

# **Chartered Legal Executive (Employment) Handbook**

# Contents

<b>Introduction to becoming a Chartered Legal Executive (Employment).....</b>	<b>3</b>
<b>Demonstrating Technical Knowledge .....</b>	<b>5</b>
<b>Qualifying Employment .....</b>	<b>6</b>
What is Qualifying Employment?.....	6
How much Qualifying Employment do I need?.....	7
Breaks in employment.....	7
How do I apply to have my Qualifying Employment assessed?.....	7
What should the supervisor reference include?.....	7
How will my application for Qualifying Employment be assessed?.....	8
What do I do if I change my employment / role prior to preparing my Work Based Learning portfolio? .....	8
<b>Compiling a Portfolio.....</b>	<b>9</b>
What are the Competencies and Outcomes?.....	9
Types of evidence that can be used.....	10
How do I complete the logbook sheets?.....	10
What supporting evidence do I need?.....	10
When can I use a personal statement?.....	11
How do I put my portfolio together?.....	12
What do I do if I change my employment / role whilst compiling my portfolio?..	12
<b>Applying to become a Chartered Legal Executive (Employment).....</b>	<b>13</b>
What should the reference include?.....	13
How will my application to become a Chartered Legal Executive (Employment) be assessed?.....	13
Reasonable Adjustments.....	14
<b>What do I do if I change my employment or role?.....</b>	<b>15</b>
Changing your employment or role prior to preparing your portfolio.....	15
Changing your employment or role whilst preparing your Work Based Learning Portfolio.....	15
<b>Information for Employers and Supervisors.....</b>	<b>16</b>
<b>Competencies and Outcomes.....</b>	<b>18</b>
Competency 1: Application of law and practice.....	18
Competency 2: Communication.....	20
Competency 3: Client Relationships.....	23
Competency 4: Effective working practices.....	25
Competency 5: Business Awareness.....	27
Competency 6: Self Development.....	28

# **Introduction to becoming a Chartered Legal Executive (Employment)**

## **What can a Chartered Legal Executive (Employment) do?**

A Chartered Legal Executive who has been authorised by CILEx Regulation will be able to undertake the following activities:

- Administration of oaths

## **If your application to become a Chartered Legal Executive (Employment) is approved**

If your application is approved, you will become a Chartered Legal Executive (Employment) who is an authorised person under the Legal Services Act 2007 that specialises in employment law matters.

As a Chartered Legal Executive (Employment) you can carry out activities related to the administration of oaths 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.

## **Making your initial application**

To make your application to become a Chartered Legal Executive (Employment) you should submit the following:

- Application form, including prior conduct declaration;
- Evidence of your qualifications;
- Evidence of your experience;
- A portfolio to evidence your competence; and
- A non-refundable assessment fee.

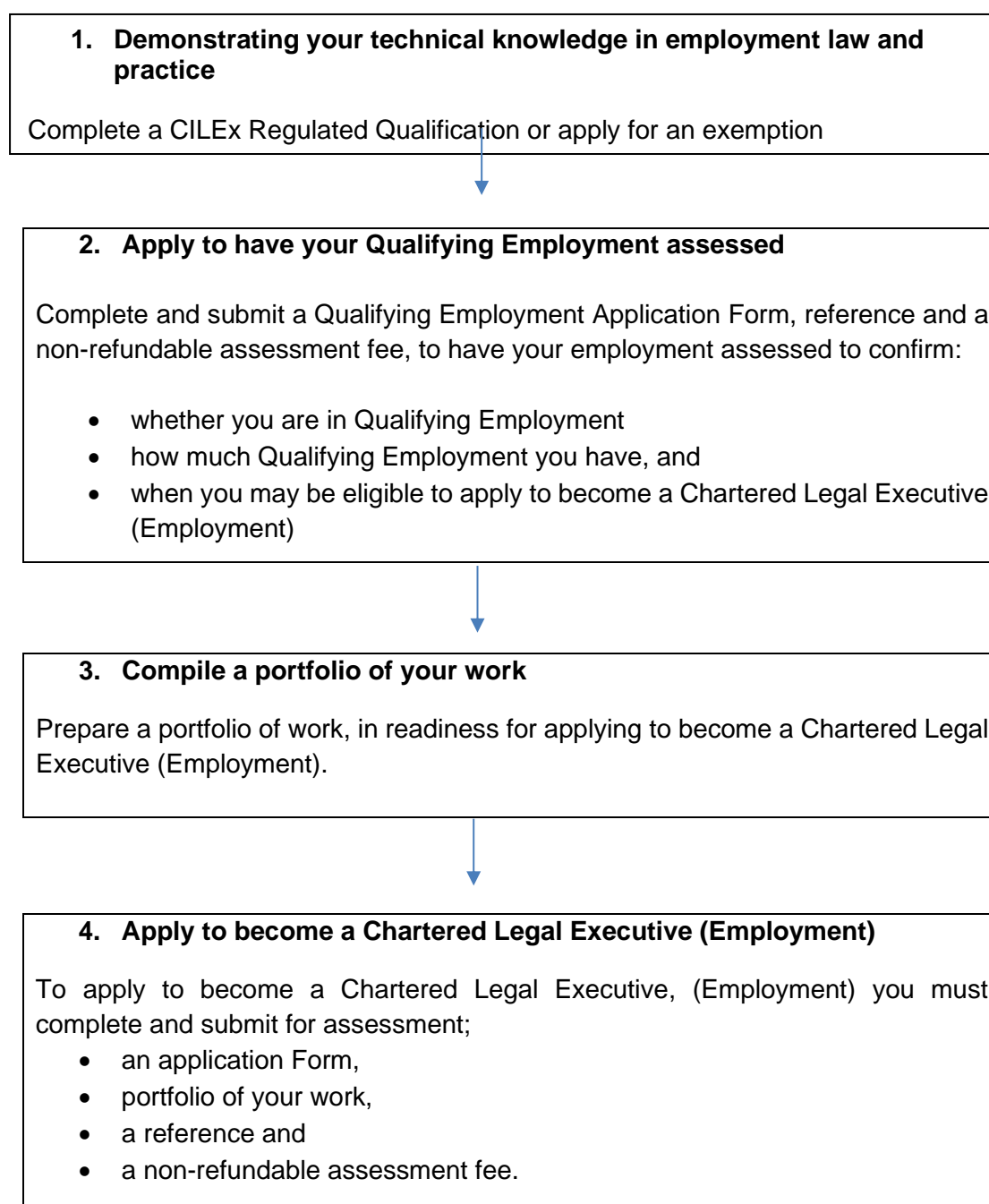
We will work with you during the application and determination process to ensure that we have all the information necessary to enable us to make an informed decision as to whether you have the required knowledge and understanding, experience and skills to become a Chartered Legal Executive (Employment).

