably anonymised file notes etc.

Learning Outcome	Evidence of knowledge and use of knowledge in practical situations	Supporting evidence provided + page reference to portfolio
LO1: Demonstrate knowledge and understanding of the concepts of real and personal property	1.1 Provide explanations of the following to demonstrate your understanding of: real and personal property, the concept and relativity of title and relevance of possession, what is land and the extent of that land, the nature of a freehold estate 1.2 Explain the differences between types of title.	
LO2: Demonstrate knowledge and understanding of legal and equitable property interests	2.1 Provide examples from your work which evidence your knowledge and understanding of the different estates and interests recognised in law and equity. Provide an analysis of the relationship between legal and equitable rights and explain the different remedies available.	
LO3: Demonstrate knowledge and understanding of proprietary estoppel	3.1 Provide examples from your work which evidence your knowledge and understanding of situations in which an interest in land may be created by proprietary estoppel. Provide an analysis of the law to the facts of the examples and explain the legal implications, remedies and defences as appropriate	
LO4: Demonstrate knowledge and understanding of the law relating to 3rd party protection	4.1 Provide examples from your work which evidence your knowledge and understanding of how to determine whether a purchaser	

<p>in both registered and unregistered land</p> <p>Explain the practice of land registration in relation to residential conveyancing</p>	<p>takes free from 3rd party interests and how 3rd party rights can be protected. You should also include application of the law to the relevant facts from your examples and identify possible implications including remedies and defences.</p> <p>4.2 Using examples from your workload, evidence your knowledge understanding and application of land registration and registration of interests against unregistered land</p>	
<p>LO5: Demonstrate knowledge and understanding of the law relating to trusts of land.</p> <p>For these examples you should show application of the law to your cases and identify probable legal implications, remedies and defences, or</p> <p>Demonstrate knowledge and</p>	<p>5.1 Provide examples from your work which evidence your knowledge, understanding and the application of the formalities for the creation of an express trust of land, or</p> <p>5.2 Provide examples which evidence your understanding of the situations in which a resulting or constructive trust may arise, or</p> <p>5.3 Provide examples which evidence your understanding of the concepts of joint tenancy and tenancy in common and explain their operation, or</p> <p>5.4 Provide examples which evidence your understanding of the rights of trustee and beneficiary of a trust of land conferred by the Trusts of Land and Appointment of Trustees Act 1996, or</p> <p>5.5 Provide examples which evidence your understanding of the approach taken by the judiciary in the determination of beneficial ownership of land</p> <p>5.6 Provide examples from your work which</p>	

<p>understanding of easements</p> <p>Understand what easements or management arrangements need to be put in place when transferring or leasing part of a wider title. Or,</p> <p>Demonstrate knowledge and understanding of the nature of covenants affecting a freehold estate, or</p> <p>Demonstrate knowledge and understanding of the nature of a mortgage</p> <p>Demonstrate knowledge and understanding of legal responsibilities in relation to funding property transactions. Or,</p> <p>Demonstrate knowledge and understanding of the nature of a leasehold estate and issues relating specifically to leasehold property transactions</p>	<p>evidence your knowledge, understanding and application of the law in relation to the creation, determination and extinguishing of easements</p> <p>5.7 Provide examples from your case load of dealing with easements and how future maintenance of a building or access has been addressed</p> <p>5.8 Provide examples from your work which evidence your knowledge, understanding and application of the law in relation to the creation, modification and extinguishing of covenants and how to determine whether a third party is bound by a covenant</p> <p>5.9 Provide examples from your work which evidence knowledge, understanding and application of the law in relation to the creation of legal and equitable mortgages, protections afforded to the mortgagor, circumstances in which the mortgagee can enforce the mortgage and priority of multiple mortgages</p> <p>5.10 Provide evidence from your caseload examples of advice provided to clients re financing a purchase and explain how to act for a mortgage lender.</p> <p>5.11 Provide examples from your work which evidence your knowledge, understanding and application of the law in relation to the creation of legal and equitable leases, circumstances in which the benefit or burden of leasehold covenants may pass to the</p>	
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	<p>purchaser, circumstances when leasehold covenants can be enforced against third parties.</p> <p>5.12 Explain the structure of a residential lease, how to apply for a ground landlord's consent , the necessary due diligence enquiries to alert a lease buyer to outstanding liabilities, rights to enfranchise the freehold collectively or to extend the lease individually</p>	
<p>OPTIONAL</p> <p>LO6: Knowledge and understanding of how a trespasser may become entitled to an estate in land</p>	<p>6.1 Provide examples from your work which evidence knowledge, understanding and application of the law in relation to claims for adverse possession, the right to remove a trespasser on registered land, situations in which the right to remove may become statute barred</p>	
<p>LO7: Knowledge and understanding of how to take conveyancing instructions</p>	<p>7.1 Using examples from your case load, evidence your knowledge and understanding of taking instructions for a range of transactions.</p>	
<p>LO8: Knowledge and understanding of preparing a contract for sale</p>	<p>8.1 Provide examples from your caseload of preparation and exchange of contracts and explain documentation to be sent with a draft contract</p>	
<p>LO9: Knowledge and understanding of title and its investigation</p>	<p>9.1 Provide examples from your caseload which evidence your knowledge and understanding of pre-contract enquiries, searches, options available to overcome title difficulties</p>	
<p>LO10: Knowledge and understanding of other pre-</p>	<p>10.1 Provide examples from your case load which evidence your knowledge and</p>	

