



# **Chartered Legal Executive Litigator and Advocate (Criminal Litigation) Handbook**

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# Introduction to becoming a Chartered Legal Executive Litigator and Advocate (Criminal Litigation)

## Who can apply for Criminal Litigation Practice Rights?

1. Applications to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation) can be made by a range of applicants, including CILEX members and non-CILEX members. Authorised persons from other branches of the legal profession may apply under the Recognition of Prior Legal Qualifications Policy (to access, click [here](#)).

## What can a Chartered Legal Executive Litigator and Advocate (Criminal Litigation) do?

2. If your application is approved, you will become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation), who is an authorised person under the Legal Services Act 2007.
3. This means that you can carry out litigation and advocacy activities as set out in your certificate through a legal practice that is regulated, or you may also work for an unregulated employer as their in-house adviser provided that the employer does not provide legal services to the public or a section of the public, as part of their business.
4. If you intend to practice independently, i.e. set up a law firm, you must also seek regulation of your entity. CILEX Regulation and other regulators are able to regulate entities. There is a separate application process for entity regulation.
5. As a Chartered Legal Executive Litigator and Advocate (Criminal Litigation), who has been authorised by CILEX Regulation to undertake litigation and advocacy (Criminal Litigation) practice rights, you will be able to undertake the following activities:
  - To appear before Justices Clerks, Justices or a District Judge (Magistrates' Court) in all adult Magistrates' Courts in relation to all matters within that Court's criminal jurisdiction;
  - To appear before Justices Clerks, Justices or a District Judge (Magistrates' Court) in all Youth Courts in relation to all matters within that Court's criminal jurisdiction;
  - To appear in the Crown Court or High Court before a judge in chambers to conduct bail applications;
  - To appear in the Crown Court on appeal from the Magistrates' Court, the Youth Court or on committal of an adult for sentence or to be dealt with, if they, or any approved person in the same employment as them, appeared on behalf of the defendant in the Magistrates' Court or Youth Court;
  - To appear before Coroners' Courts in respect of all matters determined by those Courts and to exercise rights of audience similar to those exercised by solicitors and barristers.

6. In addition, a Chartered Legal Executive Litigator and Advocate (Criminal Litigation) is also a Commissioner for Oaths.

## How will CILEx Regulation assist me with my application?

7. We will support you during the application process to ensure that we have all the information necessary to enable us to make an informed decision as to whether you have the required knowledge and understanding, experience and skills to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation)

## Introduction to Assessment

8. CILEx Regulation is responsible for assessing applications to become Chartered Legal Executives in a specialist area. This Handbook is designed to explain the process of applying to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation). Set out below is a summary of the application process which is followed by more detailed information to which you should refer prior to submitting your application.
9. Before you begin completing the process, you may wish to discuss your application with your employer to ensure that you have their full support, and they are willing to complete/provide the necessary documentation in connection with your application. You will need to agree with your employer (who will act as your supervisor) how you will meet the competencies and outcomes.
10. There are five steps involved in the application process:

### **Step One - Demonstrate your Criminal Litigation technical knowledge**

Complete a CILEx Regulated Qualification or apply for an exemption

### **Step Two – Apply to have your Qualifying Experience assessed**

Complete and submit a Qualifying Experience Application Form, reference and non-refundable assessment fee, to have your experience assessed to confirm you meet the minimum requirement of 2,300 hours

### **Step Three – Compile a portfolio of your work against the 6 Competencies**

Prepare a portfolio to evidence your competence

### **Step Four – Complete an Application for Certificate of Eligibility for Advocacy Skills Course or apply for exemption**

Complete the application and prepare your portfolio demonstrating your litigation and advocacy experience

### **Step Five – Submit your application to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation)**

Submit for assessment:

- a completed Fellowship via Work Based Learning Application Form and supporting documentation;
- your completed Application for Certificate of Eligibility for Advocacy Skills Course and supporting documentation.

## Step 1

# Demonstrate your Criminal Litigation Technical Knowledge

11. CILEx Regulation has defined the technical knowledge requirements for Criminal Litigation in the Criminal Litigation Specialist Pathway (to access, click [here](#)).
12. CILEx Regulation accredits academic qualifications which meet our technical knowledge requirements to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation).
13. The qualifications that meet these requirements are as follows:
  - CILEX Professional Qualification (CPQ) – please click [here](#);
  - Bloomsbury Institute LLB (Hons) Law and Legal Practice – please click [here](#).
  - Datalaw Level 6 Law and Practice Diploma – please click [here](#).
14. If you hold one of these qualifications, you will be able to demonstrate your technical knowledge by providing CILEx Regulation with a certified copy of your qualification certificate (or equivalent evidence).
15. If you do not hold one of these qualifications but hold an alternative qualification, you may still meet the requirements. Please refer to the Recognition of Prior Legal Qualifications Policy (to access, click [here](#)) for more information.