## Introduction to the assessment

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 (Employment). Set out below is a summary of the application process, which is followed by more detailed information to which you should refer before submitting your application.

Before you begin completing the process you may wish to discuss your application with your employer to ensure that you have their support and that they are willing to complete the necessary documentation in connection with your application. You may wish to refer your employer to the “Information for the supervisor” section of this Handbook. You will need to discuss with your employer (who will act as your supervisor) how you will meet the competencies and learning outcomes.

### There are four steps involved in completing the process



## Demonstrating Technical Knowledge in Employment Law and Practice

CILEx Regulation accredits academic qualifications which meet our technical knowledge requirements to be authorised as a Chartered Legal Executive (Employment).

The list of qualifications which meets these requirements can be found [here](#). If you hold one of these qualifications, then you will be able to demonstrate your technical knowledge by providing CILEx Regulation with a certified copy of your qualification certificate.

If you do not hold a CILEx Regulation accredited qualification but hold an alternative legal qualification, you may still meet the requirements. Please refer to the Exemptions Handbook for more information [here](#).

# Qualifying Employment

The next step in the process to apply to become a Chartered Legal Executive (Employment) is to have your employment assessed to ensure it meets the Qualifying Employment requirements.

Set out below is the eligibility criteria for applying for Qualifying Employment and guidance on how to apply to have your employment assessed.

## What is Qualifying Employment?

To be in Qualifying Employment you must:

1. Undertake work that is **wholly of a legal nature**, for at least 20 hours per week. This is work where you undertake an activity that involves 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.
  
2. Be employed by either an authorised person in private practice or an organisation where the employment is subject to supervision by an authorised person employed in duties of a legal nature by that firm, corporation, undertaking, department or office.

An authorised person is a lawyer qualified in accordance with Section 18 of the Legal Services Act 2007. For example, a CILEx Fellow, CILEx Practitioner, Solicitor, Barrister or Licensed Conveyancer

Being employed means;

- you are employed under a contract of service and are engaged on your employer's business for specified hours; or
- you are a partner in any firm or are an owner of any company; or
- at the discretion of CILEx Regulation, you are employed under a contract for services, whether you work as an independent contractor, self-employed or provide services through an intervening agent.

A period of 43 weeks spent in attendance on either of the below courses will be treated as Qualifying Employment provided you have passed the course:

- a Legal Practice Course, recognised by the Law Society of England and Wales in connection with qualification as a solicitor; or
- a Bar Practice Course or any equivalent Bar Course recognised by the Bar Council in connection with qualification as a Barrister.

You cannot be credited twice for the same time period, where you have undertaken an LPC/Bar Practice Course, or any equivalent Bar Course, concurrently with employment of a wholly legal nature.

### **How much Qualifying Employment do I need?**

To be eligible to apply to become a Chartered Legal Executive (Employment) you must have at least 3 years in Qualifying Employment, of which 2 years must be in employment practice and must also be consecutive and immediately preceding your Fellowship application.

Qualifying Employment which was completed more than 10 years previously will not normally be accepted as Qualifying Employment.

### **Breaks in employment**

Breaks in employment for any reason do not count as Qualifying Employment. However, where the break is for a period of 12 months or less it will not break the 2-year consecutive period of continuity of Qualifying Employment, but the break would need to be accounted for when calculating the 3-year period.