<p>exchange issues re planning, building regulations and new build properties.</p>	<p>understanding of compliance with planning and building regulations approval and the options available when there is existing non-compliance</p> <p>10.2 Provide examples from your caseload which evidence your knowledge and understanding of the operation of the Buildmark scheme and the remedies when defects become apparent.</p>	
<p>LO11: Knowledge and understanding of completion of a conveyancing transaction and post completion formalities</p>	<p>11.1 Provide examples from your caseload which evidence your knowledge and understanding of the process of completion</p> <p>11.2 Provide examples from your caseload which evidence your knowledge and understanding of the post completion formalities, i.e. re stamp duty and application to the Land Registry</p>	
<p>LO12 : Knowledge and understanding of dealing with late completion and other default</p>	<p>12.1 Provide examples from your caseload which evidence your knowledge and understanding of the possible consequences of late completion, misdescription, misrepresentation and the circumstances under which a deposit can be forfeited</p>	

Portfolio guidance – Knowledge of Wills and Succession and Probate Practice

In order to gain exemption from the Wills and Succession and Probate Practice CILEx examinations at Level 6, you should be able to evidence the following information:

For each outcome you should provide examples from at least 3 different cases to evidence understanding of these issues. Evidence can be in the form of reflective statement, suitably anonymised file notes etc.

Learning Outcome	Evidence of knowledge and use of knowledge in practical situations	Supporting evidence provided + page reference to portfolio
<p>LO1: Demonstrate knowledge and understanding of the formal requirements to make a valid will or codicil</p> <p>This should include knowledge and understanding of the importance of risk management in probate practice</p>	<p>1.1 Provide explanations of the following to demonstrate your understanding of: statutory rules relating to formal requirements to make a will, how these rules have been applied through case law and exceptions.</p> <p>1.2 Provide examples from your case load which evidence your knowledge and understanding of the requirements to make a valid will in a given situation.</p> <p>1.3 Provide examples from your caseload which evidence your understanding of the duty of care owed in will writing and where risk management may be particularly important</p> <p>1.4 Explain what will happen to a client’s property on death if it is not effectively dealt with by their will/codicil</p>	
<p>LO2: Demonstrate knowledge and understanding of capacity to make a will or codicil</p>	<p>2.1 Provide examples from your work which evidence your knowledge and understanding of the rules relating to mental capacity, knowledge and approval of contents and the consequences of failure to comply with these rules.</p> <p>2.2 Consider the effect that failure may have on</p>	

	the validity of a will	
LO3: Demonstrate knowledge and understanding of the legal principles relating to legacies and devises	3.1 Provide examples from your work which evidence your knowledge and understanding of legacies and devises and rules which govern when these may fail	
LO4: Demonstrate knowledge and understanding of the way in which a will can be revoked	4.1 Provide examples from your work which evidence your knowledge and understanding of the ways a will can be revoked, including destruction, marriage or civil partnership, later testamentary document and the rules relating to mutual wills	
LO5: Demonstrate knowledge and understanding of the effect of alterations contained in a will	5.1 Provide examples from your work which evidence your knowledge, understanding and the application of the law in relation to alterations and obliterations in a will	
LO6: Demonstrate knowledge and understanding of construction of wills	<p>6.1 Provide examples from your work which evidence your knowledge, understanding and application of the law in relation to ascertaining testator's expressed intention, rules used by the court to evidence this intention</p> <p>6.2 Provide examples which evidence application of your knowledge and understanding of the need to understand the client's circumstances in order to provide an appropriately drafted will</p> <p>6.3 Provide examples which evidence your knowledge and understanding of the different types of gift, in terms of class of gift and the difference in effect between an absolute and limited gift. You should include consideration</p>	

