

## Admissions and Licensing Committee Annual Report 2019

### Chair's Foreword: Kath Hill

I am now in my second year as Chair and have found it enjoyable and challenging in equal measure, which I think is the ideal balance.

Throughout 2019 we managed with fewer Committee members and on occasions needed to meet via telephone conferences to ensure we got through the work so that the Members could go on to qualify.

The quality of applications continues to be very high and varied as are the Policy matters which we are involved in.

I would like to thank the other committee members for their support and hard work, and we would all like to thank the CILEx Regulation team who prepare our papers and give valuable guidance where needed.

### Introduction

The Admissions and Licensing Committee has oversight responsibility for a range of individual authorisation functions as follows:

- authorisation as a Chartered Legal Executive
- authorisation to practise advocacy in one or more areas of specialism
- authorisation to practise reserved activity in one or more areas of specialism

This report provides an analysis of the decision making of both the office and the committee across the areas of responsibility. The report is divided into four sections to reflect decision making which fell within the committee's remit:

- qualifying employment decisions and authorisation as a Chartered Legal Executive
- authorisation for individual practice rights
- authorisation for advocacy
- analysis of decision-making based on age, gender and ethnicity

The committee met six times in 2019.

### Qualifying Employment and authorisation as a Chartered Legal Executive

Qualification as a Chartered Legal Executive is made up of two parts:

- Three years of qualifying employment; and
- Assessment of competence through submission of a work-based learning portfolio

In 2019:

- ❖ **961** applications for qualifying employment assessment were processed

- ❖ **735** applications for authorisation as a Chartered Legal Executive were processed

<i>Office decisions by application type</i>	Approved	Refused	Total
Qualifying Employment	746	16	762
Work Based Learning	734	0	734
Total	1480	16	1496

The office has delegated authority to decide applications. Where the office is unable to make a decision, this is referred to the committee.

<i>Committee decisions by application type</i>	Approved	Refused	Total
Qualifying Employment	162	37	199
Work Based Learning	0	1	1
Total	162	38	200

- ❖ 162 of the 1,642 applications approved were determined by the committee (9.8%)
- ❖ 100% approval decisions made by the committee related to the assessment of work experience as qualifying employment

#### Authorisation to practise in one or more reserved activities

CILEx Regulation is able to authorise individuals to practise in one or more reserved activities, subject to applicants meeting the essential knowledge, skills, experience and competence requirements.

In 2019:

- ❖ **14** applications for authorisation in one or more reserved activities were determined
- ❖ **25** new applications were received, with **22** applications deferred until 2020, awaiting further information from the applicant
- ❖ the most popular areas of practice continue to be conveyancing and civil litigation, with family litigation, criminal litigation, immigration and probate being less popular with applicants
- ❖ **1** application from a Practitioner seeking to renew their advocacy rights certificate was referred to the committee for decision

#### Authorisation to practise advocacy

CILEx Regulation is able to authorise individuals to practice advocacy in one or more of the following areas of practice; civil proceedings, criminal proceedings or family proceedings, subject to applicants meeting the essential knowledge, skills, experience and competence requirements.

There are two parts to the application process:

- initial assessment of knowledge, skills and experience which provides the applicant with a certificate of eligibility; and
- attendance at a six day training course, at the end of which, the applicant is assessed for full competency in advocacy for the relevant proceedings

In 2019, the following applications for authorisation as an advocate in one or more of the proceedings were processed:

	Civil	Criminal	Family	Total
New applications received	2	10	14	26
Certificates of Eligibility Granted	4	11	6	21
Advocacy courses run	1	2	1	4
New advocates admitted	1	6	8	15
Renewals processed	0	11	10	21

The following applications were referred to the committee for decision (all were approved):

- ❖ 4 new advocacy applications (1 Civil, 2 Criminal, 1 Family)
- ❖ 1 certificate of eligibility extension request (Family)
- ❖ 4 renewals (2 Criminal, 2 Family)

