

Probate Practice Rights Handbook

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PROBATE PRACTICE RIGHTS

INTRODUCTION

1. This handbook takes you through the application process to obtain probate practice rights with CILEx Regulation and become authorised as a CILEx Probate Practitioner.
2. We recommend that you read this handbook in conjunction with the Probate Rights Certification Rules which are located at **Appendix 1**.
3. You should read all of the handbook and supporting documentation before starting to make your application.
4. In order to become authorised by CILEx Regulation in Probate Practice, you are required to demonstrate your knowledge and understanding, experience and skills in probate practice and, where you seek to practise in a CILEx Regulation regulated entity, in practice management and accounts management. This handbook explains how you will demonstrate each of these elements.
5. Once you have completed the process and you have been approved as a CILEx Probate Practitioner, you will be authorised by CILEx Regulation to undertake probate work. However, you will need to work in a legal practice that is regulated by an approved regulator 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.
6. This handbook is divided into different sections:
 - Introduction: this section sets out who is eligible to make an application for probate practice rights
 - The application form: this section takes you through the application process including how to complete each part of the application form
 - The Competence Framework: this section provides an overview of the competence framework. It explains how the knowledge, understanding, experience and skills contained in the framework should be demonstrated through your portfolios and logbook to demonstrate your competence in probate practice
 - How your application is assessed: this section explains how your application is assessed, including the role of external assessors in the process
 - Next steps: this section explains what happens once CILEx Regulation has received the assessment of your portfolios and logbook
 - Annexes: these sections provide the competence framework, scheme rules and the Investigation, Disciplinary and Appeal Rules

7. In addition to demonstrating competence in probate practice, if you will be delivering probate services through a CILEx Regulation regulated entity you must show some knowledge of Practice Management and Accounts: we call this Level 1. If you intend to be responsible for managing the practice or accounts, where your entity is regulated by CILEx Regulation, you will also need to demonstrate the Practice Management and Accounts Competencies at Levels 2a, 2b and/or 2c, as appropriate, (see Compliance Manager handbook), and apply to CILEx Regulation to have your entity regulated by CILEx Regulation.
8. If, once you have read this handbook and the supporting documents, you have any questions on the application process, please contact us.

Contact details

Telephone: (01234) 845770

Email: practicerrights@cilexregulation.org.uk

Summary of overall process

INITIAL APPLICATION

- Application form
- Evidence of qualifications
- Evidence of experience
- Evidence of skills
- Fee

INITIAL REVIEW

- CILEx Regulation review of application
- Further information requests

ASSESSMENT

- Knowledge, experience and Skills assessment by external assessor

+

- Examination/course exemptions issued by CILEx Regulation

POSSIBLE OUTCOMES

AMEND AND
RESUBMIT

DECISION

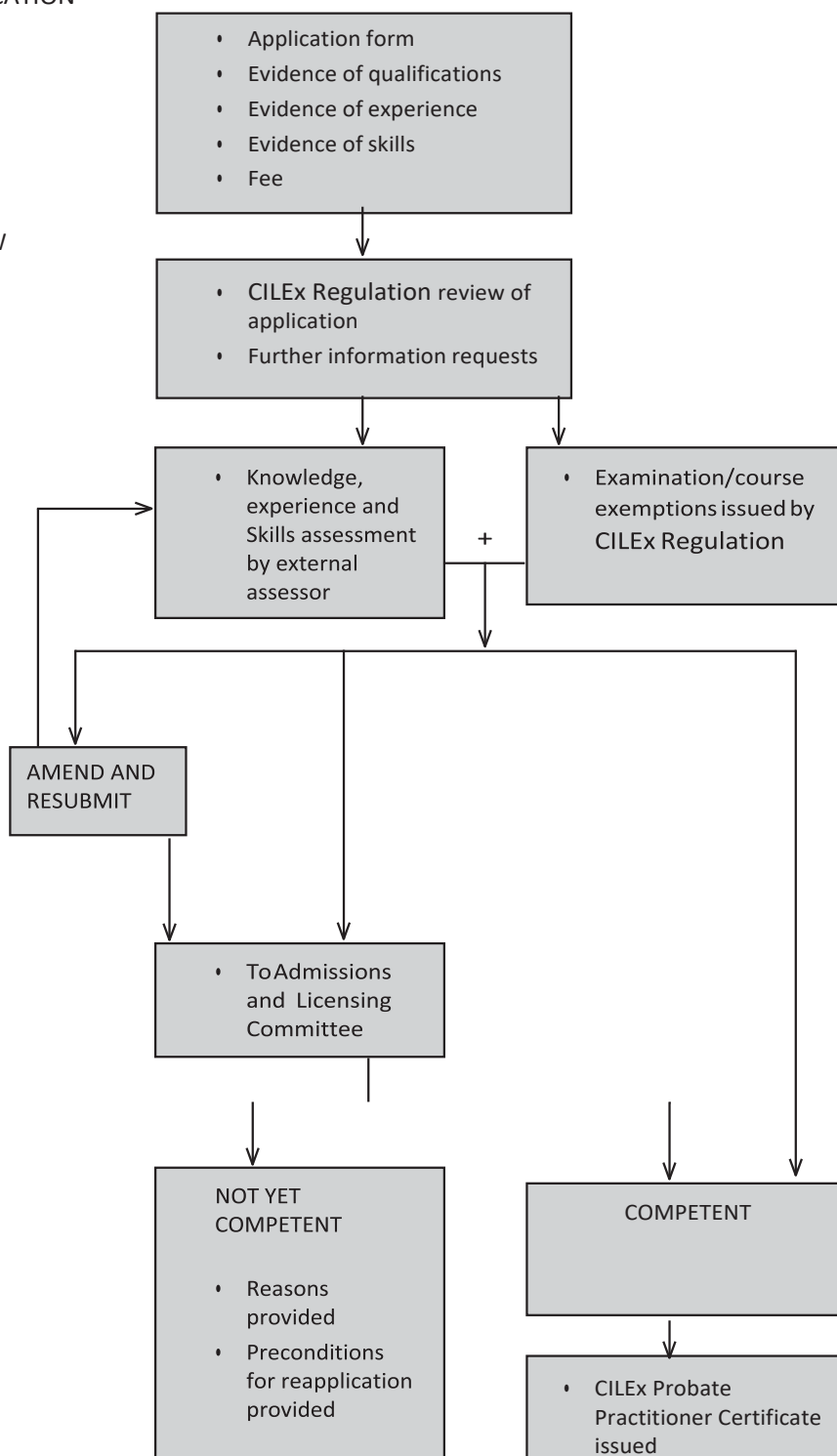
- To Admissions and Licensing Committee

NOT YET
COMPETENT

- Reasons provided
- Preconditions for reapplication provided

COMPETENT

- CILEx Probate Practitioner Certificate issued



What are Probate Practice Rights?

