



APPLICATION TO LSB FOR ASSOCIATES TO FELLOWS RULE CHANGE

Details of the proposed alteration

1. This application seeks to introduce additional certification rules for the award of Fellowship of CILEx and the application process for Fellowship applications made under this proposal. The proposed rules will apply only to members of the Chartered Institute of Legal Executives (CILEx) who were designated as Associate members of CILEx prior to 1 January 1986. If approved, these rules will be valid for a period of 12 months from the date upon which they come into effect. The rules which are the formal regulatory arrangements are at **Annex 1**.

Associate members

2. CILEx has a group of members who hold an Associate grade of membership which it awarded until 1 January 1986. The Associate grade of membership was not awarded by CILEx between 1 January 1986 and its reintroduction on September 2009. However, members already designated as Associates on 1 January 1986 were able to continue to use that designation.
3. Associate membership was awarded to CILEx members until 1 January 1986 where they had completed the ILEX Part One qualification, as it was then known, had achieved the age of 20 and had a minimum of 3 years qualifying employment. The Part One qualification is now known as the Level 3 Professional Diploma in Law and Practice.
4. A review of the qualification process for CILEx members was initiated in 2008 and it was proposed that the Associate grade of membership should be reintroduced with the revised qualification. The new grade of Associate membership introduced in September 2009 is awarded to those members who have completed the Level 3 Professional Diploma in Law and Practice. For the purposes of clarity this application does not affect those members and neither does IPS intend the proposals set out in this application to apply to those members.

5. All members in both the old and new Associate grade of membership, are required to undertake at least 8 hours CPD each year.

Status of Associate members registered prior to 1 January 1986

6. The review of membership grades led to a review of the position of Associate members who had been in this grade of membership for many years. The CILEx Council agreed in principle that these Associate members should be afforded an opportunity to qualify as Fellows of CILEx based on the extensive experience they had in legal practice. While Associate members had extensive experience they do not hold the Level 6 Professional Higher Diploma in Law qualifications, or Part Two qualifications, as they were then known.
7. In August 2009 a letter was sent to the 85 affected Associate members in order to discover the interest in development of a special process by which they may obtain Fellowship. 17 Associate members responded to this letter and CILEx has remained in contact with these members throughout subsequent development of the proposal. It was clear from the responses received from these members that in the time since they had qualified as Associate members, they had acquired extensive experience in legal practice and occupied senior positions in their employment.
8. In March 2010 a brief article was placed into the Legal Executive Journal, which outlined to the CILEx membership that work was underway to develop a process by which Associates who had qualified prior to 1 January 1986 may apply for Fellowship.

Reason for proposed alteration

9. The rule change is necessary as under current rules, members of CILEx can only obtain Fellowship through the successful completion of the required number of Level 3 and 6 units (or equivalent) and 5 years qualifying employment. Associate members will have completed in excess of 5 years qualifying employment, however, IPS will assess their qualifying employment with each application.
10. Given the depth of experience held by these members, who will have been in legal practice for a minimum of 26 years, completion of the Level 6 examinations would not be appropriate. The proposed application process seeks to grant exemption from the Level 6 examinations based on the knowledge these members have gained of the law and legal practice in which they work.

Application procedure

11. The application for exemption will require these members to complete a portfolio of evidence which demonstrates their knowledge and understanding of a matched pair of law and practice subjects through meeting, 3 times, each of a series of learning outcomes. These learning outcomes have been mapped against the CILEx Level 6 examinations in order to ensure that the applicants demonstrate sufficient knowledge of their area of practice.
12. In addition to providing a portfolio of evidence which demonstrates their specialist knowledge, they will also be required to produce a portfolio of evidence which demonstrates their knowledge and understanding of client care and legal research skills. The learning outcomes for these portfolios have also been mapped against the requirements for the CILEx Level 6 examinations in these subjects.
13. The applicant is required to submit the portfolio of evidence together with an application form which demonstrates that the applicant is in qualifying employment. The portfolio guidelines together with the guidance to applicants can be found at **Annex 2**.
14. The portfolios of evidence will be assessed by external assessors with specialist knowledge of the particular area of law and practice. Once approved, the portfolio, together with the application for Fellowship, will be submitted to the Admissions and Licensing Committee for their consideration of the application.