#### Analysis of equality and diversity data for 2019 applications

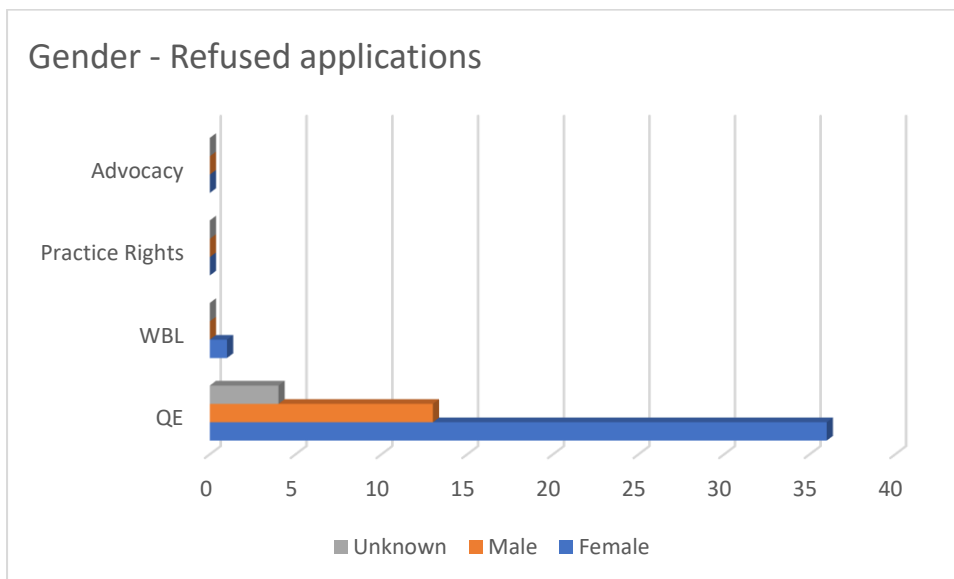
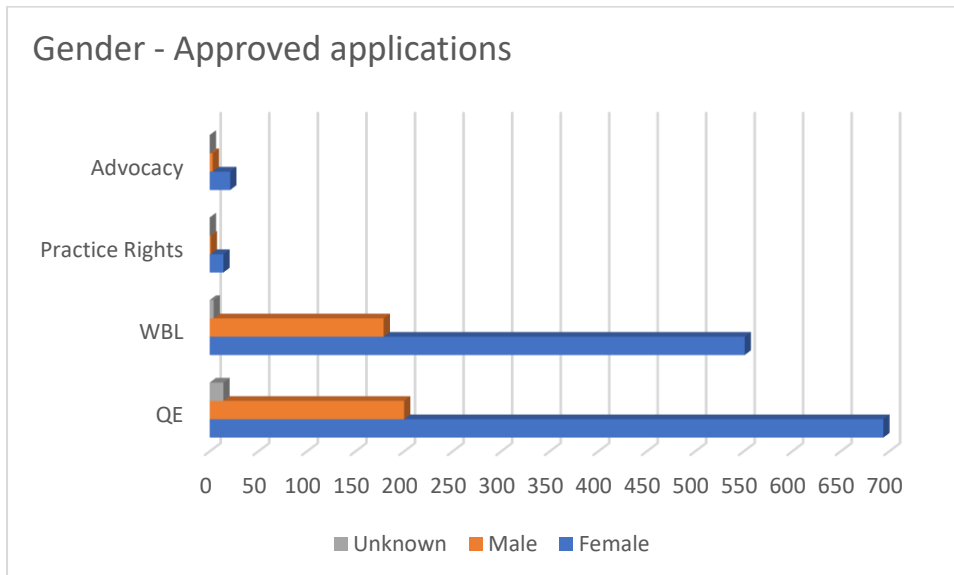
We have reviewed the diversity data for individual authorisation applications processed in 2019, in relation to gender, age and ethnicity, to consider the overall impact of decision making on several groups with protected characteristics. It should be noted that the percentage of refused application as a total of all applications received was very small (3.1%) and therefore findings may be of limited value.