### **How do I apply to have my Qualifying Employment assessed?**

To apply to have your employment assessed, to confirm whether you are in Qualifying Employment and how much you have, you will need to submit the following by email to [geapplications@cilexregulation.org.uk](mailto:geapplications@cilexregulation.org.uk) or by registered post:

- A fully completed Qualifying Employment Application Form,
- A reference from your supervisor, and
- A non-refundable assessment fee. This can be paid by invoice, credit card or debit card. You should detail your preference on the application form.

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

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

You should submit a reference from your supervisor in support of your application. The reference should be an original, on headed paper and signed and dated by your supervisor. The reference should include your supervisor's name and qualification, and they should comment on the following:

- your knowledge, experience and duration of your work
- your ability to work independently
- your ability to work competently in your area of practice and
- your suitability for Fellowship.

## How will my application for Qualifying Employment be assessed?

Your application will be assessed by us. We may write to you to request more information regarding your roles. Once we have received all the information required to reach a decision, you will be notified in writing of that decision. You will be advised of the following:

- which of your roles are deemed to be Qualifying Employment
- how much Qualifying Employment you have to date and
- when you can apply to become a Chartered Legal Executive (Employment) via the Work Based Learning Scheme.

If we cannot determine whether you have met the criteria for Qualifying Employment, your application must be put before the Admissions and Licensing Committee (ALC) for a decision. The ALC meet approximately every 8 weeks. You will be notified of the date upon which your application will be heard by the ALC and we will write to you to notify you of their decision.

## What do I do if I change my employment / role prior to preparing my Work Based Learning portfolio?

If you change your employer or role prior to preparing your portfolio, please see **page 15** which sets out what you will need to do.



## Compiling a Portfolio

Once it has been confirmed that you are in Qualifying Employment you may wish to begin compiling your portfolio in readiness for applying to become a Chartered Legal Executive (Employment).

Please note that the evidence you rely on in your portfolio must be dated within 2 years prior to the date of your application to become a Chartered Legal Executive (Employment).

The purpose of the portfolio is to show that you can, in the context of employment practice:

- 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 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.

You will need to demonstrate this by meeting the competencies and outcomes.

Whilst CILEx Regulation will confirm whether you are in Qualifying Employment, it is for you to ensure that your role enables you to meet all the competencies and learning outcomes. You may wish to discuss this with your supervisor.

### What are the Competencies and Outcomes?

In order to demonstrate the above, you are required to meet 6 competencies, which are broken down into 27 compulsory outcomes. You must provide:

- **3 examples** of meeting each of the outcomes in **competency 1**, using 3 different types of documents used in employment practice and
- **1 example** of meeting each of the outcomes from **competencies 2-6**.

In total you will need to provide **37 examples**.

These 37 examples comprise your portfolio. The competencies and the outcomes are set out at **pages 18 to 28**. Below each outcome are bullet points indicating how the outcome may be achieved. Please read these carefully to ensure you meet the outcome.

For each example you submit to demonstrate achieving an outcome, you will need to submit a **completed logbook sheet** and **supporting evidence**. The outcomes must be achieved whilst you are in Qualifying Employment and within 2 years prior to the date of your application.

## Types of evidence that can be used

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)
- client care letters/emails of advice to clients throughout the transaction
- drafting and amending documents and forms
- applications to and communication with Tribunals
- other applications
- appeals
- communications with experts
- commissioning of reports and opinions
- communications with clients (letters/emails/attendances/telephone calls)
- complaint handling correspondence

## How do I complete the logbook sheets?

You should complete the logbook sheet as follows:

- Insert the number of the outcome being met e.g. Example 1.1 (2) or 6.3.
- List the evidence being 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** explain how the evidence shows this. You may find it helpful to refer to the outcome and bullet points.
- Reflect and evaluate the learning achieved through meeting the outcome.
- Print the name of the supervisor that supervised the work in the box provided. 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 work.
- A logbook sheet template can be found on our website [here](#). Examples of completed logbook sheets can be found in our resources on our website [here](#).

## What supporting evidence do I need?

- 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.
- You must redact from the evidence all personal information that would identify your client or any third party to comply with Data Protection obligations. If submitting emails as evidence, these must be copied and pasted in full into Word/pdf documents (including sender/recipient/date details– redacted where necessary). Do not send direct links to the emails or copies direct from your email.
- Other non-identifying information should be left in to assist the assessor. The content of evidence provided will be shared by CILEx Regulation, the Officers responsible for assessment of the portfolio, the Admissions and

Licensing Committee and any external assessor to whom the portfolio may be referred to for assessment and standardisation procedures.

- 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 or notes prepared for your own purpose 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.
- The evidence must not be older than 2 years prior to the date that you apply to become a Chartered Legal Executive (Employment). 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 logbook sheet why you have provided evidence that predates your application by more than 2 years, e.g., for reasons of ill-health or maternity leave. CILEx Regulation will then consider this.
- The evidence that you provide must be your 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.
- 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, where it also demonstrates meeting these other outcome(s).
- However, for competency 1, you must use 3 different pieces of evidence from different employment law matters.

