



Brief for the position of Lay Conduct Panel Member, CILEx Regulation August 2020

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Letter from the Board member for Enforcement

Dear Candidate,

Appointment of Lay Panel Member, CILEx Regulation

I am delighted that you are considering becoming one of our independent Lay Conduct Panel Members for either our Professional Conduct Panel (PCP) or Disciplinary Tribunal (DT)

We regulate Chartered Legal Executive lawyers, other members of the Chartered Institute of Legal Executives (CILEx), CILEx practitioners and law firms. CILEx is the professional association representing 20,000 Chartered Legal Executives, paralegals and legal professionals.

Our independent enforcement panels consider misconduct matters and suitability for membership. Successful candidates will help us maintain professional standards by bringing relevant skills and experience to the consideration of disciplinary matters combined with independent, fair and objective decision-making.

We aim to ensure that regulated individuals are fully aware of their obligations to consumers, the courts and the public, and that they maintain proper standards of professional conduct. When necessary, we deal with complaints against regulated individuals and firms and take appropriate disciplinary action, which is where you would be involved as a panellist.

We also oversee the education, qualification and practice standards of the legal professionals we regulate.

CILEx Regulation received a high assurance rating from the Legal Services Board, which is our oversight regulator under the Legal Services Act 2007. The 2020 Staff Survey reported a highly positive staff culture which was a great tribute to the skill and dedication of our staff and strong executive leadership.

2020 marked a pivotal year regarding enshrining regulator independence from our membership body, CILEx. We introduced a range of changes to maximise our independence, starting with TUPE'ing our staff from the membership body. Over recent years, we have also seen continued success in developing education standards that enable CILEx members to achieve the equivalent practice rights of barristers and solicitors.

We are looking for high calibre individuals to join our enforcement panels and we are keen to use this opportunity to improve the diversity on our panels and therefore are particularly inviting applications from all sections of the community regardless of race, religion, disability, gender, sexual orientation or age.

If you share my passion for protecting the public and improving standards, I would very much like to hear from you.

Yours sincerely,

Andrew Donovan
Enforcement Portfolio Holder
CILEx Regulation Board

Background

CILEx Regulation is the independent regulator of Chartered Legal Executives (Fellows of the Chartered Institute of Legal Executives), CILEx Practitioners and other members of CILEx under the Legal Services Act 2007.

We investigate complaints about the conduct of members of our regulated community in accordance with Enforcement Rules (ER), which are approved by the Legal Services Board. We may investigate allegations of misconduct upon receipt of a complaint or other information. Conduct is assessed against the outcomes focused [CILEx Code of Conduct](#).

Our Rules establish the Panels and Tribunal as follows:

[Professional Conduct Panel](#): considers prior conduct and fitness to own declarations made by members of our regulated community and by applicants seeking membership of CILEx or regulation by CILEx Regulation. The Professional Conduct Panel also considers complaints and allegations of misconduct.

[Disciplinary Tribunal](#): considers allegations of misconduct referred to it by CILEx Regulation, the Professional Conduct Panel or the Appeals Panel.

[Appeals Panel](#): considers appeals made against decisions of all CILEx Regulation's committees and panels.

CILEx Regulation appoints and maintains lists of lay and professional members to act as panellists on the Professional Conduct Panel, Disciplinary Tribunal and Appeals Panel. No person may at any one time be included in more than one of these lists.

How we fit with CILEx

The [Chartered Institute of Legal Executives](#) (CILEx) is the professional organisation which represents the individuals that we regulate.

CILEx stands for the Chartered Institute of Legal Executives, with the Institute Chartered under Royal Warrant. The forerunner of the Chartered Institute dates back to 1892.

CILEx offers a flexible way into, and to develop, a legal career. People can work in legal organisations and earn while at the same time studying to gain legal qualifications. This allows people from different social and economic backgrounds to work in the legal industry. This flexibility is particularly beneficial for those with family or caring commitments, with over 80% of CILEx members being female.

Our Mission

"Delivering forward-thinking legal regulation for the benefit of everyone."

Our Board

The current Board members can be viewed at <https://cilexregulation.org.uk/board/>

Executive Management Structure

The current executive management roles and portfolios can be viewed at <https://cilexregulation.org.uk/team/>

Role Description Lay Conduct Panel Member

Members of the Panels and Tribunal are required to consider evidence and arguments, distil facts and ask questions as necessary to reach a conclusion on cases brought before them. They use common sense and personal experience to make informed and reasoned decisions in conjunction with colleagues and apply guidance appropriately to agree sanctions.

Each Panel and the Tribunal has its own Clerk who supports the conduct of meetings. Clerks are appointed by, but independent of, CILEx Regulation.

Like other regulators and the courts, we are moving towards ever greater use of remote, virtual panels. Professional Conduct Panels are more likely to be virtual meetings currently. Disciplinary Panels, are more commonly in person currently.

Members are selected on rotation to sit at meetings and hearings having regard to availability. This includes chairing of meetings.

Professional Conduct Panels sit as a Panel of three, with a majority of lay members. One member will be a Chartered Legal Executive (Fellow of the Chartered Institute).

- The Panel with the Clerk's assistance selects one of its numbers to chair the meeting.
- Meetings of the Professional Conduct Panel are not open to the public.
- The Panel may request the attendance of an applicant/member, who may be represented.
- CILEx Regulation may attend if the applicant/member does and it may be represented.
- In cases of declared prior conduct the Panel may accept or refuse CILEx/CILEx Regulation applications, impose conditions on future conduct or employment, require undertakings, reprimand and/or warn as to future conduct or both, or refer the matter to the Disciplinary Tribunal.

