



Guidance on submitting an application for authorisation of Family Practice Rights under the Portfolio Route

Introduction

1. This guidance has been developed to provide you with support in applying to CRL for authorisation as a Chartered Legal Executive Litigator (Family Litigation). It includes guidance on suggested evidence you can present from your casework to meet the individual learning outcomes in the CRL-defined elements.

Suggested steps to follow to prepare your application for submission

2. Before you start to prepare your application form, litigation portfolios, Skills Logsheets and supporting evidence, please familiarise yourself with all the information on the CRL website at: [Stand-alone Litigation Practice Rights](#). You can also download copies of the Application Form, Portfolio Template Form and Skills Logsheets Template Form on this section of the website.
3. The first thing to clarify how many litigation portfolios and Entry Skills you need to complete for your application. The number you are required to complete depends on the qualifications you hold and the modules you completed within those qualifications. These are explained below in the section entitled '**What do I need to submit?**'. If you are unsure of the modules you completed as part of your qualification or the date the qualification was awarded, please log into your MyCILEX account and raise a query with CILEX.
4. Once you have confirmation of exactly what you need to provide for your application, review the requirements for the litigation portfolios. Select cases you have assisted with that will cover a range of the learning outcomes from the **knowledge and understanding** section of the competency framework and which demonstrate the breadth of experience you have in Family Litigation. Do not select cases with very similar family legal issues. **Please note that the cases must not be older than 2 years at the point of submission of your application.** Further guidance is available on pages 13 to 16 of the [Family Litigation Handbook](#). Use the [Litigation Portfolio Template](#) provided on our website.

5. If you did not complete modules in Client Care and Legal Research as part of your qualification, you will need to complete [Skills Logsheets](#) to demonstrate your competence against the Learning Outcomes in the **Entry Skills**. In this guidance, we have included suggested ways to provide evidence for each of the learning outcomes.
6. Complete [Skills Logsheets](#) for each individual learning outcomes in the **Skills Elements**. You may be able to use evidence generated for the work you completed on the cases you selected for your litigation portfolios; however, you can use evidence from other cases. You can use the same piece of evidence for more than one individual learning outcome. If you are submitting letters to clients or other parties involved in a particular matter that you have drafted but the letter is signed by an Authorised Person, please explain why on the relevant Skills Logsheets. If you feel that you have not covered all the criteria in the Experience Criteria column with the evidence provided, we ask you to add additional statements to cover the missing criteria on the Skills Logsheets. Further information on evidencing the Skills Elements can be found on pages 16 to 18 of [Family Litigation Handbook](#).
7. Whilst compiling your litigation portfolios, Skills Logsheets and redacted evidence, you may find it useful to refer to CRL's Guidance on Conduct of Litigation and Supervision which can be accessed [here](#).

What do I need to submit?

8. In addition to your completed application form, the supporting evidence you need to submit, depends on the legal qualifications you hold. This is demonstrated in the table below:

Scenario 1	Scenario 2	Scenario 3
If you hold a CILEX Level 6 Diploma in Law and Practice and as part of that qualification, you successfully passed exams in Family Law and Family Practice, you must submit the following:	If you hold an equivalent Level 6 qualification and as part of that qualification, you successfully passed examinations in Family Law and Family Practice, but the qualification DID NOT include Client Care or Legal Research modules, you must submit the following:	If you do not hold a CILEX Level 6 Diploma or an equivalent Level 6 qualification, you must submit the following:

• Three portfolios of cases in which you have assisted an authorised person in the conduct of litigation demonstrating your knowledge and understanding of Family Litigation. These cases will be from your own work. AND • Skills Logsheets and redacted evidence against each of the following skills elements: Element 1: Interviewing, advising and communicating Element 2: Costs and funding Element 3: Professional conduct and ethics Element 4: Managing litigation work Element 5: Settlement V Litigation Element 6: Legal writing and drafting	• Three portfolios of cases in which you have assisted an authorised person in the conduct of litigation demonstrating your knowledge and understanding of Family Litigation. These cases will be from my own work; AND • Skills Logsheets and redacted evidence to meet learning outcomes in Client Care and Legal Research Entry Skills: AND • Skills Logbook Sheets and redacted evidence against the following skills elements: Element 1: Interviewing, advising and communicating Element 2: Costs and funding Element 3: Professional conduct and ethics Element 4: Managing litigation work Element 5: Settlement V litigation Element 6: Legal writing and drafting	• Five portfolios of cases in which you have assisted an authorised person in the conduct of litigation demonstrating your knowledge and understanding of Family Litigation. These cases will be from your own work; AND • Skills Logsheets and redacted evidence to meet learning outcomes in Client Care and Legal Research Entry Skills; AND • Skills Logsheets and redacted evidence against each of the following skills elements: Element 1: Interviewing, advising and communicating Element 2: Costs and funding Element 3: Professional conduct and ethics Element 4: Managing litigation work Element 5: Settlement V Litigation Element 6: Legal writing and drafting
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Knowledge and Understanding