### **When can I use a personal statement?**

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. If you submit a personal statement:

- You must provide an explanation as to why you are unable to provide evidence from your file. For example, it was a verbal conversation, or you no longer have access to the file.
- You must fully explain how you have met the outcome, using a real example from your workload, but without providing the evidence.
- You may use a maximum of 4 personal statements in total in the portfolio.

You should complete the personal statement as follows:

- Insert the number of the outcome being met (e.g. Example 1.1 (2), or 6.3).

- Explain the reason why you are providing a personal statement rather than a logbook sheet with evidence.
- Fully explain how you have met the outcome using an example from your work. You may find it helpful to refer back to the outcome and bullet points.
- Reflect and evaluate the learning achieved through meeting the outcome.
- Date the personal statement with the date you completed the work (not the date you signed the logbook sheet).
- Print the name of the supervisor that supervised the work in the box provided. 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 work.

A personal statement template can be found on our website [here](#).

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

### How do I put my portfolio together?

We recommend the following approach:

- Check that you have 37 compulsory logbook sheets (or personal statements).
- Check that each logbook sheet is correctly numbered, e.g., 1.1 (2), 6.3 etc. up to the last example 6.4.

#### Submitting online

- Save the documents (logbook sheets and evidence) as pdfs.
- Save the whole portfolio as one document, (saving the logbook sheet first followed by its evidence behind etc). However, the document should not be more than 10GB.
- If you are having difficulty saving the portfolio as one document, then break it down i.e., one competency per document.

#### Submitting by post (for reasonable adjustments only)

- Place the evidence for each example **behind** the relevant logbook sheet and place into one bundle. Then number the bundle from beginning to end.
- Attach the portfolio with a rubber band. You may wish to divide each outcome with a divider (optional). Do not staple them or place them in a ring-binder.

### What do I do if I change my employment / role whilst compiling my portfolio?

If you change your employer or role whilst compiling your portfolio, please see **page 15** which sets out what you will need to do.

## Applying to become a Chartered Legal Executive (Employment)

Once you are in Qualifying Employment and eligible to apply (**see pages 6-8**) and you have completed your portfolio (**see pages 9-12**) you should apply to become a Chartered Legal Executive (Employment).

To do this you should submit:

- your completed Application Form to become a Chartered Legal Executive (Employment).
- a reference from your supervisor
- your portfolio
- a copy of the letter from us confirming your Qualifying Employment

The non-refundable assessment fee can be paid by invoice, credit card or debit card. You should detail your preference on the application form.

Please submit your application online to [wblapplications@cilexregulation.org.uk](mailto:wblapplications@cilexregulation.org.uk) (or if applying under 'reasonable adjustments' by registered post).

**Please keep a complete copy of your portfolio.** We do not return portfolios or provide photocopies or scanned versions of the portfolio.

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

### What should the reference include?

You should submit a reference from your supervisor in support of your application (unless the reference you submitted with your Qualifying Employment application is dated less than 6 months prior to the date of your application to become a Chartered Legal Executive (Employment), in which case you can submit a photocopy of that reference). The reference should be on headed paper.

The reference should include your supervisor's name and qualification. They should comment on the following:

- Your knowledge, experience and duration of your work
- Your ability to work independently
- Your ability to work competently in your area of practice and
- Your suitability to become a Chartered Legal Executive (Employment).

### How will my application to become a Chartered Legal Executive (Employment) be assessed?

Once the non-refundable assessment fee has been processed by CILEx Regulation, your application will be assessed in chronological order. You will be sent an acknowledgment letter or email providing you with information about the process and estimated timescales for assessment.

If your application is approved, we will notify you in writing and you will be admitted as a Chartered Legal Executive (Employment).

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 information it will be assessed, and you will be notified in writing of the decision.

If we cannot determine whether you have met the criteria for admission as a Chartered Legal Executive (Employment), then your application must be referred to the Admissions and Licensing Committee (ALC) for a decision. The ALC meet approximately every 8 weeks. You will be notified of the date upon which your application is to be heard by the ALC and we will write to you to notify you of their decision.

### **Reasonable Adjustments**

Applicants with disabilities may request appropriate reasonable adjustments to the application process and are asked to contact CILEx Regulation to discuss their needs.

# What do I do if I change my employment or role?

## Changing your employment or role prior to preparing your portfolio

If you change your employment or role prior to preparing your portfolio, you should apply to have your new employment or role assessed for Qualifying Employment once you have settled into your new role and gained some experience and/or built up your caseload. This should be done by completing and submitting a new Qualifying Employment Application Form (including the assessment fee payment details), together with a reference from your new supervisor.

It is important to have all your roles assessed for Qualifying Employment as this may affect your continuity of employment for the purposes of applying to become a Chartered Legal Executive (Employment).