## Step 2

# Apply to have your Qualifying Experience assessed

### What is Qualifying Experience?

16. To acquire 'Qualifying Experience', you will need to be undertaking work that 'contributes to the provision of legal services'. This involves undertaking tasks that require the application of the law, legal practice, or procedure in areas such as:

- taking instructions from clients;
- advising and making recommendations to clients;
- drafting legal documents;
- undertaking legal research;
- corresponding with the parties to a legal matter;
- making decisions in a legal matter based on legal principles or rule of law;
- representing clients in negotiations and submissions.

### How much Qualifying Experience do I need?

17. You will need to complete at least 2,300 hours qualifying experience to apply to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation).

18. A period of 644 hours spent in attendance on either of the following courses will be treated as qualifying experience provided you have passed the course:

- a legal Practice Course (LPC), recognised by the Law Society of England and Wales in connection with qualification as a solicitor; or
- a Bar Training Course (BTC), recognised by the Bar Council in connection with qualification as a Barrister.

19. You cannot be credited twice for the same time period where you have undertaken an LPC/BTC course concurrently with a role that satisfies the definition of 'qualifying experience'.

### How do I apply to have my Qualifying Experience assessed?

20. To apply to have your experience assessed, you will need to complete and submit a Qualifying Experience Application Form (to access, click [here](#)) along with:

- a reference from your supervisor; and
- a non-refundable assessment fee.

21. Once you submit your application, we will raise an invoice and provide payment instructions.

22. Please submit your application to [qeapplications@cilexregulation.org.uk](mailto:qeapplications@cilexregulation.org.uk).

## **What should my supervisor reference include?**

23. Your supervisor will need to be an 'authorised person'. An authorised person is a lawyer qualified in accordance with Section 18 of the Legal Services Act 2007. For example, a Chartered Legal Executive, CILEX Practitioner, Solicitor, Barrister or Licensed Conveyancer.
24. The reference should include your supervisor's details, qualification and professional membership number, and comment on the following:
- their supervision of your work;
  - your knowledge, experience and duration of work;
  - your ability to work independently;
  - your ability to work competently in the Criminal Litigation area; and
  - your suitability to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation).

## **How will my application for Qualifying Experience be assessed?**

25. Your application will be assessed by a CILEx Regulation Officer who may write to you to ask for more information regarding your role(s). You will be notified of the Officer's decision in writing.
26. If it is decided that you do not have 2,300 hours of qualifying experience, we will advise you of the following:
- how much qualifying experience you have completed to date; and
  - when we anticipate that you may have achieved the 2,300 hours required to submit your full application to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation).
27. If the CILEx Regulation Officer is unable to determine whether you have met the criteria for qualifying experience, your application will be referred to the Admissions and Licensing Committee (ALC) for a decision. You will be notified of the date when your application will be considered by the ALC and notified of their decision in writing.



## Step 3

# Compile a Portfolio of your work

### What is the purpose of the portfolio of my work?

28. An essential part of your application to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation) is the portfolio of work.
29. The purpose of the portfolio of work is to show that you can:
- identify, research and apply law and legal procedure;
  - communicate with and represent your client effectively;
  - understand your client and their expectations, evaluate their options and provide them with clear legal advice;
  - manage your workload;
  - understand the business environment in which you work;
  - understand and comply with the professional conduct rules and equality legislation and issues;
  - evaluate your professional skills and knowledge;
  - establish effective professional relationships and an understanding of what information can/may be provided to others.
30. You will need to demonstrate this by meeting the competencies and outcomes.
31. It is vitally important for you to ensure that your role enables you to meet the competencies and outcomes. You may wish to discuss this with your supervisor.

### How do I demonstrate that I have met the competencies and outcomes?

32. You are required to demonstrate meeting 6 competencies, which are broken down into 25 compulsory outcomes plus 1 optional outcome. To do this, you must provide:
- **3 examples** of meeting each outcome in **competency 1**, using 3 different types of documents used in Criminal Litigation activities; and
  - **1 example** of meeting each of the outcomes in **competencies 2 to 6**.
33. In total, you will need to provide **35 examples (36 if you choose to demonstrate meeting optional outcome 6.5)**.
34. These 35 examples (36 if you choose to demonstrate meeting optional outcome 6.5) comprise your portfolio. The competencies and outcomes are set out in pages 14-26 of this handbook. Below each outcome are bullet points identifying what needs to be covered in your example for that outcome.
35. For each example you submit to demonstrate achieving each outcome, you need to submit a completed logbook sheet (to access, click [here](#)) and supporting evidence. The outcomes must be achieved within 2 years prior to the date of your application.