9. Under the Legal Services Act 2007 (s12) probate activities can be carried out by an authorised person only. CILEx Regulation is a regulator that can award probate practice rights to enable you to become an authorised person. Probate activities, under the Legal Services Act, mean preparing any probate papers on which to found or oppose a grant of probate or a grant of letters of administration.

Who can apply for Probate Practice Rights?

10. Applications to become a CILEx Probate Practitioner can be made by a range of applicants, including CILEx members, non-CILEx members, authorised persons from other branches of the legal profession and others who can demonstrate that they have met the necessary knowledge, understanding, experience and skills outlined in this handbook and the scheme rules (set out at Annex 1).

What can a CILEx Probate Practitioner do?

11. A CILEx Probate Practitioner who has been authorised by CILEx Regulation to undertake probate practice will be able to undertake the following activities:
 - Will writing
 - Probate
 - Estate Administration
12. Probate services must only be delivered through a regulated entity. Unless you work in an entity that is already regulated you should apply to CILEx Regulation for regulation of your entity.

If your application is approved

13. If your application is approved, you will become a CILEx Probate Practitioner, who is an authorised person under the Legal Services Act 2007. This means you can carry out probate activities 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.
14. If you are a Fellow of CILEx you will be registered as a Chartered Legal Executive and CILEx Probate Practitioner.
15. If you are a Member of CILEx you will be registered as a CILEx Member and CILEx Probate Practitioner.

16. If you are not a member of CILEx you will be registered as a CILEx Probate Practitioner. You will not be a CILEx member and do not need to be a member. If you wish to become a CILEx member at the same time or after becoming a CILEx Probate Practitioner please contact us. We will provide you with the relevant application details.
17. If you intend to practise independently ie to set up your entity 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.

Making your initial application

18. To make your application to become a CILEx Probate Practitioner you should submit the following:
 - Application form
 - Evidence of your qualifications (where appropriate)
 - Evidence of your experience
 - Evidence of your skills
 - Fee
19. 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 CILEx Probate Practitioner.

THE APPLICATION FORM

20. The application form can be downloaded at www.cilexregulation.org.uk
21. You should fully complete all parts of the Application form with the exception of part seven, which is only required for applicants seeking advocacy rights.
22. The application form includes sections to demonstrate your knowledge, understanding, skills and experience in Probate Practice. It also covers your knowledge, understanding, skills and experience in Practice Management and Accounts at Level 1 where you seek to deliver probate services through a CILEx Regulation regulated entity. If you also are intending to manage the practice or accounts you will also need to become a Compliance Manager. Alternatively you may appoint other people in your practice as Compliance Managers. This could be one or two other people. The Compliance Manager will need to demonstrate Practice Management and Accounts at Level 1 and Level 2. There is a separate handbook and application form for you or others in your practice to seek authorisation as a Compliance Manager.

23. On the first page of the application form, you should indicate the practice right you seek.
24. You should complete the remaining sections of the application form as follows:

Part One: General Information

25. This section asks for your personal information. You should answer all questions in this section.
26. You do not need to be a member of CILEx to apply for Probate Practice rights. If you are not a member of CILEx, please write N/A in the 'membership number' box. If you are successful in obtaining authorisation by us, we will register you as a CILEx Probate Practitioner without CILEx membership, unless you wish to become a CILEx member. Please contact us for further information about CILEx membership.

Part Two: Knowledge and Understanding

27. To obtain Probate Practice rights, you must demonstrate that you have gained knowledge in Wills and Succession and Probate Practice to Level 6 standard. We have developed competence frameworks which set out the competencies we require in each subject. They are at **Annex 3**.
28. There are 3 routes through which you can demonstrate competence. This part of the application form requires you to choose one or a combination of options from the three routes. You may find you need to only choose one of these options, or alternatively you may demonstrate your knowledge and understanding through choosing elements from more than one of these options.
29. The options set out how you may demonstrate your knowledge and are explained below.

Option 1: CILEx examinations

30. If you have passed the CILEx Level 6 examinations, in Probate Practice and/or Wills and Succession, you should select this option. You must record the title of the examination and the date on which you passed the examination.
31. If you have not completed either or both of these examinations you may demonstrate your knowledge and understanding, equivalent to the Level 6 examinations in the subject(s) you do not have, through option 2 or option 3 or a combination of the two. Collectively you must demonstrate knowledge of both subjects.

Option 2: Equivalent examinations

32. You may rely on examinations you have passed in Probate Practice and/or Wills and Succession with an organisation other than CILEx. The examinations must be to Level 6 standard, which is honours degree level, and map to the competence framework at **Annex 3** which is equivalent to the CILEx examinations. For example, you may have completed these subjects and been assessed in them on a law degree, LPC or BPTC.
33. We will map the examinations that you rely upon against the competencies at **Annex 3** for equivalency. To enable us to undertake this mapping exercise, we will need you to provide the following information:
 - The name of the Awarding body of each examination that you rely upon;
 - The title of each examination you passed;
 - The date on which you passed each examination;
 - Evidence of your results (e.g. a certificate or transcript of marks); and
 - The syllabus for each examination.
34. Once we have received all the necessary information, we will map your examinations against the requirements set out in the Competence Framework located in the Probate Certification Rules at **Annex 3**.
35. Each examination that you rely upon must have covered at least 50% of the competencies in the competence frameworks.
36. Where we do not find that the alternative examinations map to at least 50% of the competence frameworks we may ask you to supply further information about the examinations that you rely upon. Alternatively you may be asked to complete option 3 (the details of which are set out below). CILEx Regulation's assessment following the mapping exercise is final.

Option 3: Knowledge and understanding obtained through practice

37. Where you have not passed the CILEx Level 6 examinations or equivalent examinations in Probate Practice and/or Wills and Succession, you must use option 3 to demonstrate your knowledge in these two subjects. Under this option you are able to demonstrate that through your practical experience you have gained knowledge of Probate Practice and/or Wills and Succession. You must be able to demonstrate that the knowledge you have gained covers a sufficient breadth and depth to map to at least 50% of the competence frameworks at **Annex 3**.