	<p>of the causes and consequences of the failure of different types of gift</p> <p>6.4 Provide examples which evidence your understanding of the rules which apply to adopted and illegitimate children</p> <p>6.5 Explain the procedure for execution of a will.</p>	
<p>LO7: Demonstrate knowledge and understanding of the statutory rules relating to devolution of estates on intestacy</p>	<p>7.1 Provide examples from your work which evidence your knowledge, understanding and application of the law in relation to intestacy, partial intestacy, statutory trust of land, beneficial entitlement and special rules applying to spouses/civil partners</p>	
<p>LO8: Demonstrate knowledge and understanding of grants of representation and where these may be appropriate, or</p> <p>Demonstrate knowledge and understanding of the powers, duties and liabilities of personal representatives</p>	<p>8.1 Provide examples from your work which evidence your knowledge, understanding and application of the law in relation to a grant of representation and when it may be revoked.</p> <p>8.2 Provide examples from your work which evidence your knowledge, understanding and application of the law when executors/administrators/personal representatives may become entitled to a grant of representation and when a grant is not necessary</p> <p>8.3 Provide examples from your work which evidence your knowledge and understanding of the nature and effect of caveats and citations and the use of standing searches.</p> <p>8.4 Provide examples from your work which evidence your knowledge, understanding and application of the law in relation to powers, duties and liabilities of personal representatives and when relief may be</p>	

<p>Demonstrate knowledge and understanding of the rules relating the administration and distribution of an estate including the payment of debts, or</p> <p>Demonstrate knowledge and understanding of the provisions of inheritance (Provision for Family and Dependents) Act 1975</p> <p>This should include evidence of knowledge and understanding of how the Act may affect distribution under the terms of a will and/or the operation of the intestacy rules</p>	<p>granted from this liability</p> <p>8.5 Using examples from your case load, evidence your knowledge and understanding of the difference between a solvent and an insolvent estate.</p> <p>8.6 Using examples from your caseload, explain the collection and realisation of assets</p> <p>8.7 Provide evidence of your understanding of the likely legal consequences, including remedies and defences of the rules regarding payments of debts in each situation.</p> <p>8.8 Provide examples from your caseload to demonstrate your understanding of classification of applicants, the 2 standards of reasonable provision, common and particular guidelines available to the court, types of court orders available, property available for financial provision and analyse how the provisions in the Act have been implemented through the courts.</p>	
<p>LO9: Knowledge and understanding of the taxation principles relevant to drafting and associated tax planning matters and understand the requirements of Her Majesty's Revenue and Customs (HMRC)</p>	<p>9.1 Provide examples from your caseload to evidence your knowledge and understanding of inheritance tax (IHT), capital gains tax (CGT) and income tax. This should include examples of situations in which advice has been provided to ensure the most efficient planning has been considered</p> <p>9.2 Provide examples from your caseload which</p>	

	evidence your knowledge and understanding of 'excepted estates', completion of the required forms and how all tax due is calculated, paid and funded.	
LO10: Knowledge and understanding of the requirements of the court	10.1 Provide examples from your caseload which evidence your knowledge, understanding and application of the law to provide advice and assistance to clients in e.g. drafting an appropriate oath, explaining the requirements of the court to clients etc.	

Portfolio guidance – Knowledge of Employment Law and Practice

In order to gain exemption from the Employment Law and Practice CILEx examination at Level 6, you should be able to evidence the following information:

For each outcome you should provide examples from at least 3 different cases to evidence understanding of these issues. Evidence can be in the form of a reflective statement, suitably anonymised file notes etc.