## What types of evidence can I use?

36. You should collect evidence from your work to demonstrate meeting the outcomes. The evidence that you provide must be copies of your actual work from your case file.
37. You must redact from the evidence all personal information that would identify your client, client company or organisation or any third-party, third-party company or organisation, including colleagues (but excluding a supervisor whose details we already have) to comply with data protection obligations. If submitting emails as evidence, these must be copied and pasted in full onto Word/PDF documents (and must include the sender and recipient details and the date – redacted where necessary). Do not send direct links to the emails or copies direct from your email account.
38. Other non-identifying information should be left in to assist the assessor. The content of the evidence submitted will be shared by CILEx Regulation, the Officer(s) responsible for assessment of the portfolio of work, the Admissions and Licensing Committee (ALC) and any external assessors to whom your portfolio of work may be referred to for assessment and standardisation purposes.
39. You should **not** include as evidence copies of your firm's policies, or codes of practice, or blank/template forms and letters, or statutes (except for outcome 1.1), as these do not evidence how you have met the outcome. Internal file notes prepared purely for file purposes are **not** acceptable as evidence. Examples of acceptable evidence would be tailored copies of letters, telephone attendance notes, client attendance notes and documents/reports you have prepared that have been sent to someone.
40. The evidence must be not older than 2 years prior to the date that you apply to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation). CILEx Regulation may, in exceptional circumstances only and at their discretion, accept evidence dated 2 to 3 years prior to the date of your application. You should fully explain within your submitted logbook sheet why you have provided evidence that pre-dates your application by more than 2 years (e.g. for reasons of ill-health or maternity). CILEx Regulation will then consider this.
41. The evidence that you provide must be your own work. You must leave in the date, your name and reference where this appears in the evidence. If the evidence does not contain this information, you should provide an explanation in the logbook sheet.
42. You may use the same piece of evidence to demonstrate meeting more than one outcome within your portfolio. For example, the evidence you submit for outcome 1.1 could be used to demonstrate meeting outcome(s) 2.1, 2.4 and 3.3 if it also demonstrates meeting these outcomes.
43. However, for Competency 1, you must use 3 different pieces of evidence from different Criminal Litigation matters.
44. The evidence that we would expect to see in support of your application should be drawn from matters which relate to (but not limited to):
  - taking instructions from clients (orally and in writing);
  - letters/emails of advice to clients throughout the matter;

- drafting and completing documents and forms;
- correspondence of communicating with professionals, the Court, local authorities or other organisations;
- documents advising and conducting negotiations with other parties;
- compliant handing correspondence;
- skeleton arguments using case analysis and theory;
- consent order.

## How do I complete the logbook sheets?

45. You should complete the logbook sheet (to access, click [here](#)) as follows:

- complete 'name' and 'membership number' boxes;
- insert the number of the outcome being met e.g. example 1.1 (2) or 6.3;
- list the evidence provided e.g. letter to client dated 01/01/2020, email from client dated 01/01/2020;
- fully explain how the outcome has been met **and** how the evidence shows this. You may find it helpful to refer to the outcome and assessment criteria;
- in the 'reflection and evaluation' box, identify the learning achieved through meeting the outcome;
- print the name of the supervisor that supervised the work in the box provided.

46. Once you submit your application, we will provide you and your supervisor with an 'Adobe sign' electronic signature to sign to confirm that the work is your own.

## What do I do if I am unable to provide evidence to demonstrate meeting an outcome?

47. Where possible, you should provide a logbook sheet with evidence. Where you do not have evidence on which to rely, you may complete and submit a personal statement (to access, click [here](#)).

48. You may use a maximum of 4 personal statements in your portfolio.

49. The decision whether to accept a personal statement is at the discretion of CILEx Regulation.

## How do I complete a personal statement?

50. You should complete a personal statement as follows:

- complete 'name' and 'membership number' boxes;
- insert the number of the outcome being met e.g. example 1.1 (2) or 6.3;
- give the reason why you are unable to provide evidence e.g. it was a verbal conversation, or the case file is no longer accessible;
- fully explain how the outcome has been met by using an example from your work (without evidence);
- in the 'reflection and evaluation' box, identify the learning achieved through meeting the outcome;

- record the date the work was undertaken;
- print the name of the supervisor that supervised the work in the box provided.

51. Once you submit your application, we will provide you and your supervisor with an 'Adobe sign' electronic signature to sign to confirm that the work is your own.

## **What do I do if I change my employment or role whilst compiling my portfolio of work?**

52. If you change your employment or role whilst compiling the portfolio of your work, before leaving your current employment/role obtain from your supervisor:

- a reference (see paragraphs 78-80);
- their consent to us contacting them in the future once you have submitted your application for any confirmations we require;
- their signature on a Supervisor Declaration Form (to access, click [here](#)). On the form, please list the outcome and example numbers that are included in the supervisor's declaration.

53. You will need to retain that portfolio, reference, and supervisor declaration and once you are in your new employment/role, add the remaining logbook sheets and examples required to complete the portfolio.