38. You will be required to produce five portfolios of cases that you have dealt with, which set out how you have met the knowledge and understanding requirements as set out in the Probate Practice Competence Framework. A portfolio template can be found at **Annex 1 of the application form**. This template sets out the questions you need to answer in respect of each of the 5 cases. You will therefore need to produce 5 copies of the portfolio form. You should use a separate portfolio form for each of the 5 cases used.
39. You should select cases for your portfolios that demonstrate the range and breadth of your knowledge and understanding of the learning outcomes, as set out in the Competence Framework located in the Probate Certification Rules at **Annex 3**.
40. We provide further guidance on how to complete the portfolios later in this handbook.

Part Three: Experience

41. In this part of the application form you must set out your experience in probate practice, by outlining work you have undertaken in the last 5 years and producing portfolios of **3** cases you have dealt with.
42. You must begin by setting out your employment and work experience. This should cover the previous 5 years. If you have had a break in your employment in the last 5 years please provide an explanation for such breaks (e.g. maternity leave etc.).
43. You must have at least 2 years of experience in probate practice immediately preceding your application. Where you have had a break in your employment, you may rely on probate experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.
44. For each of the employment/work roles you have identified on your application form, you should provide the following information:
 - A description of the types of cases that you have handled;
 - A description of your typical caseload, including details about the complexity of the caseload and a summary of any difficult cases you have handled;
 - The number of chargeable hours you spend on activities related to probate practice;
 - The proportion of time you spend on probate practice work as opposed to other areas of practice;
 - A description of the range and nature of matters you have handled which relate to probate practice; and
 - Any distinctive features of your work.

45. In addition to outlining your experience, you should provide 3 portfolios of cases you have handled. The cases you select for your portfolios must cover a range of matters you have handled and demonstrate the breadth of your experience in probate practice. We have produced a portfolio template for you to use which can be found at **Annex 2 of the application form**. You will need to make 3 copies of the form in order to produce 3 portfolios.

Part Four: Skills

46. In this part of the application you must demonstrate that you have the skills required to undertake probate practice, deliver client care and undertake legal research. We have produced skills outcomes for client care, legal research and probate practice.
47. The Competence Framework, located at **Annex 3** of the handbook, sets out the skills you must demonstrate. We have called them learning outcomes for Probate Practice.
48. You can meet the legal research and client care skills through a number of routes:
- by undertaking the CILEx Level 6 examinations in these subjects;
 - through having completed an LL.B (legal research only); and/or
 - LPC/BPTC; or through your work experience.
49. You can demonstrate that you meet the probate practice outcomes and also the client care and legal research outcomes either by:
- taking a course or examination, which meets the outcomes set out in the Competence Framework;
 - by providing a logbook and portfolio of evidence which demonstrates how you have met each of the outcomes; or
 - a combination of the two options.
50. Where you opt to use the logbook and portfolio option we have produced a logbook template which asks a series of questions about your skills. The logbook template sheet can be found at **Annex 3 of the application form**. You must be able to evidence that your skills cover each learning outcome identified in column 2 of the skills section of the competence framework. You do this by completing a logbook sheet and providing supporting evidence for each outcome in column 2 of the competence framework. More guidance on this is provided in the section headed 'the competence framework' later in this handbook. Where you cannot demonstrate that you have met one or more of the learning outcomes, you must complete a course which covers these skills.

Part Five: Practice Management and Accounts

51. Complete this part of the application form if you intend to deliver probate services through an entity that will be regulated by CILEx Regulation. The form asks you to demonstrate your knowledge, understanding, experience and skills in Practice Management and Accounts to Level 1. You will also need a Compliance Manager(s) responsible for practice and/or accounts management. You or the person(s) applying to become the Compliance Manager(s) will also need to complete the Compliance Manager application form, which is available separately.
52. There are two routes through which you can demonstrate competence to Level 1 in practice management and accounts. This part of the application form requires you to choose one or a combination of options from the two routes. You may find you need to only choose one of these options, or alternatively you may demonstrate your knowledge and understanding through choosing elements from both of these options.
53. The options set out how you may demonstrate your knowledge and are explained below.

Option 1: Course(s)

54. If you have completed or passed a course which demonstrates your competence in some or all of the outcomes as set out in the competence framework, you may rely on this as evidence of meeting the required standard to achieve authorisation in practice management and accounts. You must record the course provider/awarding body, the title of the course and the date on which you completed or passed the course.
55. In addition, you should also supply the syllabus/course outline for the course on which you seek to rely, together with any transcript of marks and proof of having completed and, where appropriate, passed the course.
56. We will map the courses that you rely upon against the competencies at **Annex 4** for equivalency. To enable us to undertake this mapping exercise, we will need you to provide the following information:
 - The name of the Awarding body/course provider of each course on which you seek to rely;
 - The title of each course completed/passed;
 - The date on which you completed/passed each course;
 - Evidence of your completion/results (e.g. confirmation of attendance, a certificate or transcript of marks); and
 - The syllabus/course outline for each course.

57. Once we have received all the necessary information, we will map your course(s) against the requirements set out in the Practice Management and Accounts Competence Framework at **Annex 4**.
58. The course(s) on which you rely must cover each of the competencies in the competence frameworks. The types of courses or qualifications that CILEx Regulation will accept for this part of the application process may include commercial courses, formally assessed courses offered by training providers or institutions providing assessed qualifications.
59. Where we do not find that the course(s) map to each of the outcomes in the competence frameworks we may ask you to supply further information about the course(s) upon which you rely. Alternatively you may be asked to complete option 2 (the details of which are set out below).
60. CILEx Regulation's assessment following the mapping exercise is final.
61. If you have not completed a course which demonstrates meeting some or all of the outcomes as set out in the competence framework you must demonstrate these through option 2. Collectively you must demonstrate knowledge, understanding, experience and skills in practice management and accounts management to the level equivalent with the authorisation you seek.

Option 2: Knowledge, understanding, experience and skills obtained through practice

62. Where you have not passed course(s) which meet the relevant outcomes required for authorisation in practice management and accounts management, you must use option 2 to demonstrate your knowledge, understanding, experience and skills in these outcomes. Under this option you are able to demonstrate that through your practical experience you have gained knowledge of the relevant outcomes. You must be able to demonstrate that the knowledge you have gained covers a sufficient breadth and depth to map to each of the outcomes set out in the competence frameworks at **annex 4**.
63. Where you opt to use the logbook and portfolio option we have produced a logbook template which asks a series of questions about your skills. The template logbook sheet can be found at **Annex 3 of the application form**. You must be able to evidence that your skills cover each learning outcome at the appropriate level as it correlates with your desired authorisation in practice management and accounts management. These are identified in column 2 of the competence frameworks.

