

Schedule 4 Rules Change Application – CLC Education Framework

LSB Application Requirement	Case for approval of the CLC Education Framework
<p>a. Contact</p>	<p>Simon Blandy, Director of Regulatory Standards: simonb@clc-uk.org Tel no: 0207 250 8479 CLC, CAN Mezzanine, 49-51 East Road, London N1 6AH</p>
<p>b. Details of the proposed alteration</p>	<p>The CLC started developing the framework for a new education framework in 2013. From March 2014 to April 2015 the CLC had discussions with academics, providers and the profession on the formulation of the CLC Lawyer Standards (see further paragraph 23 Education Consultation Paper).</p> <p>In January 2015 the CLC Council agreed the CLC Lawyers Standards, subject to final comments from industry members of Council. In autumn 2015 the CLC started informal discussions with a number of potential Awarding Organisations, and in 2015 agreed terms for SQA, a national awarding organisation authorised by OFQUAL, to develop a joint qualification leading to licence as a licensed conveyancer and probate practitioner. Since September 2015 SQA has been working with the CLC, conveyancing and probate professionals and academics to ensure that the new qualifications are fit for purpose.</p> <p>The SQA submitted its application to OFQUAL in July 2016 and has an operational start date of 1 September 2016. SQA has started the process for accreditation of training centres so they can start accepting students from September 2016.</p> <p>With the agreement of SQA, the CLC is arranging an additional exam sitting in October 2016 (in addition to the June 2016 sitting) to provide a final opportunity for students successfully to complete their current modules (for retakes where they failed one of the June 2016 exams, where they have only one exam to pass in order to have passed the education requirements for qualification or where they failed to meet the deadline for application to take the June 2016 exam).</p> <p>(1) The CLC’s Education Framework (which replaces the current Student Training Education Framework) confirms that the CLC determines the standards of education required of individuals to become a CLC Registered Technician (an intermediate qualification) and a CLC Lawyer, and how they are assessed</p>

	(2) The CLC Lawyer Standards set out the standards individuals are required to achieve to be licensed by the CLC as a licensed conveyancer or probate practitioner
<p>c. Regulatory Arrangements Details</p> <p>As a regulator the CLC has decided to concentrate on its core role in setting standards of education which need to be achieved for individuals to apply successfully for a licence to practise as a licensed conveyancer or as a CLC probate practitioner. These are reflected in the draft CLC Education Framework (Annex 1) and in the CLC Lawyer Standards (Annex 3).</p>	
<p>i. Nature and effect of the existing regulatory arrangements</p>	<p>Currently, the CLC sets the applicable standards of education, approves the institutions delivering CLC course, supervises the delivery of the CLC distance learning courses and manages the assessment processes (see CLC Student Training Framework at Annex 2 and at http://www.conveyancer.org.uk/CLCSite/media/Corporate-Docs/Student-Training-Framework-CIF-061011.pdf).</p>
<p>ii. Nature and effect of the proposed alteration</p>	<p>The CLC’s Education Framework confirms that the CLC determines the standards of education required of individuals to become a CLC Registered Technician (an intermediate qualification) and a CLC Lawyer, and how they are assessed.</p> <p>Subject to approval of the LSB, the CLC has appointed SQA to operate the qualifications (CLC qualifications) for individuals training to be eligible to apply to be licensed as licensed conveyancers and probate practitioners (together CLC Lawyers) and CLC Legal Technicians. These qualifications have a regulation start date of 28 July 2016 and an operational start date of 1 September 2016:</p> <p>SQA Level 6 Diploma in Conveyancing Law and Practice (http://register.ofqual.gov.uk/Detail/Index/38446?category=qualifications)</p> <p>SQA Level 6 Diploma in Probate Law and Practice (http://register.ofqual.gov.uk/Detail/Index/38444?category=qualifications)</p> <p>SQA Level 4 Diploma in Conveyancing Law and Practice (http://register.ofqual.gov.uk/Detail/Index/38445?category=qualifications)</p> <p>SQA Level 4 Diploma in Probate Law and Practice (http://register.ofqual.gov.uk/Detail/Index/38438?category=qualifications)</p> <p>These arrangements are consistent with the recommendations of the Legal Education and Training Review and the Guidance published by the LSB.</p> <p>SQA are in the course of appointing training providers (including Further Education colleges and universities) which they will quality assure to deliver the CLC qualifications, and quality assure the delivery assessment of the CLC qualifications.</p> <p>Details of the new education scheme have been posted at https://www.sqa.org.uk/sqa/77128.html (subject to development as further materials are published). This provides links to each of the Qualifications eg Level 6 Diploma Conveyancing Law and Practice</p>

