

# **Criminal Litigation Independent Practice Rights Handbook**

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# Overview

## IMPORTANT

Please note, if you are not authorised in the conduct of litigation, you are only permitted under CRL's rules and guidance to assist or support an Authorised Person in the conduct of litigation.

1. This handbook takes you through the application process to obtain criminal litigation practice rights with CILEx Regulation and become authorised as a Chartered Legal Executive Litigator (Criminal Litigation).
2. You should read all of this handbook before starting to make your application.
3. In order to become authorised as a Chartered Legal Executive Litigator (Criminal Litigation), you are required to demonstrate your knowledge and understanding, experience and skills in criminal litigation. This handbook explains how you will demonstrate each of these elements.
4. If you wish to work in a CILEx Regulation regulated entity, you will also need to separately demonstrate your knowledge and understanding, experience and skills in practice management and accounts management at Level 1. For further information, please visit the CILEx Regulation website at [Management skills - Demonstrating Competence - CILEx Regulation](#).
5. Once you have completed the process and you have been approved as a Chartered Legal Executive Litigator (Criminal Litigation), you will be authorised by CILEx Regulation to undertake litigation in criminal matters. However, you will need to work in a legal practice that is regulated by an approved regulator or you may also work in an unregulated employer as their in-house adviser provided that the employer does not provide legal services to the public or a section of the public as part of their business.
6. This handbook is divided into 6 different sections:

**Section 1: Introduction**

This section sets out who is eligible to make an application for criminal litigation practice rights

**Section 2: The Application Form**

This section takes you through the application process including how to complete each part of the application form

**Section 3: Demonstrating Competence**

This section provides an overview of the Competence Framework. It explains how the knowledge and understanding, experience and skills contained in the Competence Framework should be demonstrated through your portfolios and logbook to demonstrate your competence in litigation

**Section 4: How your Application is Assessed**

This section explains how your application is assessed including the role of external assessors in the process

**Section 5: Next Steps**

This section explains what happens once CILEx Regulation has received the assessment of your portfolio and logbook

**Section 6: The Competence Framework**

7. Once you have read this handbook, if you have any questions on the application process, please email us at [practicerrights@cilexregulation.org.uk](mailto:practicerrights@cilexregulation.org.uk).

# Section 1: Introduction

## Who can apply for criminal litigation practice rights?

8. Applications to become a Chartered Legal Executive Litigator (Criminal Litigation) can be made by a range of applicants including CILEX members, non-CILEX members, authorised persons from other branches of the legal profession and others who can demonstrate that they meet the necessary knowledge and understanding, experience and skills outlined in this handbook.
9. However, you may not be authorised as a Chartered Legal Executive Litigator (Criminal Litigation) by CILEx Regulation until you have been admitted to CILEX as a Chartered Legal Executive. For further information on how to become a Chartered Legal Executive, you should visit the CILEX website at [Membership | CILEX](#).

## What can a Chartered Legal Executive Litigator (Criminal Litigation) do?

10. Under the Legal Services Act 2007 (s12), litigation activities can only be carried out by an authorised person. CILEx Regulation is a regulator that can award litigation practice rights to enable you to become an authorised person. Litigation activities, under the Legal Services Act 2007 means the right to conduct litigation.
11. CILEx Regulation has split litigation practice rights into different practice areas. They are civil, criminal and family. Therefore, your authorisation will relate to one of these practice areas.
12. Litigation services can only be delivered through a regulated entity. You can become a Chartered Legal Executive Litigator (Criminal Litigation) while you are working in an employed position. If you want to practice independently in an entity, you should apply to CILEx Regulation for regulation of your entity. For more information, please visit the CILEx Regulation website at [Firms authorised to provide legal services - CILEx Regulation](#).
13. If you work for a not-for-profit, community interest company or independent trade union body, you may also deliver litigation services but please confirm with your employer before applying.
14. This handbook is for applicants applying for criminal litigation practice rights. If you wish to also apply for family and/or criminal practice rights, you will need to refer to those handbooks.

## How will CILEx Regulation assist me with my application?

15. We will support you during the application process to ensure that we have all the information necessary to enable us to make an informed decision as to whether you have the required knowledge and understanding, skills and experience to become a Chartered Legal Executive Litigator (Criminal Litigation).

## Introduction to assessment

16. CILEx Regulation is responsible for assessing applications to become a Chartered Legal Executive Litigator (Criminal Litigation). Set out below is a summary of the application process which is followed by more detailed information to which you should refer prior to submitting your application.
17. Before you begin completing the process, you may wish to discuss your application with your employer to ensure that you have their full support and they are willing to complete/provide the necessary documentation in connection with your application. You will need to agree with your employer (who will act as your supervisor) how you will meet the competencies and outcomes.
18. There are **five** steps involved in the application process:
- Step 1:** Complete the Application Form
  - Step 2:** Compile knowledge and understanding evidence (exemptions can apply)
  - Step 3:** Compile experience evidence
  - Step 4:** Compile skills experience (exemptions can apply)
  - Step 5:** Submit Application Form and supporting documentation via the **KnowB4 portal**.

## Section 2: The Application Form

### How do I make my application?

19. To make your application to become a Chartered Legal Executive Litigator (Criminal Litigation), you should submit the following:
  - completed application form
  - evidence of your qualifications
  - evidence of your experience
  - evidence of your skills
20. A copy of the Civil Litigation Practice Rights Application Form which can be found on the CILEx Regulation website at [Criminal-Litigation-PR-Application-Form-011125.docx](#).
21. The application form includes sections for you to demonstrate your knowledge and understanding, skills and experience in criminal litigation.
22. When you are ready to submit your application, please access this [link](#) to express your interest in applying for litigation practice rights and we will send you a custom **KnowB4** link.
23. You must then upload your application form and supporting documentation to the **KnowB4 portal**.