64. You do this by completing a logbook sheet and providing supporting evidence for each outcome in column 2 of the competence frameworks. More guidance on how the competence frameworks work is provided later in this handbook. Where you cannot demonstrate that you have met one or more of the learning outcomes, you must complete a course which covers these skills.

Part Six: Membership of Professional Bodies and Conduct

65. This part of the application form asks you to outline any memberships you have of other professional bodies and your prior conduct.

Membership of Professional Bodies

66. You should complete the table, setting out details of all memberships you hold of professional bodies, except for CILEx. You should include past and present memberships you hold or have held and set out the dates of each period of membership where you have held membership more than once with the same organisation.
67. You should include a statement of good standing for each of these memberships. A statement of good standing confirms that you have maintained any CPD requirements required as a member of each organisation and, that for current memberships, your subscriptions are up to date.

Statement of prior conduct

68. This section asks you about your past conduct. You must answer all questions on the statement of prior conduct.
69. Where you have answered 'yes' to any of the questions, you must provide full details of the circumstances giving rise to the declaration, including dates of any declared conduct.
70. We will refer prior conduct matters to the CILEx Regulation Investigation Team, which will ask you for further information. A decision will be made whether the prior conduct matter affects your application for Probate Practice rights.

Declaration of conduct

71. You should sign this part of the document. This declaration relates specifically to the information declared in this section in respect of prior conduct. You will also be asked to sign the application form at the end, to confirm that the information you have provided within your whole application is accurate and complete.

Part Seven: Advocacy Application

72. Applicants seeking probate practice rights need not complete this section.

Part Eight: References and Declaration

73. This part of the application asks you to provide details of two legal professionals who have knowledge of your work and are willing to provide a reference for you. The legal professionals should be authorised persons. An authorised person is defined in section 18 of the Legal Services Act 2007 as a solicitor, barrister, CILEx Fellow, Licensed Conveyancer, Patent Agent, Trade Mark Attorney, Costs Lawyer or Notarial Agent.
74. You should provide full contact details of your referees, including their name, address, telephone number and professional position. We will write to your referees and ask for a reference. We treat references as confidential and therefore will not ordinarily share them with you.
75. The final section of the application form asks you to choose the practice right for which you are applying. In this case you should delete all parts, with the exception of 'Probate' in the first part of the declaration.
76. You should then sign and date the application form, stating that you have provided full and complete information to the best of your knowledge and that you agree to be bound by the rules governing authorisation as a CILEx Probate Practitioner with CILEx Regulation.

THE COMPETENCE FRAMEWORK

77. This handbook makes reference to the Competence Framework, which is located within the Probate Rights Certification Rules at **Annex 3** of this document.
78. You may not be familiar with competence frameworks, in which case you should read this section before you start to complete the portfolios.
79. The framework has 3 columns.
- The first column identifies the nature of the learning outcomes and supporting experience. This is where we identify which sections relate to knowledge and understanding, experience or skills elements.
 - The second column identifies each learning outcome to be addressed. Learning outcomes set out what you are able to do, either because you have completed a course/examination or because you have developed the knowledge, understanding, experience or skill through your work. When completing your portfolio or logbooks you should refer to the outcomes in this column for the knowledge, skills or experience part.

- The final column sets out the experience that you must have gained in order to meet the learning outcome set out in column 2. Where relevant the experience statements explain the steps you should take to evidence the corresponding outcome.
80. You should focus on column 2, which sets out the relevant learning outcome, in completing your application. Column 3 sets out the necessary knowledge and skills that support meeting the learning outcome.

Completion of the Knowledge and Understanding Portfolios – Annex 1 of Application Form

81. You must demonstrate your knowledge and understanding of the elements set out in the competence framework included in the Probate Rights Certification Rules located at **Appendix 1** of this document.
82. Where you have not passed the CILEx Level 6 examinations or equivalent examinations in Probate Practice and/or Wills and Succession, you must complete portfolios to demonstrate your knowledge and understanding of each of the knowledge and understanding learning outcomes. This section guides you on completing the portfolios.
83. You must complete portfolios of **five** cases to demonstrate your knowledge and understanding of Probate Practice and Wills and Succession, in accordance with the learning outcomes from the competence framework (column 2 of the knowledge and understanding section of the framework).
84. Whilst you need not demonstrate all of the outcomes in each portfolio, you should demonstrate each knowledge and understanding learning outcome at least once across the five portfolios.
85. Each learning outcome has an explanation of what information is needed to demonstrate that you have met that learning outcome. These are located in column 3 of the framework. You must explain how your case example demonstrates these as this in turn demonstrates that you have met the learning outcome. For example:

Knowledge Element 3	Learning Outcome	Supporting Experience
<p>Take full instructions from the testator and provide advice on the terms of a will (and ancillary matters) and to then prepare a will which gives effect to the testator's wishes.</p>	<p><i>This is made up of 8 learning outcomes: the 3rd outcome states:</i></p> <p>Demonstrate knowledge understanding and application of the need to take full instructions from the testator on a range of matters including the testator's present and, (if relevant), future circumstances and objectives.</p>	<p><i>The information in this column sets out what you need to demonstrate in your case study to have met this learning outcome:</i></p> <ul style="list-style-type: none"> – Taking instructions on the factual issues – Identifying the testator's aims and objectives – Identifying situations where the aims and objectives might be met outside the will – Circumstances where the provisions in the will may be opposed at a later date – Identifying measures and precautions (where available), which may be taken to deal with the circumstances set out above.

86. To meet this outcome, you could outline a case where you took instructions to make a will. In your explanation, you should demonstrate that you covered the steps outlined in the supporting experience column to show that you have satisfied this outcome of knowledge element 3.
87. There are 4 knowledge elements to be satisfied and each has a series of learning outcomes attached to them. Although each portfolio does not need to cover all of the learning outcomes, ideally you should demonstrate that you meet each learning outcome at least once across the 5 portfolios. The minimum requirement is to demonstrate that you meet at least 50% of the learning outcomes. You should indicate in your portfolios the learning outcomes you believe each portfolio addresses.