	<p>(http://www.sqa.org.uk/sqa/77182.html), in turn linking to the Assessment Strategy (http://www.sqa.org.uk/sqa/files_ccc/DP_Assessment_Strategy_CLC_Qualifications_050816.pdf) and the Qualifications Specification (http://www.sqa.org.uk/sqa/files_ccc/RegQualSpecConveyancingLawPracticeL6GL7K86.pdf)</p> <p>The CLC Lawyer Standards (Annex 3) are framed so that they mirror the Overriding Principles in the CLC Code of Conduct (http://www.conveyancer.org.uk/CLCSite/media/PDFs/Code-of-Conduct-new-text.pdf). General expectations on qualifications are set out with technical competency statements applicable respectively for the provision of conveyancing and probate services. As more particularly set out in the Framework, at the point of licence individuals must have:</p> <p><u>Expectation on Qualification Statement A</u> - a comprehensive legal and regulatory knowledge of the applicable principles of law and be able to distinguish between different types of regulatory risk</p> <p><u>Expectation on Qualification Statement B</u> - have a comprehensive knowledge of processes relating to the particular legal service provided and be able to apply legal research and analytical skills to manage transactions</p> <p><u>Expectation on Qualification Statement C</u> – have a comprehensive regulatory knowledge and understanding of their personal responsibility to identify when the level of risk exceeds the scope of professional service provided, take advice where appropriate</p> <p><u>Expectation on Qualification Statement D</u> – understand their professional accountability to the Court</p> <p><u>Expectation on Qualification Statement E</u> – manage internal and external professional relationships</p> <p><u>Expectation on Qualification Statement F</u> – ensure that the service delivered is accessible and responsive to the needs of individual clients</p>
<p>d. How and why the alteration will help to promote, be neutral towards or be detrimental to the Regulatory Objectives</p>	<p>The Legal Education and Training Review (LETR)¹ reported in June 2013 recommending that regulators should set out day one outcomes for knowledge, skills and attributes expected of a competent [licensee].</p> <p>In March 2014 the LSB published guidance² setting out its expectations of the regulatory arrangements for education and training regulators should have in place to deliver outcomes, two of which are most relevant for the changes the CLC currently intends to make:</p> <ul style="list-style-type: none"> • Education and training requirements focus on what an individual must know, understand and be able to do at the point of authorisation • Providers of education and training have the flexibility to determine how to deliver training, education and experience that meets the outcomes required.

¹ <http://www.lettr.org.uk/wp-content/uploads/LETR-Report.pdf>

² http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/20140304_LSB_Education_And_Training_Guidance.pdf

	<p>A point by point commentary as to how the changes proposed align to the LSB Guidance is at Annex 4 (page 16).</p> <p>The CLC has agreed principles which will determine its future educational framework in response to the LETR outcomes and the LSB Guidance to achieve a balanced educational model:</p> <ol style="list-style-type: none"> a) create a clear divide between regulatory and educational responsibilities b) increase flexibility and currency of the CLC qualifications across the legal education market c) increase opportunity and routes into the conveyancing and probate profession. <p>Taken together these principles engage each of the regulatory objectives with the exception of increasing public understanding of the citizen’s legal rights and duties (with respect to which it is neutral) in turn:</p> <ol style="list-style-type: none"> i. Protecting and promoting the public interest – increase confidence in lawyers by improving the standards of education ii. Supporting the constitutional principle of the rule of law – making the delivery of education separate from setting the standards of education iii. Improving access to justice – increasing the opportunities for individuals to be trained as lawyers and so increasing the opportunities for consumers to instruct different types of lawyers who are more likely to meet the needs of those consumers iv. Protecting and promoting the interests of consumers – the interests of consumers are central to the interests of consumers, in particular enhancing the quality of lawyers providing conveyancing and probate services and the diversity of lawyers so they more closely reflect the backgrounds of their clients v. Promoting competition in the provision of services – enabling increased number of lawyers with different skills to provide legal services vi. Encouraging an independent, strong, diverse and effective legal profession – the new arrangements are anticipated to increase the ways in which individuals from different backgrounds are able to train as lawyers, and as OFQUAL registered qualifications will increase the opportunities for transferring across the legal professions vii. Increasing public understanding of the citizen’s legal rights and duties – the CLC believes that its proposals will be neutral towards public education viii. Promoting and maintaining adherence to the professional principles – the new education arrangements will increase emphasis on adherence to the CLC’s regulatory arrangements which are based on the professional principles <p>All amendments support the better regulation principles transparent, accountable, proportionate consistent and targeted only at cases in which action is needed.</p>
<p>e. Effect on areas</p>	<p>There are no regulatory gaps, overlaps, or conflicts. There will be no direct effect on areas regulated by other Approved</p>

