

A new route to qualification: New regulations

**A response by
The Chartered Institute of Legal Executives**

26 July 2017



For further details

Should you require any
further information,
please contact;

Matthew Leydon
Policy & Research Officer
matthew.leydon@cilex.org.uk
01234 844648

May 2017

Introduction

1. The Chartered Institute of Legal Executives (CILEx) is the professional association and governing body for Chartered Legal Executive lawyers, other legal practitioners and paralegals. CILEx represents around 20,000 members, which includes approximately 7,500 qualified Chartered Legal Executive lawyers.
2. CILEx is also a nationally recognised Awarding Organisation, regulated by the Office of the Qualifications and Examinations Regulation (Ofqual), Qualifications Wales and CCEA.

Q1: Do you agree that these regulations implement the agreed policy framework for the SQE?

3. Due to the impact the SQE will have on the qualifications market, making it “more complex to navigate,”¹ CILEx would welcome clarity regarding exemptions from the SQE. Whilst applications for exemptions will be handled by the frontline regulators, we would welcome clarity around the process and criteria for exemptions and likely timescales.

Q2: Do you have any comments on the proposals for recognition of the knowledge and competences of qualified lawyers?

4. CILEx welcomes the use of outcome-focused criteria on which applicants will be measured and assessed to ensure that individuals have the competence and knowledge required in order to be a solicitor. As a result, we feel these same outcome-focused criteria should be applied to qualifying work experience in order to ensure that the SRA avoids a potential conflict with the LSB and their guidance.

¹ Bridge Group, March 2017 <https://www.sra.org.uk/documents/SRA/research/monitoring-maximising-diversity.pdf>

- 4.1. CILEx notes that the use of inputs to measure the legitimacy of the qualifying work experience aspect of the regulations may conflict with the Legal Services Board's (LSB) Guidance on regulatory arrangements for education and training issues under section 162 of the Legal Services Act 2007.²
 - 4.2. The LSB's guidance calls for "an outcomes-driven approach to regulation," however the use of requirements listed in paragraph 2.1 of Annex 1 which provides measures for whether qualifying work experience can be considered valid or not, appears to conflict with the guidance set out by the oversight regulator.
 - 4.3. The requirements that qualifying work experience must; "comprise experience of providing legal services which provides you the opportunity to develop the prescribed competences for solicitors; be of a duration of a total of at least two years full time or equivalent; and be carried out under an arrangement or employment with no more than four separate firms, educational institutions or other organisations," may conflict with the LSB's guidance, but could also be considered unnecessary.
 - 4.4. As a result of the LSB's guidance, the SRA may consider it more appropriate to provide outcome-focused requirements that, for example, require eligible candidates to have reached Level 3 of the SRA's Threshold Standard for solicitor competence, and this could subsequently be confirmed by an appropriate member of the organisation at which the experience was gained.
5. CILEx has concerns over the criteria used in order to list the number, and role of individuals who are able to provide confirmation in the prescribed form of the period of work experience for candidates hoping to qualify as solicitors.
 - 5.1. Paragraph 2.2 of Annex 1 specifies that only, "the organisation's COLP; a solicitor working within the organisation; or a solicitor," are able to carry out the required confirmation.

² LSB, March 2014,
http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/20140304_LSB_Education_And_Training_Guidance.pdf

- 5.2. The role of overseeing and authorising the work of trainee solicitors is currently performed by Chartered Legal Executives as well as solicitors in firms around the country. They work as training managers, supervisors, heads of learning and development, and of course as partners.
- 5.3. It is entirely consistent therefore to assume that the ability to suitably judge whether an individual has been able to develop some or all of the prescribed competences required of solicitors, can also be conducted by a Chartered Legal Executive.
- 5.4. No evidence of poor practice or inappropriate use of this ability from non-solicitors has been put forward, and so CILEx does not see a justification for a firm to be restricted to only allowing confirmations from solicitors and/or COLPs.
- 5.5. As a result, CILEx recommends that the list of individuals who are able to provide confirmation in the prescribed form of the period of work experience for candidates hoping to qualify as solicitors should reflect current practice and include Chartered Legal Executives.