54. The onus is on you to ensure that all evidence is within 2 years of the date of application.

55. If your situation is not covered by the above or you require further assistance on these points, please contact us by email at [wblapplications@cilexregulation.org.uk](mailto:wblapplications@cilexregulation.org.uk).

## **How do I put my portfolio together?**

56. We recommend the following:

- Check that you have 35 completed logbook sheets (36 if you choose to demonstrate meeting optional outcome 6.5), with supporting evidence, (with a maximum of 4 personal statements) to demonstrate meeting each outcome;
- Check that each logbook sheet (or personal statement) is correctly numbered, e.g. 1.1(1), 1.4(2), 34;
- Save all the documents as PDFs;
- Save the whole portfolio as one PDF (beginning 1.1(1) and ending 6.4 (or 6.5 if submitting the optional outcome)). The document should not be more than 10MB;
- If you experience difficulty in saving and sending the portfolio as one PDF, then break it down, i.e. one competency per PDF and submit attached to individual emails.

## **Step Four**

# **Complete an Application for a Certificate of Eligibility for Advocacy Skills Course form**

### **What is the Advocacy Skills Course?**

58. Applicants seeking litigation and advocacy practice rights for Criminal Litigation are required to complete an advocacy skills course which is delivered and assessed by a CILEx Regulation approved external training provider.
59. For Criminal Litigation you will need to complete a 5-day advocacy skills course.
60. Members who attend and successfully complete an advocacy skills course will be authorised as a Chartered Legal Executive Litigator and Advocate (Criminal Litigation) upon successful application.

### **How do I access the Application for Certificate of Eligibility for Advocacy Skills Course form?**

61. The application form for Certificate of Eligibility for Advocacy Skills Course can be downloaded from the CILEx Regulation website along with guidance on completing the form (to access, click [here](#)).

### **What additional evidence do I need to provide to support my Application for Certificate of Eligibility for Advocacy Skills Course form?**

62. Along with your completed Application for Certificate of Eligibility for Advocacy Skills Course form, you are required to submit a portfolio of cases in which you have been involved for Criminal Litigation.
63. The portfolio should comprise of:
- 5 cases in which you demonstrate your experience of litigation during the 2 years proceeding your application; and
  - 3 cases in which you demonstrate your advocacy experience during the 2 years preceding your application.

### **What information do I need to provide relating to the 5 cases demonstrating litigation experience?**

64. For each of the 5 cases included in your portfolio demonstrating your litigation experience, you need to set out the following:
- a concise description of the case, its progression and the outcome;
  - the law arising in the case and its application to the facts;

- procedural or process issues, including the court and, where relevant, the track to which the case was allocated;
- evidential issues arising in the case;
- ethical or conduct issues arising in the case;
- funding issues arising in the case;
- research undertaken in the case, relating to law or procedure;
- decision making in the case and any advice taken on strategic issues in the case;
- any training or development needs identified, arising from the case.

## **What information do I need to provide relating to the 3 cases demonstrating advocacy experience?**

65. For each of the 3 cases included in your portfolio of police station advice experience, you need to set out the following:

- a concise description of the case, its progression and the outcome;
- the way in which instructions to assist the client were received;
- the context in which advice, assistance or representation was provided – by telephone, at police station or otherwise;
- legal issues arising in the course of advising, assisting or representing the client;
- procedural issues arising in the course of advising, assisting or representing the client, including issues arising under the PACE Codes of Practice;
- ethical or conduct issues arising in the course of advising, assisting or representing the client;
- actions taken after providing advice, assistance or representation;
- the effectiveness of the advice or assistance to the client, or representations made on the client's behalf;
- any training or development needs identified, arising from the case.

66. Police station work described may be in relation to the litigation cases described in your portfolio but need not be.

67. You may include descriptions of advocacy you have undertaken or observed in place of cases in which you have provided police station advice. No more than 2 of the 3 cases may relate to observed advocacy, the remaining case or cases must relate to police station attendance or advocacy undertaken in criminal proceedings.

## **Who is eligible for exemption?**

68. Applicants holding a Bar Professional Training Course certificate can apply for exemption from the advocacy skills course.

69. If you are holding similar qualifications, you may also be eligible for exemption from the advocacy skills course.

70. For more information, please complete our online Query Form which can be found on the CILEx Regulation website [here](#).

## Step Five

# Apply to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation)

### What do I need to submit for my application?

71. To apply, you need to submit the following:

- a completed application form (to access, click [here](#));
- evidence of your qualifications;
- a reference from your supervisor (see below);
- your portfolio of work containing evidence of meeting the 6 competencies identified on pages 18 to 28 of this handbook;
- a copy of the letter you received from us confirming that you have met the minimum requirement of 2,300 hours of qualifying experience;
- A completed Application for a Certificate of Eligibility for Advocacy Skills Course form;
- your portfolio of 5 cases demonstrating your litigation experience and 3 cases demonstrating your advocacy experience.