Learning Outcome	Evidence of knowledge and use of knowledge in practical situations	Supporting evidence provided + page reference to portfolio
<p>LO1: Demonstrate knowledge and understanding of the employment contract.</p> <p><i>You should identify the different types of clause and their purposes, e.g. post-termination restraints, garden leave etc.</i></p>	<p>1.1 Provide examples from your work which evidence your knowledge and understanding of the role and nature of the employment contract. This could include regulation by statute, employee’s right to be informed about specific terms, wages and deductions, national minimum wage and working time regulations</p> <p>1.2 Explain how this information was applied by your examples provided.</p>	
<p>LO2: Demonstrate knowledge and understanding of employment protection offered to different types of workers (e.g. temporary, fixed term etc.)</p>	<p>2.1 Provide examples from your work which evidence your knowledge, understanding and the application of the different types of protection offered to different types of workers and the consequences to the employer of improper treatment</p>	
<p>LO3: Demonstrate knowledge and understanding of the protection afforded under the Equality Act 2010</p>	<p>3.1 Provide examples from your work which evidence your knowledge understanding and application of the protected characteristics under the Equality Act 2010 and the legal consequences of breaching discrimination legislation.</p>	

<p>LO4: Demonstrate knowledge and understanding of the law concerning wrongful dismissal, or</p> <p>Demonstrate knowledge and understanding of the law concerning unfair dismissal</p> <p><i>You should include the 6 potentially fair reasons to dismiss and any available remedies should the employee succeed, or</i></p> <p>Demonstrate knowledge and understanding of the law governing redundancy, or</p> <p>Demonstrate knowledge and understanding of the statutory minimum provisions relating to family friendly provisions</p>	<p>4.1 Provide examples from your work which evidence your knowledge, understanding and application of the elements of a claim and the legal consequences of a wrongful dismissal.</p> <p>4.2 Provide examples from your work which evidence your knowledge, understanding and the application of the requirements for a claim of unfair dismissal, the 'fairness in all the circumstances' test, the provisions governing fair procedure in a dismissal and the legal consequences of an unfair dismissal.</p> <p>4.3 Provide examples from your work which evidence your knowledge, understanding and application of a properly implemented redundancy procedure and the legal consequences of redundancy whether lawful or not</p> <p>4.4 Provide examples from your work which evidence your knowledge, understanding and application of the law relating to time off for ante natal care, maternity/paternity leave, the right to request flexible working, the right to parental leave for dependents and remedies where these rights are not respected</p>	
<p>OPTIONAL</p>		

<p>LO5: Demonstrate knowledge and understanding of the role of policy and procedure within effective employment dispute resolution, or</p> <p>Knowledge and understanding of a Transfer of Undertaking</p>	<p>5.1 Provide examples from your work of the effective use of employment policy and procedures for disciplinary and grievance procedures.</p> <p>5.2 Alternatively, provide examples from your work which evidence your knowledge, understanding and application of the law relating to Transfer of Undertaking and explain the legal consequences following a transfer</p>	
<p>LO6: Knowledge and understanding of the practical principles which govern binding compromise agreements, including:</p> <p>a. Negotiation b. Preparation c. Advice, or</p> <p>Knowledge and understanding of the key stages of an employment claim in either a tribunal or the civil courts</p>	<p>6.1 Using examples from your work, provide evidence of knowledge and understanding of the purpose and effect of compromise agreements and the statutory requirements of compromise agreements</p> <p>6.2 Using examples from your work, provide evidence of your knowledge and understanding of the jurisdiction of the courts for claims, time limits for lodging claims, relevant paperwork, processes and orders, interim procedures and processes of appeal</p>	

Portfolio guidance – Knowledge of Company and Partnership Law and Practice

In order to gain exemption from the Company and Partnership Law and Practice CILEx examination at Level 6, you should be able to evidence the following information:

For each outcome you should provide examples from at least 3 different cases to evidence understanding of these issues. Evidence can be in the form of a reflective statement, suitably anonymised file notes etc.

Learning Outcome	Evidence of knowledge and use of knowledge in practical situations	Supporting evidence provided + page reference to portfolio
<p>LO1: Demonstrate knowledge and understanding of partnership law</p> <p>a. Partnerships b. Limited Liability Partnerships</p> <p><i>You should include consideration of the tax implications for each medium.</i></p>	<p>1.1 Provide examples from your work which evidence your knowledge and understanding of these methods of establishing a business through advice given, including an evaluation of the likely implications (practical, financial and fiscal), the powers, duties and liabilities of partners and the procedure for and effects of termination on a partnership</p>	
<p>LO2: Demonstrate knowledge and understanding of the law relating to limited companies:</p> <p>You should consider at least 2 elements such as formation of a company, share ownership, the ways in which a company may borrow money and day to day running of a limited company.</p>	<p>2.1 Provide examples from your work which evidence your knowledge and understanding of this method of establishing and running of a business through advice given, including an evaluation of the likely implications, remedies and defences where appropriate.</p>	

