

**RULE CHANGE APPLICATION MADE BY CILEx REGULATION
TO THE LEGAL SERVICES BOARD
UNDER SCHEDULE 4, PART 3, PARAGRAPH 20(1)
LEGAL SERVICES ACT 2007**

APPLICATION TO APPROVE REVISIONS TO EXEMPTIONS POLICY

CONTACT DETAILS

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APPLICATION TO APPROVE REVISIONS TO EXEMPTIONS POLICY

DETAILS OF PROPOSED APPLICATION

1. This application is submitted by CILEx Regulation, as the regulatory body for the Chartered Institute of Legal Executives (CILEx), an Approved Regulator under the Legal Services Act, to seek approval of revisions to the Exemptions Policy. The Exemptions Policy sets out the equivalent qualifications for which exemptions will be granted from the CILEx qualifications.

Nature and effect of existing arrangement

2. CILEx Regulation recognises and grants, through CILEx, exemptions for qualifications that have been achieved through other organisations, where they are of an equivalent standard and coverage. The Exemptions Policy is administered by CILEx in accordance with Protocols in place between CILEx and CILEx Regulation.
3. The Exemptions Policy details qualifications for which exemptions will be granted. For most alternative qualifications, the applicant must have successfully completed the qualification within seven years of the date of application for the exemption. However, there is no expiry date applied to the CILEx qualifications or the LPC/BPTC.
4. The rationale for the expiry of law qualifications achieved at other providers after seven years was that the knowledge demonstrated through the qualification will have become stale, and cannot therefore be relied upon to support a future qualification at CILEx. However, there is no evidence to support the view that seven years is the appropriate cut off point for validity of a qualification; it is an arbitrary expiry date.
5. Moreover, there are 2 exceptions to the seven year rule. The first relates to CILEx's own units, which remain valid indefinitely. The second relates to the LPC or BPTC, both of which are treated as having no expiry. The principle in both cases is that an individual will demonstrate currency of knowledge of law and legal practice through their work based learning application. It is proposed that this same principle should apply to law degrees and other qualifications currently subject to the 7 year rule.
6. A table is set out below which provides examples to demonstrate the operation of the 7 year rule and the further assessment which would be undertaken by prospective CILEx members prior to admission.

Examples of current requirements for exemption from CILEx units

Qualifications	Exemption	Onward requirements to admission
'A' level law	Exemption from 1-2 units at L3	8-9 L3 units 6 L6 units WBL
Law Degree / Graduate Diploma in Law	Exemption from all L3 and 2 L6 Law units	2 L6 practice units L6 Client Care WBL
LPC / BPTC	Exempt from all L3 and L6 units	WBL
CILEx units	N/A	WBL

Reasons for alteration

7. CILEx Regulation seeks approval of the LSB to revise the policy to remove the 7 year rule.
8. A track change copy of the Exemptions Policy is at **appendix 1**.

Nature and effect of proposed alteration

9. The nature and effect of the proposed alterations is that all equivalent qualifications will be treated equally where an application is made for exemption from the CILEx qualifications.
10. In developing the proposal consideration has been given to the methods by which CILEx Regulation will ensure applicants are competent, regardless of the age of their alternative qualification. There are two safeguarding mechanisms that support the proposal to remove the rule.
11. Firstly, in all cases, applicants for Fellowship must complete Work Based Learning, which includes at least three years of qualifying employment, and demonstration of 27 learning outcomes, as set out in the Day One Outcomes for Fellows framework. These requirements will ensure that applicants have current knowledge, skills and experience in their specialist area of practice, as they include application of law and legal practice as part of the skills outcomes that have to be met.
12. Secondly, all CILEx members, from Associate onwards, must complete compulsory annual CPD. The purpose of CPD is to ensure that members remain up to date with changes to law

and practice. This requirement ensures that knowledge accrued during study is updated to ensure currency.

13. It is submitted that the proposal also supports the red tape initiative by removing a regulatory requirement that is unnecessary and created a difference in approach, depending on the nature of the qualification held by the applicant.

DETAILS OF REGULATORY ARRANGEMENTS

14. It is submitted that the amendment to the Exemptions Policy is necessary to bring consistency in approach to the treatment of alternative qualifications. It also brings consistency between the approach taken to CILEX qualifications and equivalent qualifications.

Scope and impact

15. The scope and impact of the amendment is limited to qualifications to which the 7 year rule was applied. CILEX currently receives approximately five applications for exemption each year from applicants with an expired qualification under the rule.

IMPACT UPON REGULATORY OBJECTIVES

16. The revisions to the Exemptions Policy have a positive impact on the regulatory objectives and the professional principles set out in the Legal Services Act 2007.

17. The revisions will increase the number of applicants who can apply for exemptions thereby increasing the number of regulated legal service providers to which consumers have access. The increased number of available providers contributes towards improving access to justice, promoting competition in the provision of services. This therefore supports the economic growth duty.

18. There is a neutral effect on the other regulatory objectives.

OBLIGATIONS UNDER S28 LEGAL SERVICES ACT 2007

19. This application is made by CILEX Regulation in compliance with the duties imposed by s28 Legal Services Act 2007 on Approved Regulators. In revising the Exemptions Policy CILEX Regulation has had regard to the Better Regulation Principles.

Accountable

20. There is no impact on this Principle.

Consistent

21. The revision will introduce a consistent approach to all qualifications relied upon in applications for exemptions.

Transparent

22. There will be transparency in that the revision delivers a clear approach.

Proportionate and Targeted

23. The revision is targeted at those qualifications which were treated differently to the CILEx qualifications. It will ensure proportionality, in that all qualifications are treated equally.

CONSULTATION

24. CILEx Regulation consulted on the proposals and CILEx had surveyed its members.

25. CILEx Regulation's consultation ran for 8 weeks, closing on 2 October 2015. The consultation was brought to the attention of the regulated community by direct mailing to all members. It was also placed on the CILEx Regulation website to attract wider responses. There were 13 responses to the consultation, of which the large majority supported the proposal. The analysis of the responses is at **appendix 2**.

26. CILEx had previously surveyed its members and received 95 responses. 76% respondents agreed with the proposal to remove the 7 year rule; 89% took the view that CILEx Regulation's work based learning and COD requirements provided sufficient assurance that knowledge and skills will remain current for these members.

27. The Solicitors Regulation Authority wrote to CILEx to support the revision. The letter is at **appendix 3**.

IMPACT UPON OTHER APPROVED REGULATORS

28. The amendments may impact on other approved regulators. The SRA is the main regulator affected by the change. It has already removed the 7 year rule from its regulatory arrangements and supports the revision to the Exemptions Policy.

PROPOSED IMPLEMENTATION PLAN

29. The amendment will be implemented immediately upon approval by the LSB.

EXPLANATORY MATERIAL

30. The proposed amendments are self explanatory. No further explanatory material is required in support of this application.

SUBMISSION

31. The LSB is asked to consider this application.

APPENDIX

1. Exemptions Policy
2. Consultation analysis
3. SRA letter