- As in previous years, the approvals and refusals by gender reflect the male: female ratio for the CILEx membership as a whole
- The majority of applications were again received from applicants aged between 26 and 35
- Those aged between 26-30 are most likely to be approved
- The majority of applicants were white

#### Gender

<i>Gender for approved applications</i>	QE	WBL	Practice Rights	Advocacy
Female	694	551	14	21
Male	200	179	1	3
Unknown	14	4	0	0

<b>Gender for refused applications</b>	QE	WBL	Practice Rights	Advocacy
Female	36	1	0	0
Male	13	0	0	0
Unknown	4	0	0	0

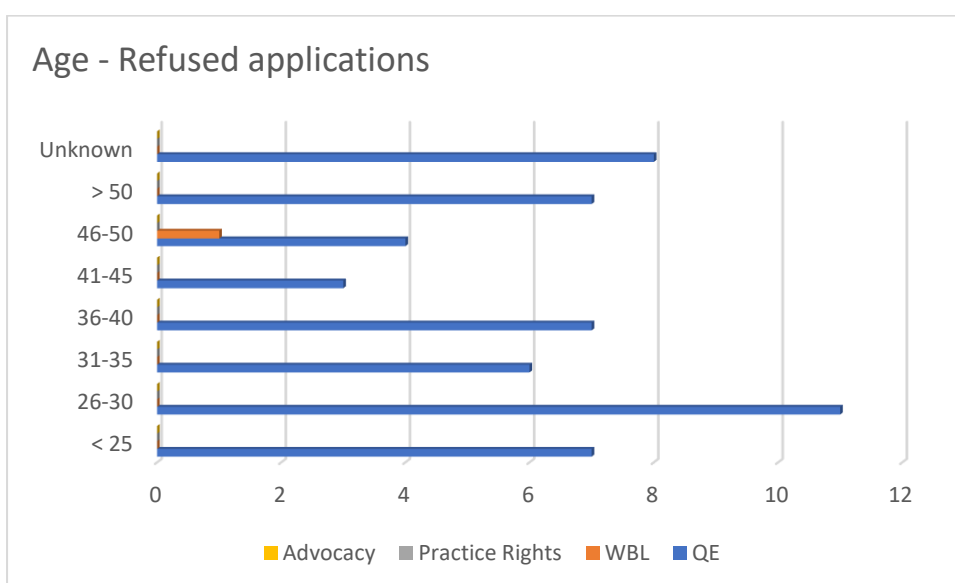
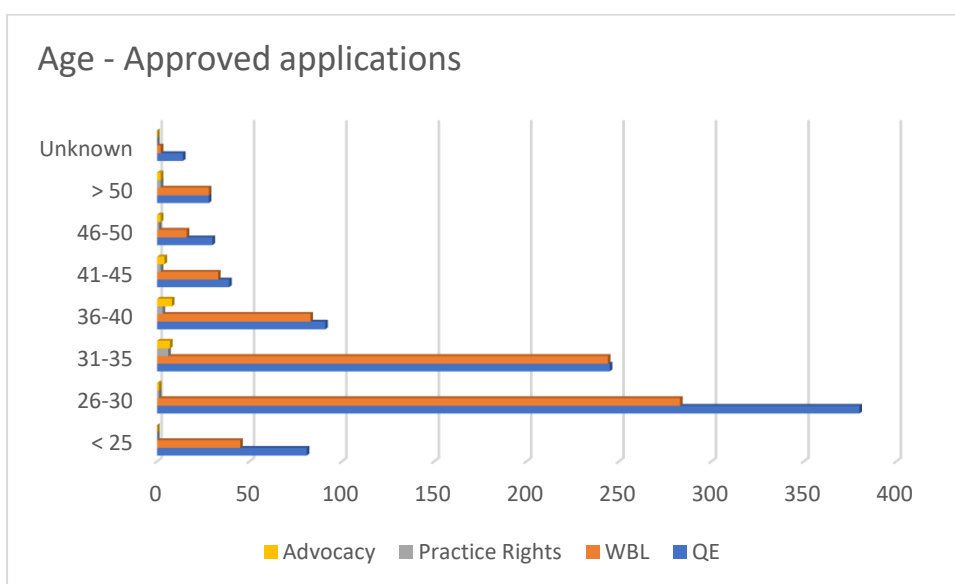


**Age**

<b>Age for approved applications</b>	QE	WBL	Practice Rights	Advocacy
< 25	81	45	0	0
26-30	380	283	1	1
31-35	245	244	6	7
36-40	91	83	3	8
41-45	39	33	2	4
46-50	30	16	1	2