<p><i>You should also include consideration of the tax implications when choosing this medium.</i></p>		
<p>LO3: Demonstrate knowledge and understanding of the principles of reconstruction, merger and acquisition. Or, Demonstrate knowledge and understanding of the concepts of insolvency</p> <p><i>This may include consideration of company voluntary arrangement (CVA), administration, receivership and administrative receivership, winding up, potential liability of company officers, insolvency and liquidation.</i></p>	<p>3.1 Provide examples from your work which evidence your knowledge and understanding regarding reconstruction, merger or acquisition, including an evaluation of the likely legal implications.</p> <p>3.2 Provide examples from your work which evidence your knowledge and understanding regarding insolvency.</p>	
<p>LO4: Demonstrate knowledge and understanding of the role and responsibility of a director and other company officers</p>	<p>4.1 Provide examples from your work which evidence your knowledge and understanding in relation to the appointment, retention, remuneration, duties and removal of a director.</p> <p>4.2 Provide examples from your work which evidence your knowledge and understanding in relation to the appointment, role, duties and removal of a</p>	

	company secretary or auditor.	
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Portfolio guidance – Knowledge of Contract or Tort and Civil Litigation

In order to gain exemption from the Contract/Tort and Civil Litigation CILEx examination at Level 6, you should be able to evidence the following information:

For each outcome you should provide examples from at least 3 different cases to evidence understanding of these issues. Evidence can be in the form of reflective statement, suitably anonymised file notes etc.

Learning Outcome	Evidence of knowledge and use of knowledge in practical situations	Supporting evidence provided + page reference to portfolio
CONTRACT LAW ONLY		
<p>LO1: Demonstrate knowledge and understanding of the following areas of law:</p> <ul style="list-style-type: none"> a. Offer and acceptance b. Intention to create legal relations c. Consideration <p>In addition, you should demonstrate knowledge and understanding of 4 of the following matters</p> <ul style="list-style-type: none"> d. Privity of contract e. Law relating to contractual terms f. Exemption clauses g. Misrepresentation h. Duress and undue influence i. Illegal contracts j. Discharge of contract k. Remedies 	<p>1.1 Provide examples from your caseload which evidence both your knowledge and understanding of contract formation and your ability to apply the law to relevant facts. This may include for example evidence of agreement, communication, revocation, termination and acceptance of offer etc.</p> <p>1.2 From your caseload you should identify examples which involved at least 4 of the matters identified in d-k and explain how you applied the relevant law to the facts of each identified case.</p>	

TORT LAW ONLY		
<p>LO1: Demonstrate knowledge and understanding of the following areas of law:</p> <ul style="list-style-type: none"> a. Negligence b. General defences c. Remedies <p>In addition, you should evidence knowledge and understanding of 2 of the following elements of tort law</p> <ul style="list-style-type: none"> d. Trespass e. Employer’s liability f. Liability for premises g. Nuisance h. Defamation 	<p>1.1 You should provide examples from your caseload which evidence both your knowledge and understanding of the tort of negligence and your ability to apply the law to relevant facts. This may include for example evidence of the identification of duty of care, breach of duty, causation and remoteness of damage.</p> <p>1.2 You should provide examples from your caseload which demonstrate knowledge, understanding and application to the facts of both general defences and remedies.</p> <p>1.3 From your caseload you should identify examples which involved at least 2 of the matters identified in d-h and explain how you applied the relevant law to the facts of each identified case.</p>	

CIVIL LITIGATION		
LO2: Demonstrate knowledge and understanding of pre-action steps to be considered before a claim is issued	<p>2.1 Provide examples from your caseload which demonstrate your understanding of issues which may affect the next steps you take, for example Alternative Dispute Resolution, the defendant's financial circumstances, pre-action protocols, remedies etc.</p> <p>2.2 Using these examples demonstrate how your knowledge was applied to the facts to allow provision of practical advice and assistance.</p>	
LO3: Demonstrate knowledge and understanding of the initial stages of proceedings	<p>3.1 Using your examples, state which court was used and why.</p> <p>3.2 Provide an example of your analysis of a defence to a claim and include any counterclaims you issued.</p> <p>3.3 Demonstrate your understanding of how additional claims can be brought by a defendant and how more information can be obtained about an opponent's statement of case.</p> <p>3.4 Provide evidence of your understanding and ability to amend a statement of case.</p>	
LO4: Demonstrate knowledge and understanding of when a matter can be terminated without trial	<p>4.1 Identify examples from your caseload which provide evidence of your knowledge and understanding of this matter and application of the knowledge to end the matter without trial.</p>	