88. The portfolio requires you demonstrate the learning outcomes through answering the questions set out below. We have outlined how you can answer the questions.

- Provide an outline of the facts of the case/matter

You should provide an outline of the facts of the case/matter that you handled that you are using. You could for example set out the facts of a case where a client asks you to write their will.

- Provide an explanation of the law arising in the case/matter and how the law applies to the facts outlined above

You should provide an outline of the law which you identify as relevant to the facts, in the matter that you are using, to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. You may find that you are able to demonstrate some of the law competencies from the competence framework in this section of the portfolio. For example for learning outcome 3 of knowledge element 3, if appropriate, you could set out the law that relates to your instructions such as the Provisions for Family and Dependents Act 1975.

- Provide an outline of any procedural and process matters that arose in the case/matter and how they were dealt with

You should outline the steps undertaken to progress the case. This may include any forms lodged with HMRC and the action you took before that to enable you to do so.

- Provide an outline of the evidential issues that arose in the case and how they were dealt with

You should provide an outline of the evidence you had and how you dealt with this to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. For example evidential issues arising where personal representatives face issues over beneficial entitlements or claims from HMRC.

You should note that 'Issues' does not mean problems.

- Provide an outline of any ethical or conduct issues that arose in the case and how they were dealt with

You should provide an outline of any relevant ethical or conduct issues that arose in the matter that you are using to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. It is important that you are aware of your obligations to your client and act with honesty and integrity. For example, where you needed to seek advice on an area of law where you were unfamiliar with the requirements so as to not act beyond your competence in a matter or the actions you took where a client wanted to include a bequest to you.

- Provide an outline of any funding issues that arose in the case and how they were dealt with

You should provide an explanation of how the case was funded.

You should note that 'Issues' does not mean problems.

- Provide an outline of the advice provided to the applicant and the outcome of the matter

You should provide an outline of the advice you provided to your client which was relevant to progressing the matter that you are using to illustrate the learning outcomes from the knowledge and understanding section of the competence framework. For example, where a client states their intention to exclude a child from their will, you should demonstrate that you have explained the consequences of this in terms of later opposition to the will.

- Provide an outline of the decisions you to make in the case and whether you had to take any strategic decisions in the case

You should provide an outline of any decisions you had to make, including strategic decisions relevant in the matter that you are using to illustrate the learning outcomes from the knowledge and understanding section of the competence framework.

- Provide a description of any training or development needs you have identified as a result of having dealt with the case

Having reflected on the case/matter you used in your portfolio, you should consider whether any training or development needs arose either during the case or on reflection following completion of the matter, which would assist you in dealing with similar cases in future. You should also outline how you have addressed the training need identified.

89. At the end of each portfolio you should identify which of the knowledge and understanding outcomes you believe you have met in the portfolio.

Completion of the Experience Portfolios – Annex 3 of Application Form

90. You are required to demonstrate your experience of the elements set out in the 'Entry Experience All Applicants' section of the competence framework included in the Probate Certification Rules located at **Annex 3** of this document.
91. All applicants must complete this part of the form unless you have already completed five portfolios to demonstrate your knowledge.

92. You should complete portfolios of **three** cases to demonstrate your experience of Probate Practice and Wills and Succession, in accordance with the relevant elements identified in the competence framework.
93. Your portfolios must demonstrate your breadth of experience in these areas. You should follow the guidance set out earlier on answering the questions.
94. Each portfolio must cover a range of the learning outcomes from the knowledge and understanding part of the competence framework so as to demonstrate your experience of probate practice gained in the last 2 years.
95. At the end of each portfolio you should identify how the portfolio demonstrates your experience in probate practice.
96. Where the knowledge and understanding portfolios do not demonstrate your experience to meet this requirement, you should submit additional portfolios to demonstrate your experience of probate practice gained in accordance with the experience requirements.
97. The portfolios will be marked by an external assessor.

Completion of the Skills Logbook and Portfolio of Evidence

99. The following guidance explains how to complete and present your logbook for the skills part of your application. You must demonstrate your skills in probate practice, client care and legal research by completing a logbook sheet for each skills element. Alternatively, you may complete a skills course or qualification to meet the learning outcomes.
99. This section guides you where you opt to complete a logbook and portfolio of evidence.
100. The skills that you are required to demonstrate can be found in the part of the competence framework labelled: 'Stage 2 Qualification Criteria: Skills'. In the first column of the competence framework, there are 4 skills elements identified.
101. Skills element 1 is client care. This can be demonstrated in a number of ways:
 - By passing the CILEx Level 6 Client Care examination;
 - completion and passing the LPC or BPTC;
 - another examination which meets the outcomes set out in column 2 of the competence framework; or
 - through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.

102. Skills element 2 is legal research. This can be demonstrated in a number of ways:
- By passing the CILEx Level 6 Legal Research examination;
 - through completion of a qualifying law degree;
 - another examination which meets the outcomes set out in column 2 of the competence framework; or
 - through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.
103. Skills elements 3 and 4 are specific to probate practice. They cover drafting and managing probate activities. These can be demonstrated either through:
- successfully completing a course which meets the outcomes set out in column 2 of the competence framework; or
 - through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.
104. You should complete a separate logbook sheet (located at **Annex 3 of the application form**) for each of the skills learning outcomes that are set out in column 2 of the Competence Framework located in the Probate Certification Rules at **Annex 3**. In producing your logbook for each of these outcomes in column 2 you should aim to address the experience elements in column 3 of the framework.
105. For each piece of evidence you provide to support meeting the skills outlined in column 2 you should provide a logbook sheet which explains what the evidence is that you have provided and how it meets the learning outcome and supporting experience (located in columns 2 and 3). For example, to meet the skill element 3 (drafting), learning outcome 2 (wills), you could provide evidence of having drafted a will or codicil.
106. You should then outline how the evidence shows you have put the outcome into practice in your workplace. For example, to explain how the will or codicil meets the outcome, you could outline your client's instructions and how the will or codicil meets those requirements.
107. Where your activity in meeting the outcome has highlighted opportunities for you to develop your legal knowledge or professional skills, you should identify this on the logbook sheet. You may also want to include any steps you have taken to address this opportunity for development.
108. The evidence used must come from matters that you have dealt with and must support the learning outcomes and supporting evidence identified on the logbook sheet.