72. A non-refundable fee is charged for assessing your application. Once you have submitted your application, an invoice will be raised and payment instructions will be provided.

73. Please submit your application to [wblapplications@cilexregulation.org.uk](mailto:wblapplications@cilexregulation.org.uk).

### What should the reference from my supervisor include?

74. You should submit a reference from your supervisor in support of your application (unless the reference you submitted when applying to have your qualifying experience assessed is dated less than 6 months prior to the date of your application to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation), in which case you can submit a photocopy of that reference). The reference should be on headed paper.

75. Your supervisor will need to be an 'authorised person'. An authorised person is a lawyer qualified in accordance with Section 18 of the Legal Services Act 2007. For example, a Chartered Legal Executive, CILEX Practitioner, Solicitor, Barrister or Licensed Conveyancer.

76. The reference should include your supervisor's details, qualification and professional membership number, and comment on the following:

- their supervision of your work;
- your knowledge, experience and duration of work;
- your ability to work independently;
- your ability to work competently in the Criminal Litigation area; and
- your suitability to become a Chartered Legal Executive Litigator and Advocate (Criminal Litigation).

## How will my application be assessed?

77. Once the non-refundable assessment fee has been processed, we will send out declarations to you and your supervisor using [Adobe Acrobat Pro](#). When these declarations are completed, your application will be assessed. You will be sent an acknowledgement email providing you with information on the process and estimated timescales.
78. If your application is not approved, we will notify you in writing and request that you provide further information to support your application. Once we receive this further information it will be assessed, and you will be notified in writing of the decision.
79. If we are unable to determine whether you have met the criteria for admission, your application will be referred to the Admissions and Licensing Committee (ALC) for a decision. You will be notified of the date upon which your application will be considered by the ALC, and we will write to notify you of their decision.
80. They will be sent a certificate of eligibility which authorises you undertake a Criminal proceedings advocacy skills course with a link to the external training provider to book onto the next available course.
81. Once you have successfully completed the course, please forward a copy of your certificate of achievement to [wblapplications@cilexregulation.org.uk](mailto:wblapplications@cilexregulation.org.uk).
82. If your application is approved, we will notify you in writing that you are eligible to attend a Criminal Litigation Advocacy Course.
83. Upon receipt you will be admitted as a Chartered Legal Executive Litigator and Advocate (Criminal Litigation) and a Practice Rights certificate will be emailed to you.



# Competencies and outcomes

## Competency 1: Application of law and practice

By the end of the period of qualifying experience, you must be able to:

- 1.1 Undertake legal research
- 1.2 Critically analyse facts and law
- 1.3 Synthesise all relevant information to provide advice
- 1.4 Find solutions where possible
- 1.5 Draft legal documents

Evidencing Competency 1	
Outcomes	
<b>1.1 Undertake legal research</b>	<ul style="list-style-type: none"> <li>(a) Identify the need to undertake legal research</li> <li>(b) Identify and use relevant sources and appropriate research tools (including search engines, if you have used any) to undertake your legal research</li> <li>(c) Undertake relevant and up to date research and supply the research as part of your evidence</li> <li>(d) Apply the findings of your research to the matter you are dealing with</li> <li>(e) Record and present your research findings clearly, and provide evidence of your accurate application of the research to the matter</li> <li>(f) Explain how legal technology was used to undertake legal research including any limitations or ethical challenges in using technology</li> </ul>
<b>1.2 Critically analyse facts and law</b>	<ul style="list-style-type: none"> <li>(a) Identify relevant law or legal procedure</li> <li>(b) Describe how the law/legal procedure applies to the matter you are dealing with</li> <li>(c) Explain how the evidence you have supplied demonstrates your analysis of the facts and application of law/procedure to the matter and supply evidence</li> </ul>
<b>1.3 Synthesise all relevant information to provide advice</b>	<ul style="list-style-type: none"> <li>(a) Identify the relevant issues in a matter: these may be legal, evidential or factual</li> <li>(b) Identify relevant information and efficiently locate and collate any relevant documents in your selected legal matter</li> <li>(c) Explain how you deal with the issues you have identified</li> <li>(d) Identify any applicable law or procedure relevant to the issues</li> <li>(e) Apply the applicable law or procedure to the matter and deal with the issues you have identified</li> <li>(f) Explain the actions you have taken to deal with the matter holistically, demonstrating your application of the law or procedure and provide supporting evidence</li> </ul>

#### **1.4 Find solutions where possible**

- (a) Identify a specific legal problem to be resolved and explain your understanding of that problem
- (b) Decide whether it is possible to solve the problem that you have identified, and:
  - where a solution is possible, explain the actions you will take to resolve the problem
  - where a solution is not possible, explain why and how the matter might otherwise be progressed
- (c) Provide evidence to support your analysis and consideration of the problem and any viable solution