### Completing the Application Form

#### Part One: General Information

24. This section asks for your personal information. You should answer all questions in this section.
25. You do not need to be a member of CILEX to apply for criminal litigation practice rights. However, to be authorised as a Chartered Legal Executive Litigator (Criminal Litigation), **you must be a Chartered Legal Executive**. If you are successful in obtaining authorisation from us, we will register you as a Chartered Legal Executive Litigator (Criminal Litigation) once you have been admitted as a Chartered Legal Executive. You could therefore apply to become a Chartered Legal Executive at the same time as you apply for criminal litigation practice rights, although we recommend that you apply to become a Chartered Legal Executive first.

#### Part Two: Knowledge and Understanding

26. To obtain criminal litigation practice rights, you must demonstrate that you have gained knowledge in:
  - Criminal Law; AND
  - Criminal Litigation

to Level 6 standard. We have developed a Competence Framework which set out the competencies we require in litigation at **Section 6**.

27. If you are demonstrating knowledge and understanding through Level 6 qualifications – CILEX or equivalent, you must submit portfolios of **THREE** of cases in which you have assisted in the conduct of litigation demonstrating your experience of Criminal Litigation/Criminal Law.
28. If you are demonstrating knowledge and understanding through practice, you must submit portfolio of **FIVE** of cases in which you have assisted in the conduct of litigation demonstrating your experience of Criminal Litigation/Criminal Law.
29. Portfolio templates are provided on the Stand-alone Litigation Practice Rights page of CILEx Regulation website at [Litigation-Portfolio-Template-011125.docx](#).
30. There are three routes through which you can demonstrate competence. This part of the application form requires you to choose one or a combination of options from the three routes.
31. You may find you only need to choose of these options, or alternatively, you may demonstrate your knowledge and understanding through choosing elements from more than one of these options.
32. The options set how you may demonstrate your knowledge and understanding are explained below:

**Option 1: CILEX Examinations**

If you have passed the CILEX Level 6 examinations in Criminal Law and Criminal Litigation, you should select this option. You must record the title of the examination and the date on which you passed the examination.

If you have not completed either or both of these examinations, you may demonstrate your knowledge and understanding, equivalent to the Level 6 examinations in the subject(s) you do not have through option two or option three or a combination of both. Collectively, you must demonstrate knowledge of relevant law and practice subjects.

**Option 2: Equivalent Examinations**

You may rely on examinations you have passed in Criminal Law and Criminal Litigation with an organisation other than CILEX. The examinations must be to Level 6 standard, which is honours degree level, and map to the Competence Framework at **Section 6** which is equivalent to the CILEX examinations. For example, you may have completed these subjects and been assessed as part of a law degree, LPC or BPTC.

If you have already been provided with exemptions from the Level 6 CILEX examinations, you will not need to repeat this process for the purpose of making an application for criminal litigation rights.



We will map the examinations that you rely upon against the Competence Framework at **Section 6** for equivalency. To enable us to undertake this mapping exercise, we will need you to provide the following information:

- the name of the Awarding Organisation of each examination on which you rely;
- the title of each examination passed;
- that date on which you passed each examination;
- evidence of your results (e.g. a certificate or transcript of marks); and
- the syllabus for each examination.

Once we have received all the necessary information, we will map your examinations against the requirements set out in the Competence Framework at **Section 6**.

Each examination that you rely upon must have covered at least 50% of the competencies in the Competence Framework.

Where we do not find that the alternative examinations map to at least 50% of the competencies, we may also ask you supply further information about the examinations upon which you rely. Alternatively, you may be asked to complete Option 3 below. CILEx Regulation's assessment following the mapping exercise is final.

### **Option 3: Knowledge and understanding obtained through practice**

Where you have not passed the CILEX Level 6 or equivalent examinations in Criminal Law and Criminal Litigation, you must use this option to demonstrate your knowledge in these subjects. This option enables you to demonstrate that through your practical experience you have gained knowledge of Criminal Law and Criminal Litigation. You must be able to demonstrate that the knowledge you have gained covers a sufficient breadth and depth to map to at least 50% of the Competence Framework at **Section 6**.

You should select cases for your portfolios that demonstrate the range and breadth of your knowledge and understanding of the learning outcomes, as set out in the Competence Framework at **Section 6**.

## **Part Three: Experience**

33. In this part of the application form, you must set out your experience in criminal litigation by outlining work that you have undertaken in the last 5 years and producing portfolios of **three** cases you have dealt with.
34. You must begin by setting out your employment and work experience. This should cover the previous 5 years. If you have had a break in your employment in the last 5 years, please provide an explanation for such breaks (e.g. maternity leave etc).
35. You must have at least 2 years of experience in criminal litigation immediately preceding your application. Where you have had a break in your employment, you may rely on litigation experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.

36. For each of the employment/work roles you have identified on your application form, you should provide the following information:

- a description of the type of cases that you have handled;
- a description of your typical caseload, including details about the complexity of the caseload and a summary of any difficult cases you have handled;
- the number of chargeable hours you spend on criminal litigation;
- the proportion of time you spend on criminal litigation, as opposed to other areas of practice;
- a description of the range and nature of criminal litigation matters you have handled; and
- any distinctive features of your work.

#### **Part Four: Skills**

37. In this part of the application, you must demonstrate that you have the skills required to undertake criminal litigation, deliver client care and undertake legal research. We have produced skills outcomes for client care, legal research and criminal litigation.

38. The Competence Framework at **Section 6** sets out the skills you must demonstrate. We have called them learning outcomes for litigation.

