

CONSULTATION ON REMOVING THE SEVEN YEAR RULE FOR EXEMPTIONS FROM CILEx QUALIFICATIONS

1. The Chartered Institute of Legal Executives (CILEx) is an approved regulator under the Legal Services Act 2007 (the Act). In accordance with the requirements of the Act it has separated its regulatory and representative functions. The regulatory functions have been delegated to CILEx Regulation Ltd. CILEx Regulation Ltd is the regulatory body for Chartered Legal Executives, other grades of CILEx membership, individuals with practice rights and entities.
2. This consultation proposes to remove an existing requirement regarding eligibility for exemption from some of the CILEx academic requirements. The requirement states that where a member seeks an exemption from a CILEx subject based on equivalent alternative qualifications, the applicant must have successfully completed the qualification within seven years of the date of application for the exemption.
3. We propose to remove this requirement.

This consultation will run for 8 weeks, closing on 2 October 2015.

INTRODUCTION

4. CILEx recognises and grants exemptions for qualifications that have been achieved through other organisations, where they are of an equivalent standard and coverage. For most alternative qualifications, the applicant must have successfully completed the qualification within seven years of the date of application for the exemption. However, there is no expiry date applied to the CILEx qualifications.
5. CILEx currently receives approximately five applications for exemption each year from applicants with an expired qualification under the rule.

CONSIDERATIONS

6. The rationale for the expiry of law qualifications achieved at other providers after seven years was that the knowledge demonstrated through the qualification will have become stale, and cannot therefore be relied upon to support a future qualification at CILEx. However, there is no evidence to support the view that seven years is the appropriate cut off point for validity of a qualification; it is an arbitrary expiry date.

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PROFESSIONAL STANDARDS FOR SPECIALIST LAWYERS



7. Moreover, there is an exception to the seven year rule. This relates to CILEx’s own units, which remain valid indefinitely. The principle is that an individual will demonstrate currency of knowledge of law and legal practice through their work based learning application. It is proposed that this same principle should apply to law degrees and other qualifications currently subject to the 7 year rule.
8. A table is set out below which provides examples to demonstrate the operation of the 7 year rule and the further assessment which would be undertaken by prospective CILEx members prior to admission.

Examples of current requirements for exemption from CILEx units

| Qualifications | Exemption | Onward requirements to admission |
|--------------------------------------|--|--|
| 'A' level law | Exemption from 1-2 units at L3 | 8-9 L3 units 6 L6 units WBL |
| Law Degree / Graduate Diploma in Law | Exemption from all L3 and 2 L6 Law units | 2 L6 practice units L6 Client Care WBL |
| LPC / BPTC | Exempt from all L3 and L6 units | WBL |
| CILEx units | N/A | WBL |

SAFEGUARDS

9. There are two safeguarding mechanisms that support the proposal to remove the rule.
10. Firstly, in all cases, applicants for Fellowship must complete Work Based Learning, which includes at least three years of qualifying employment, and demonstration of 27 learning outcomes, as set out in the Day One Outcomes for Fellows framework. These requirements will ensure that applicants have current knowledge, skills and experience in their specialist area of practice, as they include application of law and legal practice as part of the skills outcomes that have to be met.
11. Secondly, all CILEx members, from Associate onwards, must complete compulsory annual CPD. The purpose of CPD is to ensure that members remain up to date with changes to

law and practice. This requirement ensures that knowledge accrued during study is updated to ensure currency.

RECOMMENDATIONS

12. The current seven year rule, applied to some qualifications, but not others, creates an anomaly in the exemptions policy which is not easy to justify.
13. There is no evidence to support the application of a seven year cut off point in terms of knowledge and skills becoming stale.
14. In all cases, there are further assessment requirements for applicants seeking Fellowship, and all members from the Associate grade onwards are required to keep their knowledge and skills up to date through the annual CPD requirements.

CONSULTATION QUESTIONS

The questions are listed below. Please provide your responses on the response form provided.

Q1. Do you agree that the current seven year rule, applied to some qualifications, but not others, creates an anomaly in the exemptions policy which is not easy to justify?

If not, state why.

Q2. Do you agree with our recommendation that the seven year rule should be removed?

If not, state why.

Q3. Do you agree that seven years is an arbitrary choice for any approach to staleness of knowledge?

If not, state why.

Q4. Do you agree that the assessment requirements for applicants seeking Fellowship (three years of Work Based Learning and satisfying the 27 learning outcomes in the Day One Outcomes framework) and the compulsory CPD requirements for all members from the Associate grade onwards are sufficient to safeguard against someone with insufficient knowledge and skills becoming a Chartered Legal Executive?

If not, state why.

HOW TO RESPOND

A response form has been provided for completion. Please send the response form to CILEx Regulation through one of the following methods:

- By email to consultations@cilexregulation.org.uk. Mark it for the attention of Shazrin Begum.
- By post to CILEx Regulation Ltd, Kempston Manor, Kempston, Bedford MK42 7AB.
- By DX to CILEx, DX 124780 Kempston 2.

SUBMISSION DEADLINE

The deadline for the submission of responses is **2 October 2015**.