- In cases of alleged misconduct the Panel will consider and determine whether there is a case to answer and may, if they so determine refer the allegation to the Disciplinary Tribunal or with consent they may dispose of it by requiring undertakings to be given as to future conduct, by imposing conditions on future conduct or employment, or by reprimanding or warning.
- The Panel may make orders for interim suspension.

Meetings vary in length between half a day and one day. Hearings take place in the daytime usually starting at 9.30 or 10am. Members are expected to make themselves available for meetings on at least six days each year and for (usually) two training days.

During COVID all PCPs have been on-line meetings, with Panellists feeding back positively on remote hearings, including the saved travel time.

Disciplinary Tribunals sit as a panel of three, with a majority of lay members. One member will be a Chartered Legal Executive (Fellow of the Chartered Institute).

- The Tribunal with the Clerk's assistance selects one of its numbers to chair the hearing.
- Hearings are held in public unless this is contrary to the interests of justice.
- Parties may be represented at hearings.
- The standard of proof is the balance of probabilities.
- Where allegations are found proved the Tribunal may reprimand or warn, impose conditions on conduct or employment, exclude from membership or authorisation, issue fines and make orders for costs.

Hearings vary in length between half a day and several days. Hearings lasting more than a day are infrequent. Hearings take place in the daytime usually starting at 9.30 or 10am. Members are expected to make themselves available for hearings on at least six days each year and for (usually) two training days.

Currently we only hold remote hearings with the consent of the respondent. Given the implications of COVID we are currently consulting on extending remote hearings at the discretion and direction of the Tribunal, where the respondent does not provide consent as has happened during COVID.

Duties

Members of the Disciplinary Tribunal and Professional Conduct Panels have the following duties:

- consider papers relating to cases for which the member is appointed as provided by CILEx Regulation;
- consider and take into account evidence, information, representations and advice in connection with cases;

- make impartial and objective assessments of such evidence, information, representations and advice;
- determine cases and apply powers given under the Rules impartially and objectively;
- carry out tasks promptly and within timescales prescribed by the Rules;
- inform CILEx Regulation promptly if it appears any conflict of interest arises from the circumstances of the case which may adversely affect the ability of the member to consider the case impartially and objectively;
- treat as confidential any information, facts or circumstances which become known to the member in connection with any application, hearing or appeal which they are selected to consider;
- inform CILEx Regulation as soon as possible if they become unable to attend a hearing for which they have been selected.

Appointment Criteria

- able to analyse cases;
- able to assimilate complex information and make logical, consistent sound judgements based on evidence;
- ability to follow and apply rules and laws accurately;
- able to assess fitness to practice and fitness to own;
- understanding of professional disciplinary and misconduct issues, ideally with conduct panel experience;
- some understanding of the legal profession;
- good interpersonal, empathy, diplomacy and communication skills;
- able to work as part of a team;
- able to make and own decisions, including for challenging cases;
- able to work digitally if required;
- able to make decisions objectively and treat people equally; and
- able to chair meetings effectively.

Successful candidates will be appointed to one of the panels, with consideration given to the preferences of the candidate.

Application & Selection Process

Completed applications should be sent to jobs@cilex.org.uk by the closing date of **23.59** on **13 September 2020**. Applications by CV alone will not be accepted.

The application form can be found on our [website](#).

Please also complete the Equality and Diversity, Reasonable Adjustments and Rehabilitation for offenders form which can also be found on our [website](#).

Due to uncertainty about having interviews in person due to COVID, we have taken the exceptional decision to hold interviews on-line. Selected candidates will be invited for remote interviews on the **16 October 2020**, with joining instructions provided to selected candidates.

For more information please contact jobs@cilex.org.uk or call 01234 844350.

Eligibility

No member of the Disciplinary Tribunal, Appeals Panel or Professional Conduct Panel may be a member of CILEx Board or its committees or the Board of Directors of CILEx Regulation. No member can sit on more than one type of CILEx Regulation enforcement panel/tribunal.

A lay member means a person who is not and who has never been an authorised person within the meaning of Section 18 of the Legal Services Act 2007 or registered as a member of CILEx in any grade.

If you have previously sat on a CILEx Regulation enforcement panel or on the CILEx Regulation Board, please see the Appointments governance document on our website for the differing time-limits before you are eligible. If in doubt, please contact us.

Appendix I (Terms of Appointment):

Members are appointed for a fixed term as set out in the Enforcement Rules (as approved by the LSB). Under the current rules members are appointed for a fixed term (three years), renewable (for a further three years) subject to satisfactory performance and continued eligibility (which may include compliance with any requirement to undertake training or refresher training). We are seeking Legal Service Board approval to amend the Enforcement Rules before 2020 which will allow you to serve three, three years terms, up to a total of nine years.

Members of the Disciplinary Tribunal, Appeals Panel and Professional Conduct Panel are required to:

1. uphold the principles of public life;
2. make themselves available for service on the Tribunal, Committee or Panel;
3. ensure that they have a clear understanding of their responsibilities and that they meet the requirements for eligibility to serve;
4. notify CILEx Regulation if, following appointment:
 - they are cautioned for, or charged with any criminal offence (excluding minor motoring offences),
 - they have been offered a caution,
 - disciplinary proceedings appear likely to be or have actually been initiated by a regulatory body;
5. be committed to continuing demonstration of the competences required for effective performance at hearings and meetings;
6. participate in the appraisal process that CILEx Regulation has in operation and actively commit to achieving any personal development objectives identified during this process;
7. notify CILEx Regulation immediately of any change to their circumstances that may affect the ability to discharge their role.

Appendix II (the Nolan Principles):

The Nolan Principles - The Seven Principles of Public Life

1.	Selflessness Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
2.	Integrity Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
3.	Objectivity In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
4.	Accountability Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5.	Openness Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6.	Honesty Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
7.	Leadership Holders of public office should promote and support these principles by leadership and example.