39. You can meet legal research and client care skills through a number of routes, namely:

- by undertaking the CILEX Level 6 examinations in these subjects;
- through having completed an LLB (legal research only); and/or
- LPC/BPTC; or
- through your work experience.

40. You can demonstrate that you meet criminal litigation and also client care and legal research outcomes either by:

- taking a course or examination which meets the outcomes set out in the Competence Framework; or
- by providing a logbook and portfolio of evidence which demonstrates how you have met each outcome; or
- a combination of the two.

41. If you are providing a Skills Logbook and portfolio of evidence, we have produced a Skills Logbook template which asks a series of questions about your skills. The template can be found at [Skills-Logbook-Sheet-011125.docx](#). You must be able to evidence that your skills cover each learning outcomes identified in column 2 of the skills section of the Competence Framework. You do this by completing a logbook sheet and providing supporting evidence for each learning outcome in Column 2. Further guidance on how the Competence Framework works is provided in Section 3 of this handbook.

#### **Part Five: Membership of Professional Bodies**

42. This part of the application form asks you to outline any membership you have of other professional bodies and your prior conduct.

## **Membership of Professional Bodies**

43. You should complete the table setting out details of all professional body memberships you hold or have held. You should set out dates of each period of membership where you have held membership more than once with the same organisation.
44. You should include a statement of good standing for each of these memberships. A statement of good standing confirms that you have maintained any CPD requirements required as a member of each organisation and, that for current memberships, your subscriptions or regulatory fees are up to date.

## **Part Six: Statement of Prior Conduct**

45. This section asks you about your past conduct. You must answer all questions on the statement of prior conduct.
46. Where you have answered 'Yes' to any of the questions, you must provide full details of the circumstances giving rise to the declaration, including dates of any declared conduct.
47. We will refer any prior conduct matters you declare to the CILEx Regulation Enforcement Team who will ask you for further information. The Team will decide whether the prior conduct matter affects your application for litigation practice rights.
48. You should then sign the declaration part of the document. This declaration relates specifically to the information declared in this section in respect of prior conduct. You will also be asked to sign the application form at the end, to confirm that the information you have provided within the whole application is accurate and complete.
49. Please do not use Adobe Acrobat Sign on the application form. A signature request using Adobe Acrobat Sign will be sent to you after initial reviews of your application has been conducted and an invoice for the approval fees has been raised.

## **Part Seven: References and Declaration**

50. This part of the application asks you to provide details of **two** legal professionals who have knowledge of your work and are willing to provide a reference for you. The legal professionals should be authorised persons or members of the judiciary. An authorised person is defined in section 18 of the Legal Services Act 2007 as a solicitor, barrister, CILEX Practitioner, CILEX Fellow, Licensed Conveyancer, Patent Agent, Trademark Attorney, Costs Lawyer or Notarial Agent.
51. You should provide full contact details of your referees, including their name, professional email address, employer/organisation and position they hold within that employer/organisation. In addition, please provide their legal regulatory body membership number. We will write to your referees and ask for a reference. We treat references as confidential and therefore will not ordinarily share them with you.
52. You should then sign and date the application form, stating that you have provided full and complete information to the best of your knowledge and that you agree to be bound

by the rules governing authorisation as a Chartered Legal Executive Litigator (Criminal Proceedings) by CILEx Regulation.

## Section 3: Demonstrating Competence

### How do I demonstrate competence?

53. You are required to demonstrate competence by providing evidence against the Competence Framework which can be found at **Section 6**.
54. You may not be familiar with the Competence Framework in which case, you should read this section before you start to complete the portfolios.
55. The Competence Framework has **three** columns:
- The first column identifies the nature of the learning outcomes and supporting experience. This is where we identify which sections relate to knowledge and understanding, experience or skills elements;
  - The second column identifies each learning outcome to be addressed. Learning outcomes set out what you are able to do, either because you have completed a course/examination or because you have developed the knowledge and understanding, experience or skill through your work. When completing your portfolio or logbooks, you should refer to the outcomes in the column for the knowledge and understanding, skills or experience part;
  - The third column sets out the experience that you must have gained in order to meet the learning outcomes set out in the second column. Where relevant, they explain the steps you should take to evidence the corresponding outcome.

### Compiling the knowledge and understanding portfolios

56. You must demonstrate your knowledge and understanding of the elements set out in the Competence Framework at **Section 6**.
57. If you have not passed the CILEX Level 6 examinations or equivalent examinations in Criminal Law and Criminal Litigation, you must complete portfolios to demonstrate your knowledge and understanding of each of the knowledge and understanding learning outcomes. This section provides guidance on completing the portfolios.
58. You must complete **five** portfolios to demonstrate your knowledge and understanding of the relevant area of law and practice in accordance with the learning outcomes from the relevant Competence Framework (second column of the knowledge and understanding section of the Competence Framework).
59. Whilst you need not demonstrate all of the outcomes in each portfolio, you should demonstrate each knowledge and understanding learning outcome at least once across the **five** portfolios.
60. Each learning outcome has an explanation of what information is needed to demonstrate that you have met that learning outcome. These are located in the third column of the Competence Framework. You must explain how your case example

demonstrates these as this in turn demonstrates that you have met the learning outcome. For example:

Knowledge & Understanding	Learning Outcome	Supporting Experience
Criminal law and practice	<p><i>The outcome states:</i></p> <p>Demonstrate knowledge and understanding of criminal law as it operates in practice</p>	<p><i>The information in this column sets out what you need to demonstrate in your case study to have met this learning outcome, such as:</i></p> <ul style="list-style-type: none"> <li>- The criminal law relating to analysis of actus reus, mens rea etc</li> </ul>