## Changing your employment or role whilst preparing your Work Based Learning Portfolio

If you change your employment or role once you have had your Qualifying Employment assessed, and whilst compiling your portfolio, you are advised to:

1. Ensure you obtain a reference from your supervisor before leaving.
2. Before you leave obtain your supervisor's authorisation that we may contact them in the future once you have submitted your portfolio, for any confirmations etc that we require.
3. Before you leave obtain your supervisor's signatures on your partially completed portfolio, ensuring you have all the logbook sheets signed by hand, for all the outcomes met through that employment/role. You should then keep that portfolio until you are ready to make your full application to CILEx Regulation.
4. Once you are in a new role, submit your Qualifying Employment application. Once you are deemed to be in Qualifying Employment, you should continue to compile portfolio with evidence from your new role.
5. Once you are eligible to apply, you can submit the whole portfolio (which will be made up of evidence from both your new and old roles). The onus would be on you to ensure all evidence is within 2 years of the date of application.

If your situation is not covered above and you require further assistance on these points, please contact CILEx Regulation by emailing [info@cilexregulation.org.uk](mailto:info@cilexregulation.org.uk)

## Information for Employers and Supervisors

Chartered Legal Executives (Employment) are lawyers specialising in employment law and practice and are trained to the same standard as solicitors in that area.

Individuals who are eligible to apply to become a Chartered Legal Executive (Employment), are required to submit an application together with a portfolio of their work. CILEx Regulation is responsible for the assessment of applications made to become a Chartered Legal Executive (Employment).

To be eligible to become a Chartered Legal Executive (Employment), individuals are required to undertake 3 years of Qualifying Employment (2 years of which must be consecutive and immediately prior to the application).

Qualifying Employment is employment which is wholly of a legal nature for at least 20 hours per week. For further information about Qualifying Employment please **see pages 6-8**.

There are four steps involved in applying for Fellowship:

- The applicant must hold a legal qualification which meets the technical knowledge requirements defined by CILEx Regulation.
- Secondly, the applicant applies to have their employment assessed to confirm that they are in Qualifying Employment and are eligible to apply to become a Chartered Legal Executive (Employment). They do this by completing and submitting a Qualifying Employment Application Form together with a reference from you and the non-refundable assessment fee. For further information about this please see **pages 6-8**.
- Thirdly, in readiness for applying to become a Chartered Legal Executive (Employment), the applicant compiles a portfolio of their work, comprising 37 logbook sheets and redacted evidence from their work, to confirm that they have met a number of competencies and outcomes. The competencies and outcomes are set out in more detail at **pages 18-28**.
- Fourthly, when eligible, the applicant applies to become a Chartered Legal Executive (Employment) by submitting an Application Form, their portfolio of work, a reference from their supervisor and the non-refundable assessment fee. For more information about this please see **pages 13-14**.

As the supervisor of the applicant you 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.
- Work together with the applicant to discuss each of the outcomes, to consider whether the applicant is able to demonstrate that they can meet the outcomes and to determine what documentary evidence can be used in support of the application.



- Provide the applicant with a reference when they apply for Qualifying Employment, and again if required when they apply to become a Chartered Legal Executive (Employment). The reference should include:
  - your details and qualification
  - comment on your supervision of the applicant's work
  - the applicant's knowledge, experience and duration of work
  - their ability to work independently
  - their ability to work competently in their area of practice and
  - their suitability to become a Chartered Legal Executive (Employment).
- Confirm that the applicant is a fit and proper person to be admitted as a Chartered Legal Executive (Employment) by signing and returning an Adobe signed Declaration, which will be sent to you once the application is submitted.
- Confirm that the 37 logbook sheets and evidence are the applicant's work by signing and returning an Adobe signed Declaration confirming this that will be sent to you after the application is submitted. It may be helpful and convenient for you to review the logbook sheets and evidence as and when each example is completed or at regular intervals.

CILEx Regulation appreciates the help and guidance provided by you to the applicant during the application process.

# Competencies and Outcomes

## Competency 1: Application of law and practice

By the end of the period of Qualifying Employment you must be able to:

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

<b>Evidencing Competency 1</b>
<b>Outcomes</b>
<b>1.1 Undertake legal research</b> <ul style="list-style-type: none"><li>• Identify the need to update information and the need to undertake legal research.</li><li>• Identify the sources you need to undertake the research (including search engines if appropriate).</li><li>• Undertake relevant and up to date research and supply the research as part of your evidence.</li><li>• Apply the findings of your research to the matter you are dealing with.</li><li>• Record, present and provide evidence of your application of the research to the matter (show how legal technology was used if applicable) clearly and accurately.</li></ul>
<b>1.2 Critically analyse facts and law</b> <ul style="list-style-type: none"><li>• Identify relevant law and procedural rules, issues may be legal, evidential or factual.</li><li>• Describe how the law/legal procedure applies to the matter you are dealing with.</li><li>• Explain how the evidence you have supplied demonstrates your analysis of the facts and law/procedure to the matter and supply supporting evidence.</li></ul>
<b>1.3 Synthesise all relevant information</b> <ul style="list-style-type: none"><li>• Identify the relevant issues in a matter (issues may be legal, evidential or factual).</li><li>• Explain how you will deal with the issues.</li><li>• Identify and efficiently locate and collate all relevant documents.</li><li>• Explain the action you have taken to deal with the matter holistically demonstrates your application of the law/procedure to the matter and provide supporting evidence.</li></ul>
<b>1.4 Find solutions where possible</b> <ul style="list-style-type: none"><li>• Explain the actions you have taken and why. Provide supporting evidence. If you have used available technology such as government portals, please provide evidence and explain how this improved the process.</li></ul>