LO5: Demonstrate knowledge and understanding of the track allocation system	5.1 Explain, using examples how the court determines the appropriate track for an action and the significance of the allocation	
LO6: Demonstrate knowledge and understanding of the progress of a matter to trial	6.1 Using examples from your caseload explain the following: directions, rules of disclosure, purpose of witness statements and how expert witness reports are used by the parties and the court.	
LO7: Demonstrate knowledge and understanding of offers of settlement, interim payments and remedies	7.1 Using examples from your caseload explain how these may be used and provide evidence of practical advice and assistance provided in the light of these.	
LO8: Demonstrate knowledge and understanding of trial procedure	8.1 Demonstrate knowledge and understanding of procedures, rules of civil evidence and the principle of costs at trial.	
LO9: Demonstrate knowledge and understanding of orders and judgments, enforcement and appeal	9.1 Using examples from your caseload, provide examples which evidence your knowledge and understanding of the court orders and judgments available, enforcement remedies and the appeals process	
LO10: Demonstrate knowledge and understanding of the civil costs regime.	10.1 Using examples from your caseload, demonstrate your understanding of the civil costs regime. For example you could explain how funding became an issue and what steps you took to resolve this.	
LO11: Demonstrate knowledge and understanding of the key rules of professional conduct.	11.1 Using examples from your caseload, identify any situations in which professional conduct issues (e.g. conflicts of interest) arose and how you dealt with these	

Portfolio guidance – Knowledge of Criminal Law and Practice

In order to gain exemption from the Criminal Law and Practice CILEx examination at Level 6, you should be able to evidence the following information:

For each outcome you should provide examples from at least 3 different cases to evidence understanding of these issues. Evidence can be in the form of a reflective statement, suitably anonymised file notes etc.

Learning Outcome	Evidence of knowledge and use of knowledge in practical situations	Supporting evidence provided + page reference to portfolio
<p>LO1: Demonstrate knowledge and understanding of 2 of the following types of offence:</p> <ul style="list-style-type: none"> a. Non-fatal offences against the person b. Homicide c. Offences against property d. Inchoate offences 	<ul style="list-style-type: none"> 1.1 Provide an explanation of the actus reus of each identified offence, including discussion of any relevant causation or omission issues. 1.2 Provide an explanation of the mens rea of each identified offence demonstrating where relevant your understanding of intention, recklessness, negligence and strict liability. 1.3 Provide an explanation of any relevant defences available to the client 1.4 Provide examples from your caseload which demonstrate your application of the criminal law to the facts of the cases 1.5 Identify possible sentences which could have been passed by the court were the defendant to be found guilty 	
<p>LO2: Demonstrate knowledge and understanding of criminal litigation</p> <p>For each of the above cases you should demonstrate understanding of the following.</p> <ul style="list-style-type: none"> a. Court structure and operation b. Criminal procedure 	<ul style="list-style-type: none"> 2.1 Identify the court(s) in which the cases were heard and explain why each was heard in which court. 2.2 Explain any appeals undertaken or the route to appeal where no appeal was lodged 2.3 Explain how the operation of primary and secondary legislation (including the Criminal Procedure Rules 2005 and Human Rights Act 1998) may have affected the examples you have provided 2.4 For each of your examples, provide an 	

<p style="text-align: center;"><i>And where appropriate</i></p> <p>c. Bail d. Sentencing</p>	<p>analysis of the facts and state how these were utilised to offer advice and assistance to your client. For example the drafting of a defence statement, instructions/brief to counsel or a formal admission under section 10 Criminal Justice Act 1967</p> <p>2.5 Use examples to demonstrate your ability to prepare a bail application, including consideration of all relevant factors and likely objections.</p> <p>2.6 Where the defendant was convicted, state the sentence of the court and explain with reference to the principles and practice of sentencing how the court reached its sentence.</p>	
<p>OPTIONAL</p> <p>LO3: Demonstrate knowledge and understanding of public funding of advice and representation in criminal matters, or</p> <p>Demonstrate knowledge and understanding of special rules relating to juveniles</p>	<p>3.1 If you are a duty solicitor please provide suitably anonymised examples of your work which evidence practical advice and assistance offered under the scheme.</p> <p>3.2 If your work involves youth court work please provide suitably anonymised examples of your work in this area which evidences your understanding of the special rules that apply to juveniles.</p>	
<p>LO4: Demonstrate knowledge and understanding the principles of legal professional ethics as they apply to criminal matters</p>	<p>4.1 Demonstrate your understanding of legal professional ethics through the identification of any ethical issues raised in the examples you have provided.</p> <p>4.2 Explain what action you took in each identified case.</p>	

