

## **APPLICATION FOR FELLOWSHIP RULES (WORK BASED LEARNING)**

### **DEFINITIONS**

1. In these rules, the following definitions apply:

‘Admissions and Licensing Committee’ means the Committee established by CILEx Regulation to deal with matters relating to these rules.

‘Authorised person’ means a person so described in the Legal Services Act 2007. An authorised person is defined by the Act as ‘a person who is authorised to carry on the relevant activity by a relevant approved regulator in relation to the relevant activity’.

‘CILEx’ means the Chartered Institute of Legal Executives

‘Fellow’ means a person who has complied with regulations made by Council regarding qualifying employment, has paid all subscriptions and other fees to CILEx or has made arrangement for payment and has provided a certificate signed by an authorised person who supervises their work, or by whom they are employed, which confirms the nature of their duties and that they are competent to be a Fellow.

‘Graduate member’ means a person registered as such by CILEx who is not a Fellow.

‘CILEx Regulation’ means CILEx Regulation Ltd

‘Registered person’ means a person who is not a Fellow but is registered with CILEx in accordance with its Charter and Bye Laws and regulations made by CILEx Council.

Reference to the male gender also includes female gender.

### **ADMISSION AS A FELLOW**

2. A Graduate Member may be admitted as a Fellow if he is in qualifying employment and:
  - He has been in qualifying employment for an aggregate of 3 years or more;
  - He has been in qualifying employment for at least 2 consecutive years immediately preceding the date of the application;

- He has served at least 1 year in the Graduate grade of membership;
- He has met the work based learning outcomes in accordance with the requirements set by CILEx Regulation;
- He has paid all subscriptions and other fees payable by him to CILEx or has made arrangement for payment;
- He provides a Certificate of Fitness signed by an authorised person within the meaning of the Legal Services Act 2007, or at the discretion of CILEx Regulation, any other person, who supervises his work or by whom he is employed, which confirms the nature of that work and that he is competent to be a Fellow; and
- He accepts any obligations imposed on him by the Charter and Bye Laws and regulations and rules made by the CILEx Council.

## **ELIGIBILITY**

3. Applications for Fellowship can only be made by Graduate Members of CILEx who:
  - are currently in qualifying employment;
  - have at least 3 years qualifying employment, of which at least 1 year has been served in the Graduate grade of membership; and
  - have been in qualifying employment for 2 consecutive years immediately preceding the date of the application.
4. A period of up to 43 weeks spent in attendance on a Legal Practice Course recognised by the Law Society of England and Wales in connection with qualification as a solicitor or the Bar Professional Training Course recognised by the Bar Council in connection with qualification as a Barrister will be treated as qualifying employment.
5. A break in employment for any reason does not count as qualifying employment. Where the break is less than 12 months, it will not break continuity of employment for the purpose of the requirement to serve 2 consecutive years in qualifying employment immediately preceding the date of the application.

## **DEFINITION OF QUALIFYING EMPLOYMENT**

6. A person is in qualifying employment if he is employed either:
  - by an authorised person in private practice;
  - by an organisation where the employment is subject to supervision by an authorised person employed in duties of a legal nature by that organisation; and in either case
  - the work under the terms of his employment is, for at least 20 hours per week, wholly of a legal nature.

7. An applicant for Fellowship will be regarded as being employed if:
  - he is employed under a contract of service and is engaged on his employer's business for specified hours; or
  - he is a partner in any firm or is an owner of any company; or
  - at the discretion of CILEx Regulation, he is employed under a contract for services, whether he works as an independent contractor or provides services through an intervening agent.
8. Part-time employment may be accepted as qualifying employment, if the work undertaken provides the opportunity for practical expertise to be developed. Part-time employment is employment for less than 20 hours per week. CILEx Regulation shall have the power to determine that employment for less than 20 hours per week shall be regarded as part-time qualifying employment, where it decides it is appropriate to do so.
9. Unpaid work may be regarded as 'employment' for the purposes of these rules.

## WORK BASED LEARNING OUTCOMES

10. To qualify as a Fellow, applicants must be able to demonstrate competence against each of the learning outcomes set out below:

<b>Competency 1: Practical Application of the law and legal Practice</b>
1.1 Apply the law to the matter.
1.2 Apply relevant legal procedure to a matter.
1.3 Identify and deal with the issues arising in a matter.
1.4 Undertake legal research.
<b>Competency 2: Communication skills</b>
2.1 Communicate legal issues using appropriate methods.
2.2 Use suitable language in communication.
2.3 Address all issues in communication.
2.4 Seek appropriate information through communication.
2.5 Represent a client through effective communication and other skills.
<b>Competency 3: Client relations</b>
3.1 Identify and understand a client's or service user's position.
3.2 Take accurate instructions relating to a legal matter from clients or service users.
3.3 Provide clear legal advice to clients or service users.
3.4 Evaluate the risks, costs and benefits of alternative courses of action.
3.5 Take action to deal with instructions received.
3.6 Manage a client's or service user's expectations.
<b>Competency 4: Management of workload</b>

4.1 Progress matters expeditiously.
4.2 Plan your workload to deliver a good legal service to clients or service users.
4.3 Maintain files and records in accordance with procedures.
<b>Competency 5: Business Awareness</b>
5.1 Demonstrate an understanding of the business environment of a legal practice or organisation.
5.2 Evaluate the risks, costs and benefits of alternative courses of action to the business.
<b>Competency 6: Professional Conduct</b>
6.1 Apply the rules of professional conduct appropriately to relevant situations
6.2 Provide appropriate information to clients and service users.
6.3 Understand the need to avoid discrimination and promote equality and diversity
<b>Competency 7: Self-awareness and development</b>
7.1 Evaluate your professional skills and legal knowledge.
7.2 Understand the limitations of your professional skills and knowledge.
<b>Competency 8: Working with others</b>
8.1 Establish effective working relationships with others involved in a legal matter.
8.2 Demonstrate ability to select and provide appropriate information to others as required by the law

11. Learning outcomes shaded in grey should be met once; all other outcomes should be met twice.
12. Applicants for Fellowship should demonstrate meeting the learning outcomes by using the documentation prescribed by CILEx Regulation to produce a portfolio of evidence.
13. Applicants for Fellowship must also complete all application forms required by CILEx Regulation from time to time.

## **DECISION MAKING**

14. The decision to accept an applicant for Fellowship on the basis of his submitted application and portfolio of evidence may be made by an Officer of CILEx Regulation.
15. The Officer is not able to make a decision the on following:
  - Where a member seeks guidance or a decision as to whether or not their employment constitutes qualifying employment and no earlier precedent has been set.

- Where a registered person may be undertaking work which is similar to qualifying employment, but there is no authorised person employed to supervise his work.
- Applications from members who seek to rely on qualifying employment which took place more than 3 years preceding the date of their application
- Where there is doubt about the nature of the work and whether the work constitutes qualifying employment.
- Where there is doubt as to whether the outcomes have been met or have been properly written up.

The Admissions and Licensing Committee will determine these applications in accordance with the Membership Requirement Regulations, these rules and the Admissions and Licensing Committee Rules.

**August 2017**