9. You must demonstrate knowledge and understanding of Family Litigation.
10. It is recognised that roles across Family Law are varied and that Practitioners will not necessarily deal with the full range of family and childcare matters and law set out below.
11. If you work in private family law, whilst you are expected to demonstrate a breadth and depth of knowledge and understanding relevant to your role, we anticipate that you will not be able to demonstrate knowledge and understanding against all learning outcomes. For example, you are not expected to demonstrate knowledge and understanding of 'The law relating to children; public law' in your litigation portfolios.
12. Similarly, if you work in public family law, whilst you are expected to demonstrate a breadth and depth of knowledge and understanding relevant to your role, we anticipate that you will not be able to demonstrate knowledge and understanding against all learning outcomes. For example, you are not expected to demonstrate knowledge and understanding of 'The underlying legal principles of marriage, adult partnerships and nullity in marriage' in your litigation portfolios.

Learning Outcome:	Experience criteria:	Requirements to be met in your evidence
Demonstrate knowledge and understanding of: The underlying legal principles of marriage, adult partnerships and nullity in marriage	Evidence your knowledge, understanding and application of at least one of these areas, for example analysis of the legal differences between marriage and cohabitation, the concept of domicile and foreign marriages, the legal consequences of a void marriage etc.	• Legal differences between marriage and cohabitation • The concept of domicile and foreign marriages • The legal consequences of a void marriage • Any other area relevant to marriage, adult partnerships and nullity (<i>please specify</i>)
The underlying legal principles of dissolution of	Evidence your knowledge and understanding of the requirements for each and the application of these. This should include the discussion of	• Undefended divorce and dissolution of civil partnership, including process and effect • Costs which may be incurred and funding implications

marriage, civil partnership and judicial separation	undefended divorce and dissolution of civil partnership, the process and effect of each, costs which may be incurred, funding implications and identify best practice (including with reference to the Family Law Protocol) Identify the most common forms of dispute resolution including mediation and the costs involved in this process.	• Best practice (with reference to the Family Law Protocol) • Identify the most common forms of dispute resolution including mediation and the costs involved in this process.
The provisions for family property and ownership	Knowledge and understanding of the effects on property rights of the breakdown of relationships, the impact of express and implied trusts, the acquisition, protection and enforcement of home rights and the application of these in practical situations. Differences in consequences of breakdown of a relationship for an unmarried family in relation to ownership and occupation of the family home.	• Effects on property rights of the breakdown of relationships • The impact of express and implied trusts • The acquisition, protection and enforcement of home rights and the application of these in practical situations Differences in consequences of breakdown of a relationship for an unmarried family in relation to ownership and occupation of the family home.
The law concerning provisions for financial relief during and after marriage/civil partnership	Knowledge and understanding of financial relief (both during and after marriage/civil partnership and including financial relief available for children), including the various orders available and your use, the factors taken into account by the court when making financial orders, the power of the court to vary or discharge orders for financial relief and the legal requirements for maintenance agreements. The You should	Financial relief (both during and after marriage/civil partnership and including financial relief available for children), including • the various orders available and your use • the factors taken into account by the court when making financial orders • the power of the court to vary or discharge orders for financial relief and