regulated by other Approved Regulators.	Regulators.
f. Implementation timescale.	The changes are due to come into effect from 1 September 2016
g. Consultation processes undertaken and responses received.	The CLC has posted the consultation paper at http://www.conveyancer.org.uk/CLCSite/media/Consultation-Documents/20160627-CLC-Education-Consultation-FINAL.pdf a summary of responses and the responses at http://clc-uk.org/Regulation-by-CLC/Past-Consultations/Consultation-on-Lawyer-Standards-and-Education-Fra.aspx .

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Annex 1
Proposed CLC Education Framework

To come into force after it has been approved by the LSB



CLC Education Framework

1. The CLC determines the standards of education which individuals must receive to become:
 - a) a CLC Legal Technician; and
 - b) a CLC Lawyer,and agrees how they are assessed.

Annex 2
CLC Student Training Framework (currently in force)



Council for
**Licensed
Conveyancers**

CLC Student Training Framework

Outcomes-Focused

This Code seeks to ensure that only those able and committed to delivering the **CLC's Code of Conduct's Outcomes** for **Clients** are awarded a Practising **Licence**.

Applications

1. The student application must be in the form prescribed by the **CLC** and accompanied by the required fee.
2. The application must state whether you intend to train to acquire:
 - a. a **conveyancing licence**; and/or
 - b. a **probate licence**; and/or
 - c. a **litigation licence**; and/or
 - d. an **advocacy licence**; andthis is referred to below as the "**Intended Licence(s)**".
3. The application and any notice given to the **CLC** must be addressed to the **CLC's** offices at 16 Glebe Road, Chelmsford, Essex, CM1 1QG, to such other address as may be designated by the **CLC**, or made online via the **CLC** website.
4. The application must be fully completed and must demonstrate to the satisfaction of the **CLC** that you are a **fit and proper person** to be registered as a student.
5. If the **CLC** considers it appropriate, you must support your application with a statutory declaration and produce such other evidence as it may request to support your application.

Registration Determinations

6. The **CLC** will notify you of its determination within 28 days after it has received your application properly completed.

7. The **CLC** will give reasons for refusing any application.

Application acceptance and rejection

8. If your application is accepted you will be entitled to call yourself a **CLC Registered Student**.
9. If your application is not accepted you may appeal in writing to the **CLC** within 28 days after the CLC sent you notification that the application had been refused.
10. The **Adjudication Panel** will determine any appeal not more than 90 days after it has been received by the CLC.

CLC Registered Students

Examinations and Qualification

11. The **CLC** determines the syllabus.
12. The **CLC** may provide:-
 - a) for examination and assessment of various types and levels and at different times;
 - b) for limiting the number of times **candidates** who may attempt any qualifying examination and the effect of failure to achieve the required standard; and
 - c) the maximum period during which **candidates** must successfully complete all **qualifying examinations** and the effect of failure to do so within that time limit.
13. **Qualifying examinations** will be held on dates determined by the **CLC**.

Examination Concessions

14. As a student, you should attend **CLC qualifying examinations**.
15. If, having presented yourself for a **CLC** qualifying examination, you consider your performance to have been adversely affected as a result of illness or exceptional circumstances, you may apply to the **CLC** within 21 days of the examination for a concession to be granted.
16. In considering the concession application, the **CLC** may require you to:
 - a) support your application by a statutory declaration and production of other evidence requested; and/or
 - b) attend an interview; and/or
 - c) comply with any other steps the **CLC** considers necessary.
17. The granting of a concession is at the discretion of **CLC** which may:-
 - a) grant a concession with or without **conditions**; or
 - b) refuse the application.
18. In determining an application for concession the **CLC** will take account of the results you obtained in the examination to which the application relates.

