



CILEX Chartered Legal Executive Apprenticeship End-Point Assessment

*Supplemental delivery guidance to training
providers*

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Introduction

This guidance is to supplement the *Training Provider Delivery Guide for the CILEX End-Point Assessment — Issue 3.0 September 2022*.

This guidance provides further information to training provider to support Chartered Legal Executive (CLE) apprentices in compiling and submitting their Chartered Legal Executive End Point Assessment (CLE EPA).

Part 1 – General points about the CLE EPA

Redaction

In order to comply with data protection obligations it is important to ensure that all submitted work is properly redacted. The apprentice must redact **all** personal information from the evidence that could identify their client or any third party.

Please ensure on the one hand that confidential information is redacted but also that any redacted documents still enable the assessor to use the evidence to assess the outcome, i.e. it must remain recognisable as evidence following the redaction.

Other non-identifying information should be left in to assist the assessor.

Where an EPA submission has not been properly redacted, the file will be returned in order that this can be remedied. This will be done prior to the work being assessed. Once the work has been fully and properly redacted and that revised work re-submitted, it will then be assessed. Failure to properly redact submissions will bear potential consequences for apprentices including a delay in the issuing of results for the CLE but it also raises wider issues relating to confidentiality of client information.

Submission

It is helpful if the training provider could encourage apprentices to upload EPA submissions into Onefile in a logical and methodical manner. Below are some suggestions.

These are not exhaustive but however the documents are loaded into the e-portfolio, it should be clear to the assessor how to navigate through the submission. The following suggestions are examples of uploading in a way which ensures that the evidence is clearly structured for assessment purposes.

Case study

Option 1

Upload the case study narrative and ensure that each paragraph is clearly marked with the exhibit number(s) for the corresponding evidence and a clear indication of which outcome is being addressed. Upload the case study evidence as a separate document ensuring that the evidence is uploaded in the order in which it is referred to in the narrative.

Option 2

Upload a single document, with the case study narrative at the top, with each paragraph clearly marked with the exhibit number(s) for the corresponding evidence and a clear indication of which outcome is being addressed.

Portfolio

Option 1

Upload one competency at a time, with each log sheet followed by its evidence. For example:

Folder 1 – Competency 1 Practical application of the law and legal practice

- Log sheet outcome 1.1 Example 1
- Evidence to support outcome 1.1 Example 1
- Log sheet outcome 1.1 Example 2
- Evidence to support outcome 1.1 Example 2
- Log sheet outcome 1.2 Example 1
- Evidence to support outcome 1.2 Example 1
- Log sheet outcome 1.2 Example 2
- Evidence to support outcome 1.2 Example 2

Option 2

Upload all outcomes, in an ordered manner (1.1 – 8.2) with each log sheet followed by the related evidence.

Labelling and cross referencing

Please can training providers ensure that all work is properly labelled, ie each piece of evidence is clearly labelled and that both the portfolio and case study each has an index which clearly shows where in the submission bundles each piece of evidence appears.

See *Appendix A* for an example template for a case study evidence index and *Appendix B* for an example template for the portfolio evidence index.

Resubmission of further evidence

Where an apprentice has been asked to submit further evidence or information for the portfolio or further evidence or additional case study narrative information, the apprentice must submit this additional information in a clearly marked manner, ideally in a separate folder marked 'Further evidence' and the further evidence clearly labelled..

Where original submissions are simply amended or added to, it is very difficult for assessors to identify clearly the new information/evidence. If the further evidence is not clearly labelled then the work may be returned for labelling before it can be re-assessed which will further delay the result for the apprentice.

Part 2 – Case study: general points

Word limit

The suggested word limit in the *Training Provider Delivery Guide for the CILEX End-Point Assessment* guidance remain suggestions only. If an apprentice has additional points to make in the narrative, then they should make those points — they should not feel constrained by this word limit.