> 50	28	28	2	2
Unknown	14	2	0	0

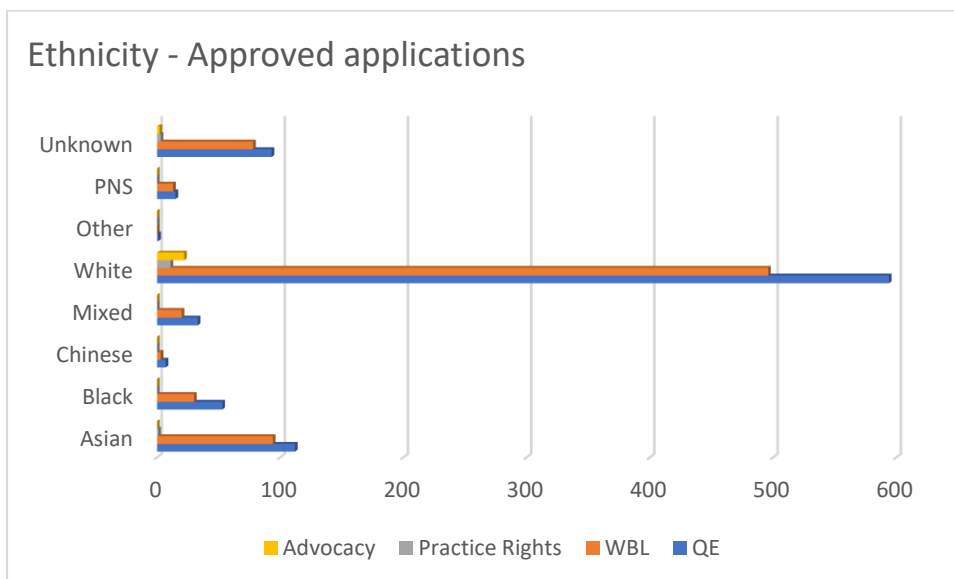
Age for refused applications	QE	WBL	Practice Rights	Advocacy
< 25	7	0	0	0
26-30	11	0	0	0
31-35	6	0	0	0
36-40	7	0	0	0
41-45	3	0	0	0
46-50	4	1	0	0
> 50	7	0	0	0
Unknown	8	0	0	0

