

CILEx REGULATION EXEMPTIONS POLICY

Introduction

1. The CILEx and CILEx Regulation Exemptions Policy is currently contained within a single document. It is a regulatory arrangement, approved by the Legal Services Board.
2. As a result of 2 complaints from prospective members seeking admission with a non-qualifying law degree and as part of the Phoenix review, this policy needs reconsideration and separation.
3. As part of the Phoenix review a proposal from CILEx has been put forward to separate the membership requirements from the regulatory arrangements. Under these proposals, the need to serve 12 months in the Graduate grade of membership will no longer be a pre-requisite of admission to Fellowship. Whilst CILEx determines admission for Graduate membership, control of admission to Fellowship falls within the remit of CILEx Regulation. This will impact on the exemption arrangements for:
 - Institutional Exemptions
 - LPC/BPTC Exemptions

Background to the changes

Project Phoenix

4. Project Phoenix is the membership and qualifications review in progress at CILEx. As currently understood by CILEx Regulation, the proposal is to separate the membership requirements from the admission process for Fellowship to enable CILEx to have more control over membership and CILEx qualifications.
5. At present the definition of a Fellow is as follows:
 - 3 years of Qualifying Employment (at least 12 months served in the Graduate grade of membership) and 2 years served consecutively immediately preceding application for Fellowship
 - Successful completion of the work-based learning requirements
 - Meeting the character and suitability requirements
6. The proposal to remove the need to serve 12 months in the Graduate grade of membership impacts on the exemptions policy to the extent that those who have completed all the academic requirements for admission and who have at least 3 years of qualifying employment will no longer need to apply to CILEx for Graduate member status, prior to admission to Fellowship. As a result, the exemptions policy requires amendment to incorporate this change.

Complaints

7. In the last 3 months, CILEx Regulation has dealt with 2 complaints from prospective members seeking exemptions from units taken as part of a non-qualifying law degree, which had they been part of a qualifying law degree would have provided exemptions. The applicants rightly point out that this is not a fair application of the rules and therefore have requested a reconsideration of the policy.

Proposals for change to the Exemptions policy

8. As a result of the above, it is proposed that the Exemptions policy is amended, to achieve the following:
 - Reflect the separation of the admission to Fellowship from membership grades
 - Create a fairer exemptions policy for applicants who have a non-qualifying law degree
 - Separate the exemptions arrangements which form part of the regulatory arrangements from those which do not, to provide CILEx more freedom in relation to the exemptions policy for those seeking to join CILEx and to enable them to work within the Ofqual General Conditions of Recognition in relation to exemptions granted.

Exemptions which fall within the remit of CILEx Regulation

9. Once the membership references have been removed from the definition of Fellowship,

Admission as a Fellow

1. *A Member may be admitted as a Fellow if he or she:*
 - (1) *Has achieved a qualification recognised by the Group Board as meeting the standards of competence required for Fellowship status;*
 - (2) *Has paid all subscriptions and other fees payable to the Chartered Institute, or has made arrangements for payment;*
 - (3) *Is confirmed as being in good standing by the Delegated Regulatory Body or relevant Approved Regulator; and*
 - (4) *Subject to Bye-Law 7, provides a certificate signed by the authorised person, or, at the discretion of the Group Board, any other person, who supervises his or her work or by whom he or she is employed, which confirms the nature of his duties and that he is competent to become a Fellow.*
2. *The Group Board may dispense with the need for a certificate under Bye-Law 6(4) if it is satisfied as to the matters which would otherwise be covered by such a certificate.*