It is important that they fully explain the examples to give them the best chance of meeting the outcomes and not risk omitting key points just to comply with the suggested word limit. That said, it is key to ensure that all points made are directly relevant and that the apprentice maintains a sharp focus on the outcomes and the key narrative needed to explain the case and the outcomes. The case study should be written in as concise a manner as possible whilst ensuring that all outcomes are fully covered.

Nature of the case study selected

The case study should enable evidence which shows involvement by the apprentice throughout one case or matter. It may be a case or matter which the apprentice has run from start to finish or it may be a larger case or matter which shows sufficient progression of the case or matter by the apprentice.

In order to be a valid case study, the case or matter must:

- have taken place within the 12 months prior to Gateway
- not start to be compiled more than six months prior to Gateway.

In terms of structure, it is recommended that where possible each case study follows the format set out in Annex D of the *Training Provider Delivery Guide for the CILEX End-Point Assessment* guidance.

If there are a few cases from the apprentice's workload which might be suitable as a case study, it is recommended that training providers map each of these against the requirements and discuss them with the apprentice to ensure that the best case or matter is selected.

Where a case study is too narrow to enable all outcomes to be met or does not show sufficient progression of the matter by an apprentice, the assessor will require additional examples and evidence and may suggest that an alternative case study is needed.

It is important that training providers work closely with apprentices and employers to ensure that the role offers sufficient opportunity for all outcomes to be met in both case study and portfolio. Where this is not the case, then training providers should consider whether this is an issue of Qualifying Employment which may require consideration of appropriate secondment opportunities to be created or whether it is a situation in which a simulated case study may need to be used.

Simulated case study

It is possible, in exceptional cases, for an apprentice to use a simulated case study. These are for situations where it is **not** possible for the apprentice to select an example case or matter arising within the requisite time frame that enables the case study outcomes to be met. In this situation, the employer and the training provider should provide reasons why a simulated case study has been selected. If this is the case, then the training provider should communicate this to CILEX before the case study is written up. Further guidance relating to simulations and the approval process can be found [here](#).

It should be noted that it is not appropriate practice for an apprentice to simulate individual outcomes in a case study. There should be a case study wholly evidenced by the apprentice's actual work on a case or matter or a wholly simulated case study. There is no provision in the CLE apprenticeship for a partially simulated case study. If an assessor encounters a partially simulated case study, then this will be rejected and further evidence requested of the outcomes in question, drawn from the apprentice's actual work.

Elements comprising the outcomes

Firstly, it should be noted that there is some guidance in Annex E of the *Training Provider Delivery Guide for the CILEX End-Point Assessment* guidance as to the outcomes and suggestions for how apprentices may approach these. This is not exhaustive and should be used only as an indicator of how an outcome may be approached.

Annex D advises apprentices that each element of the outcomes should be evidenced. Some outcomes have been divided into distinct parts of the wider outcome. These are:

Honesty and integrity, which is subdivided into the following.

- Demonstrate an understanding of the need to avoid discrimination and promote equality and diversity.
- Apply the rules of professional conduct appropriately to relevant situations.
- Understand when work is beyond own capability; openly admits mistakes/difficulties and seeks guidance and support as appropriate

Communication skills and literacy, which is subdivided into the following.

- Use accurate and suitable language in communication – written and oral.
- Represent and advise a client through effective communication, including negotiation and advocacy, where applicable and permitted.

Other outcomes are not so clearly subdivided but still comprise discrete elements, all of which need to be addressed within the case study narrative and evidence. Two examples are **IT** and **Numeracy** but there are others. Many of the outcomes have several components and training providers ought to ensure that apprentices are dealing with all aspects of each outcome to avoid the risk that an assessor may seek additional information and/or evidence.

IT

Use available technology to suit different purposes, and achieve the quality of outcomes required, and to store, retrieve and analyse information.

This outcome makes reference to discrete tasks. Three of these discrete tasks are store, retrieve and analyse information. The whole outcome needs to be addressed in the narrative and the supporting evidence in order for the outcome to be met. Examples of single uses of IT will make it difficult for an apprentice to meet this outcome. The outcome requires a number of specific tasks and also makes reference to use of IT to suit different purposes. apprentices are advised to consider submitting a number of examples which illustrate the breadth of their IT use.