Duration of the procedure

15. The proposed additional rule will be valid and in operation for a period of 12 months. IPS considers this 12 month period is sufficient to enable these Associate members to gather the necessary supporting evidence of their experience, have that experience assessed and to submit their application to the Admissions and Licensing Committee for Fellowship. It is not considered appropriate to make this a permanent rule change as all members can be identified and contacted should the rule be approved. Therefore any qualifying member would be able to make their application in good time. The rule is specifically targeted at members who have been in the Associate Grade of membership since at least 1 January 1986 and it is not considered that there will be any unintended consequences or conflicts. Allowing more time for applications to be made will not result in any significant change in the ability of the applicants to meet the application criteria.

16. Development of the application process has been through a number of iterations prior to being approved by the IPS Board at its meeting on 7 September 2012 and CILEx Council on 25 January 2013.

Regulatory arrangements relevant to application

Current arrangement	Revised arrangement	Reason for change
<p>To be admitted as a Fellow of CILEx, members must complete the following stages:</p> <ul style="list-style-type: none"> • 10 Level 3 units including legal research and client care units • 6 Level 6 units, including 1 linked pair of law and practice units, 2 other Level 6 subjects, legal research and client care • 5 years in Qualifying Employment, including at least 2 years which have been served in the Graduate grade of membership 	<p>For Associate members who qualified under the system in operation prior to 1 January 1986, it is proposed that the member will have to meet the following requirements:</p> <ul style="list-style-type: none"> • Part I examinations in operation prior to 1 January 1986 – <i>Already completed</i> • Provide evidence of knowledge and understanding of at least 4* Level 6 units, either through examination, exemption or demonstration of this knowledge and experience by provision of examples from their work • Have completed 5 years in Qualifying Employment. <i>This would usually include serving at least 2 years in the Graduate grade of membership. It is proposed that this requirement be waived, given the extensive legal experience accumulated by these applicants.</i> <p>*As applicants have been working for many years as specialist lawyers, they will</p>	<p>Applicants who achieved the Associate grade of membership prior to 1 January 1986, did so under a qualification process which required completion of the following in order to obtain Fellowship:</p> <ul style="list-style-type: none"> • Part I examinations • Part II examinations • 8 years in qualifying employment <p>Successful completion of the Part I examinations and 3 years qualifying employment enabled the member to become an Associate member of CILEx.</p> <p>Many members remained at the Associate grade and did not continue to take the Part II examinations.</p> <p>On 1 January 1986, the qualification changed and the Associate membership grade was removed. Existing Associate members were able to retain their designation.</p> <p>These Associate members have been in that grade of membership for at least 26 years and many are occupying senior legal positions, their work constituting qualifying employment at Fellowship level.</p> <p>The change will enable members who can demonstrate sufficient knowledge and experience in law and practice to obtain an exemption from the Level 6 examinations</p>

	<p>not necessarily be able to demonstrate knowledge and understanding of additional areas of law and practice. The extensive experience accrued in their specialist area of practice is considered sufficient to mean that a requirement to demonstrate knowledge of 2 additional Level 6 subject areas would be unnecessary. Admission as a Fellow will not result in Associates practising in a broader range of work.</p>	<p>and obtain Fellowship.</p> <p>The rule change has been drafted to ensure that only Associate members who became Associate members prior to 1 January 1986, are currently in membership and qualifying employment may apply for the scheme and the scheme will only be open for a period of 12 months.</p>
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The Regulatory Objectives

17. These time-limited amendments to the application process to enable Associate members who have been in that grade of membership since 1 January 1986, affect 85 members all of whom have been contacted and of these 17 have maintained in active contact with CILEx on this matter. The application process has been designed to be sufficiently robust so as to enable IPS to assure that the applicant will only be approved if they satisfactorily evidence their eligibility for Fellowship.
18. Applicants will demonstrate their knowledge of law and legal practice in the area in which they practice, their ability to conduct legal research and compliance with client care. In addition, applicants must demonstrate that they are in qualifying employment.
19. Successful applicants will become Fellows of CILEx and this will mean that they are authorised to administer Oaths. This will therefore increase the number of Commissioners for Oaths to the benefit of the public and may have a positive impact on the 5th regulatory objective 5: 'promoting competition in the provision of services'. The proposed rule change is considered to have a neutral effect on the remaining 7 regulatory objectives because, whilst successful applicants will obtain Fellowship of CILEx, the regulation of these members will continue as before. It is not envisaged that this change will have a negative effect in relation to the regulatory objectives. Consumers will be better informed regarding the skills and experience of these Associates who, by virtue of their experience and the expertise they have developed over many years are at a different stage of their career compared with new Associates.