19. The CLC will determine an application for concession within 42 days after expiry of the time limited for making such an application.
20. You will be notified of the grant or refusal within 14 days after a determination has been made.
21. Within 28 days after the **CLC** has sent notification of a refusal, you may appeal to the **Adjudication Panel** which will determine the appeal not more than 90 days after it has been received by the CLC.

Practical Training

22. **Practical Training** must be completed no later than 10 years after the **CLC's** acceptance of your application to become a **CLC Registered Student**.
23. As a student you must produce evidence of completion of your **Practical Training** to the **CLC** at its request and in such form as it may require.
24. "**Practical Training**" means you are engaged in the provision of **Legal Activities**³:
 - a) associated with your **Intended Licence(s)**;
 - b) for the equivalent of 1,200 chargeable hours which must be documented;
 - c) at all times subject to the supervision of a **Qualified Person**; and
 - d) which, in the opinion of the **CLC**, is current, relevant and of an adequate standard.
25. A "**Qualified Person**" is an individual who (for a cumulative period of five years in the seven years prior to the start of the relevant period of supervision) has been authorised by an **approved regulator** to carry on the **reserved legal activity** the subject of your **Intended Licence** and has carried on that **reserved legal activity** as their principal form of practice during that five year period.
26. The **CLC** will judge the standard to be adequate if you have gained practical experience as certified in the 'Checklist for **Practical Training**' issued by the **CLC**.

Annual Registration

27. As a **registered student**, you must pay to the **CLC** on the first day of September (or such other date as the **CLC** may determine) each year the annual registration fee as prescribed by the **CLC**.

Variation

28. Except as provided at 15-20, the CLC may in its absolute discretion vary the effect of the **CLC** Student Training Framework either generally or in specific circumstances provided it is satisfied that:
 - a. the variation will not impact adversely on the regulatory objectives, in particular the protection of the interests of consumers; and
 - b. it is reasonable to do so.

³ Adopting the definition at s.12 of the 2007 Act.

Annex 3 The CLC Lawyer Standards

The Framework



Overriding Principles

The CLCs Overriding Principles set the established benchmark for its regulatory standards in the CLC Code of Conduct.

The new framework uses Expectation on Qualification Statements based on an assessment of ethical, professional and occupational competence. This approach is less prescriptive about the way in which technical knowledge is acquired and instead focuses on the newly qualified conveyancer's ability to demonstrate knowledge through competency to practise.

This will encourage the emergence of more varied and flexible routes to qualify as a CLC lawyer and responds to the demand by legal practices for newly qualified staff that are job and accountability ready.

Expectations on Qualification Statements

Expectations on Qualification Statements are used by the CLC to describe competence at the point of entry into professional practice. Expectations on Qualification Statements encompass under the Standards the level of legal

and regulatory knowledge, and ethical and professional conduct, expected of CLC Lawyers.

Under the CLCs Overriding Principles six Expectations on Qualification Statements (A to F) set the benchmark for assessment expected of newly qualified CLC Lawyers.

Technical Competency Statements

Technical Competency Statements support Expectations on Qualification Statements A, B, and C and represent the newly qualifying individual's role and set the benchmark for activity centric competence; for example, Conveyancing, Probate or Will-Writing.

Technical Competency Statements are indicative of the skills required effectively to perform, deliver and satisfactorily to conclude the service provided to client(s).

In order to meet the Standards, a student will need to demonstrate that their practice or ability to practise is consistent with the Technical Competency Statements relevant to the service being provided.

Overriding Principle 1 Act with independence and integrity

Expectation on Qualification Statement A: Newly qualified CLC Lawyers must have a comprehensive legal and regulatory knowledge:

- of the principles of Law applicable to the service provided: they must be able to apply these principles, to explain them using plain English, and to understand and explain standard legal terms;
- of the management of legal and regulatory issues applicable to the individual client(s) and the CLC regulated practice: they must be able to discharge satisfactorily all professional obligations so as to not compromise clients(s) interests;
- to distinguish between different types of regulatory risk associated with client(s) and with the CLC Practice.

Technical Competency Statements for Conveyancing

1. Able to identify the nature of legal service provision required for client(s) on a full range of conveyancing matters inclusive of: professional accountability and consumer rights and protection afforded.
2. Able to conduct and manage legal matters arising in a typical residential conveyancing transaction, including leasehold.
3. Able to identify when a matter becomes complex, for example where the meaning of a document setting out legal rights to a property is disputed, and requires in depth knowledge and/or greater experience in order satisfactorily to conclude the matter.