Numeracy

Ability to read and understand numbers used in different ways, interpret results and present findings accurately.

Based upon EPA submissions to date, numeracy is one of areas where apprentices seem to struggle most. Assessors routinely find this outcome not met on initial submission. Reasons for this tend to be either:

- the apprentice has confused it with the finance outcome and discussed financial points rather than showing their numeric abilities, or
- the example selected is too basic to fully meet the outcome.

This outcome is assessing an apprentice's fluency with numbers. The outcome does require an apprentice to evidence their ability to 'read and understand numbers used in different ways' and this would require either multiple examples of working with numbers, for example carrying out calculations or a fairly complex example in which several calculations have been undertaken. There are many examples which could be used to meet this outcome such as fee estimates, billing targets, chargeable hours, calculating charges payable to third parties, estimating quantum or interest payments, understanding company accounts.

The following are examples seen that would not meet the outcome.

- Where the numerical data in the evidence has been redacted and so the assessor cannot actually assess the numeric ability of the apprentice.
- A single, basic example of a calculation such as number of hours spent on a matter multiplied by a single hourly rate.
- A single basic example of calculating dates for service of documents.

An apprentice may find it helpful to submit a number of examples in which they use numbers in a variety of ways, to ensure that the evidence is broad enough to fully meet the outcome.

Part 3 – Case study: specific points relating to individual outcomes

The following are points to note in respect of each of the competency areas, based on common issues encountered when assessing the EPA.

Adaptability and resilience

Ability to work under pressure and willingness to accept changing priorities and work patterns when new jobs need to be done, or requirements change.

This could include describing how the matter fits with other matters in the apprentice's workload, the priority of the case in relation to other cases, issues arising that meant the apprentice must seek advice from a more experienced colleague. The evidence should show the apprentice adapting to change. This can be supported by the supervisor's endorsement but should also be fully explained and evidenced by the apprentice themselves. This is a real opportunity for the supervisor to help to evidence this outcome. EPA evidence to date suggests that this mechanism is often underused by the supervisor.

Honesty and integrity

This outcome overall requires apprentices to demonstrate an ability to thoughtfully reflect on their own work and behaviour, identify their limitations and areas of knowledge or skills which they could improve and formulate a plan to make this happen.

Training providers should note that this outcome comprises **three** distinct components and **all three** need to be explained in the narrative and evidenced.

Component 1

Apply the rules of professional conduct appropriately to relevant situations.

Apprentices should cite specific conduct rules and ensure sufficient detail and specificity in the narrative explanation.

Component 2

Understand when work is beyond own capability; openly admits mistakes/difficulties and seeks guidance and support as appropriate

The evidence should show the apprentice admitting or recognising mistakes or limitations in their capability and seeking guidance. Where an apprentice sends work for routine checking, this will not in itself meet the outcome. The apprentice needs to be sending work for checking because they have recognised for themselves a need to seek guidance and support.

Component 3

Demonstrate an understanding of the need to avoid discrimination and promote equality and diversity.

This does tend to cause some apprentices some difficulty.

Where the apprentice can evidence this understanding then that evidence should be supplied. This could be in the form of a course completion certificate or a participation statement. This would show the knowledge gained, but there should also be a detailed explanation in the narrative which shows the understanding of these issues gained from the course.

Ideally, there would be an example drawn from the case study in which the apprentice can evidence them avoiding discrimination or promoting equality and diversity. The evidence could be in the form of a file note or communication in which they show this understanding. In the narrative, there should be an explanation of how that evidence shows their understanding of the need to avoid discrimination and promote equality and diversity. It may be that there is evidence of one part, such as the need to avoid discrimination, but not of the other part, ie promotion of equality and diversity. Where this is the case, a full explanation in the narrative should be provided to demonstrate the apprentice's understanding of this. This should be detailed, for example discussing the Equality Act 2010 provisions, perhaps with reference to particular protected characteristics, where appropriate. The explanation should show that the apprentice understands issues of equality, diversity and non-discrimination within the context of legal practice, and specifically their role.

