

CONSULTATION RESPONSES FOR EDUCATION STANDARDS RULES CONSULTATION

As a result of the first consultation on the revised CILEx Regulation education standards, we proposed to implement the following proposals immediately:

- Revise current competence requirements
- Introduce competence in legal technology
- Introduce competence in emotional competence
- Remove Graduate member from the definition of Fellowship
- Remove reference to QASA from the rules and revert to the previous requirements on which QASA Level 1 was based
- Separate the CRL exemption requirements from the CILEx exemptions policy and state exemption principles for recognition of alternative qualifications

CRL has decided that more work is required before changes can be implemented in relation to:

- Revised assessment proposals
- Changing qualifying employment requirements

Number of responses received

We received 3 responses from:

1. CILEx
2. Kaplan Altior
3. A CILEx member

Question	1	2	3	Notes
Do you agree that the proposed unified set of rules sets out the process relating to the authorisation process for Fellowship and CILEx Lawyer (Practitioner) status with sufficient clarity and detail?	Neither	Y	-	There is the opportunity to include additional skills such as: <ul style="list-style-type: none"> ➤ Practice Management ➤ Emotional competence ➤ Legal technology 2 years minimum work experience is necessary for admission
Do you agree that the draft exemptions policy achieves its objectives in that it enables modules from non-qualifying law degrees to be treated in the same way as qualifying law degrees?	Y	Y	Y	Clarify that only non QLDs from England and Wales will be treated in the same way as for QLDs Consider whether the amended exemptions policy also enables exemption from the skills elements of the competence frameworkj
Do you agree that CRL should admit holders of a practising certificate with an alternative regulator without the requirement for duplicate assessment activity, provided they meet the admissions criteria?	No comment on this element	Y	-	A caveat should be added which states that the regulator is LSB approved and that the requirement for conduct and ethics is equivalent to CRL requirements

In addition to answering the questions, CILEx reiterated a number of points from their first consultation response, noting CRL’s responses to the first consultation, as follows:

CILEx comment	CRL response
CILEx supports the introduction of entrepreneurship, project management and marketing as part of the qualification, rather than the education standards.	The new standards have been mapped to the WBL outcomes to identify the differences. There are limited to 3 areas: project management, entrepreneurship and leadership and management. Proposals have been created (see below).
Skills within the framework go beyond core legal competencies especially personal effectiveness skills.	See above
The frameworks are heavily weighted towards private practice. They propose an evidence-based approach to provide authorisation on the basis of the consumer served owing to lower asymmetry of information between consumer and provider in e.g. in-house or Local Authority situations.	This is an issue raised frequently by CILEx. However, as a regulator issuing a licence to practise, we must be convinced that the authorised person will be competent in any role for which the practising certificate will be relevant. It is clear from the treatment of the ICAEW application to create a restricted licence to practise that this would not be received well.
There is a risk to including legal technology within the standards as this may fall out of date quickly – the standards should be principles-based.	The outcomes have been written to prevent this situation arising. They do not specify particular forms of technology, enabling the standards to develop without re-writing.
CILEx remains concerned with the inclusion of emotional competence, it should not be a threshold requirement.	CRL acknowledges this concern, but it is otherwise well supported, in particular by the Legal Services Consumer Panel, Law care and the Open University.
A request to remove reference to ‘CILEx Lawyer’ from the rules.	This was agreed with CILEx prior to inclusion in the draft rules but following a change in strategic direction at CILEx in relation to use of the term, CRL has agreed to remove reference to this title from the rules.
The rules do not make it clear that Fellows may obtain more than one practice right.	This will be sense-checked through the rules. However, these are intended to be for first authorisation only, subsequent rights will be able to be obtained through the alternative route to practice rights currently in development.

Analysis and issues for discussion

➤ Project management

The purpose of this addition was to create an approach to case management. Therefore this element has been amended to ‘caseload management’.

➤ Entrepreneurship

This links to innovation, it is wider than technology, but encompasses it. It creates an opportunity for Fellows to demonstrate that they have remained up to date with the latest

development in their field so as to be able to offer recommendations for improvements in the workplace. The brackets referencing entrepreneurship has been removed, leaving the outcome as 'Understand and utilise innovation'

➤ Leadership and management

Having reconsidered this element and because this framework also sits within the CPD guidance, we will leave it in as optional to enable individuals to identify areas for development.

Transitional Arrangements

CILEx and CRL met to discuss the transitional arrangements that would be required for the introduction of the revised standards.

The agreed arrangements are as follows:

1 January 2020	New Authorisation Rules come into force
1 September 2020	New CILEx qualification launched
31 December 2021	Level 3 legacy units end
31 December 2023	Level 6 legacy units end
31 December 2025	Work Based Learning rules end