61. To meet this outcome, you could outline a case where you took instructions from a person seeking representation following arrest by police. In your explanation, you should demonstrate that you have covered the steps outlined in the supporting experience column to show that you have satisfied this outcome of knowledge and understanding of criminal law and practice. In this case, you would demonstrate how you outlined to your client the elements of the offence that the prosecution must demonstrate.
62. Although each portfolio does not need to cover all of the learning outcomes, ideally you should demonstrate that you meet each learning outcome at least once across the **five** portfolios. The minimum requirement is to demonstrate overall that you meet at least 50% of the learning outcomes. You should indicate in your portfolio the learning outcomes you believe you demonstrate.
63. The portfolio requires you demonstrate the learning outcomes through answering the questions set out below. We have outlined how you can answer the questions.
- Provide an outline of the facts of the case/matter
 

*You should provide an outline of the facts of the case/matter that you handled that you are using. You could, for example, set out the facts of a case where a client asks you to represent them in a charge of theft.*
  - Provide an explanation of the law arising in the case/matter and how the law applies to the facts outlined above
 

*You should provide an outline of the law which you identify as relevant to the facts in the matter you are using to illustrate the learning outcomes. You may find that you are able to demonstrate some of the law competencies from the Competence Framework in this section of the portfolio. For example, you could outline the law in the Theft Act.*
  - Provide an outline of any procedural and process matters that arose in the case/matter and how they were dealt with
 

*You should outline the steps undertaken to progress the case. This may include the process for dealing with an either way offence.*

- Provide an outline of any evidential issues that arose in the case and how they were dealt with

*You should provide an outline of the evidence you had and how you dealt with this to illustrate the learning outcomes. For example, evidential issues relating to a speeding matter where your client is alleging they were not driving the vehicle.*

*You should note that 'issues' does not mean problems. By this, we mean that you should outline all the evidential matters involved in the case. The question is not limited to situations where a problem arose in relation to the evidence used in the case.*

- Provide an outline of any ethical or conduct issues that arose in the case and how they were dealt with

*You should provide an outline of any relevant ethical or conduct issues that arose in the matter you are using to illustrate the learning outcome. It is important that you are aware of your obligations to your client and act with honesty and integrity. For example, where your client changes their instructions part way through a matter.*

- Provide an outline of any funding issues that arose in the case and how they were dealt with

*You should provide an explanation of how the case was funded.*

*You should note that 'issues' does not mean problems. By this, we mean that you should outline all the funding matters involved in the case. The question is not limited to situations where a problem arose in relation to the funding used in the case.*

- Provide an outline of the advice provided to the applicant and the outcome of the matter

*You should provide an outline of the advice you provided to your client which was relevant to progressing the matter that you are using to illustrate the learning outcome. For example, the advice on the charge against them.*

- Provide an outline of the decisions you had to make in the case and whether you had to take any strategic decisions in the case

*You should provide an outline of any decisions you had to make, including strategic decisions relevant in the matter that you are using to illustrate the learning outcomes.*

- Provide a description of any training or development needs you have identified as a result of having dealt with the case

*Having reflected on the case/matter you used in your portfolio, you should consider whether any training or development needs arose either during the case or on reflection following completion of the matter which would assist you*

*in dealing with similar cases in future. You should also outline how you have addressed any identified training or development needs.*

64. At the end of each portfolio, you should identify which of the knowledge and understanding outcomes you believe you have met in that portfolio.

## Compiling the experience portfolios

65. You are required to demonstrate your experience of the elements set out in the 'Entry Experience All Applicants' section of the Competence Framework at **Section 6**.
66. All applicants must complete this part of the form **unless you have already completed five portfolios to demonstrate your knowledge and understanding**.
67. You should complete **three** portfolios of cases to demonstrate your experience of criminal litigation in accordance with the relevant elements identified in the Competence Framework.
68. Where you have not produced **five** portfolios to demonstrate knowledge and understanding of Criminal Law and Criminal Litigation, you should produce **three** portfolios which demonstrate your breadth of experience in these areas. You should follow the guidance in **paragraph 63** above on answering the questions.
69. Each portfolio must cover a range of learning outcomes from the knowledge and understanding part of the Competence Framework so as to demonstrate your experience in criminal litigation gained in the last 2 years.
70. Where the knowledge and understanding portfolios do not demonstrate your experience to meet this requirement, you should submit additional portfolios to demonstrate your experience of criminal litigation gained in accordance with the experience requirements. The portfolios will be marked by a CILEx Regulation External Assessor.
71. At the end of each portfolio, you should identify how the portfolio demonstrates your experience in criminal litigation.

## Completing the skills logbook and compiling the portfolio of evidence

72. The following guidance explains how to complete and present your logbook and portfolio for the skills part of the application. You must demonstrate your skills in criminal litigation, client care and legal research by completing a logbook sheet for each skills element. Alternatively, you may complete a skills course or qualification to meet the learning outcomes.
73. The skills that you are required to demonstrate can be found in 2 stages of the Competence Framework at **Section 6**, namely:
- Stage 1: Entry Skills;
  - Stage 2: Qualification Criteria: Skills.
74. In the first column of the Competence Framework, there are 5 skills elements identified.



75. Stage 1: Entry Skills element 1 is Client Care. This can be demonstrated as follows:

- by passing the CILEX Level 6 Client Care examination;
- completion and passing the LPC or BPTC;
- another examination which meets the outcomes set out in the second column of the Competence Framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

76. Stage 1: Entry Skills element 2 is Legal Research. This can be demonstrated as follows:

- by passing the CILEX Level 6 Legal Research examination;
- completion and passing the LPC or BPTC;
- another examination which meets the outcomes set out in the second column of the Competence Framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

77. Stage 2: Qualification Skills elements 1 to 5 are specific to criminal litigation and cover the following elements:

- Interviewing, advising and communicating;
- Costs and funding;
- Conduct and ethics;
- Managing litigation work;
- Legal writing and drafting.