Where an actual example of avoiding discrimination or promoting equality has arisen in the case itself, then this should be used as the example, with evidence provided to support this.

In the event that no concrete example arose during the case, then the outcome can still be met if the apprentice provides a detailed explanation in the narrative to show their understanding of the kind of issues which may arise within the context of their work, together with suggestions of how they may deal with this. We would expect to see a detailed discussion, for example citing legislation such as the Equality Act and specific sections of that as they relate to the discussion.

Motivation and enthusiasm

Demonstrate a positive and proactive approach to work. Take responsibility for own actions.

This should be supported by the supervisor's endorsement. This is the supervisor's opportunity to really highlight the strengths of the apprentice. We see a wide gulf between these. Perhaps training providers could relay the message to employers about the importance of this document in aiding the apprentice to meet this outcome. This should also be fully explained and evidenced by the apprentice themselves though too. There must be evidence of proactivity and of the apprentice taking responsibility for their own actions.

Business and ethics in law

Understand the ethical issues and obligations applying to the provision of legal services, including the CILEX Regulation Code of Conduct requirements, other rules and regulatory requirements and how to act inclusively and respect diversity.

It should be noted that this outcome refers to the following requirements:

- CILEX Regulation Code of Conduct
- Other rules and regulatory requirements.

In order to fully meet this outcome, apprentices also need to explain how they act inclusively and respect diversity. As with, the equality and diversity part of the honesty and integrity outcome, ideally the apprentice will provide an actual example which arose during the case. If this is not possible, then the outcome can still be met so long as the apprentice provides a full explanation in the narrative as to how they act inclusively in their practice and how they respect diversity. apprentices may choose to demonstrate to the Assessor that they are aware of issues that could arise in a case or matter of the sort selected for the case study and how they would deal with that.

There does seem to be some confusion regarding, and conflation of, this outcome with ‘risk and compliance’. Where there is any confusion about the distinction between these two outcomes, it may be helpful if training providers could guide apprentices in the following way:

For ‘business and ethics’, apprentices should focus more on issues related to ethics and ethical conduct within their role and within the legal profession, centring primarily upon the relevant Code of Conduct, plus consideration of inclusivity and diversity with their practice. Ethical and conduct issues are central to this outcome, for example discussion and evidence of conflict checks, money laundering issues, confidentiality issues.

For ‘risk and compliance’, apprentices should be guided more towards their need to evidence their compliance with relevant policies and procedure. That outcome is more concerned with compliance and the risks associated with non-compliance. This outcome requires the apprentice to show that they are compliant with legal, organisational and regulatory policies and procedures. There must be a discussion of risks in the narrative or evidence. This could involve evidencing an understanding of regulatory rules as they relate to financial services, money laundering or handling client complaints. It could also include evidencing an understanding of GDPR as it relates to their work. Evidence could take many forms such as completed money laundering or client ID checks, conflict of interests check completed but there must be a discussion about the need for these checks and for the risks underlying the need for the checks.

A further issue which has been observed in relation to this outcome, is that it can sometimes be approached too narrowly. To meet the outcome, apprentices must demonstrate their compliance with legal, organisational **and** regulatory policies and procedures. They must also take time in the narrative to demonstrate their understanding of the risks.

IT

Use available technology to suit different purposes, and achieve the quality of outcomes required, and to store, retrieve and analyse information.

This outcome requires apprentices to demonstrate that they can use technology to suit different purposes. This therefore means that they should submit more than one example of their IT use. The selected IT will depend upon the nature of the matter selected for the case study. In the narrative the apprentices should explain how/why the IT used suits the purpose for which it was employed. They should also explain how it enabled them to achieve quality outcomes. In addition, apprentices must ensure that the examples selected and the evidence supplied, demonstrate them using IT to store, retrieve and analyse information.

Finance

Understand the basic financial methods and drivers of one's own organisation.

