

Annex 2 - PORTFOLIO GUIDELINES AND ASSESSMENT CRITERIA

Introduction

1. An applicant seeking reserved legal activity rights must provide evidence of their:
 - Knowledge and understanding of the area of law in which they seek rights, demonstrated to ~~CILEX~~CILEX Level 6 standard.
 - Knowledge and understanding of the area of practice in which they seek rights, demonstrated to ~~CILEX~~CILEX Level 6 standard.
 - Evidence of their experience in the area of law in which they seek rights.
 - Skills in the legal practice area in which they seek rights.
2. Applicants must demonstrate their knowledge, skills and experience, set out at Rule 1 in accordance with the competency framework which appears at **Annex 3**.

Knowledge of Law and Legal Practice

3. An applicant who has successfully completed and passed an assessment in the ~~CILEX~~CILEX Level 6 examinations in the law and associated legal practice subject relevant to the area in which they seek practice rights will have demonstrated their knowledge of the law and legal practice.
4. An applicant who has obtained a qualification which is not the ~~CILEX~~CILEX Level 6 qualification, but of an equivalent standard, may rely upon that as evidence of their knowledge. In determining whether to accept an alternative qualification, ~~IPSCILEX~~IPSCILEX Regulation will assess the syllabus of that qualification, date upon which the qualification was obtained and details of the assessment the applicant undertook, to determine whether an exemption may be granted. In assessing the details of the qualification, ~~IPSCILEX~~IPSCILEX Regulation will determine whether the qualification relied upon is of an equivalent standard and covered at least 50% of the syllabus of the relevant ~~CILEX~~CILEX Level 6 subject(s).
5. Where an applicant does not rely upon an alternative qualification, or the qualification is deemed as not providing sufficient coverage to the same standard as the ~~CILEX~~CILEX Level 6 subject(s), they may rely upon experience which has developed their knowledge of the relevant law area and/or legal practice.
6. Applicants seeking to rely upon their experience must demonstrate how they have developed their knowledge of the relevant law and/or legal practice subject area(s) through their experience. Applicants will complete portfolios of 5 cases they have handled, within the 2 years preceding the date of their application, which demonstrate the knowledge they have gained through experience.
7. Applicants will be required to select a range of cases and provide an outline of the following in respect of each portfolio:
 - The facts of the case;
 - The law arising in the case and its application to the facts of the case;

- The appropriate procedural and process matters that arose in the case and how they were dealt with;
- The evidential issues that arose in the case and how they were dealt with;
- An outline of any ethical or conduct issues that arose in the case and how they were dealt with;
- The funding issues that arose in the case and how they were dealt with;
- The advice the applicant provided to the client and the outcome of the matter;
- Decisions the applicant had to make in the case and whether they had to take advice on any strategic issues in the case; and
- Any training or development needs the applicant identified from having dealt with the case.

8. **IPSCILEx Regulation** will assess the portfolios to establish whether they demonstrate that an applicant has acquired sufficient knowledge, through experience, to the same standard as the **CILEx** Level 6 in the subject. The knowledge gained must cover at least 50% of the syllabus of the **CILEx** Level 6 subject.
9. In making its assessment, **IPSCILEx Regulation** will take into account the competence criteria set out at **Annex 3** which outline the knowledge requirements for the relevant subject area.

Experience

10. All applicants must provide an outline of their experience in the area of practice in which they seek to become an authorised person for the purposes of conducting reserved legal activities.
11. Applicants must provide an outline of their experience in an application along with 3 portfolios of cases they have handled which demonstrate their experience.
12. The experience outlined in an application must set out the following information for the 2 years preceding the date of the application:
 - A description of cases that the applicant has handled;
 - A description of the applicant's typical case load, including details about the complexity of the case load and a summary of any difficult cases the applicant has handled;
 - The number of chargeable hours spent on the practice area in which rights are sought;
 - The proportion of time spent on that area of law;
 - A description of the range and nature of matters that the applicant has handled in the area of practice in which rights are sought;
 - Details of any distinctive features of the applicant's work; and
 - Details of any supervisory arrangements under which the applicant works and any supervisory responsibilities they have.
13. An applicant will be required to produce a portfolio of 3 cases which demonstrate their experience in the area in which rights are sought.