#### **1.5 Draft legal documents**

- (a) Apply the principles of good drafting to produce clear, unambiguous and accurate documents with appropriate language, structure and formatting, which meet formal and legal requirements
- (b) Select precedents and templates and use, adapt and edit them appropriately
- (c) Draft accurate legal documents, whether from scratch or by using precedents that forms a coherent whole, reflecting the client's objectives and where appropriate, advances the matter and manages client risk. Documents which may be evidenced are:
  - advising and making recommendations to the client
  - drafting legal documents and court applications
  - corresponding with the parties to a legal matter
  - making decisions in a legal matter based on legal principles or rule of law
  - representing clients in negotiations and submissions
- (d) Identify how legal technology was used to support your drafting and explain the benefits of using technology in this way. If legal technology was not used, identify existing or emerging legal technology that may be utilised to make the task easier/quick/cheaper in future

## Competency 2: Communication

By the end of the period of qualifying experience, you must be able to:

- 2.1 Communicate orally and in writing, clearly and effectively
- 2.2 Negotiate effectively
- 2.3 Deliver advocacy/oral presentations
- 2.4 Develop, maintain and manage 3<sup>rd</sup> party relationships

### Evidencing Competency 2

#### Outcomes

##### 2.1 Communicate orally and in writing, clearly and effectively

- (a) Choose the most appropriate method by which to communicate with the parties/organisations involved in the matter observing appropriate etiquette
- (b) Explain why this was the most effective communication method to use in the circumstances
- (c) Provide evidence of your communication
- (d) Use language tailored to the audience and purpose of the communication. Language should be clear, concise, accurate and unambiguous. Explain why the language used was appropriate for the recipient
- (e) Apply oral communication and listening skills to build trust, ask questions and understand, to provide explanation and advice, as appropriate. This should include addressing all relevant factual, legal and evidential issues arising and seeking additional information as required. Provide evidence of your oral communication
- (f) Produce unambiguous, clear and accurate written communications with appropriate language and structure and provide evidence of your written communication
- (g) Demonstrate emotional competence to achieve effective communication
- (h) Identify issues of culture, disability and diversity and demonstrate respect for a range of attitudes and beliefs and apply this in your communications
- (i) Explain how your evidence demonstrates compliance with the CILEX Code of Conduct
- (j) Demonstrate compliance with relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation etc)

##### 2.2 Negotiate effectively

- (a) Identify when negotiation is necessary
- (b) Identify all relevant factual, legal or evidential issues in a case through effective questioning and listening techniques
- (c) Demonstrate effective planning and preparation and apply a negotiation strategy which reflects an understanding of the client's objectives, expectations and risks and which seeks to manage those appropriately, as far as possible
- (d) Choose and explain the most appropriate method of negotiation (e.g. letter, face to face meeting etc)

- (e) Represent the interests of your client through use of your legal and professional skills and provide supporting evidence
- (f) Take the necessary steps to negotiate successfully and reach an agreement that is acceptable to your client. Provide supporting evidence
- (g) Behave ethically in negotiations and resist pressure to condone, ignore or act unethically. Explain your understanding of this element of the CILEX Code of Conduct

### **2.3 Deliver advocacy/oral presentations**

- (a) Identify the information you need to represent your client
- (b) Obtain this information through effective listening and questioning techniques
- (c) Represent the interests of your client through use of your legal and professional skills and provide supporting evidence
- (d) Make oral presentations that are clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience
- (e) Explain your understanding of the principles of client care and how you put these into practice whilst representing your client, referring to relevant outcomes from the CILEX Code of Conduct

### **2.4 Develop, maintain and manage 3<sup>rd</sup> party relationships**

- (a) Demonstrate that you can work both independently and as part of a team
- (b) Demonstrate an understanding of the importance of establishing effective working relationships with other professionals involved in a legal matter and provide evidence of your two-way communication with other professionals
- (c) Deal with others involved in a matter appropriately, professionally and ethically and provide them with appropriate information. Provide evidence of such dealings
- (d) Identify and where appropriate, instruct an expert or agent

You should provide evidence which demonstrates:

- Commissioning reports and other information from experts
- Appreciating the nature and function of different types of experts
- Identifying when it is appropriate to instruct an expert or agent including when a specialist opinion is required
- Being familiar with the available registers, databases and organisations through which an appropriate expert or agent may be identified and located
- Understanding any relevant statutory requirements to ensure that an expert or agent is instructed properly and is suitably qualified and experienced
- Identifying what information can legally be disclosed to others
- Agreeing an appropriate fee for work to be carried out by an expert or agent
- Drafting instructions to an expert
- Dealing with any expert in a professional manner

## Competency 3: Client relationships

By the end of the period of qualifying experience, you must be able to:

- 3.1 Take instructions
- 3.2 Evaluate options and risks to your client
- 3.3 Give advice
- 3.4 Provide good customer service