Technical Competency Statements for Probate

- a. Able to identify the nature of the legal service provision required to administer an estate to include the formal requirements for the validity, revocation and alterations of wills and codicils and intestacy provisions.
- b. Able to recognise and apply the provisions of claims against the estate which may include the Inheritance (Provision for Family and Dependents) Act 1975 or constructive/resulting trust.
- c. Able to identify when a matter becomes complex, for example in relation to taxation of estates, Agricultural Property Relief /Business Property Relief, lifetime gifts, foreign assets, cross border and domicile issues.

Overriding Principle 2 Maintain proper standards of work

Expectation on Qualification Statement B: Newly qualified CLC Lawyers must have a comprehensive knowledge of processes relating to the legal service provided and be able to apply legal research and analytical skills to:

- manage legal files, case management and accounting systems in order to provide a timely service; keeping the client(s) appropriately informed at all times;
- draft and review legal documents related to the service provided;
- manage case management systems and associated risks to identify solutions using all reasonable methods so that lawful

and satisfactory conclusions are reached in the interests of client(s);

- secure when appropriate advice from across the wider legal and financial services environment to ensure lawful and equitable outcomes in the best interest of client(s).

Technical Competency Statements for Conveyancing

4. Able to identify and implement appropriate means to rectify defects in the title to establish good marketable title for conveyancing matters, including essential research, and communication with peers and third parties to provide clear advice to client(s).
5. Understand how to draft the contract(s) for transactions on all titles.
6. Has a detailed knowledge of the principles of exchange of contracts and completion, and where any variation of the standard arrangements for the transfer of property is appropriate.
7. Has a detailed knowledge of pre-Completion, Completion and post Completion requirements.

Technical Competency Statements for Probate

- d. Understands how drafting of a will affects the administration of an estate in relation and is able to provide explanation of the different types of gifts and in particular where abatement or ademption is applicable.
- e. Able to provide clients(s) with explanation of the law and practice governing the intestacy provisions, to include partial intestacy.
- f. Understands the importance of time limits in relation to estate administration to include section 27 Trustee Act 1925 Notices, interest payable on Inheritance Tax, Deeds of Variation and limitation periods.
- g. Able to identify and implement appropriate means to recognise what type of grant of representation is appropriate including where there is or is not a valid will and the valid appointment of

an executor or administrator and prepare the requisite Oath to effect this.

- h. Has a detailed knowledge of the law and practice governing the payment of estate debts, taxes and administration expenses; and what is required for the proper completion of Inland Revenue accounts required by H.M.Revenue and Customs.

Overriding Principle 3 Act in the best interests of each Clients

Expectation on Qualification Statement C: Newly qualified CLC Lawyers must have a comprehensive regulatory knowledge and an understanding of their personal responsibility to:

- identify when the level of risk exceeds the scope of professional service provided;
- verify full and adequate courses of action by taking advice and guidance from other professionals;
- provide robust client protection and confidentiality arrangements and maintain robust regulatory, accounting and financial procedures;
- establish processes to ensure any client complaints or issues are dealt with impartially and comprehensively in a timely manner;
- ensure compliance with the CLCs regulatory regime and any third party requirements, in order to deliver satisfactory outcomes on behalf of client(s) and the CLC regulated practice;
- identify risk and formulate appropriate steps to mitigate risk.

Technical Competency Statements for Conveyancing

8. Able to identify risk and determine steps to be taken to mitigate risk and in particular:

- i. able to determine what actions are necessary to manage the financial implications of a completion including the lender'(s) requirements to manage the lenders security appropriate to the client(s) and property;
- ii. able accurately to reconcile client financial outcomes pertinent to the transaction and remedy any arising issues;

- iii. able to recognise and manage professional liabilities in relation to client(s) and the practice in order to discharge satisfactorily all necessary and appropriate obligations;
- iv. able to provide appropriate legal advice relevant to the transaction to enable client(s) to make informed decisions.

