

REPORT TO: CILEX REGULATION BOARD

FOR: DECISION

DATE: 18 JULY 2017

REPORT TITLE: AMENDMENTS TO CPD REGULATIONS FOR 2017/18 CPD YEAR

SUBMITTED BY: VICTORIA PURTILL, DIRECTOR OF AUTHORISATION AND SUPERVISION

PURPOSE OF REPORT:

1. This paper seeks Board approval for changes to be made to the CPD Regulations, in order to clarify what constitutes the rules of the CPD scheme and distinguish these compulsory elements from the guidance provided to individuals bound by the scheme set out in the CPD handbook. The transitional arrangements for the CPD scheme have also been removed from the CPD regulations.

BACKGROUND:

2. CILEx Regulation changed the CPD requirements for CILEx members in 2013, coming into force for the 2013/4 CPD year on an incremental basis. It has become apparent, through the use of the CPD regulations for members who have not met the CPD requirements and therefore are subject to investigation and enforcement action, that the rules are not as clear as they could be in relation to the compulsory elements of the scheme. Some compulsory elements appear only in the CPD handbook.
3. In order to clarify the compulsory elements of the scheme and separate this from the guidance within the CPD handbook, amendments have been made to both documents.
4. In addition, the Practice Rights applications were approved by the Legal Services Board in 2014 and came into operation in 2015. The CPD regulations have been amended to include the specific CPD requirements for those who hold independent practice rights but are not members of CILEx.
5. Both the rules and the handbook are regulatory arrangements and therefore changes must be approved by the Legal Services Board (LSB).
6. The rules and handbook have been referred to an external consultant to make the required changes and have been subject to further clarification and amendment by Vicky Purtill.

ANALYSIS AND FINDINGS:

7. A review of the rules has led to a recommendation that the following changes be made to the regulations (these are available on the [CRL Board](#) Sharepoint for review), in order to clarify the compulsory elements of the new CPD scheme:
 - Removal of all reference to the transitional arrangements
 - Reference to CILEx Practitioners within the CPD regulations
 - Reference to 'members' replaced with reference to 'individuals' and 'grade of membership' with 'category' where appropriate, to reflect the situation that a non-member practice rights holder is subject to CPD
 - Definitions of all terminology within the regulations
 - Clarification of the requirements in relation to recording and monitoring CPD requirements and removing reference to the specific system currently used to record CPD with a generic reference
 - Clarification of the requirements for dispensation, extension and exemption
 - Clarification of the CPD requirements for self-employed members and overseas members
 - Clarification of the situations which may lead to a misconduct investigation
 - Inclusion of the types of CPD which can be counted for the hours based part of the scheme.
8. A review of the handbook has also taken place to ensure that any compulsory elements applying to the operation of the CPD scheme are reflected in the regulations. At the same time, clarifications have been made to the handbook to ensure that the guidance can be easily understood. The handbook can be found on the Board's sharepoint.
9. Both the regulations and the handbook will be submitted to the LSB once the consultation has closed. CILEx Regulation will request approval for the changes to be made to the regulations and ask that the LSB no longer approve the handbook as this no longer contains compulsory elements of the scheme, which do not also appear in the rules.
10. A short, targeted consultation is currently in progress. It is available on the CILEx Regulation website and has been sent to the individuals required to undertake CPD. This is due to close on 18 August 2017.
11. Subject to any adverse comments to the changes from the consultation and final review of the changes by the external consultant, an application for rule change from the LSB will be submitted on or before 31 August 2017. This will enable the rules to be approved in good time for the new CPD year, which opens on 1 October 2017.

Note: a confidential advice note is attached.

RECOMMENDATIONS:

The Board is asked to approve the changes to the CPD regulations and handbook, and approve application to the LSB for rule change, once the consultation has ended.

IMPACT ASSESSMENT:

Public/Consumer	
Consumer	No direct impact
Public interest	No direct impact
Environment	No direct impact
Regulated Community	
Cost of Regulation	No direct impact
Equality and Diversity	No direct impact
Us	
Reputation/Brand	Provides clarity to the regulations, so that it is clear what elements of the scheme are compulsory so that action may be taken against those individuals who do not comply with the CPD regulations
Resources:	No direct impact
Operations:	No direct impact
Risk:	No direct impact
Finance:	No direct impact
Legal:	No direct impact
IT:	No direct impact

ANNEXES:

Annex 1: CPD Regulations (available on Board Sharepoint)

Annex 2: CPD handbook (available on Board Sharepoint)

Annex 3: CPD consultation (available on Board Sharepoint)