Evidencing Competency 3	
Outcomes	
<b>3.1 Take instructions</b>	<ul style="list-style-type: none"> <li>(a) Take instructions from your client at the outset of a matter to achieve a full understanding of the client's wishes, objectives and concerns</li> <li>(b) Seek and receive confirmation from your client that you have correctly understood their instructions. Provide evidence that you have identified and confirmed your client's instructions and understood their legal position</li> <li>(c) Obtain all information necessary to understand the scope your client's instructions as well as the interests of other parties involved to enable you to plan for progress of the matter</li> <li>(d) Consider whether information is missing or held by 3<sup>rd</sup> parties and seek to obtain the necessary consents to acquire it</li> <li>(e) Take steps to identify any actual or potential conflicts of interest and act accordingly. Explain how your action demonstrates compliance with the CILEX Code of Conduct</li> </ul>
<b>3.2 Evaluate options and risks to your client</b>	<ul style="list-style-type: none"> <li>(a) Identify issues, including the client's personal circumstances which may impact on the achievement of the client's objectives</li> <li>(b) Consider any alternative courses of action that might be available to your client in dealing with the matter</li> <li>(c) Evaluate and communicate the options (including the costs, risks and benefits of each option) to the client and provide evidence</li> <li>(d) Identify emerging uses of technology in criminal practice to improve the process for a client</li> </ul>
<b>3.3 Give advice</b>	<ul style="list-style-type: none"> <li>(a) Communicate clear, accurate and practical advice both orally and in writing relevant to the matter</li> <li>(b) Your advice should include what action you will take to represent your client and outline the options available and next steps. Provide evidence of this advice</li> </ul>

### **3.4 Provide good customer service**

- (a) Identify the steps that need to be taken to achieve a client's wishes or further their objectives as far as practicable, and plan and implement their progress
- (b) Communicate with the client on progress towards achievement of their objectives identifying any risks
- (c) Demonstrate how you used technology to provide flexible customer service and explain how this improved the customer experience
- (d) Explain any ethical challenges and limitations in your use of technology to provide good customer service
- (e) Identify any emerging legal technology that could be used in your organisation to further improve customer service
- (f) Demonstrate how you comply with the CILEX Code of Conduct by:
  - providing certainty and clarity as to the legal services being provided, the cost of these services and keeping your client up to date
  - providing complaints handling information or dealing with client concerns or complaints appropriately
- (g) Demonstrate how you comply with the CILEX Code of Conduct and legal requirements relevant to equality, diversity and inclusion, including meeting the needs of vulnerable clients

## Competency 4: Effective working practices

By the end of the period of qualifying experience, you must be able to:

- 4.1 Progress matters
- 4.2 Plan workload and manage files
- 4.3 Manage caseload

Evidencing Competency 4	
Outcomes	
<b>NOTE: It is not appropriate to provide evidence of progressing matters quickly at the request of your client</b>	
<b>4.1 Progress matters</b>	<ul style="list-style-type: none"> <li>(a) Demonstrate dealing with your workload without causing or allowing any unnecessary delay to the progress of the legal matter</li> <li>(b) Identify and manage risks as far as practicable to the achievement of the client's objectives</li> <li>(c) Evidence should demonstrate the progression of a legal matter without delay and may provide an example of work progressed quickly to meet a deadline</li> <li>(d) Demonstrate how you used technology (e.g. case management systems or workflow tools) to manage your workload and progress matters</li> </ul>
<b>4.2 Plan workload and manage files</b>	<ul style="list-style-type: none"> <li>(a) Demonstrate that you can plan and prioritise your workload, managing files/tasks concurrently and efficiently, making best use of available resources</li> <li>(b) Provide evidence which demonstrates planning your workload</li> <li>(c) Demonstrate exercising effective judgement and being realistic about how long it will take to achieve tasks to ensure you provide the legal services you have agreed to provide</li> <li>(d) Maintain files and records and process financial transactions in accordance with organisational and regulatory procedures</li> <li>(e) Demonstrate how you use technology to plan your workload and manage files (e.g. case management systems, online diaries, spreadsheets etc)</li> </ul>
<b>4.3 Manage caseload</b>	<ul style="list-style-type: none"> <li>(a) Demonstrate that you can proactively drive progress and manage legal matters to meet client expectations</li> <li>(b) Demonstrate awareness of, and compliance with, any relevant procedural requirements and time limits including relevant directions, rules and regulations</li> </ul>

## Competency 5: Business awareness

By the end of the period of qualifying experience, you must be able to:

- 5.1 Identify and evaluate options and risks to the business in which you work
- 5.2 Undertake business development
- 5.3 Network
- 5.4 Identify marketing opportunities
- 5.5 Understand and use financial management tools