Technical Competency Statements for Probate

i. Able to identify risk and determine steps to be taken to mitigate risk and in particular:

- i. able to determine what actions are necessary to manage the financial implications of administering an estate to conduct matters associated with the powers and duties of personal representation to administer estates;
- ii. able to manage the process of getting in estate assets and making claims on behalf of the estate; including recognising the nature of any charge, what is chargeable, appropriate exemptions, reliefs and anti—avoidance provisions;
- iii. able to recognise and manage professional liabilities in relation to the estate administration and any fiduciary duties in order to discharge satisfactorily all necessary and appropriate obligations;
- iv. able to provide appropriate legal advice relevant to the provision to enable client(s) and their beneficiaries to make informed decisions.

Overriding Principle 4 Comply with your duty to the court

Expectation on Qualification Statement D: Newly qualified CLC Lawyers must understand their professional accountability to the Court.

Overriding Principle 5 Deal with regulators and ombudsmen in an timely and co-operative way

Expectation on Qualification Statement E: Newly qualified CLC Lawyers will be accountable for:

- managing internal and external professional relationships, dealing with other lawyers and professional third parties;
- resolving issues impartially and comprehensively; including recognising where the service provided is not of the expected standard and identifying the course of action to provide appropriate redress for the client where necessary;
- managing compliance with the CLC's Regulatory Arrangements;
- up-holding regulatory and client ethics by ensuring all activities are conducted as required and expected by the CLC.

Overriding Principle 6 Promote equality of access and service

Expectation on Qualification Statement F: Newly qualified CLC Lawyers must be able to:

- ensure the service delivered is accessible and responsive to the needs of individual clients, including those who are vulnerable; taking responsibility to identify and articulate risk associated to client(s) and the practice;
- apply the appropriate level and style of communication to suit a variety of audiences across the broad spectrum of clients and professional parties in order to manage expectations;
- deal with any complaints impartially, comprehensively, and in a timely manner.

Annex 4

CLC Commentary on The CLC Lawyers Standards by reference to LSB Guidance on regulatory arrangements for education and training issued under section 162 of the Legal Services Act 2007

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

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

CLC Comment: The CLC Lawyers Standards describe the level of competence required at the point of entry to professional practice

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

CLC Comment: the new approach is less prescriptive in the way in which technical knowledge is acquired and instead is focused on the ability to demonstrate knowledge through competency to practise

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

CLC Comment: the CLC will no longer screen or have a registration process for students. It is a matter for providers following the guidance of SQA to determine the criterion for admitting students onto their courses

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

CLC Comment: In conjunction with the CLC, SQA is developing a framework for recognition of prior learning

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

CLC Comment: the CLC will continue to set the standards of education and will monitor educational performance annually. It is anticipated that a full review will be carried out 3-5 years from inception of the new standards.

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

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

CLC Comment: The SQA has developed a scheme for approval of providers in two parts: centre approval (<http://www.sqa.org.uk/sqa/63277.html>) and quality approval ([http://www.sqa.org.uk/sqa/files_ccc/All Quality Assurance Criteria 2015 18.pdf](http://www.sqa.org.uk/sqa/files_ccc/All_Quality_Assurance_Criteria_2015_18.pdf))

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

CLC Comment: the CLC is not involved in approving routes to qualification

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

CLC Comment: the CLC Lawyer Standards are targeted at outcomes (ie attainment), not any particular route to qualification

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

CLC Comment: see response to Outcome 2(a)

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

CLC Comment: The new arrangements are subject to OFQUAL regulation.

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

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

CLC Comment: these are set out in the CLC Lawyer Standards

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

CLC Comment: the CLC will continue to set the standards of education and will monitor educational performance annually. It is anticipated that a full review will be carried out 3-5 years from inception of the new standards.

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

CLC Comment: ongoing requirements are not part of this application. The CLC Lawyers Standards requires practitioners at point of licence to be able to distinguish between different types of regulatory risk associated with client(s) and with the CLC Practice⁴

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

CLC Comment: Education and training is targeted at delivery of conveyancing and probate services

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

CLC Comment: on the job training is integral to the education and training of CLC Lawyers

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

CLC Comment: CPD is not part of this application, although it will be reviewed as part of the CLC's review of regulatory arrangements

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

CLC Comment: CPD is not part of this application, although it will be reviewed as part of the CLC's review of regulatory arrangements

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

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

⁴ Last bullet under Expectation on Qualification Statement A

CLC Comment: not part of this application

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

CLC Comment: not part of this application

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

CLC Comment: not part of this application

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

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

CLC Comment: the new arrangements extend availability to a range of qualification options

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

CLC Comment: no limits are imposed

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

CLC Comment: the CLC believes that this criterion is met although this is not part of this application