	evidence the application of your knowledge to your work and should identify best practice (including with reference to the Family Law Protocol). • You may also include examples which evidence knowledge and understanding of the financial relief process, action which may be taken to prevent disposal of assets, enforcement provisions and the need for full and frank disclosure. • Explain the costs incurred in these proceedings including consideration of whether costs will be met by private means or by public funding (including the effects of the statutory charge). • Explain the overriding objective in relation to proportionality of costs including tactics for making offers to settle and the pre application protocol. • Identify the most common forms of dispute resolution including mediation, collaborative law, the benefits and limitation as well as the costs involved in those processes.	• the legal requirements for maintenance agreements. You should also show application and identify best practice May also show knowledge and understanding of: • financial relief process • action which may be taken to prevent disposal of assets • enforcement provisions • the need for full and frank disclosure Explain the costs incurred in these proceedings including consideration of whether costs will be met by private means or by public funding (including the effects of the statutory charge). Explain the overriding objective in relation to proportionality of costs including tactics for making offers to settle and the pre application protocol. Identify the most common forms of dispute resolution including mediation, collaborative law, the benefits and limitation as well as the costs involved in those processes.
The legal basis for parental responsibility, or the law relating to children: private law	Knowledge and understanding of how parental responsibility arises automatically and how it can be acquired under the Children Act 1989, including the factors the court considers in parentage identification cases. • Knowledge, understanding and application of the welfare principle, no delay principle and no	How parental responsibility arises automatically and how it can be acquired under the Children Act 1989, including the factors the court considers in parentage identification cases. The welfare principle, no delay principle and no order principle, the orders available for private matters under the Children Act 1989, Section 8 Orders and entitlement to apply, identifying best practice where possible

	order principle, the orders available for private matters under the Children Act 1989, Section 8 Orders and entitlement to apply (including requirement for leave), the key legal principles under the Children Act that the court will consider in making any order and your application and the procedure for obtaining these orders. You should where possible identify best practice (with reference to relevant sections of the protocol). • Knowledge and understanding of relevant legislation and current practice directions relating to removal from the jurisdiction, child abduction or change of name, financial relief available for children under Children Act 1989 and the powers of the court to make family assistance orders. This evidence should demonstrate an understanding of the relevant procedure and the impact of relevant protocols and practice directions.	OR Current practice directions relating to removal from the jurisdiction, child abduction or change of name, financial relief available for children under Children Act 1989 and the powers of the court to make family assistance orders. This evidence should demonstrate an understanding of the relevant procedure and the impact of relevant protocols and practice directions.
The law relating to children: public law	Knowledge and understanding of Local Authority obligations to support families and children in need; the requirements for the making of and the impact of interim orders, to include emergency protection orders; the statutory criteria for the making of care and supervision orders and the legal effect of such orders and the discharge of those orders; contact relating to children within public law proceedings and the making of special guardianship orders and your effect.	• Local Authority obligations to support families and children in need • The requirements for the making of and the impact of interim orders, to include emergency protection orders; the statutory criteria for the making of care and supervision orders and the legal effect of such orders and the discharge of those orders • Contact relating to children within public law proceedings and the making of special guardianship orders and your effect.

The law relating to adoption	Knowledge and understanding of relevant legislation and current practice direction relating to the making of adoption orders and your effect.	Relevant legislation and current practice direction relating to the making of adoption orders and your effect.
The legislation, provisions and remedies available in cases of domestic violence and molestation	Knowledge and understanding of the alternatives to court proceedings in domestic violence cases, the impact of legislation in this area (FLA 1996 and Protection from Harassment Act 1997), the procedure and criteria to apply for appropriate orders, including non-molestation and exclusion orders (with or without notice) and methods of enforcement of both orders.	Alternatives to court proceedings in domestic violence cases The impact of legislation in this area (FLA 1996 and Protection from Harassment Act 1997) The procedure and criteria to apply for appropriate orders, including non-molestation and exclusion orders (with or without notice) and methods of enforcement of both orders.

Entry Skills

Client Care

Learning Outcome	Experience criteria	How to evidence
Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice	You must demonstrate that you can: Explain what is understood by successful client interviewing Demonstrate interviews which you consider to be successful and identify what made them successful Explain what is understood by 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 Provide examples of the following which have been overcome in a negotiation situation: • The use of different types of negotiation using different media • A situation in which preparation for negotiation was central to success	Statement on your Skills Logsheet. Notes of interviews or emails summarising interviews plus statement on Skills Logsheets. Statement on your Skills Logsheet. Statement on your Skills Logsheet. Statement on your Skills Logsheet.