## 1.5 Draft legal documents

- Apply the principles of good drafting to produce clear, unambiguous and accurate documents and agreements with appropriate language, structure and formatting which meet formal and legal requirements.
- Select precedents and templates and use, adapt and edit them appropriately.
- Correctly use numbering, schedules, recitals, definitions and boilerplate provisions in drafting documents and agreements.
- Draft documents, whether from scratch or by using precedents that forms a coherent whole, reflecting the client's objectives and where appropriate advances the transaction and manages client risk. If software is used to create the document, identify the software and explain the benefits. If not used, identify if software may be available to make the task easier/quicker/cheaper.

Documents which may be evidenced are:

- drafting and amending documents and forms
- applications to and communication with Tribunals
- other applications
- appeals
- communications with experts
- commissioning of reports and opinions
- communications with clients  
(letters/emails/attendances/telephone calls)

## Competency 2: Communication

By the end of the period of Qualifying Employment you must be able to:

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

<b>Evidencing Competency 2</b>
<b>Outcomes</b>
<b>2.1 Communicate orally and in writing clearly and effectively</b> <ul style="list-style-type: none"><li>• Choose the most appropriate method by which to communicate with the parties/organisations involved in the matter (e.g. telephone, email etc.) observing appropriate etiquette. You could identify technology- based communication tools (e.g. those linked to a case management system).</li><li>• Explain why this method is the most effective communication in the matter.</li><li>• Provide supporting documentation of the communication.</li><li>• Use language tailored to the audience and the purposes of the communication, language should be clear, concise, accurate and unambiguous. Explain why the language used was appropriate.</li><li>• 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 supporting documentation as evidence of your communication.</li><li>• Produce unambiguous, clear and accurate written communications with appropriate language and structure. Provide supporting documentation which demonstrates application of law/procedure in the context of your communication.</li><li>• Demonstrate emotional competence to achieve effective communication. Identify issues of culture, disability and diversity and demonstrate respect for a range of attitudes and beliefs and apply this in your communications.</li><li>• You may be able to demonstrate that you have put the CILEx Code of Conduct into operation in this outcome including identifying, understanding and putting into practice all relevant legal and regulatory requirements (e.g. data protection, anti-money laundering legislation, undertakings, confidentiality and privilege or conflicts of interest).</li></ul>
<b>2.2 Negotiate effectively</b> <ul style="list-style-type: none"><li>• Identify when negotiation is necessary.</li><li>• Identify and address all relevant factual, legal or evidential issues arising in a case through effective questioning and listening techniques.</li><li>• Recommend any appropriate employment ADR processes which would be in the best interest of the client and advise the client as to how to pursue a particular ADR process and achieve lawful and binding settlement.</li><li>• Demonstrate effective planning and preparation, apply strategies which reflect an understanding of the client's objectives, expectations and risks and which seeks to manage those appropriately as far as possible.</li><li>• Identify and evaluate the interests, strengths, weaknesses and risks of other parties who have an interest in the matter to be negotiated.</li></ul>

- Choose and explain the most appropriate method of negotiation (e.g. letter, face to face etc.).
- Take the steps necessary to ensure agreement/compromise is reached which is clear and lawful and where appropriate, legally binding.
- Represent the interests of your client or service user through use of your legal and professional skills and provide supporting evidence.
- Behave ethically in negotiations and resists pressure to condone, ignore or act unethically. Explain your understanding of this element of the CILEx Code of Conduct.

### **2.3 Advocacy/Oral presentation**

- Identify additional information you need to represent the client/service user.
- Obtain this information through effective listening and questioning techniques.
- Represent the interests of your client or service user through use of your legal and professional skills and provide supporting evidence.
- Make oral presentations that are clear, succinct, focused, relevant to the context, persuasive and appropriate to the audience.
- Explain your understanding of the principles of client care and how you put these into practice whilst representing your client, referring to the Code of Conduct where appropriate.
- Explain any ethical, legal or regulatory requirements you had to consider and what action you took to resolve them.

#### *Advocacy (employment tribunal – optional)*

- Apply principles of good writing and drafting in the preparation and presentation of written submissions.
- Devise and sustain arguments and questions based on the appropriate use of the main modes of enquiry found in Employment Law.
- Analyse relevant facts and law to achieve effective preparation which anticipates and responds to potential counter arguments and challenges, and which advances the client's case.
- Respond to arguments presented during a hearing.
- Demonstrate courtesy and respect for equality and diversity.
- Examine, cross-examine and re-examine appropriately using emotional competence.
- Identify when it is appropriate to adduce expert evidence and challenge expert evidence effectively.
- Demonstrate good practice when dealing with vulnerable clients and witnesses.
- Deal effectively with uncooperative witnesses.
- Identify issues of ethical and professional conduct and take appropriate action.
- Act according to the requirement of court etiquette and conventions of advocacy.