Better Regulation principles

20. The Better Regulation principles oblige regulators to ensure that regulatory changes meet 5 requirements: transparency, accountability, proportionality, consistency and that the changes are targeted. The proposed changes have been communicated to members who will be affected by the change, by means of a letter which was sent in July 2009. In addition, an article was published in the Legal Executive Journal in March 2010 which communicated the proposed change to the wider membership.
21. The application process has been designed to ensure that the applicants through this scheme meet the qualifying employment requirements needed to obtain Fellowship and that examination of their subject knowledge will be

assessed by subject matter experts. The requirements for evidencing the requisite knowledge and experience of law and legal practice are clearly set out in a competency framework tailored to specific areas of practice. This and the use of external assessors in the assessment process will ensure consistency of outcomes through the application process.

22. The scheme will only apply to those Associate members who have been in the Associate grade of membership since 1 January 1986 and are in current membership at the time of the application. This requirement ensures that the change is both proportionate and targeted solely at those members.
23. In addition, the removal of the usual requirement to demonstrate knowledge of additional law subjects in the Level 6 academic stage of qualification is considered a proportionate measure because of the extensive practice experience which these members have amassed over the preceding 26 years.

Policy Rationale

24. The intended outcome of this rule change is to enable Associate members, who qualified into that grade of membership before 1 January 1986 and are current members, to apply to become Fellows of CILEx.
25. These members have been working in legal practice for at least 26 years and many over that period have become senior legal professionals. There are 85 members who will be affected by this rule change and CILEx has been in regular contact with 17 of these members who are keen to take advantage of this proposed change. Because of changes to the definition of the Associate grade, the skills and knowledge of these Associates are no longer commensurate with the grade.
26. In order to ensure that the rule change is proportionate, the scheme is proposed to operate for a limited period of 12 months. After this time, these members will have to follow the usual application procedure to obtain Fellowship.

Effect on other Approved Regulators

27. The proposed change is not considered to impact on other Approved Regulators. Whilst Chartered Legal Executives may qualify as solicitors through an exemption from the training contract requirements, the requirements for completion of the legal foundation subjects needed for a qualifying law degree and the Legal Practice Course would remain.

Next steps

28. If the rule change is approved, it is intended that this will be implemented within 3 months of the date of the approval of the amendment and will be valid for a period of 12 months from the date on which the rule change comes into effect.

Consultation process

29. In August 2009, a letter was sent to all affected members. This letter explained that the Associate grade of membership was to be reinstated by CILEx and would in future include a requirement to undertake CPD. This letter also requested expressions of interest from these members in an amended Fellowship application process which would enable them to obtain Fellowship.
30. A Legal Executive Journal article was published in March 2010 communicating the development of a process which would enable Associate members who had been in membership since 1 January 1986 to obtain Fellowship of CILEx to the wider membership.
31. CILEx has been in regular contact with 17 of these Associates since that time and they have been involved in testing the application process.
32. None of the consulted members objected to the proposed change and mechanism for authorisation and award of Fellowship.
33. Consumers will be better informed regarding the skills and experience of these Associates who, by virtue of their experience and the expertise they have developed over many years are at a different stage of their career compared with new Associates. It is not anticipated that this change will otherwise impact on consumers and therefore no consultation has taken place in this respect. These practitioners will continue providing the services they already deliver.
34. The risk of enabling these members to obtain Fellowship without completion of the required Level 6 units is mitigated in two ways. Firstly, the application process requires the applicant to demonstrate in depth knowledge and understanding of their area of law and practice. This will be externally assessed by subject matter experts. Secondly, the applicants must be in qualifying employment and the definition of qualifying employment includes the requirement to be supervised by a legally qualified person.

Definitions

Grades of membership at CILEx:

- Student; a member registered for examinations
- Affiliate; a member who has completed at least one of the CILEx examinations
- Associate; a member who has completed the 10 required Level 3 units*
- Graduate; a member who has completed the 10 required Level 3 units and 6 Level 6 units*
- Fellow; a member who has the required Level 3 and Level 6 examinations and has been in qualifying employment for at least 5 years, 2 years of which must be served after completion of the Level 6 examinations.

*Equivalent examinations can be used to provide an exemption from this requirement

Qualifying Employment

A member will be in qualifying employment where the member is employed and work undertaken is wholly or principally of a legal nature and is supervised by a legally qualified person.

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