	• A situation in which communication barriers were overcome for a successful outcome • Use of persuasion to achieve a successful outcome	
Demonstrate good practice in legal writing	Provide evidence of legal writing which demonstrates your understanding of the following key areas of good practice: • Accurate, succinct, complete and precise writing • Awareness of the need to use 'plain English' and use correct grammar and spelling • Legal language is used only when necessary and is appropriately explained • Judicious use of structure to clearly and logically set out information • The synthesis of a variety of sources to provide advice to the client • Use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations	Evidence from own work.
Demonstrate knowledge and understanding of professional conduct issues arising in practice	Explain where you will find the rules of professional conduct which affect your practice of the law Identify situations in which an ethical issue may have arisen in your practice and how you dealt with those situations Identify any professional organisations that exist within your area of practice and explain the benefits of membership.	Statement on your Skills Logsheets. Statement on your Skills Logsheets. Statement on your Skills Logsheets.

Demonstrate knowledge and understanding [of] the importance of client care in legal practice	Explain the rules relating to client care and evidence your use of the rules in practice Evidence your use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc. Demonstrate an understanding of the need for good client care to benefit the business	Statement on your Skills Logsheet. Evidence from own work. Statement on your Skills Logsheet.
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Legal Research

Learning Outcome	Experience criteria	How to evidence
Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research Demonstrate knowledge and understanding of and be able to evaluate legal research sources Demonstrate knowledge and understanding of and be able to perform appropriate legal research	Identify situations in which the need for legal research has arisen in your work Explain the steps you undertook to identify relevant sources of information and how you determined the reliability, accuracy and currency of the information discovered Explain your understanding of primary and secondary sources and how these sources can be used to ensure you have sufficiently researched the problem. Identify relevant statutes, case law and other sources from your research.	Statement on your Skills Logsheet. Statement on your Skills Logsheet. Statement on your Skills Logsheet. Evidence from own work.

Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems	Evidence how you prioritised and analysed the research and used this to better understand the issues raised in the legal matter.	Evidence from own work.
Ability to record and evaluate information	Evidence your synthesis of the research materials to provide a structured and accurate report.	Evidence from own work.
Ability to synthesise research to present advice	Evidence how you evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient.	Evidence from own work.

Skills Elements

Important Note

To be successful with your application to gain family litigation practice rights, you must demonstrate that you have met each learning outcome. If your role does not currently enable you to demonstrate that you meet each learning outcome, please arrange with your supervisor/manager to facilitate undertaking of work activities to enable you to generate evidence.

If you do not address each Learning Outcome and each experience criteria, the assessor who reviews your application will ask you to provide further information which will delay the approval of your application.

You can use the same piece of evidence for more than 1 learning outcome or even multiple learning outcomes as long as it evidences the learning outcomes you are linking it to. Please ensure you provide supporting information on the Skills Logsheets.

Element 1: Interviewing, advising and communicating

Learning Outcome	Experience criteria	How to evidence
INTERVIEWING An ability to conduct effective interviews with the client and potential witnesses across a range of Family disputes	Prepare for an initial interview and apply a structured approach to it Greet the interviewee appropriately Use appropriate listening, questioning and feedback techniques Maintain rapport with the interviewee Be sensitive to diversity issues Keep a full and accurate record of the interview	Telephone Attendance Note of an initial meeting with client demonstrating achievement of all experience criteria. On the Skills Logsheets, it may be useful to explain how you prepared for the interview and were sensitive to diversity issues if not apparent from the Telephone Attendance Note.

	Close the interview appropriately	
ADVISING AND COMMUNICATING 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)	Obtain all relevant information and identify the client's objectives Communicate clear, accurate and practical advice orally on matters Communicate clear, accurate and practical advice in writing/other media Give clear advice on all relevant matters arising Identify the options available and explain the pros and cons of each of those options Enable the client to make decisions in the case based on appropriate advice Give clear, appropriate and accurate advice regarding costs and funding Seek appropriate instructions and give clear advice regarding the next steps to be taken Deal appropriately with any diversity issues that arise Handle an emotionally distressed client in a sensitive and professional manner	Telephone Attendance Note PLUS letter/email providing advice to client demonstrating achievement of the experience criteria. You should ensure your selected evidence enables you to demonstrate the diversity and emotionally distressed experience criteria.