Some apprentices confuse finance and numeracy. The finance outcome requires apprentices to show their understanding of the financial methods and drivers of the organisation for which they work. This could be advice on their charges to their client or awareness of the costs to their employer of pursuing this case, why certain fee earners are allocated to cases and their charging rates. If an apprentice is in-house for a public body, then this may involve an explanation of local government funding and finance.

Technical

Has a broad base of legal knowledge to draw on, and a detailed understanding of the law, practice and procedures of own specialist area of practice.

Although this outcome does not tend to cause problems for apprentices, it is worth noting the three discrete components required in the demonstration of understanding:

- Law
- Practice
- Procedures

Assessors will be looking for the examples and evidence to be broad enough to cover all three elements. It may be that several pieces of evidence combined show breadth of technical knowledge and in such cases apprentices should cross reference all relevant evidence.

Communication skills and literacy

It should be noted that this is split into two parts: (a) and (b).

(a) Use accurate and suitable language in communication – written and oral.

To meet (a), the first part of the outcome, apprentices must supply an example and evidence of both forms of communication: written and oral. The more examples that are supplied, the easier it is for the assessor to see the use of suitable language. apprentices may choose to submit a selection of their communication to show their range of communication styles. It is important that the apprentice explains fully in the narrative

why they consider the language used in the examples/evidence to be suitable for that particular communication. Often, apprentices submit the evidence and leave the evidence to speak for itself as to why it is suitable in the context. Assessors can assess accuracy but the suitability should be discussed in the narrative. If there is no explanation provided regarding the suitability of the language, then the outcome will not be met and the apprentice will be required to provide further narrative.

(b) Represent and advise a client through effective communication, including negotiation and advocacy, where applicable and permitted.

This outcome comprises of two elements:

- represent a client, and
- advise a client

This communication can be written or oral. There must be evidence of both the advising and the representing a client.

Numeracy

Ability to read and understand numbers used in different ways, interpret results and present findings accurately.

This outcome sometimes proves challenging for apprentices and this is generally due to the example and evidence submitted being too narrow. Although the outcome can be met through a single example, the numeric content of that example would need to be sufficiently complex to show the apprentice's ability to "read and understand numbers used in different ways". A simple calculation will **not** meet this outcome. The outcome requires an ability to understand numbers, but also to:

- interpret results and
- present findings accurately.

Examples could be schedules of loss or completion statements. It is important that the evidence/explanation supplied make it clear that the apprentice has undertaken the calculation(s) themselves.

Planning and organising

Plan and meet deadlines expeditiously in order to deliver outcomes for the business.

The example and evidence must show planning by the apprentice as well as their ability to meet deadlines. There should also be some discussion of how this enables the outcomes of the business to be met. An example of meeting the planning and organising outcome is set out below using research. An apprentice in this situation could use the research outcome to demonstrate how they plan and organise this activity as part of the case. Simply showing that a deadline was met will not meet the outcome. The evidence must show expeditious working and an ability to plan to meet deadline. Evidence may be in the form of e-mails which clearly show an apprentice planning their work and/or diary entries to accompany this.

- Ability to *identify, gather and present relevant information* from appropriate sources
- *to order this information in terms of importance, relevance and value*
- and *to use it to carry out required tasks.*

- Ability to **undertake legal research**
- and **produce research notes**

Working relationships

It is to be noted that this outcome concerns relationships other than with clients but as part of achieving client goals. There needs to be evidence of two-way, co-operative relationships. This could be with colleagues or third parties, either internal or external to the apprentice's organisation. This could be evidenced by showing how apprentices delegated work effectively or liaised constructively with colleagues or third parties. apprentices could submit a range of examples of their working relationships. Sometimes apprentices submit one example of a relationship with one person and this narrow approach is to be avoided. Assessors are looking to see evidence of relationships developed, so more than one example is to be encouraged to show the range of relationships developed.

Client relationship management

It should be noted that there needs to be evidence of strong relationships with both client and third-party contacts.

