

CONSULTATION ANALYSIS – ADDITIONAL PRACTICE RIGHTS FOR ESTABLISHED FELLOWS

We received 3 responses to the consultation from:

1. CILEx: in addition to their responses, CILEx also provided useful statistics from their membership which are analysed below
2. A CILEx member
3. Kaplan Altior

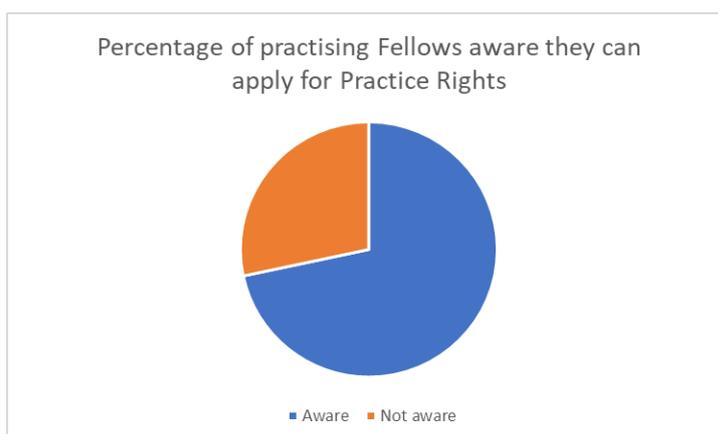
Summary of responses

Question	1	2	3	Notes
Do you agree with our proposal to introduce flexibility in established Fellows demonstrate competence for the purposes of acquiring additional practice rights?	?	Y	Y	CILEx supports flexibility, provided it does not result in complexity and confusion.
Do you agree with the proposal outlined in the consultation?	Y	Y	Y	<p>CILEx would like more detail, which will be provided in the next step, this consultation related to support for the proposal in principle.</p> <p>The final proposal should be proportionate and achievable.</p> <p>The reference to process refers to DBS checks etc. it is not proposed that there will be a portfolio for this assessment. This appears to be of significant concern to CILEx but will not form part of the process.</p> <p>This process is designed to remove unnecessary barriers whilst at the same time providing evidence of competence to practice in a reserved area of activity.</p> <p>Cost of the assessment will be set by the independent provider appointed through the tender process. The application process will carry an administration fee only.</p>
Would you include any further requirements?	?	N	N	
Do you agree with the proposed assessment methods for assessing competence, bearing in mind that this will be available only to Fellows i.e. those who have met the requirements set out in para 9	Y	Y	Y	<p>Consider oral assessment face to face rather than computer-based assessment for interviewing skills.</p> <p>The level of assessment would be, as no, be set and assessed at Level 6 (final year degree – this was the</p>

				<p>minimum level set by the LETR in 2013).</p> <p>CILEx has also queried the breadth of the coverage in relation to private practice. As the practising certificate will cover this and it is clear from the ICAEW application that partial practising certificates will not be acceptable, this is an essential requirement.</p>
If answer to question above is no, is there are alternative option?	N	N	See above	
Do you agree that, providing stringent measures were in place an assessment provider could also deliver training?	Y	Y	Y	Provided conflicts of interest are properly managed.
Do you agree with the benefits and assurances which would be achieved in introducing this into our education and training framework? Do you see any disadvantages or threats to standards?	Y	?	Y	<p>The need to ensure that the assessment is designed to be sufficiently robust in order to demonstrate validity of assessment and reliability in candidate outcomes and results.</p> <p>Consideration of data capture for protected characteristics to ensure no inherent bias in assessment</p>

CILEx statistics provided in their consultation response

- CILEx contacted 5948 Fellows by email in relation to the consultation
- 49% engaged with the email
- 5% engaged fully and responded to the survey (approximately 300 Fellows)



Number of Fellows aware of Practice Rights who have considered making an application

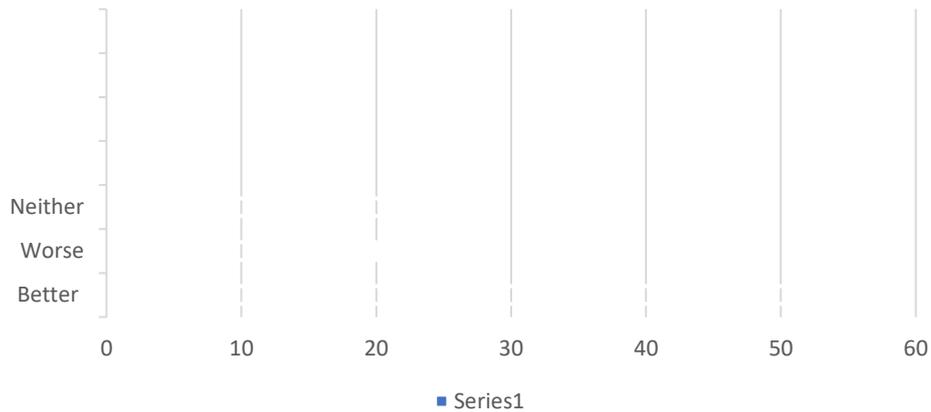


■ Considered ■ Not considered

Those who have considered applying but have not yet applied cited the portfolio requirement as the single biggest reason not to apply.

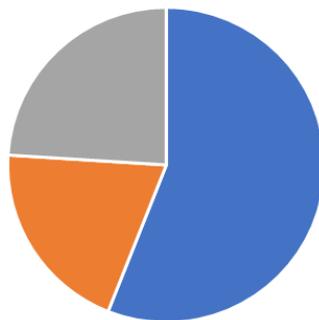
Will Fellows be more or less likely to apply under the new scheme?

From 133 responses how likely is it you will apply using the new scheme?



Is the new approach better or worse than the existing approach?

Which approach do you prefer?



■ Better ■ Worse ■ Neither

Other reasons why CILEx members may not apply for practice rights and responses

Reason for not applying for practice rights	CRL response
Practice rights are not relevant/necessary	Possible communications programme to address the benefits
Time, effort and cost of the application process	Addressed through the revised application process
Too late in career to be of benefit	No action possible
Current status is sufficient for career ambitions	Possible communications programme to address the benefits
Lack of employer interest, engagement or support	Possible communications programme to address the benefits
Practice rights are too general	ICAEW decision indicates that we cannot produce a restricted practising certificate, therefore all elements of the specialist area must be addressed

Concern from CILEx and CRL responses

Reason for not applying for practice rights	CRL response
The application process will not replicate the reported issues with portfolios and will not result in multiple assessments/gateways	It will not have a portfolio element. There will be a requirement for an application as this is an additional practice right.
The time and workload burden will not be replicated	No, it will not
Part-time workers will be able to meet the requirements	Yes
Non-standard legal environments will meet the requirements	This depends, they must demonstrate full competence to get the practising certificate that cannot be restricted
There will be flexibility in roles recognised	As far as is possible
Cost of application will not be disproportionate	This will be an element of the tender process. Application fees to CRL will be proportionate to the administration required to complete the process, this is likely to be in the region of £100, in addition to the fee charged by the assessment provider.