78. Stage 2: Qualification Skills elements 1 to 5 can be demonstrated as follows:

- successfully completing a course which meets the outcomes set out in the second column of the Competence Framework; or
- through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

79. You should complete a separate logbook sheet for each of the skills learning outcomes set out in the second column. In producing your logbook sheet for each of these outcomes in the second column, you should aim to address the experience elements in the third column.

80. For each piece of evidence you provide to support meeting the skills learning outcomes in the second column, you should provide a logbook sheet which explains what the evidence is that you have provided and how it meets the learning outcome and supporting experience (located in the second and third columns). For example, to meet Qualification Skills element 5 (Legal writing and drafting), learning outcome 1, you could provide evidence of having drafted a witness statement.

81. You should then outline how the evidence shows you have put the outcome into practice in your workplace. For example, to explain how the particulars of claim will be used to support the claim form.

82. Where the activity in meeting the outcome has highlighted opportunities for you to develop your legal knowledge or professional skills, you should identify this on the logbook sheet. You may also want to include any steps you have taken to address this opportunity for development.
83. The evidence used must come from matters that you have dealt with and must support the learning outcomes and supporting evidence identified in the logbook sheet.
84. The evidence should be provided in a page numbered portfolio with the relevant logbook sheet attached to the evidence.
85. You should provide the date upon which each outcome was completed on the logbook sheet; this will be the most recent date of the evidence supplied.
86. You should sign and date each logbook sheet with the date you complete the logbook entry.

## Section 4: How your application is assessed

### General guidance

87. The assessment of your application for criminal litigation practice rights will be made on the basis of the evidence you have provided to demonstrate you have met each of the learning outcomes in relation to your knowledge and understanding, experience and skills in criminal litigation, client care and legal research.

88. Assessment is set at a level which is considered to be equivalent to Level 6 on the National Qualifications Framework (NQF).

89. You should be able to demonstrate that you are able to:

- refine and apply knowledge, understanding and application of the law to complex problems;
- take responsibility for planning and developing courses of action autonomously;
- make a judgement and take into account changes and developments in the law.

90. This means that the evidence you provide should demonstrate the following standards.

#### **Knowledge and understanding**

- Ability to refine and use facts, law and evidence involved in the matter to create ways forward;
- Ability to critically analyse, interpret and evaluate complex information in the context of legal practice;
- Ability to understand the matter in the context of the areas of practice;
- Awareness of recent legal developments in area of practice;
- Ability to understand different approaches, perspectives and developments in the law and business in the legal context, including the legal theory which underpins these approaches.

#### **Application and action**

- Ability to address problems that have limited definition and involve a number of related issues;
- Ability to determine, refine, adapt and use appropriate methods and skills;
- Ability to use and/or develop legal research to inform actions;
- Ability to evaluate the likely outcome of actions and methods and the implications of these.

#### **Autonomy and accountability**

- Ability to demonstrate responsibility for planning and developing courses of action in the context of legal practice;
- Ability to initiate and lead tasks and processes in the context of legal practice;
- Ability to exercise broad autonomy and judgement.

91. In determining whether your application has met the required standard, we will consider your ability to:

- recognise and rank items in terms of relevance and importance;

- integrate information and materials from a variety of different sources;
- undertake the analysis of information in a logical and coherent way;
- make critical judgements on the merits of particular courses of action;
- present and make a reasoned choice between alternative solutions;
- act independently in planning, preparation and undertaking tasks in criminal litigation;
- undertake independent research in criminal litigation using standard legal information sources; and
- Reflect on learning and make constructive use of feedback.

## Section 5: Next steps

92. Once the non-refundable assessment fee has been processed, we will send out declarations to you using [Adobe Acrobat Pro](#). When these declarations are completed, your application will be assessed. You will be sent an acknowledgement email providing you with information on the process and estimated timescales.
93. If your application is approved, subject to receipt of satisfactory references and DBS check, we will notify you in writing and you will be admitted as a Chartered Legal Executive Litigator (Criminal Litigation).
94. If your application is not approved, we will notify you in writing and request that you provide further information to support your application. Once we receive this further information it will be assessed, and you will be notified in writing of the decision.
95. If we are unable to determine whether you have met the criteria for admission, your application will be referred to the Admissions and Licensing Committee (ALC) for a decision. You will be notified of the date upon which your application will be considered by the ALC, and we will write to notify you of their decision.

# Section 6 – Competence Framework

## Introduction

1. The entry criteria, learning outcomes and evidence of competency in the Competence Framework set out:
  - the level of competency, knowledge and understanding required to practice in the area of criminal litigation;
  - the elements required to evidence that level of competency, knowledge and understanding;
  - the level of competency required in the relevant skills for this area of practice – client care, research and interviewing;
  - a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements;
  - the elements required to evidence the required level of competence for these relevant skills.
2. Authorisation of Criminal Litigation Practice Rights will ensure that the applicant has:
  - met the application requirements;
  - an appropriate level of experience in the field of criminal litigation in practice, which must include not less than 2 years relevant experience immediately preceding the application;
  - an appropriate level of knowledge and appreciation of the key legal features of criminal litigation including the ability to advise, manage and undertake all aspects of case management commonly associated with this field of practice.
  - the ability and experience to research aspects of case law, legal procedure and documentation that is current;
  - the ability and experience to interview clients appropriately, identify the client's objectives and different means of achieving those objectives and advise and be aware of the financial and person priorities and constraints to be taken account of together with the costs, benefits and risks involve with this field or practice.
  - the ability and experience to perform tasks required to advance matters, to include (but not restricted to) drafting letters of advice to clients, communicating with co-professionals, the police, the Crown Prosecution Service and with the court;
  - demonstrate a level of experience, knowledge and understanding of all aspects of professional conduct and regulation which includes an understanding of the key ethical requirements contained in the relevant conduct rules and other law and regulations and where these may impact and be able to apply them in context.