109. The evidence should be provided in a page numbered portfolio, with the relevant logbook sheet attached to the evidence.
110. A template logbook sheet can be found at **Annex 3 of the application form**.
111. There are up to 4 skills elements to be satisfied through preparation of a logbook and portfolio of evidence (depending on how you have chosen to demonstrate you meet these outcomes) and each has a series of learning outcomes attached to them. Your logbook and portfolio of evidence will be assessed. Ideally you should demonstrate competence against each of the learning outcomes in the competence framework.
112. You should provide the date upon which each outcome was completed on the logbook sheet; this will be the most recent date of the evidence supplied. The evidence on which you rely should not normally be more than 2 years old by the date on which you submit your portfolio. Where you have had a break in your employment, you may rely on probate experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.
113. You should sign and date each logbook sheet with the date you complete the logbook entry.
114. You should not present your logbook and portfolio in a ring-binder or any other binding or wallet. You should not staple sheets together or use comb binding. You may connect pages using a treasury tag or an elastic band only.

PRACTICE MANAGEMENT AND ACCOUNTS

115. If you seek to deliver Probate Practice rights through an entity that is regulated by CILEx Regulation you must obtain authorisation at Level 1 in Practice Management and Accounts.
116. In addition all entities must have Compliance Manager(s) responsible for practice management and accounts. The person(s) who will be the Compliance Manager(s) (whether in practice management, accounts or both) must complete the Compliance Manager application form. The Compliance Manager does not have to become a probate practitioner if they are not undertaking probate work. Alternatively you may be a CILEx Probate Practitioner and the Compliance Manager.
117. Once you have demonstrated competence in probate practice rights and accounts and practice management to level 1 you will be authorised by CILEx Regulation to deliver probate services.

118. If you intend to practise independently i.e. to set up your own entity 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.

The Practice Management and Accounts Competence Framework

119. This handbook makes reference to the Practice Management Competence Framework and Accounts Management Competence Framework, which are located at **Annex 4** of this document.
120. You may not be familiar with competence frameworks, in which case you should read this section before you start to complete the portfolios.
121. The framework has 3 columns.
- The first column identifies the nature of the learning outcomes and supporting experience. This is where we identify the required knowledge, understanding, experience and skills elements.
 - The second column identifies each learning outcome to be addressed. Learning outcomes set out what you are able to do, either because you have completed a course/examination or because you have developed the knowledge, understanding, experience or skills through your work. When completing your logbook you should refer to the outcomes in this column for the knowledge, understanding, skills and experience.
 - The final column sets out the experience that you must have gained in order to meet the learning outcome set out in column 2. Where relevant they explain the steps you should take to evidence the corresponding outcome.
122. You should focus on column 2, which sets out the relevant learning outcome. Column 3 sets out the necessary knowledge and skills that support meeting the learning outcome.
123. Each learning outcome has an explanation of what information is needed to demonstrate that you have met that learning outcome. These are located in column 3 of the framework. You must explain how your case example demonstrates these as this in turn demonstrates that you have met the learning outcome. For example (from Practice Management Competence Framework):

Knowledge, Understanding, Skills and Experience	Learning Outcome	Supporting Experience
Being part of a profession	<p><i>This is made up of 1 learning outcome: It states:</i></p> <p>Demonstrate knowledge, understanding and application of the current legal market and legal entities which may be created to provide a legal service</p>	<p><i>The information in this column sets out what you need to demonstrate in your case study to have met this learning outcome. It has 2 levels (level 1 and level 2a). All applicants must complete level 1, those seeking authorisation as a Compliance Manager must also complete level 2a.</i></p> <p><i>Level 1 states:</i></p> <ul style="list-style-type: none"> – Knowledge and understanding of the types of structure through which a legal entity may be formed – Knowledge and understanding of those able to regulate reserved legal activities – Understanding that the structure and regulation of legal entities and activities may change and be able to identify these changes – Knowledge and understanding of a business plan, taking into account recent and current changes to the legal services market – Knowledge, understanding and ability to comply with a complaints procedure in line with LeO guidelines.

124. To meet level 1 of this outcome you should outline your knowledge and understanding of each element, set out in the supporting experience column and explain how you apply this knowledge to your practice. This will demonstrate that you have satisfied this outcome at level 1 in practice management.

Completion of the Practice Management and Accounts Skills Logbook and Portfolio of Evidence

125. The following guidance explains how you should complete and present your logbook and portfolio for your application in relation to practice management and accounts. You must demonstrate your knowledge, understanding, experience and skills in the relevant level of competence for practice management and accounts management by completing a logbook sheet for each skills element. Alternatively, you may complete a course or courses to meet the learning outcomes.

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126. This section gives you guidance where you opt to complete a logbook and portfolio of evidence.
127. The knowledge, understanding, experience and skills that you are required to demonstrate can be found in the competence frameworks. In the first column of the competence framework, there are 4 elements identified in the practice management competence framework and 3 elements identified in the accounts management competence framework.
128. The elements identified in the practice management competence framework cover the following elements:
- Being part of a profession
 - CILEx regulations
 - Management of a legal entity
 - Business acumen
129. The elements identified in the accounts competence framework cover the following elements:
- CILEx Accounts Rules
 - General Bookkeeping
 - Finances
130. Each of the outcomes which fall within each element are levelled, at either level 1, level 2a, level 2b or level 2c. If you are not seeking authorisation as a Compliance Manager, you need only demonstrate competence at level 1.
131. The outcomes can be demonstrated either through:
- successfully completing a course which meets the outcomes set out in column 2 of the competence framework; or
 - through completion of a logbook and portfolio of evidence which demonstrates how you meet these outcomes from your work experience.
132. You should complete a separate logbook sheet (located at **Annex 3 of the application form**) for each of the knowledge, understanding, skills and experience learning outcomes that are set out in column 2 of the Competence Framework located in at **Annex 4**. In producing your logbook for each of these outcomes in column 2 you should aim to address the experience elements set out in column 3 of the framework.