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

- Work both independently and as part of a team, demonstrate understanding of the importance of establishing effective working relationships with other

professionals involved in a legal matter and provide evidence. The evidence should establish two-way communication with other professionals.

- Conduct effective interviews with potential witnesses across a range of employment disputes.
- Deal with others involved in a matter appropriately, professionally and ethically and provide others involved in a matter with appropriate information, instructions and guidance. Provide evidence of such dealings.
- Identify and where appropriate instruct an advocate or expert. You may 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

***For applicants that work in-house the definition of client may include colleagues within your department and those in other departments within your employer's organisation.***

By the end of the period of Qualifying Employment you must be able to:

- 3.1 Take instructions
- 3.2 Evaluate options and risks to the client
- 3.3 Give advice
- 3.4 Provide good customer service
- 3.5 Manage expectations
- 3.6 Provide clear and accurate advice on funding

<b>Evidencing Competency 3</b>
<b>Outcomes</b>
<b>3.1 Take instructions</b> <ul style="list-style-type: none"><li>• Conduct effective interviews with the client to achieve a full understanding of the client's wishes, objectives and concerns. , and where appropriate, the nature of any claim or defence which may have arisen. Identify, seek to obtain and, where appropriate investigate all relevant facts, using appropriate listening and questioning techniques and take accurate instructions from your client or service user. Provide evidence that you have identified and confirmed your client's position.</li><li>• Recognise where information is missing or held by 3<sup>rd</sup> parties and acquire the necessary consents to obtain it.</li><li>• Obtain all information necessary to understand the roles and interests of the parties involved in the matter to give advice, plan for the progress and completion of the matter.</li><li>• Identify how to act on your client's instructions and how you took all reasonable steps to take appropriate action. Provide evidence of the action taken to deal with the instructions received.</li><li>• Identify actual or potential conflicts and act accordingly, explain your understanding of complying with the Code of Conduct where appropriate.</li></ul>
<b>3.2 Evaluate options and risks to your client</b> <ul style="list-style-type: none"><li>• Formulate a case strategy which is compatible with the client's objectives and is legally and procedurally sustainable.</li><li>• Identify issues, including the client's personal circumstances which may impact on the achievement of the client's objectives.</li><li>• Consider any alternative courses of action that might be available to your client in dealing with the matter.</li><li>• Evaluate and communicate the options (including the costs, risks and benefits of each option) to the client and provide evidence.</li><li>• Identify emerging uses of technology in employment practice to improve the process for a client and provide evidence (e.g. this could be using a spreadsheet to create workflow).</li></ul>
<b>3.3 Give advice</b> <ul style="list-style-type: none"><li>• Communicate clear, accurate and practical advice relevant to the matter both orally and in writing to employers and workers on matters relating to</li></ul>

employment law, procedure, strategy and to the prospects of success in employment and discrimination disputes.

- Your advice should include what action you will take to represent your client and outline the available options and next steps. Provide evidence of the advice.
- As part of this outcome, you may be able to evidence putting into practice the CILEx Code of Conduct including the principles of client care, complaint handling and dealing with ethical and regulatory requirements.

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

- Identify the steps that need to be taken to achieve or further the client's objectives as far as practicable and plan and implement their progress.
- Communicate with the client on progress towards achieving their objectives, including any risks which have not previously been identified.
- You may be able to demonstrate using technology to provide flexible customer service (e.g., live chat) and explain how this improved customer service.
- You may be able to demonstrate that you have applied the CILEx Code of Conduct, e.g., keeping the client up to date, dealing with clients concerns or complaints appropriately or putting principles of equality, diversity and inclusion into practice.

### **3.5 Manage expectations**

***It is not appropriate to include evidence of progressing a case quickly at the request of your client***

- Identify the needs, objectives and priorities of your client, including where the objectives of your client may be unrealistic.
- Demonstrate how you took all reasonable steps to take appropriate action (this may include your judgements and decisions in the matter).
- Provide evidence of the action taken to deal with the instructions received.
- You may be able to demonstrate putting into practice complaint handling requirements and/or your ability to resist pressure from your client to condone, ignore or act unethically.

### **3.6 Provide clear and accurate advice on funding**

- Be aware of and apply the practice rules relating to costs and give clear accurate and regular advice on costs issues arising in the case.
- Give clear and accurate advice on funding options.



## Competency 4: Effective working practices

By the end of the period of Qualifying Employment you must be able to:

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

<b>Evidencing Competency 4</b>
<b>Outcomes</b>
<b><i>It is not appropriate to provide evidence of progressing matters quickly at the request of your client</i></b>
<b>4.1 Progress matters</b> <ul style="list-style-type: none"><li>• Demonstrate dealing with your workload without causing or allowing any unnecessary delay to the progress of the legal matter.</li><li>• Identify and manage risks as far as practicable to the achievement of the client's objectives.</li><li>• 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>• You may be able to demonstrate the use of technology (case management or workflow tools) to identify problems and progress matters.</li><li>• You may be able to demonstrate your understanding of the CILEx Code of Conduct by explaining how you deal with your workload without causing or allowing unnecessary delay to the progress of a legal matter.</li></ul>
<b>4.2 Plan your workload and manage files</b> <ul style="list-style-type: none"><li>• Plan and prioritise workload and manage files/tasks concurrently and efficiently, making the best use of available resources and exercising effective judgement.</li><li>• Provide evidence which demonstrates planning your workload this may include maintaining an appropriate case strategy.</li><li>• Demonstrate exercising judgement and being realistic about how long it will take to achieve tasks to ensure you can provide the legal services you have agreed to provide.</li><li>• Be aware of procedural requirements and time limits including relevant directions, rules and regulations.</li><li>• Properly comply and manage all relevant accounting requirements relating to the file.</li><li>• Maintain files and records (including financial transactions) in accordance with office and regulatory procedures, seek support when necessary.</li><li>• Demonstrate maintaining files and business systems in accordance with established procedures where you work. This includes keeping files up to date and processing financial transactions, with due regard to information security.</li><li>• You may be able to demonstrate use of technology through the use of case management systems, online diaries, spreadsheets etc.</li></ul>
<b>4.3 Caseload management</b> <ul style="list-style-type: none"><li>• Actively manage files to meet client expectations, wherever possible.</li><li>• Understand and utilise innovation where appropriate. You may be able to demonstrate the use of technology here if you are using a case management</li></ul>

software, or you may research suitable software that could assist in case management.

- You could read the legal press and use other outlets to keep abreast of developments in legal technology and the ethics of its use and suggest implementation where you work.

## Competency 5: Business Awareness

By the end of the period of Qualifying Employment 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 Identify and use financial management tools

<b>Evidencing Competency 5</b>
<b>Outcomes</b>
<b>5.1 Identify and evaluate options and risks to the business in which you work</b> <ul style="list-style-type: none"><li>• Identify the business and legal environment in which you work.</li><li>• Identify and explain the aims and objectives of the practice/organisation in which you work.</li><li>• Explain how you keep the aims and objectives of the practice/organisation in mind through your working practices.</li><li>• Identify alternative courses of action which arise in your work which may have different impacts on your organisation.</li><li>• Explain how you have chosen one way of working over another in the context of the business environment.</li><li>• Provide practical evidence of choosing one method over another.</li><li>• You could provide information here as to how you have provided information to your employer on how technology could make a particular activity more profitable/efficient.</li></ul>
<b>5.2 Undertake business development</b> <ul style="list-style-type: none"><li>• Provide an example as to how you have been able to develop business for your organisation, or if you have not done this yet how you may be able to do this in the future.</li></ul>
<b>5.3 Network</b> <ul style="list-style-type: none"><li>• Explain how you are developing your business network through establishing external contacts, e.g. this could be through LinkedIn or the use of external experts.</li></ul>
<b>5.4 Identify marketing opportunities</b> <ul style="list-style-type: none"><li>• Provide an example of a situation in which you may be able to market the services of your organisation.</li><li>• You could also explain how you could use the data within your organisation to develop marketing activities and the importance of GDPR in this context.</li></ul>
<b>5.5 Understand and use financial management tools</b> <ul style="list-style-type: none"><li>• Explain how you manage the financial transactions on clients' accounts.</li><li>• You could explain how technology tools assist with this process (or could assist with this process) to help your organisation.</li></ul>

## Competency 6: Self Development

By the end of the period of Qualifying Employment 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.
- 6.5 Demonstrate leadership and management skills (optional).

Evidencing Competency 6
<b>Outcomes</b>
<b>6.1 Reflect and self-evaluate including understanding own limitations and the need for adaptability</b> <ul style="list-style-type: none"><li>• Identify the key skills and abilities you demonstrate in your work (for example, having good attention to detail or working well under pressure).</li><li>• Reflect upon the way these key skills and abilities result in strengths and limitations relating to your work.</li><li>• Reflect upon the impact these strengths and limitations have on yourself and others.</li><li>• Identify one or more ways to reduce the impact of the limitations you have identified and create an action plan based on this.</li></ul>
<b>6.2 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>• Identify one or more workplace situations where you experience emotional reactions to colleagues and/or clients.</li><li>• 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>• 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>• 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>• 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>
<b>6.3 Foster personal, physical and mental wellbeing and contribute where possible to a positive workplace environment</b> <ul style="list-style-type: none"><li>• Identify strategies you do or could use to foster your physical and mental wellbeing.</li><li>• Reflect on the impact of these strategies on your work and your overall personal wellbeing.</li><li>• Describe one or more ways you do, or can, contribute to fostering and/or maintaining a positive and supportive workplace culture.</li></ul>

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

- Describe a situation in which you have proactively sought feedback to aid your personal development.
- Identify at least one way that you have demonstrated that you are committed to the continuing learning and development of yourself and/or others.
- Identify examples of how you have demonstrated a commitment to supervisory requirements through engagement in professional development.
- You could also identify areas you need to work on in terms of ability to use legal technology, and your ability to innovate/respond to change.

**6.5 Demonstrate leadership and management skills**

*(Optional -This is for personal development and not required for admission)*

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

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