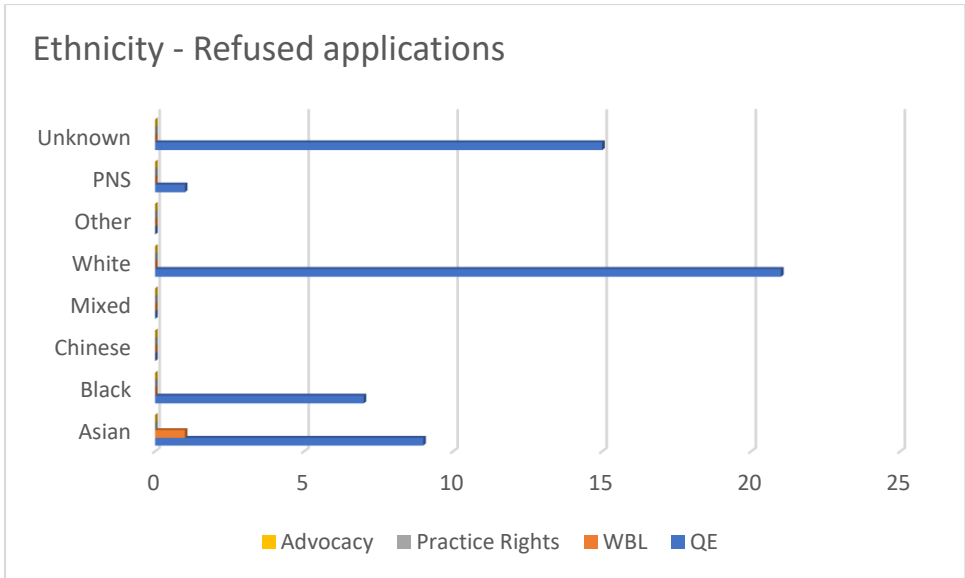


**Ethnicity**

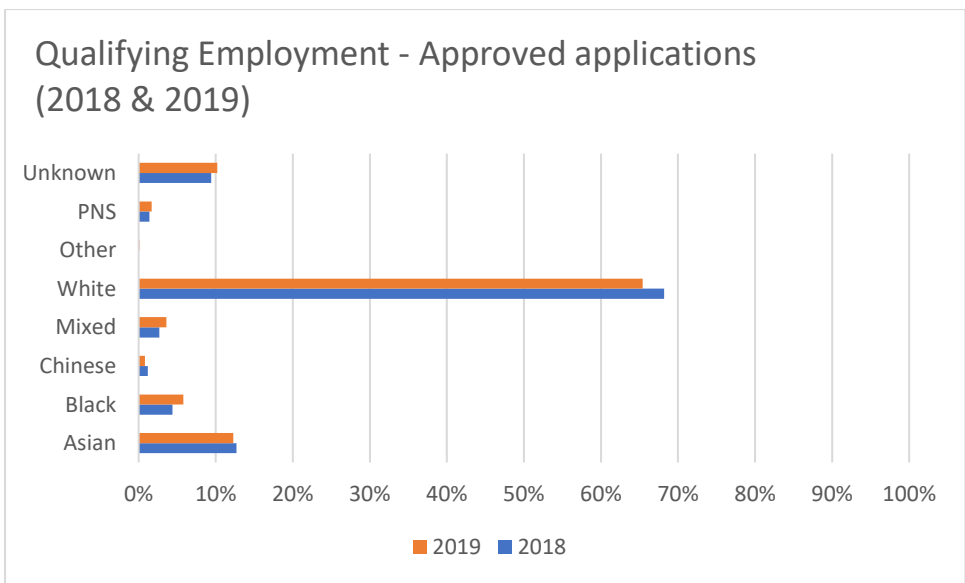
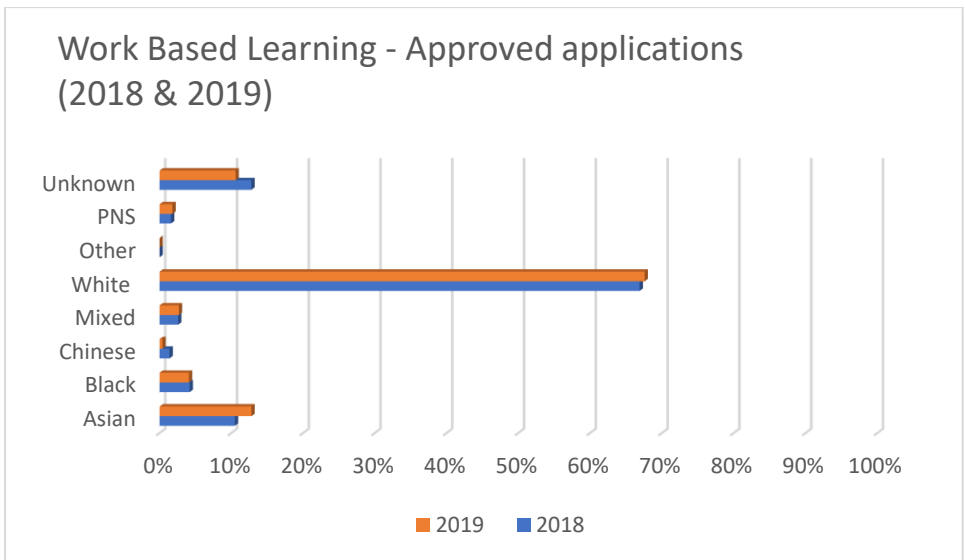
<i>Ethnicity approved applications for</i>	QE	WBL	Practice Rights	Advocacy
Asian	112	94	1	0
Black	53	30	0	0
Chinese	7	3	0	0
Mixed	33	20	0	0
White	594	496	11	22
Other	1	0	0	0
PNS	15	13	0	0
Unknown	93	78	3	2