There also needs to be evidence of provision of advice to clients. This advice could be legal advice in a narrow sense, but it could be more practical or tactical advice, unlike the later specific legal advice outcome. It should be noted that the broader definition of 'client' afforded to those apprentices working in-house, is applicable to this outcome.

Research

This is a complex outcome in that it comprises several components and each must be covered for the outcome to be met.

The apprentice must:

- Ability to **identify, gather and present relevant information** from appropriate sources
- **to order this information in terms of importance, relevance and value**
- and **to use it to carry out required tasks.**
- Ability to **undertake legal research**
- and **produce research notes**

Training providers should ensure that apprentices have examples and evidence to meet the breadth of this outcome. Assessors must see the research undertaken and the steps taken by the apprentice to locate the information, order, and use, the information. Assessors must see the sources used for the research in order that they can determine whether they are appropriate. There needs to be some presentation of the research findings and the assessor needs to see that the apprentice has ordered the information in terms of importance, relevance and value and there needs to be evidence of its use to carry out required tasks. There should be research notes submitted. The research notes should show the sources used and should show how the apprentice ordered the information. Screen shots of the sources used to obtain the information go part way towards this but should not be the sole evidence. There should also be evidence of how the information was used to carry out the required tasks. As with the research outcome in the portfolio, the

research should be legal research. It should be on a point of law or legal practice. Research of a factual nature, will not meet the outcome.

Data and file management

Although this outcome does not tend to cause problems for apprentices, it should be highlighted that there should be a full explanation in the narrative about the systems and procedures which shows an apprentice's understanding of the procedures in question.

Providing legal advice

As with the provision of advice outcome in the portfolio, there should be a legal basis to this advice, either substantive law or legal practice. It should be advice of a legal nature rather than purely practical or tactical advice. It is important to ensure that the advice given is in a form appropriate for the client to ensure that the second part of this outcome is met, ie "in terms that they can easily understand".

Critical thinking and problem solving

No common issues identified.

Drafting and accuracy

No common issues identified.

Part 4 – Portfolio: general points

As stated in the *Training Provider Delivery Guide for the CILEX End-Point Assessment* guidance, to meet the required standard for the portfolio, the apprentice is required to meet **eight** competencies, which are broken down into **27 outcomes**.

It is recommended that training providers direct apprentices to the guidance produced by CILEX Regulation on its website, including the [Work Based Learning Handbook](#) and the Week by Week Schedule produced by CILEX Regulation.

The training provider and the employer should work with the apprentice to discuss each of the outcomes, to consider when they are able to demonstrate that they can meet the outcomes and to determine what documentary evidence can be used to meet the outcomes.

It is for training providers to check the evidence prior to submission to ensure that **all components of all outcomes** are sufficiently covered by the examples and the log sheet explanations.

In the handbook, each portfolio outcome is accompanied by a series of bullet points which are designed to serve as guidance for the apprentices. If an apprentice follows the bullet point guidance, then that should ensure a complete response to the outcome.

Example: Legal research (portfolio outcome)

The headline outcome is to ‘undertake legal research’ however the Handbook provides a helpful breakdown of elements which make up this outcome and which should be addressed by the apprentice in either the log sheet or the evidence supplied.

- Identify a situation in which you need to undertake legal research.
- Identify the sources you need to undertake the research.
- Undertake relevant and up to date research and supply that research as part of your evidence.
- Apply the findings of your research to the matter you are dealing with and provide evidence of your application of the research to the matter

We would like to remind training providers that CILEX has provided a checklist (Annex A in the *Training Provider Delivery Guide for the CILEX End-Point Assessment* guidance) to help ensure that evidence has been provided for each outcome and to facilitate the assessment of the portfolio.

It is strongly recommended that the checklist is used during the compilation of the portfolio to avoid missing any evidence. There have been occasions when submissions have been rejected due to omissions or incorrectly uploaded evidence. This only serves to delay results for apprentices and all parties are keen to avoid this.