Entry Level Competencies	Learning Outcome To obtain Criminal Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
<p><b>STAGE 1</b></p> <p><b>ENTRY CRITERIA</b></p> <ul style="list-style-type: none"> <li>• KNOWLEDGE</li> <li>• UNDERSTANDING</li> <li>• SKILLS</li> <li>• EXPERIENCE</li> </ul> <p><b>ENTRY KNOWLEDGE AND UNDERSTANDING</b></p>	<ul style="list-style-type: none"> <li>• Have practical knowledge, understanding, experience and skills</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Knowledge and understanding qualifications</b></li> <li>• <b>Legal Skills qualifications</b></li> <li>• <b>Fellowship</b></li> </ul> <p><b>Knowledge and understanding qualifications</b></p> <ul style="list-style-type: none"> <li>• Successful completion of CILEX Level 6 Professional Higher Diplomas in criminal litigation practice and criminal law</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>• Supplied evidence of qualification of an equivalent standard</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>• Supplied evidence of experience of an equivalent standard</li> </ul> <p><b>Legal Skills qualifications</b></p> <ul style="list-style-type: none"> <li>• Successful completion of CILEX Level 6 Professional Higher Diplomas in Legal Research and Client Care</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>• Supplied evidence of qualification of an equivalent standard</li> </ul> <p><b>Or</b></p> <ul style="list-style-type: none"> <li>• Supplied evidence of experience of an equivalent standard</li> </ul> <p><b>Fellowship</b></p> <ul style="list-style-type: none"> <li>• Is a Fellow of CILEX</li> </ul> <p><b>Note1:</b> Where the applicant holds appropriate qualifications which enable an application for Fellowship to be made, this can be made concurrently with the application for Criminal Litigation Practice Rights</p> <p><b>Note 2:</b> Where the applicant does not hold the relevant Level 6 examinations (or equivalent), they are required to demonstrate their knowledge and understanding through the submission of 5 portfolios. Examples will be drawn from a range of cases from the applicant's case load.</p>
<p><b>KNOWLEDGE AND UNDERSTANDING</b></p> <p><b>ENTRY SKILLS</b></p>	<p>Demonstrate knowledge and understanding of criminal law as it operates in practice.</p> <p>Demonstrate knowledge and understanding of criminal procedure and the law of evidence as they operate in practice.</p>	<p><b>Note: elements in italics are optional</b></p> <ul style="list-style-type: none"> <li>• The criminal law relating to analysis of actus reus, mens rea, offences of strict liability, negligence giving rise to criminal liability and defences. This may be in the context of non-fatal offences, sexual offences, homicide offences, offences against property, road traffic offences and inchoate offences</li> <li>• Application and critical evaluation of criminal liability in given factual situations</li> <li>• Police investigative powers; public funding of criminal cases; bail; summary proceedings; how and why cases go to the Crown Court; trial on indictment; sentencing; appeals and the rules of evidence in criminal proceedings</li> <li>• <i>Cases dealt with in the Youth Court that demonstrate any of the above subject matter.</i></li> </ul>

Entry Level Competencies	Learning Outcome To obtain Criminal Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
Client care	Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice	<ul style="list-style-type: none"> <li>• Understand successful client interviewing</li> <li>• Interviews which the applicant considers to be successful and identify what made them successful</li> <li>• Understand negotiation and its importance in legal practice, including identification of a number of types of negotiation and the importance of preparation in successful negotiation. Identify a number of media through which negotiation can take place</li> <li>• Examples of the following which have been overcome in a negotiation situation: <ul style="list-style-type: none"> <li>• The use of different types of negotiation using different media</li> <li>• A situation in which preparation for negotiation was central to success</li> <li>• A situation in which communication barriers were overcome for a successful outcome</li> <li>• Use of persuasion to achieve a successful outcome</li> </ul> </li> </ul>
	Demonstrate good practice in legal writing	<p>Legal writing which demonstrates understanding of the following key areas of good practice:</p> <ul style="list-style-type: none"> <li>• Accurate, succinct, complete and precise writing</li> <li>• Awareness of the need to use 'plain English' and writing using correct grammar and spelling</li> <li>• Legal English is used only when necessary and is appropriately explained</li> <li>• Judicious use of structure to clearly and logically set out information</li> <li>• The synthesis of a variety of sources to provide advice to the client</li> <li>• Use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations.</li> </ul>
	Demonstrate knowledge and understanding of professional conduct issues arising in practice	<ul style="list-style-type: none"> <li>• Explain where the applicant will find the rules of professional conduct which affect their practice of the law</li> <li>• Identify situations in which an ethical issue may have arisen in their practice and how the applicant dealt with those situations</li> <li>• Identify any professional organisations that exist within the applicant's area of practice and explain the benefits of membership.</li> </ul>