	Produce an accurate record of the interview	
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Element 2: Costs and funding

Learning Outcome	Experience criteria	How to evidence
COSTS An awareness of the requirements of the relevant practice rules that relate to contentious and non-contentious costs and be able to give clear, accurate and regular advice or information on costs issues arising in the case	Provide realistic costs estimates of all costs and disbursements at the start of the case and update throughout the progress of the action to include the cost implications of case strategies Ensure full compliance with the FPR, FP(FPC)R and CPR costs rules Explain the differences between the indemnity and standard basis of costs Explain the steps that can be taken under CPR and FPR to transfer costs risks to the other side Provide appropriate advice regarding the fees that will be charged	Letter/email to client or other parties involved in a matter providing advice and guidance on costs which covers the experience criteria. This should be considered in the context of role, whether that role deals with private funding or local authority budget issues or legal aid funded matters. Provide an explanation on the Skills Logsheet of how you ensure full compliance with CPR costs and understand all matters relating to a summary assessment of costs and detailed costs assessments.
FUNDING 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)	Identify the funding options available in a particular case and advise on the suitability of alternative funding sources Communicate the risks and benefits of each method of funding available Be aware of the funding regulations and restrictions (for example non-regulated activities)	Letter/email to client providing advice on funding options covering all the experience criteria. Please note - the correspondence must identify at least 2 options open to the client. If evidence provided does not cover all experience criteria, add statements on the Skills Logsheet.

	Advise the client of significant developments in the case Identify and have regard to potential conflicts of interest on funding issues If the client is in receipt of public funding, provide appropriate advice including relevant financial implications and in particular explain the significance of the statutory charge in publicly funded cases where this might have an impact and take all necessary steps to protect the interests of both the client and the CLS fund Prepare estimates and schedules of costs Understand all matters relating to a summary assessment of costs and detailed costs assessment.	
DOCUMENTATION Draft or complete the necessary documents relating to funding	Draft client care letters Complete all appropriate applications, notices and records in publicly funded cases Prepare detailed cost assessments or instruct a specialist to do so.	Copies of Client Care letters covering the drafting or completion of appropriate documentation and an explanation of the requirements of the agreed funding method. Provide evidence of funding agreements you have drafted along with estimates and schedules of costs OR costs assessments (for example, a summary of disbursements incurred on a case).

Element 3: Conduct and ethics

Learning Outcome	Experience criteria	How to evidence
CONDUCT AND ETHICS PROFESSIONAL OBLIGATIONS An awareness of your professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct An awareness of your obligations to: the court; your client; other lawyers; the public and money laundering legislation and regulation	Identify situations where your obligations to: the court; your client; other lawyers; the public and money laundering legislation arise	Letter/email to clients, colleagues or other professionals OR an Attendance Note relating to your (personal and the firm's) obligations to the court, your client, other lawyers or the public and anti-money laundering legislation.
CONFLICTS An ability to identify and deal appropriately with conflicts of interest throughout the handling of the matter	Identify and deal appropriately with conflicts: <i>NB only one needs to be met</i> arising between you and the client; arising between you and your duty to the court; or arising between you and any relevant third party.	Letter/emails/memos with parties involved in the matter demonstrating your effective handling of a conflict relating to one of the three criteria identified in the Experience Criteria column.

WITHDRAWAL FROM A CASE An awareness of when you can and/or must withdraw from a case; the proper steps to be taken when doing so whilst observing the interest of the client	Show an awareness of the need to withdraw Show an awareness of the proper action when the client refuses to make proper disclosure Show an awareness when the client's or service user's interests' conflict with the applicant's duties to the court Or any other circumstances where withdrawal is required.	Letter to a client identifying reasons for withdrawing from a case. If evidence provided does not cover all experience criteria, add statements on the Skills Logsheet. For those involved in a role which does not have scope for withdrawal, add statements on the Skills Logsheet to demonstrate the learning outcomes.
UNDERTAKINGS An understanding of the bases for the giving of professional undertakings to clients, the court and others; the implications of giving such undertakings; the consequences of breaching such undertakings and demonstrate Awareness of the appropriate use of undertakings in legal proceedings	Identify when an undertaking may be required and Show an awareness of the implications of giving the undertaking and putting in place or obtaining the appropriate safeguards in respect of the undertaking given.	Correspondence with parties involved in a matter where an undertaking is required to meet your clients objectives and expectations. For those involved in a role which does not have scope to provide undertakings, add statements on the Skills Logsheet to demonstrate the learning outcomes.
CONFIDENTIALITY AND PRIVILEGE In respect of confidentiality and privilege the You must demonstrate an understanding of and the ability to apply the	Distinguish between legal advice privilege and litigation privilege	Letter to a client/internal file note/Telephone Attendance Note relating to disclosure obligations and legal professional privilege.