133. For each piece of evidence you provide to support meeting the skills outlined in column 2 you should provide a logbook sheet which explains what the evidence is that you have provided and how it meets the learning outcome and supporting experience (located in columns 2 and 3). For example, in the Accounts Management Competence Framework, to meet element 2 (General Bookkeeping), learning outcome 1 (Double Entry Bookkeeping) at level 1, you could provide evidence of your knowledge and understanding of client ledgers, making entries into legal cashbooks, trial balances and a bill of costs.
134. You should then outline how the evidence shows you have put the outcome into practice in your workplace. For example, to explain how the financial statement clearly sets out the position of the client and how your knowledge of time costing has been applied to benefit reporting.
135. Where your activity in meeting the outcome has highlighted opportunities for you to develop your legal knowledge or professional skills, you should identify this on the logbook sheet. You may also want to include any steps you have taken to address this opportunity for development.
136. The evidence used must come from matters that you have dealt with and must support the learning outcomes and supporting evidence identified on the logbook sheet.
137. The evidence should be provided in a page numbered portfolio, with the relevant logbook sheet attached to the evidence.
138. A logbook sheet can be found at **Annex 3 of the application form**.
139. There are 7 elements to be satisfied to the required level (as set out above) through preparation of a logbook and portfolio of evidence (depending on how you have chosen to demonstrate you meet these outcomes) and each has a series of learning outcomes attached to them. You should demonstrate meeting each learning outcome at least once.
140. You should provide the date upon which each outcome was completed on the logbook sheet; this will be the most recent date of the evidence supplied. The evidence on which you rely should not normally be more than 2 years old by the date on which you submit your portfolio. Where you have had a break in your employment, you may rely on experience you gained earlier in the preceding 5 years. In exceptional circumstances, CILEx Regulation may accept experience gained from a period longer than 5 years ago.
141. You should sign and date each logbook sheet with the date you complete the logbook entry.
142. You should not present your logbook and portfolio in a ring-binder or any other binding or wallet. You should not staple sheets together or use comb binding. You may connect pages using a treasury tag or an elastic band only.

HOW YOUR APPLICATION IS ASSESSED

General Guidance

The assessment of your application for probate practice rights will be made on the basis of the evidence you have provided to demonstrate you have met each of the learning outcomes in relation to your knowledge and understanding, experience and skills in probate practice, client care and legal research.

Assessment is set at a level which is considered to be equivalent with Level 6 on the Qualifications and Credit Framework, except for practice management and accounts management, which is not levelled in this way.

You should be able to demonstrate that you are able to:

- refine and apply knowledge, understanding and application of the law to complex problems;
- take responsibility for planning and developing courses of action autonomously;
- make a judgement and take into account changes and developments in the law.

This means that the evidence you provide should demonstrate the following standards:

Knowledge and understanding

- Ability to refine and use facts, law and evidence involved in the matter to create ways forward;
- Ability to critically analyse, interpret and evaluate complex information in the context of legal practice;
- Ability to understand the matter in the context of the area of practice;
- Awareness of recent legal developments in area of practice;
- Ability to understand different approaches, perspectives and developments in the law and business in the legal context, including the legal theory which underpins these approaches.

Application and action

- Ability to address problems that have limited definition and involve a number of related issues;
- Ability to determine, refine, adapt and use appropriate methods and skills;
- Ability to use and/or develop legal research to inform actions;

- Ability to evaluate the likely outcome of actions and methods and the implications of these.

Autonomy and accountability

- Ability to demonstrate responsibility for planning and developing courses of action in the context of legal practice;
 - Ability to initiate and lead tasks and processes in the context of legal practice;
 - Ability to exercise broad autonomy and judgement.
143. In determining whether your application has met the required standard, we will consider your ability to do the following:
- Recognise and rank items and issues in terms of relevance and importance;
 - Integrate information and materials from a variety of different sources;
 - Undertake the analysis of information in a logical and coherent way;
 - Make critical judgements on the merits of particular courses of action;
 - Present and make a reasoned choice between alternative solutions;
 - Act independently in planning, preparation and undertaking tasks in probate activities;
 - Undertake independent research in probate practice using standard legal information sources; and
 - Reflect on learning and make constructive use of feedback.

WHAT HAPPENS NEXT

144. Once you have completed your application form and supporting evidence, you should submit your application to:

CILEx Regulation
Kempston Manor
Kempston
Bedford
MK42 7AB
145. You should also submit the required fee with your application. The current fee for submitting your application to become a Probate Practitioner can be found on the CILEx Regulation website (www.cilexregulation.org.uk).
146. When we receive your application, we will send a letter of acknowledgement to you. This will provide you with a likely timescale for the internal review of your application.
147. Once we have reviewed your application, it is usual for us to come back to you for additional information. This is to ensure that as far as possible, your application appears to fully demonstrate that you have met all of the learning outcomes set out on the Competence Framework at **Annex 3** of this handbook, before we submit your portfolios covering your knowledge (where appropriate) and experience to our external assessors.
148. Our external assessors are experienced academics and assessors who are subject matter experts in your area of practice. They will review the information and evidence you have submitted in your application in order to assess whether the information you have provided meets the learning outcomes and supporting experience from columns 2 and 3 of the Competency Framework. Your portfolios may be sent to different assessors based on the subject matter of the relevant portfolio.
149. External assessment may take a few weeks. The external assessors will review all of the evidence and portfolios that you have provided to demonstrate your knowledge, understanding, skills and experience and will assess your portfolios against each of the learning outcomes.
150. There are a number of outcomes from assessment:
 - Where you demonstrate competence your portfolio/logbook will be considered to demonstrate that you are competent in that element; or
 - We or the external assessor may seek further information before we can reach a decision, for example, we may ask for additional evidence or more detailed explanation of the matter(s) you have relied upon; or

- The assessor may assess you as not yet competent, in which case they will provide reasons for their decision.

Once we have received the outcome of the assessment from the external assessor, we will decide the next action required.

151. Our action, once we have received the external assessor's assessment may be to:

- Approve the application in the office as all elements have been assessed as 'Competent' in accordance with the Competence Framework.
- Where the portfolio/logbook has been assessed as overall competent, but issues have been identified by the assessor, the office may refer your application to the Admissions and Licensing Committee for their decision.
- Request further information from you and resubmit the application and/or ask you to make further submissions in support of your application. We will then submit this along with your existing application to the Admissions and Licensing Committee for a decision.

Where the application is approved in the office

152. If you have demonstrated that you meet all of the learning outcomes set out in the competence framework, covering knowledge and understanding, experience and skills and the external adviser has assessed all of your portfolios as competent, your application can be approved by a CILEx Regulation Officer.
153. We will write to you confirming that you have been authorised as a CILEx Probate Practitioner and will send out your practising certificate.
154. **NOTE: If you are seeking to practise probate in an entity regulated by CILEx Regulation and act as the Compliance Manager for that entity, you must also satisfy the requirements as set out in the Compliance Manager handbook and for entity regulation.**

Where the application cannot be approved in the office

155. Where the external adviser has identified areas for further development in your application before you can be assessed as competent, you will be asked to provide further information, make representations to the Admissions and Licensing Committee or you may decide to withdraw your application.