Entry Level Competencies	Learning Outcome To obtain Criminal Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge and understanding of the importance of client care in legal practice	<ul style="list-style-type: none"> <li>• Explain the conduct rules relating to client care and evidence use of the rules in practice</li> <li>• Evidence use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc.</li> <li>• Demonstrate understanding of the need for good client care to benefit the business.</li> </ul>
<b>Legal Research</b>	<p>Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research</p> <p>Demonstrate knowledge and understanding of and be able to evaluate legal research sources</p> <p>Demonstrate knowledge and understanding of and be able to perform appropriate legal research</p> <p>Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems</p> <p>Ability to record and evaluate information</p> <p>Ability to synthesise research to present advice</p>	<ul style="list-style-type: none"> <li>• Identify situations in which the need for legal research has arisen in their work</li> <li>• Explain the steps the applicant undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of the information discovered</li> <li>• Explain their understanding of primary and secondary sources and how these sources can be used to ensure the applicant sufficiently researched the problem</li> <li>• Identify relevant statutes, case law and other sources from research</li> <li>• How research was prioritised and analysed and used to better understand the issues raised in the legal matter</li> <li>• Synthesis of the research materials to provide a structured and accurate report</li> <li>• How the applicant evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.</li> </ul>
<b>ENTRY EXPERIENCE: ALL APPLICANTS</b>	Criminal proceedings litigation experience in the 2 years preceding the application	<ul style="list-style-type: none"> <li>• General description of criminal work carried out</li> <li>• Description of typical caseload</li> <li>• An indication of chargeable hours spent on criminal proceedings work in each of the last 2 years</li> <li>• The proportion of time spent on criminal proceedings work</li> <li>• The number of cases which have included preparation for trial</li> <li>• Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities</li> </ul> <p>The applicant is required to demonstrate their experience of criminal law, practice and litigation through the submission of 3 portfolios.</p> <p>Examples will be drawn from a range of cases from the applicant's case load.</p>

Entry Level Competencies	Learning Outcome To obtain Criminal Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
<b>STAGE 2</b>  <b>QUALIFICATION CRITERIA: SKILLS</b>	The qualification requirement to obtain Criminal Litigation Practice Rights will require the applicant to demonstrate that they meet the following skills:	In order to obtain accreditation, the applicant needs to demonstrate the outcomes by either: <ul style="list-style-type: none"> <li>• Attendance on a course, or</li> <li>• Through work experience and by satisfying the assessment criteria.</li> </ul> Applicants must show the required level of skills in 4 elements, across a range of criminal matters which may include representing a client in proceedings before: <ol style="list-style-type: none"> <li>(1) a Magistrates' Court;</li> <li>(2) a Youth Court;</li> <li>(3) a Crown Court.</li> </ol>
<b>Element 1.</b>  INTERVIEWING, ADVISING AND COMMUNICATING	<b>INTERVIEWING</b> An ability to conduct effective interviews with the client and potential witnesses across a range of criminal matters	<ul style="list-style-type: none"> <li>• Prepare for an initial interview and apply a structured approach to it</li> <li>• Greet the interviewee appropriately</li> <li>• Use appropriate listening, questioning and feedback techniques</li> <li>• Maintain rapport with the interviewee</li> <li>• Be sensitive to diversity issues</li> <li>• Keep a full and accurate record of the interview</li> <li>• Close the interview appropriately.</li> </ul>
	<b>ADVISING &amp; COMMUNICATING</b> An ability to give and communicate clear accurate and practical advice both orally and in writing on matters relating to law, procedure, strategy and prospects of success (either orally, in writing or other media). Where necessary, the applicant will be able to refer the client on to outside agencies or professionals better able to deal with the wider aspect of their problem	<ul style="list-style-type: none"> <li>• Obtain all relevant information and identify the client's objectives</li> <li>• Give clear advice on all relevant matters arising</li> <li>• Identify the options available and explain the pros and cons of each of those options</li> <li>• Enable the client to make decisions in the case based on appropriate advice</li> <li>• Give clear, appropriate and accurate advice regarding costs and funding</li> <li>• Seek appropriate instructions and give clear advice regarding the next steps to be taken</li> <li>• Deal appropriately with any diversity issues that arise</li> <li>• Handle an emotionally distressed client in a sensitive and professional manner</li> <li>• Produce an accurate record of the interview</li> </ul>
<b>Element 2.</b>  COSTS AND FUNDING	<b>COSTS</b> An ability to provide clear and accurate advice on the power of the court to make orders in relation to costs	<ul style="list-style-type: none"> <li>• Provide appropriate advice and information about the court's powers to make an order in relation to a client paying a contribution towards prosecution costs and when defence costs may be paid from central funds or by the prosecution.</li> </ul>

Entry Level Competencies	Learning Outcome	Supporting Experience
	To obtain Criminal Litigation Practice Rights an applicant must:	The applicant will need to provide evidence of:
	<b>FUNDING</b> An ability to provide clear, accurate and regular advice on funding options to include private funding and public funding	<ul style="list-style-type: none"> <li>• Advise a client about their eligibility for publicly funded legal advice and representation</li> <li>• Explain what supporting documentation will be required to obtain publicly funded representation</li> <li>• Advise the client on the financial and other implications of obtaining publicly funded representation</li> <li>• Provide appropriate information to privately funded clients regarding the fees which will be charged.</li> </ul>
	<b>DOCUMENTATION</b> Draft or complete the necessary documents relating to funding	<ul style="list-style-type: none"> <li>• Draft client care letters</li> <li>• Complete all relevant Criminal Defence Solicitor Forms required in order to obtain public funding</li> <li>• Complete all relevant Criminal Defence Solicitor Forms required in order to obtain authority to instruct experts when this is necessary</li> <li>• Prepare estimates and schedules of costs for privately funded clients.</li> </ul>
<b>Element 3.</b> PROFESSIONAL CONDUCT AND ETHICS	<b>CONDUCT AND ETHICS</b> <ul style="list-style-type: none"> <li>• An awareness of their professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct</li> <li>• An awareness of their obligations to: the court; their client; other lawyers; the public; and the Community Legal Service in respect of money laundering legislation and regulation</li> </ul>	<ul style="list-style-type: none"> <li>• Identify situations and their obligations to the court; their client; other lawyers; the public and money laundering legislation and regulation in practice.</li> </ul>
	<b>CONFLICTS</b> An ability to identify and deal appropriately with conflicts of interest throughout their handling of the matter	<ul style="list-style-type: none"> <li>• Identify and deal appropriately with conflicts; arising between the applicant and the client; arising between the applicant and their duty to the court; or arising between the applicant and any relevant third party.</li> </ul>
	<b>WITHDRAWAL FROM THE CASE</b> An awareness of when they can and/or must withdraw from a case; the proper steps to be taken when doing so whilst observing the interest of the client	<ul style="list-style-type: none"> <li>• Show an awareness of the need to withdraw when the client's interests conflict with their duties to the court or any other circumstances where withdrawal is required</li> <li>• The appropriate steps to take when withdrawing from a case.</li> </ul>

