

ANNEX 3: CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (FAMILY LITIGATION)¹

A Chartered Legal Executive (Family Litigation) must follow the Chartered Legal Executive route to qualification as being a CILEX Fellow is a pre-requisite of practising family litigation independently.

The technical knowledge requirements are set out below and must be coupled with the general qualification route to Chartered Legal Executive status. Where knowledge outcomes have been met as part of the route to qualification as a Chartered Legal Executive, this need not be repeated.

Chartered Legal Executive knowledge requirements should be set and assessed at Level 6 as a minimum

In addition to demonstrating this knowledge, individuals must also demonstrate the requirements set out in the competence framework, contextualised for their area of practice.

¹ This document forms the education standards for Family Litigators and Advocates

TECHNICAL KNOWLEDGE REQUIREMENTS:

GENERAL KNOWLEDGE REQUIREMENTS FOR ALL CHARTERED LEGAL EXECUTIVES

MINIMUM CONTENT:
STAGE 1
Introduction to law and legal practice
Introduction to dispute resolution
Introduction to conveyancing
Introduction to criminal practice
Introduction to wills and probate
Introduction to public law
Introduction to equality and human rights law
Introduction to legal technology
Conduct and professional ethics
STAGE 2
Contextualised legal technology
Conduct and professional ethics
CHARTERED LEGAL EXECUTIVE
Basic accounts
Specialist legal technology
Conduct and professional ethics

KNOWLEDGE REQUIREMENTS SPECIFIC TO A CHARTERED LEGAL EXECUTIVE LITIGATOR AND ADVOCATE (FAMILY LITIGATION)

MINIMUM CONTENT:
Family Law
Formation of marriage and civil partnership
Validity of marriage and civil partnerships
Dissolution, nullity, judicial separation and divorce
Financial provision during and after marriage/civil partnership
Provisions for family property and ownership
Inheritance and intestacy
Cohabitation and financial consequences of a relationship breakdown including the Trusts of Land and Appointment of Trustees Act 1996

Domestic violence and abuse
Legal basis of parental responsibility
Legal provisions relating to private matters under the Children Act 1989
Family law practice
The Family Court
Alternative dispute resolution in family law
Law and procedure relating to termination of a marriage/civil partnership
Pre-marital agreements
Financial orders following divorce or dissolution
Pensions in financial proceedings
Procedures for financial orders, including variation and enforcement
Protection orders and procedures in cases of domestic violence and abuse
Private children law procedures
Child abduction
Public children procedures
Child care law practice
Legal framework governing children proceedings including the public law proceedings from the Children Act 1989
Role, powers and duties of personnel involved in child protection processes and proceedings
Duties of local authorities in relation to the welfare and protection of children
Law and procedures relating to care and supervision orders
Options for securing a permanent placement for a child
Emergency interventions

COMPETENCE REQUIREMENTS:

1. APPLICATION OF LAW AND PRACTICE

- ✓ Undertake legal research
- ✓ Critically analyse facts and law
- ✓ Synthesise all relevant information to provide advice
- ✓ Find solutions where possible
- ✓ Draft legal documents

2. COMMUNICATION

- ✓ Communicate orally and in writing, clearly and effectively
- ✓ Negotiate effectively
- ✓ Deliver advocacy/oral presentations
- ✓ Develop, maintain and manage 3rd party relationships

3. CLIENT RELATIONSHIPS

- ✓ Take instructions
- ✓ Evaluate options and risks to your client
- ✓ Give advice
- ✓ Provide good customer service

4. EFFECTIVE WORKING PRACTICES

- ✓ Progress matters
- ✓ Plan workload and manage files
- ✓ Manage caseload

5. BUSINESS AWARENESS

- ✓ Identify and evaluate options and risks to the business in which you work

- ✓ Undertake business development
- ✓ Network
- ✓ Identify marketing opportunities
- ✓ Understand and use financial management tools

6. SELF DEVELOPMENT

- ✓ Reflect and self-evaluate, including understanding your own limitations and the need for adaptability
- ✓ Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients
- ✓ Foster personal physical and mental wellbeing and contribute where possible to a positive workplace environment
- ✓ Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements
- ✓ Demonstrate leadership and management skills (optional)

7. CONDUCT, ETHICS AND PROFESSIONALISM

- ✓ Understand and put into practice the CILEX Code of Conduct
- ✓ Understand and put into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation and regulation, conflicts, withdrawal from a case, undertakings, confidentiality and privilege)
- ✓ Understand and put into practice the principles of client care
- ✓ Provide certainty and clarity as to the legal services being provided and the basis of charging and draft compliant client care letters
- ✓ Understand and put into practice complaint handling requirements
- ✓ Understand and put into practice principles of equality, diversity and inclusion, including the needs of vulnerable consumers
- ✓ Identify situations where ethical, legal and regulatory requirements are engaged and take appropriate action
- ✓ Resist pressure to condone, ignore or act unethically

8. USE OF TECHNOLOGY

- ✓ Use available technology as it is used in family litigation and advocacy
- ✓ Identify uses for emerging technology in family litigation and advocacy and recommend its implementation where appropriate
- ✓ Understand the ethical challenges and the limitations of technology and use technology ethically