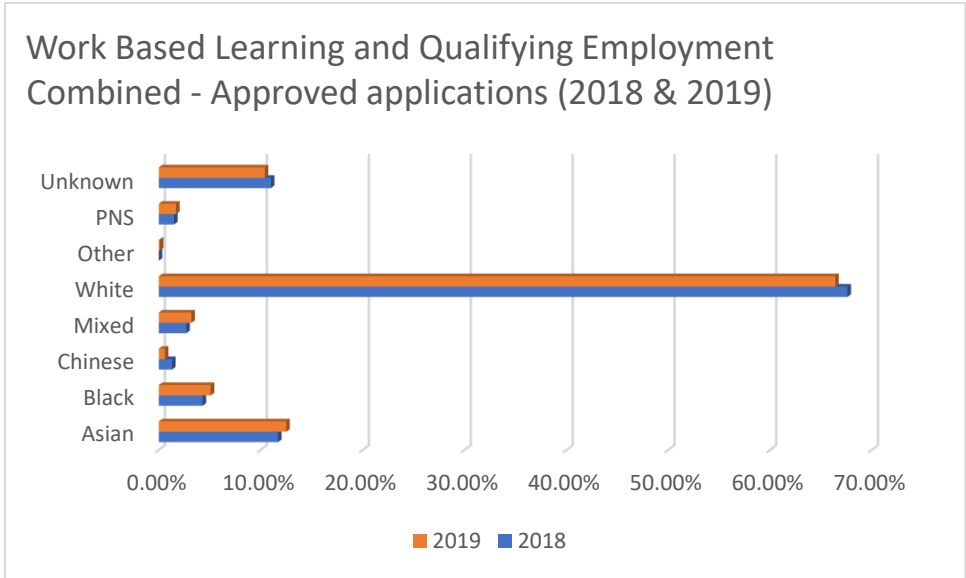
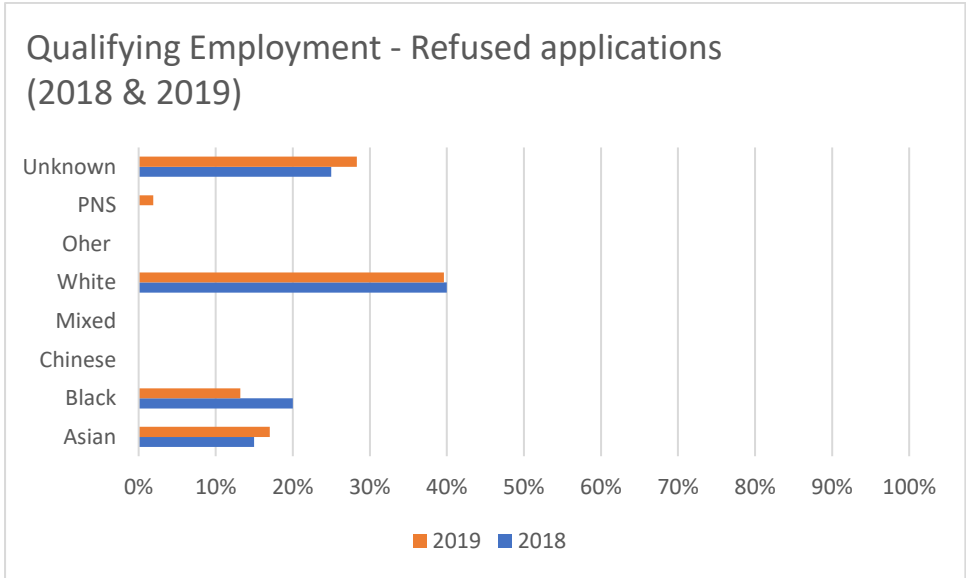
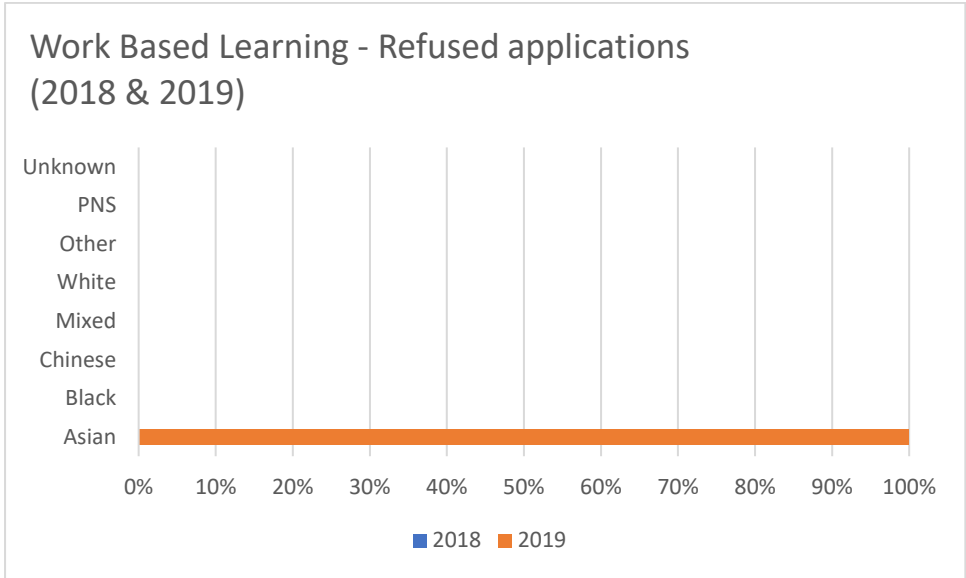
<i>Ethnicity for refused applications</i>	QE	WBL	Practice Rights	Advocacy
Asian	9	1	0	0
Black	7	0	0	0
Chinese	0	0	0	0
Mixed	0	0	0	0
White	21	0	0	0
Other	0	0	0	0
PNS	1	0	0	0
Unknown	15	0	0	0