The apprentice must provide **two** examples of meeting each of the **27 outcomes (except for outcomes 4.2, 4.3, 5.1, 5.2, 6.3, 7.1 and 7.2 which only need to be met once)**. It is important to note that the apprentice

should provide **two different** examples of meeting an outcome, rather than providing two examples of the same type.

Each of the examples used must be set out in a logbook sheet with supporting evidence - there should be 47 logbook sheets in the portfolio when it is uploaded to OneFile. The logbook sheet should fully explain how the outcome has been met and how the evidence shows that you have met the outcome. The log sheet should support the evidence.

Part 5 – Portfolio: general points regarding evidence

Further guidance as to what supporting evidence can be used for the portfolio was provided in Annex B of *Training Provider Delivery Guide for the CILEX End-Point Assessment* guidance. It is worth highlighting some points about what constitutes good evidence.

1. Internal file notes or notes prepared for an apprentice's own purpose are not acceptable as evidence. Examples of acceptable evidence would be scanned copies of correspondence, telephone attendance notes, client attendance notes, statements of cases, case evaluation studies, and documents/reports you have prepared.

There may be exceptions to this such as an internal file note by way of file review which captures thinking such as critical thinking, which may be appropriate to evidence case study outcomes but internal file notes are usually not accepted as evidence for the portfolio. If they are submitted, then they should be to support what is said in the log sheet and separate evidence of how the apprentice achieved the outcome should also be submitted. An example of this may be the research outcome. If a file note is submitted then it should be to support the log sheet and separate evidence of how the applicant applied the research (and the research itself) would also be required.

2. Copies of an apprentice's firm's policies, or codes of practice, or blank/template forms and letters, or statutes (except for outcome 1.4) are not acceptable, as these do not evidence how an apprentice has met the outcome.

Centres should note that where a template or standard document is used, the apprentice must clearly highlight their contribution to the document, and clearly explain in the log sheet how they have tailored that document and how their adaptation helps meet the outcome.

3. The evidence that an apprentice provides must be their own work. They must leave in the date, their name and reference where this appears within the evidence. If the evidence does not contain this information, then they should provide an explanation in the log sheet.

There have been occasions where evidence submitted has been in the form of an attendance note from a meeting such as a case conference. In these instances, it must be clear from the evidence itself what the apprentice contributed to that meeting. If it is ambiguous then this should be clarified in the log sheet. If it is unclear if or how the apprentice contributed to those elements which are claimed meet the outcome in question, then the evidence may be rejected by the assessor. It would help if centres and employers could seek to ensure that apprentices are mindful of this when creating attendance notes.

Use of personal statements

When can you use a personal statement?

Where possible you should provide a log sheet with evidence. Where you do not have evidence on which to rely you must complete and submit a personal statement template. Guidance on personal statements can be found in the Handbook.

Use of professional discussion

Where an apprentice is struggling to find evidence of an outcome, for example 6.3, then training providers should give thought to engaging the apprentice in a professional discussion. This is a permitted form of evidence and it is something which has been seen very infrequently in CLE submissions to date. This could, for example, be a means by which training providers could help apprentices to provide stronger evidence of some of the knowledge-based outcomes, rather than then relying solely on the log sheets or case study narrative.

An example of the above is outcome 1.4 of the portfolio.

The outcome is 'Undertake legal research'. Page 17 of the Work Based Learning Handbook provides the following bullet point guidance to help ensure that apprentices address the full breadth of the outcome:

- Identify a situation in which you need to undertake legal research.
- Identify the sources you need to undertake the research.
- Undertake relevant and up to date research and supply that research as part of your evidence.
- Apply the findings of your research to the matter you are dealing with and provide evidence of your application of the research to the matter.

training providers should encourage apprentices to work closely with the bullet point guidance and we would expect to see each of those bullet points appearing somewhere within the evidence or the log sheet explanation.