ANNEX 2

Portfolio guidance – Client Care

In order to gain exemption from the Client Care CILEx examination at Level 6, you should be able to evidence the following information:
For each outcome you should provide examples from at least 3 different cases to evidence understanding of these issues. Evidence can be in the form of a reflective statement, suitably anonymised file notes etc.

Learning Outcome	Evidence of knowledge and use of knowledge in practical situations	Supporting evidence provided + page reference to portfolio
<p>LO1: Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice</p>	<p>1.1. Explain what you understand by successful client interviewing</p> <p>1.2. Demonstrate interviews which you consider to be successful and identify what made them successful</p> <p>1.3. Explain what you 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</p> <p>1.4. Provide examples of the following which have been overcome in a negotiation situation:</p> <ul style="list-style-type: none"> a. The use of different types of negotiation using different media b. A situation in which preparation for negotiation was central to success c. A situation in which communication barriers were overcome for a successful outcome d. Use of persuasion to achieve a successful outcome 	

<p>LO2: Demonstrate good practice in legal writing</p>	<p>2.1 Provide evidence of your legal writing which demonstrates understanding of the following key areas of good practice:</p> <ul style="list-style-type: none"> a. Accurate, succinct, complete and precise writing b. Awareness of the need to use 'plain English' and writing using correct grammar and spelling c. The use of legal English is used only when necessary and is appropriately explained. d. Judicious use of structure to clearly and logically set out information <p>2.2 Provide evidence to demonstrate the synthesis of a variety of sources to provide advice to the client.</p> <p>2.3 Provide evidence of use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations</p>	
<p>LO3: Demonstrate knowledge and understanding of professional conduct issues arising in practice</p>	<p>3.1 Explain where you will find the rules of professional conduct which affect your practice of the law</p> <p>3.2 Identify situations in which an ethical issue may have arisen in your practice and how you dealt with those situations</p> <p>3.3 Identify any professional organisations that exist within your area of practice and explain benefits of membership</p>	
<p>LO4: Demonstrate knowledge and understanding the importance of client care in legal practice</p>	<p>4.1 Explain the SRA rules relating to client care and evidence your use of the rules in practice</p> <p>4.2 Evidence use of the use of client care</p>	

	letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc. 4.3 Demonstrate your understanding of the need for good client care to benefit the business	
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Portfolio guidance – Legal research skills

In order to gain exemption from the Legal research skills CILEx examination at Level 6, you should be able to evidence the following information: For each outcome you should provide examples from at least 3 different cases to evidence understanding of these issues. Evidence can be in the form of a reflective statement, suitably anonymised file notes etc.

Learning Outcome	Evidence of knowledge and use of knowledge in practical situations	Supporting evidence provided + page reference to portfolio
LO1: Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research	<p>In order to provide evidence of each of these learning outcomes you should select 3 situations in which you identified the need to undertake legal research and provide evidence to support the following steps:</p> <ul style="list-style-type: none"> • Identify situations in which the need for legal research has arisen in your work • Explain the steps you undertook to identify relevant sources of information and how you determined the reliability, accuracy and currency of the information discovered • Explain your understanding of primary and secondary sources and how these sources can be used to ensure you have sufficiently researched the problem • Identify relevant statutes, case law and other sources from your research • Evidence how you prioritised and analysed the research and used this to better understand the issues raised in the legal matter • Evidence your synthesis of the research materials to provide a structured and accurate report • Evidence how you evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient. 	
LO2: Demonstrate knowledge and understanding of and be able to evaluate legal research sources		
LO3: Demonstrate knowledge and understanding of and be able to perform appropriate legal research		
LO4: Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems		
LO5: Ability to record and evaluate information		
LO5: Ability to synthesise research to present advice		