law and practice of confidentiality and privilege in a variety of practical contexts	Distinguish between confidential information and privileged information.	If evidence provided does not cover all experience criteria, add statements on the Skills Logsheet.
COMPLAINTS AND NEGLIGENCE In respect of complaints and negligence the You must demonstrate an understanding of the professional conduct rules as they are applied in practice and the steps that must be taken in the event that a mistake (or an act of negligence) as occurred	Identify the circumstances when a complaint could be made or negligence may arise Describe/explain the complaints procedure operated by your professional body Be aware of procedures or processes which can be adopted to reduce the risk of complaints or allegations of negligence being made Explain what steps would need to be taken in respect of the identified, or potential mistake or act of negligence Identify the appropriate professional conduct rules applying and the indicative behaviours that would need to be shown to evidence that no mistake or negligence occurred.	For example, evidence of either pre-empting a complaint or handling a complaint from a party involved in a matter demonstrating resolution to the satisfaction of all parties involved. Where the evidence of handling a complaint does not cover all experience criteria for this learning outcome, add statements to the Skills Logsheet. You should refer to the most up to date CILEX Code of Conduct and ensure you identify individual outcomes from the code.

Element 4: Managing litigation work

Learning Outcome	Experience criteria	How to evidence
FILE HANDLING An ability to plan and manage litigation, to progress matters expeditiously and maintain files and records in accordance with procedures	Allocate time and resources appropriately and prioritise workloads effectively Deal with matters without causing delay Apply project planning principles to casework Adopt and maintain an appropriate case strategy Be aware of procedural requirements including relevant protocols Actively and efficiently manage cases, making best use of resources Maintain files and systems (including electronic systems) appropriately and correctly.	Evidence from appropriate systems used in own workplace to plan and manage litigation effectively. This could be anything from excel spreadsheets up to Case Management System. This should be supported by statements on the Skills Logsheet.
CASE ANALYSIS AND CASE PREPARATION An ability to formulate a case strategy which is: • Compatible with the client's objectives and • Is legally and procedurally sustainable	Identify strengths and weaknesses in a case Identify gaps in available evidence Draw up a realistic case plan	Internal emails/notes of meeting with peers/colleagues leading to production of a case plan mapped to client's or service user's objectives and expectations. Evidence of advice provided to client supported by statements on the Skills Logsheet. Evidence of drafting of legal documents or letters to proceed to settlement or litigation.

An ability to draft legal documents and letters that can be used effectively in the presentation and procedures for an action to proceed either by way of settlement or litigation	Relate the case theory to the client's or service user's objectives and expectations Provide the client with a balanced view of the likely risks, costs and benefits of the case strategies Adopt a cost effective, analytical and pragmatic approach to the wider issues (which may include the client's or service users' commercial objectives). Draft legal documents or letters to proceed to settlement or litigation	For those in public law roles, settlement and litigation can include the Public Law Outline.
ASSEMBLY SKILLS An ability to assemble all materials relevant to the case, in accordance with the case analysis	Identify relevant law Efficiently collate all relevant evidence Summarise relevant law and evidence Locate and interview witnesses Locate and instruct expert witnesses in accordance with relevant Family Procedure Rules	Case work evidence demonstrating experience criteria. Please note, witnesses can include any party involved in a case including other professionals.
INSTRUCTING ADVOCATES An ability to instruct an advocate when necessary	Identify when a specialist legal opinion is required/ when it is necessary to instruct an advocate Identify a suitably qualified/experienced advocate	Correspondence with legal counsel regarding a particular case supported by additional statements on Skills Logsheets to ensure coverage of all experience criteria.