A further example is **outcome 6.3** of the portfolio. The outcome is 'Understand the need to avoid discrimination and promote equality and diversity'. Page 23 of the Handbook provides the following bullet point guidance to help ensure that apprentices address the full breadth of the outcome:

- Demonstrate up to date knowledge of current equality legislation.
- Demonstrate understanding of equality and diversity issues.
- Identify issues of culture, disability and diversity and demonstrate respect for a range of attitudes and beliefs and where possible apply this to your work.
- If possible, provide evidence from your work of a situation which demonstrates you avoiding discrimination and promoting equality and diversity.

Part 6 – Portfolio: specific points relating to individual outcomes

The following are points to note in respect of each of the competency areas, based on common issues encountered when assessing EPA.

Competency 1

1.4 Legal research

It is important to emphasise the fact that this should be legal research, meaning that it should be underpinned by some law, be that statute, case law, or regulation. There should be evidence of the research undertaken as well as some evidence of the practical application of that research to a matter that the apprentice is dealing with. There should be some form of research note produced. Where the apprentice elects to use links to the sources of the research, then they should ensure that these links work correctly at the point of submission. If the links are broken and the assessor is unable to access the source of the research, then the apprentice will be required to fix this before the outcome will be assessed.

Competency 2

2.1 Communicate legal issues using appropriate methods

It is important that apprentices explain in the log sheet **how/why** the methods they have chosen are the most appropriate and effective.

2.2 Use suitable language in communication

It is important that apprentices explain in the log sheet why they used the language they did and how they tailored that language to meet the needs of the particular recipient. It is not enough to state that they used suitable language nor should the evidence be left to speak for itself.

Competency 3

3.1 Identify and understand a client's or service user's position

The 'position' should be the client's legal position. The information provided should evidence the apprentice's understanding of the client's legal position as a whole, but could also evidence the applicant's understanding of a substantial aspect of the client's legal matter. Examples of practical issues arising for a client such as their inability to make an appointment, will be rejected as not meeting the outcome. Ideally, the examples supplied at 3.1 should refer to the client's legal position **at the outset of a matter**.

3.3 Provide clear legal advice to clients or service users

This outcome requires provision of ‘legal’ advice. This should be advice underpinned by some form of law, be that case law, statute or regulation. Advice which is purely factual, practical or tactical, without a legal foundation, will be rejected.

3.4 Evaluate the risk, costs and benefits of alternative courses of action

It is important that the evidence shows that evaluation. This could be in the form of a communication out to the client or a telephone advice note. The evaluation may be in the form of a file note but there must also be some evidence showing the communication of that evaluation to the client. In addition to there being evidence of the apprentice weighing up different courses of actions, **there must be consideration of each of the risk, costs and benefits** of those alternatives. apprentices sometimes confuse this and 5.2. training providers should ensure that the focus in 3.4 is on the risk, costs and benefits of alternative course of action **for a client**. In 5.2 the focus should be **on the business**.

Competency 4

No common issues identified.

Competency 5

5.2 Evaluate the risks, costs and benefits of alternative courses of action to the business

On several occasions this outcome has not been met due to apprentices confusing it with 3.4 and giving an example of risks, costs and benefits to the client rather than to the business. This is a business focused outcome as discussed above at 3.4

Competency 6

6.3 Understand the need to avoid discrimination

To meet this outcome, apprentices must demonstrate up to date knowledge and understanding of equality and diversity issues and the relevant governing legislation. There are two ways in which an apprentice may choose to approach this outcome. They can either fully explain a work-related equality and diversity issue which arose that they dealt with and the relevant legislation that applied. If, however, they cannot cite an actual example from their practice that arose within the time limits, then they can instead fully explain their knowledge and understanding of equality and diversity issues in the log sheet. There must also be some supporting evidence. If the former, then it is likely there will be evidence of how the apprentice dealt with the situation and so they may supply a letter to a client showing how they deal with the equality and diversity issue. If the latter, then the apprentice may choose to submit evidence in the form of a completion certificate from a relevant course. training providers are asked to discourage apprentices from submitting standard letters and suggesting they are evidence which meets this outcome if the letter contains no discriminatory content. This attempt to meet the outcome will be rejected.

Competency 7

No common issues identified.

Competency 8

No common issues identified.

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