14. In the portfolios, applicants must provide the following information:

- The facts of the case;
- The law arising in the case and its application to the facts of the case;
- The procedural and process matters that arose in the case and how they were dealt with;
- The evidential issues that arose in the case and how they were dealt with;
- Any ethical or conduct issues that arose in the case and how they were dealt with;
- The funding issues that arose in the case and how they were dealt with;
- The advice the applicant provided to the client and the outcome of the case;
- Decisions that the applicant had to make in the case, including whether they had to take advice on any strategic issues; and
- Any training or development needs that the applicant identified from having dealt with the case.

15. [IPSCILEx Regulation](#) will assess the outline of experience provided in the application, along with the 3 portfolios. The assessment will consider whether the applicant meets the experience requirements set out in the competency framework at **Annex 3**.

Skills

16. An applicant must provide evidence of their skills in the area in which they seek reserved legal activity rights in accordance with the skills criteria for each practice and law area which appear at **Annex 3**.

17. An applicant may demonstrate their skills through either undertaking a skills course which meets the outcomes set out at **Annex 3** or producing a log of their experience which demonstrates their skills.

18. Where an applicant seeks to rely upon a course, they must demonstrate that the course meets the outcomes set out at **Annex 3**.

19. An applicant who seeks to rely upon their experience as evidence of their skills must demonstrate that they meet each of the outcomes set out at **Annex 3** through the production of a log book and supporting evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.

20. [IPSCILEx Regulation](#) will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the skills criteria set out at **Annex 3**

Advocacy Experience Post Qualification

21. At the first renewal of the rights of audience certificate, [Chartered Legal Executive Litigators and Advocates](#) must produce portfolios of 3 cases which demonstrate their advocacy experience since they qualified as a Chartered Legal Executive [Litigator and Advocate](#).

22. In selecting cases for their portfolio, **Chartered Legal Executive Litigator and Advocates** should identify cases which demonstrate that they have conducted advocacy in accordance with the skills course outcomes set out at **Annex 3**.
23. When considering applications for renewal **IPSCILEx Regulation** will expect the skills course outcomes to be reflected in the portfolios and, where they are not, may refuse the application for renewal of the certificate.
24. Where no such advocacy has been carried out, the applicant must explain the reasons. Applicants who have not had an opportunity to exercise their new rights of audience may include details of no more than one case in which they have observed advocacy in open court.
25. Where an applicant has not been able to demonstrate through 3 portfolios that they have conducted advocacy which meets the course outcomes set out at **Annex 3**, they may be granted a certificate for a further year and be required to produce 3 additional portfolios in exercise of their rights the following year.
26. For each portfolio, the record of advocacy must set out the following:
 - Description of the case, its progression and outcome;
 - The nature of the advocacy the applicant has undertaken, including details of any negotiation and arbitration undertaken;
 - The court in which the advocacy took place, and whether it was a contested hearing; the preparation work the applicant carried out before the hearing;
 - The client's objectives for the case;
 - The legal, procedural, evidential and ethical issues that arose during the course of the hearing or advocacy and an outline of how the applicant dealt with them;
 - A statement as to the effectiveness of the advocacy undertaken by the applicant; and
 - Any training or development needs the applicant identified from having dealt with the case.

Practice management and accounts

27. An applicant who relies upon their existing practical experience of practice management and accounts must provide evidence of their knowledge, skills and experience of accounts and practice management in accordance with the competency criteria which appear at **Annexes 5 and 6**.
28. An applicant must demonstrate their knowledge, skills and experience through producing a log which demonstrates that they meet each of the outcomes set out at **Annexes 5 and 6**. The log must be supported by evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.

29. IPSCILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the competency requirements set out at **Annexes 5 and 6**.