Entry Level Competencies	Learning Outcome To obtain Criminal Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
	<b>CONFIDENTIALITY AND PRIVILEGE</b> An understanding of and the ability to apply the law and practice of confidentiality and privilege in a variety of practical contexts	<ul style="list-style-type: none"> <li>Distinguish between legal advice privilege and litigation privilege</li> <li>Distinguish between confidential information and privileged information</li> <li>Identify when confidential and privileged information may or must be disclosed and to whom.</li> </ul>
	<b>COMPLAINTS AND NEGLIGENCE</b> An awareness of how complaints and allegations of negligence might arise and appropriate measures/procedures for preventing and dealing with them	<ul style="list-style-type: none"> <li>Describe/explain the complaints procedure operated by their professional body</li> <li>Be aware of procedures or processes which can be adopted to reduce the risk of complaints or allegations of negligence being made</li> <li>Describe the consequences of a successful complaint or allegation of negligence being made.</li> </ul>
<b>Element 4.</b>  MANAGING LITIGATION WORK	<b>FILE HANDLING</b> An ability to plan and manage litigation effectively	<ul style="list-style-type: none"> <li>Allocate time and resources appropriately</li> <li>Adopt and maintain an appropriate case strategy</li> <li>Be aware of procedural requirements including relevant practice directions and procedural rules</li> <li>Actively manage cases.</li> </ul>
	<b>CASE ANALYSIS AND CASE PREPARATION</b> <ul style="list-style-type: none"> <li>An ability to effectively analyse a case</li> <li>An ability to formulate a case strategy which is:               <ul style="list-style-type: none"> <li>compatible with the client's objectives</li> <li>legally and procedurally sustainable</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Identify the key points the prosecution must prove in order to secure a conviction</li> <li>Identify the available evidence the prosecution has to prove these points</li> <li>Identify what defence, if any, the client is raising and what evidence is available in relation to this defence</li> <li>Identify the strengths and weaknesses in the case</li> <li>Identify gaps in the available evidence</li> <li>Draw up a realistic case theory</li> <li>Relate the case theory to the client's objectives and expectations</li> <li>Draw up a strategy for the case.</li> </ul>
	<b>ASSEMBLY SKILLS</b> An ability to assemble all materials relevant to the case, in accordance with the case analysis	<ul style="list-style-type: none"> <li>Identify relevant law and procedural rules</li> <li>Efficiently collate all relevant evidence</li> <li>Summarise relevant law, procedure and evidence</li> <li>Locate and interview witnesses</li> <li>Locate and instruct expert witnesses in accordance with relevant Criminal Procedure Rules.</li> </ul>

Entry Level Competencies	Learning Outcome To obtain Criminal Litigation Practice Rights an applicant must:	Supporting Experience The applicant will need to provide evidence of:
	<b>INSTRUCTING ADVOCATES</b> An ability to instruct an advocate when necessary	<ul style="list-style-type: none"> <li>Identify when a specialist legal opinion is required/ when it is necessary to instruct an advocate</li> <li>Identify a suitably qualified/experienced advocate</li> <li>Agree an appropriate fee for work to be carried out by the advocate</li> <li>Draft a brief to the advocate where necessary</li> <li>Liaise between the client and the advocate</li> <li>Awareness of the obligations of the advocate to the court and under their professional obligations.</li> </ul>
	<b>EXPERTS</b> An ability to instruct an expert when necessary  <b>INSTRUCTING OTHER PROFESSIONALS</b> <ul style="list-style-type: none"> <li>An ability to correspond or otherwise communicate with the court and these other parties when it is necessary to do so</li> </ul>	<ul style="list-style-type: none"> <li>Appreciate the nature and function of different types of experts relevant to criminal practice</li> <li>Identify when it is appropriate to instruct an expert</li> <li>Be familiar with the available registers and databases through which an appropriate expert may be identified and located</li> <li>Understand the relevant procedural rules to ensure that an expert is instructed properly</li> <li>Understand the substantive law relating to expert evidence and the ways in which such evidence can be challenged.</li> <li>Communicate with the relevant prosecuting agency as the case progresses in relation to the variety of legal, procedural and evidential issues which may arise during the case</li> <li>Communicate with legal advisers of a co-defendant in relation to any issues arising between the defendants and court as the case progresses in relation to the variety of legal, procedural and evidential issues which may arise during the case.</li> </ul>
<b>Element 5.</b>  LEGAL WRITING AND DRAFTING	An ability to understand and apply the principles of good writing and drafting	<ul style="list-style-type: none"> <li>Understand and apply the principles of good writing</li> <li>Use accurate, straightforward and modern language</li> <li>Use correct spelling, grammar, syntax and punctuation</li> <li>Draft a document that is clear, logical, consistent and with appropriate structure and format</li> <li>Draft a document that forms a coherent whole and, where appropriate, advances the matter</li> <li>Understand the appropriate uses of e-mails, letters, memoranda and other forms of written communication</li> <li>Choose the appropriate medium, form and style of written communication</li> <li>Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients.</li> </ul>