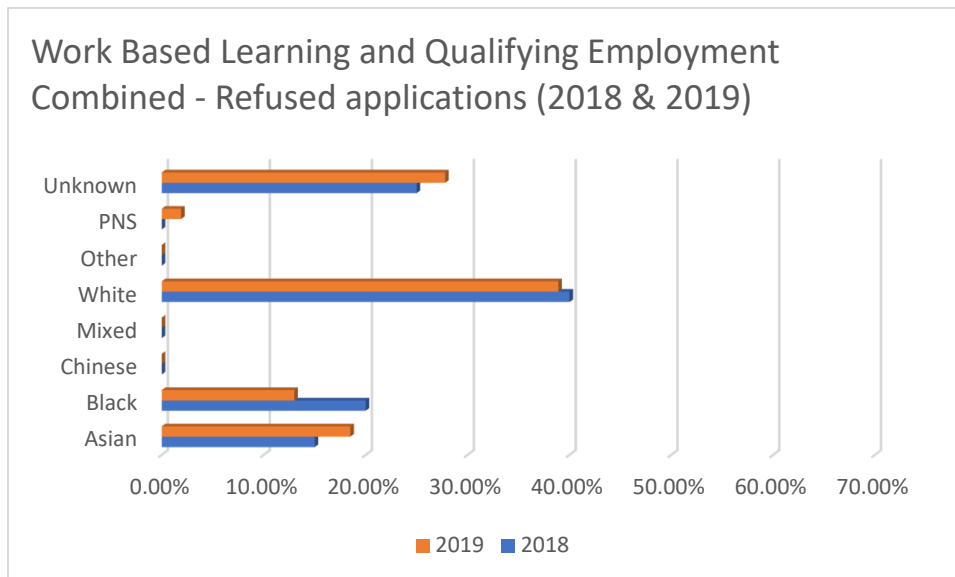


Comparison of ethnicity data for 2018 & 2019 application decisions









### Conclusions in relation to equality and diversity data

- In 2019, there is further weak evidence that more applicants from BAME backgrounds are likely to be refused, which reflects the position from previous years (2016 and 2018). However, it should be noted that the overall refusal rate is very small, therefore the data should be treated with caution.
- CILEx Regulation commissioned some independent research to determine possible reasons for the disparity between outcomes for BAME and white applicants. While the report did not find that there were biases in the QE process, the research was limited because of the low number of participants.
- The report makes recommendations, including that CILEx Regulation should review the criteria for QE to ensure it is fit for purpose and takes account of the diversity of membership. We are taking the recommendations into consideration when looking at our approach to Qualifying Employment in the education standards review and to inform the suggestions of work we might take forwards.