	Agree an appropriate fee for work to be carried out by the advocate Draft a brief to the advocate providing appropriate information and instructions Liaise between the client and advocate Demonstrate an awareness of the obligations of the advocate to the court and under your professional obligations Deal with the advocate in an appropriate and professional manner.	
EXPERTS An ability to select, instruct and appoint an expert and show an awareness of the range of expertise that may be needed for a case	Appreciate the nature and function of different type of experts relevant to family practice, such as child psychiatrist, educational psychologist and forensic accountant Identify when it is appropriate to instruct an expert Agree an appropriate fee for work to be carried out by the expert Be familiar with the available registers and databases through which an appropriate expert may be identified and located Instruct an expert appropriately applying relevant rules and protocol; for example, the Children Act Protocol	Correspondence with experts providing full instruction of the work required of them to support the matter. This could be supported by statements on the Skills Logsheet to demonstrate achievement of the experience criteria. Ensure you demonstrate your appreciation of different types of expert and available registers/databases.

	Provide the expert with appropriate information, instructions and guidance Understand the substantive law relating to expert evidence and the ways in which such evidence can be challenged Deal with the expert in an appropriate and professional manner.	
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Element 5: Settlement V Litigation

Learning Outcome	Experience criteria	How to evidence
CONCLUDING CASES Identify and carry out steps to be taken to conclude cases	Draft and check orders of the court and/or agreements of the parties Check judgments Advise clients on the outcome of the proceedings or disputes and any further steps necessary Implement and/or enforce agreements/orders Understand the rules/procedure relating to appeals against a judgment Deal with any costs issues arising	Provide evidence from caseload to demonstrate the conclusion of a case. This should be considered in the context of your individual role. If all experience criteria not covered by evidence provided, add statements to the Skills Logsheet.
SETTLEMENT Be able to identify when settlement of a case is in the client's interest and give clear and accurate advice on settling this case and take the necessary steps to secure settlement	Explain the merits of settlement in achieving the client's objectives Give consideration to offers to settle Understand the significance of 'open' offers under the financial relief costs rules Explain the advantages of conciliation, negotiation, counselling, mediation and resolving matters using a collaborative lawyer.	Provide evidence from caseload to demonstrate settlement of a case. This should be considered in the context of your individual role. If all experience criteria not covered by evidence provided, add statements to the Skills Logsheet.

NEGOTIATION Knowledge and understanding of effective and appropriate negotiation (to include immediately before, and during, the trial or hearing)	Apply the principles of proportionality Prepare effectively prior to negotiation including an agenda to deal with relevant issues Determine the client's and opponent's underlying interests and expectations Identify the strengths and weaknesses of the client's and opponent's position Identify the most and least favourable outcomes for the client Identify the likely outcome if the case goes to trial Draft negotiated agreements and secure relevant orders	Provide evidence from caseload to demonstrate effective negotiation during a case. Negotiation should be considered in the context of your individual role If all experience criteria not covered by evidence provided, add statements to the Skills Logsheet.
ADR (ALTERNATIVE DISPUTE RESOLUTION) Be aware of the ADR processes available, including mediation, early neutral evaluation, conciliation and Financial Dispute Resolution appointments in financial proceedings and be able to identify those which are relevant to the case in hand and when they should be applied	Explain the nature and procedures of alternative dispute resolution methods Explain the advantages and disadvantages of those methods Recommend any appropriate ADR process which would be in the client's or service user's best interests	Provide evidence from caseload to demonstrate ADR. ADR should be considered in the context of your individual role If all experience criteria not covered by evidence provided, add statements to the Skills Logsheet.

	Advise the client or service user how to pursue a particular ADR process.	
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Element 6: Legal writing and drafting

Learning Outcome	Experience criteria	How to evidence
LEGAL WRITING AND DRAFTING An ability to understand and apply the principles of good writing and drafting	Understand and apply the principles of good writing Use accurate, straightforward and modern language and correct spelling, grammar, syntax and punctuation Draft a document that is clear, logical, consistent and with appropriate structure and format Draft a document that forms a coherent whole and, where appropriate, has advanced the matter, has identified the client's objectives and priorities and provided a clear risk analysis Address the document appropriately and accurately Understand the appropriate use of e-mails, letters, memoranda and other forms of written communication Choose the appropriate medium, form and style of written communication	Evidence of correspondence with client, Counsel or other parties involved in a matter. Use of template or precedent documents is acceptable provided you can demonstrate your contribution to amending or tailoring the document to your particular case. If this does not evidence all experience criteria, provide additional statements on the Skills Logsheet.

	Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients.	
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