**Probate Practice Rights – Skills Portfolio Requirements**

**SE1 (Client Care) & SE2 (Legal Research)**

The following guidance explains how to complete and present your portfolio for Skills Element 1 (Client Care) and Skills Element 2 (Legal Research).

**You can use the Joint Application Scheme to demonstrate your skills in Skills Element 3: Drafting and Skills Element 4: Managing Probate Activities while compiling your WBL portfolio.**

The skills that you are required to demonstrate can be found in the table [below](#SkillsLearningOutcomes) (from page 2 onwards). In the first column of the competence framework, the 2 skills elements are identified. These will need to be demonstrated through completion of a logbook sheet and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

You should complete a separate logbook sheet for each of the skills learning outcomes that are set out in column 2 of the table. In producing your logbook sheet for each of these outcomes in column 2 you should aim to address the experience elements in column 3.

For each piece of evidence you provide to support meeting the skills outlined in column 2 you should provide a logbook sheet which explains what the evidence is that you have provided and how it meets the learning outcome and supporting experience (located in columns 2 and 3). For example, to meet the skills element 1 (Client Care), learning outcome 2 (Demonstrate good practice in legal writing), you should provide evidence of legal writing you have prepared and sent to a client.

You should then outline how the evidence shows you have put the outcome into practice in your workplace. Make sure you cover all of the supporting experience points in the third column.

Where your activity in meeting the outcome has highlighted opportunities for you to develop your legal knowledge or professional skills, you should identify this on the logbook sheet. You may also want to include any steps you have taken to address this opportunity for development.

The evidence used must come from matters that you have dealt with and must support the learning outcomes and supporting evidence identified on the logbook sheet.

The evidence should be provided in a page numbered portfolio, with the relevant logbook sheet attached to the evidence.

You should provide the date upon which each outcome was completed on the logbook sheet; this will be the most recent date of the evidence supplied. The evidence on which you rely should not normally be more than 2 years old by the date on which you submit your portfolio. Where you have had a break in your employment, you may rely on probate experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.

You should sign and date each logbook sheet with the date you complete the logbook sheet entry.

You should not present your logbook sheet and portfolio in a ring-binder or any other binding or wallet. You should not staple sheets together or use comb binding. You may connect pages using a treasury tag or an elastic band only.

**Probate Practice Rights – Skills Portfolio Learning Outcomes**

| **Entry Level Competencies** | **Learning Outcome** | **Supporting Experience** |
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| **Skills Element 1** CLIENT CARE | **Demonstrate good practice in interviewing and advising** | * Understanding of successful client interviewing • Identify interviews which the applicant considers to be successful and identify what made them successful. This may be evidenced by demonstrating ability to:
	+ Prepare for the interview and apply a structured approach to it
	+ Greet the interviewee appropriately and maintain the interviewee’s confidence
	+ Use appropriate listening, questioning and feedback techniques
	+ Be sensitive to diversity and other relevant issues and handle any emotionally distressed client in a sensitive and professional manner
	+ Give appropriate advice when required (including the need to take further instructions or undertake research before doing so)
	+ Keep a full and accurate record of the interview
	+ Close the interview appropriately and deal with any follow-up issues as required
* Demonstrate the ability to give and communicate clear, accurate and practical advice both orally and in writing on matters relating to probate activities. This may be evidenced by ability to:
	+ Obtain all relevant information and identify the client’s objectives
	+ Give clear advice on all relevant matters arising
	+ Where necessary, refer the client to other professionals better able to deal with the issues
	+ Identify the options available and explain the advantages and disadvantages of each of those options
	+ Enable and assist the client to reach a decision based on appropriate advice
	+ Give clear, appropriate and accurate advice regarding costs, disbursements and funding
	+ Seek appropriate instructions and give clear advice regarding the next steps to be taken in the matter
	+ Deal appropriately with any diversity or other issues that might arise
	+ Keep an accurate record of the advice given and the information on which that advice was based.
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| **Skills Element 1 (continued)**CLIENT CARE | **Demonstrate good practice in legal writing** | * Provide evidence of legal writing which demonstrates understanding of the following key areas of good practice:
	+ Accurate, succinct, complete and precise writing
	+ Awareness of the need to use ‘plain English’ and writing using correct grammar and spelling
	+ The use of legal English is used only when necessary and is appropriately explained
	+ Judicious use of structure to clearly and logically set out information
	+ Provide evidence to demonstrate the synthesis of a variety of sources to provide advice to the client
	+ Provide evidence of use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations.
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| **Demonstrate knowledge and understanding of professional conduct issues arising in practice** | * Explain where the applicant will find the rules of professional conduct which affect their practice of the law
* Identify situations in which an ethical issue may have arisen in the applicant’s practice and how they dealt with those situations
* Identify any professional organisations that exist within the applicant’s area of practice and explain benefits of membership
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| **Demonstrate knowledge and understanding of the importance of client care in legal practice** | * Explain the conduct rules relating to client care and evidence use of the rules in practice
* Evidence use of client care letters and complaint management handling
* Demonstrate understanding of the need for good client care to benefit the business
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| **Skills Element 2** LEGAL RESEARCH | **Demonstrate knowledge and understanding of and be able to:****1 analyse the scope and complexity of situations which need legal research** **2 evaluate legal research sources** **3 perform appropriate legal research** **4 analyse the law in relation to practical problems****5 record and evaluate information 6 synthesise research to present advice.** | * Identify situations in which the need for legal research has arisen in the applicant’s work
* Explain the steps the applicant undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of the information discovered
* Explain their understanding of primary and secondary sources and how these sources can be used to ensure they have sufficiently researched the problem
* Identify relevant statutes, case law and other sources from their research
* Explain how the applicant prioritised and analysed the research and used this to better understand the issues raised in the legal matter
* Demonstrate the applicant’s synthesis of the research materials to provide a structured and accurate report
* Show how the applicant evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient
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