Evidencing Competency 5	
Outcomes	
<b>5.1 Identify and evaluate options and risks to the business in which you work</b>	<ul style="list-style-type: none"> <li>(a) Identify the business and legal environment in which you work</li> <li>(b) Identify and explain the aims and objectives of the practice/organisation in which you work</li> <li>(c) Explain how you keep the aims and objectives of the practice/organisation in mind through your working practices</li> <li>(d) Identify alternative courses of action available to you/your organisation and evaluate the commercial risks and benefits of those options</li> <li>(e) Explain why you have chosen one way of working over another in the context of the business environment</li> <li>(f) Provide practical evidence of choosing one method over another</li> <li>(g) Identify improvements that could be made in your business by implementing new technology (e.g. by making particular activities more profitable or efficient) and explain whether you would recommend implementation</li> </ul>
<b>5.2 Undertake business development</b>	<ul style="list-style-type: none"> <li>(a) Provide evidence of undertaking business development for your organisation</li> </ul>
<b>5.3 Network</b>	<ul style="list-style-type: none"> <li>(a) Explain how you are developing your business network through establishing external contacts and the benefits of networking for yourself and your organisation</li> <li>(b) Provide evidence of your networking</li> </ul>
<b>5.4 Identify marketing opportunities</b>	<ul style="list-style-type: none"> <li>(a) Provide evidence of your contribution to identifying potential marketing opportunities for your organisation</li> <li>(b) Explain how you could use data within your organisation to develop marketing activities and identify any legal, regulatory or ethical requirements relating to the use of data in this way</li> </ul>



## **5.5 Understand and use financial management tools**

- (a) Explain how you manage financial transactions on clients' accounts or within your organisation
- (b) Demonstrate how you use technology to manage financial transactions

## Competency 6: Self development

By the end of the period of qualifying experience, you must be able to:

- 6.1 Reflect and self-evaluate, including understanding own limitations and the need for adaptability
- 6.2 Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients
- 6.3 Foster personal, physical and mental wellbeing and contribute where possible to a positive workplace environment
- 6.4 Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements  
**OPTIONAL – This is for personal development and is not required for admission**
- 6.5 Demonstrate leadership and management skills

Evidencing Competency 6	
Outcomes	
<b>6.1</b>	<b>Reflect and self-evaluate, including understanding own limitations and the need for adaptability</b> <ul style="list-style-type: none"> <li>(a) Identify the key skills and abilities you demonstrate in your professional legal practice and the impact of these strengths on your delivery of legal services</li> <li>(b) Identify weaknesses or limitations in your professional practice and explain how these might impact on your delivery</li> <li>(c) Set objectives for professional development and explain how meeting these will reduce the impact of the limitations you have identified</li> </ul>
<b>6.2</b>	<b>Develop awareness of the role of your own emotions within the workplace and recognise the emotions and vulnerabilities of clients</b> <ul style="list-style-type: none"> <li>(a) Identify one or more workplace situation where you experience emotional reactions to colleagues and/or clients</li> <li>(b) Reflect on how these emotional reactions can potentially impact on your performance and consider any patterns of behaviour in response to the emotional reactions that have emerged</li> <li>(c) Describe one or more situations where you have recognised particular emotions and vulnerabilities in relation to colleagues and/or clients and have modified your approach as a result</li> <li>(d) Explain and provide evidence of your understanding of equality, diversity and inclusion issues and how you put into practice the principles of equality (by promoting equality, diversity and inclusion, or avoiding discrimination) when considering the needs of vulnerable clients/consumers</li> <li>(e) Explain and provide evidence of a situation where you have identified an ethical issue and taken appropriate action to deal with the issue</li> </ul>

**6.3 Foster personal, physical and mental wellbeing and contribute where possible to a positive workplace environment**

- (a) Identify strategies to foster your physical and mental wellbeing
- (b) Reflect on the impact of these strategies on your work and overall personal wellbeing
- (c) Describe how you contribute to fostering and/or maintaining a positive and supportive workplace culture

**6.4 Identify and undertake professional development necessary to ensure competence and good practice and a commitment to supervisory requirements**

- (a) Describe a situation in which you have proactively sought feedback to aid your personal development
- (b) Demonstrate your commitment to the continued development of your legal and professional skills and knowledge
- (c) Identify examples of how you have demonstrated a commitment to supervisory requirements through engagement in professional development
- (d) Reflect on your ability to use technology ethically and identify any areas of professional development in relation to your use of technology or ethical challenges around the use of technology in your area of practice

**6.5 Demonstrate leadership and management skills**

***OPTIONAL – This is for personal development and is not required for admission***

- (a) Describe one or more situations where you have demonstrated leadership and management skills in the workplace, specifying the skills involved and any relevant outcomes
- (b) Reflect on how you would be able to apply these leadership and management skills to at least one future situation in the workplace
- (c) Identify one or more ways to develop your leadership and management skills and create an action plan based on this