Withdrawing your application

156. If you decide to withdraw your application where the external adviser has assessed your application as not yet competent, your application will be cancelled. Your fee will not be refunded. If you would like to seek authorisation as a CILEx Probate Practitioner in the future, you will be required to make a fresh application.

The Admissions and Licensing Committee

157. If you decide to continue with your application, you should provide additional supporting information to demonstrate your competence and/or make representations to the Committee as to your competence.
158. Once your additional information has been received, your application will be presented to the next available meeting of the Admissions and Licensing Committee for their decision.
159. The Committee may decide to approve or refuse your application.
160. If the Committee determines that your application demonstrates that you are competent to become a probate practitioner your application will be approved. In this case, we will write to you confirming that you have been authorised as a CILEx Probate Practitioner and will send out your practising certificate.
161. **NOTE: If you are seeking to practise probate in an entity regulated by CILEx Regulation and act as the Compliance Manager for that entity, you must also satisfy the requirements as set out in the Compliance Manager handbook and for entity regulation.**
162. If the Committee determines that your application does not demonstrate that you have yet met the competence requirements necessary to become a CILEx Probate Practitioner they will refuse your application.
163. In this situation, your application will be cancelled. Your fee will not be refunded. If you would like to seek authorisation as a CILEx Probate Practitioner, you will be required to make a fresh application.
164. You may appeal the outcome of the Committee's decision. The rules governing appeal are located in the Admissions and Licensing Committee's rules and Investigation, Disciplinary and Appeal Rules.

APPENDIX 1

PROBATE RIGHTS CERTIFICATION RULES

PROBATE RIGHTS CERTIFICATION RULES

Definitions

1. In these Rules, except where otherwise indicated:
 - “Probate Certificate” means a Probate Certificate identified in these Rules;
 - “Probate Practitioner” means a person who has been granted a right to undertake probate, under the terms of the Act;
 - “Certification Rules” means the Probate Rights Certification Rules;
 - “External Advisor” means a person appointed by CILEx Regulation to carry out the role and functions identified for them in these Rules;
 - “Applicant in good standing” means a person in respect of whose conduct there is no complaint outstanding, and against whom there is no disciplinary or prior conduct record which, in the view of CILEx Regulation, affects their suitability to be a Probate Practitioner;
 - “CILEx” means the Chartered Institute of Legal Executives;
 - “Investigation, Disciplinary and Appeals Rules” means the Rules of CILEx Regulation which are in place from time to time and which govern the complaints handling, misconduct investigation and disciplinary procedures of CILEx Regulation;
 - “The Act” means the Legal Services Act 2007; and
 - “The Officer” means a person with responsibility for the Probate Practice Rights Scheme.

Words importing the singular include the plural and vice versa.

2. Responsibility for this qualification scheme is delegated by CILEx to CILEx Regulation.

Probate Practice Certificate

3. An applicant in good standing may apply to CILEx Regulation to be granted a Probate Certificate.
4. The probate rights exercisable by a person holding a Probate Certificate are to prepare any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales. Probate papers mean any papers on which to found or oppose a grant of probate or a grant of letters of administration.

Qualification Arrangements

5. Applicants who seek a Probate Certificate must demonstrate that they meet the knowledge, skills and experience criteria in accordance with the knowledge, skills and experience guidelines and the Portfolio Guidelines which appear at **Annexes 1 and 2** and the competence framework at **Annex 3**.
6. Applicants who seek a Probate Certificate must make an application in accordance with the knowledge, skills and experience guidelines which appear at **Annex 1** and the portfolio guidelines and assessment criteria which appear at **Annex 2**.
7. An application must be made on such form as may be prescribed for the purpose by CILEx Regulation and shall be accompanied by such fees as may be fixed by CILEx Regulation from time to time.
8. CILEx Regulation will consider the application to ensure it meets the criteria set out in the knowledge, skills and experience guidelines which appear at **Annex 1** and the portfolio guidelines and assessment criteria which appear at **Annex 2**.
9. The portfolios which form part of the application will be sent to an external advisor for assessment. The external advisor will assess whether the portfolios meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**.
10. Where the external advisor finds that the portfolios are satisfactory and meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**, the CILEx Regulation Officer will consider whether the applicant may be granted a Probate Certificate. In reaching their decision, the Officer will consider all the information provided by the applicant and may call for further information from any person or source it considers appropriate. Where the Officer has any doubt as to the suitability of the applicant they may request additional information from the applicant and/or refer the application to the Admissions and Licensing Committee for decision.
11. Where the external advisor decides that the portfolios do not meet the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2** they will give reasons for their decision. The Officer will inform the applicant of the decision. The applicant may withdraw their application, amend and re-submit their application or make further representation and ask that the full application be referred to the Admissions and Licensing Committee to consider.
12. The Admissions and Licensing Committee will decide whether or not an application should be approved. In reaching its decision, the Committee will consider all the information provided by the applicant, and may call the applicant for interview or call for further information from any person or source it considers appropriate.

13. The Committee may:
 - approve the application;
 - decide that the applicant does not meet the criteria and indicate which of the criteria the applicant does not meet.
14. In making any assessment or decision required by these Rules, the Admissions and Licensing Committee shall have regard to the knowledge, skills and experience guidelines and the portfolio guidelines and assessment criteria at **Annexes 1 and 2**.
15. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.
16. Where the application has been approved, the notification shall include the Probate Certificate.
17. Where the application is unsuccessful, the notification shall set out the Committee's reasons and any pre-conditions to the consideration of any subsequent application. Where an application is unsuccessful, the applicant may apply for reconsideration in accordance with the Admissions and Licensing Committee Rules.

Practice Management and Accounts

18. A Probate Practitioner who seeks to practise in an entity seeking regulation by CILEx Regulation must demonstrate that they meet the knowledge, skills and experience in accounts and practice management in accordance with the knowledge, skills and experience guidelines and portfolio guidelines and the competency framework which appear at Annexes 4 and 5. They will not be authorised to be an Approved Manager in an entity until these requirements are met.
19. Where an applicant relies upon existing experience they must complete a log in accordance the portfolio guidelines. An applicant who relies upon a qualification as evidence of meeting the competency framework must provide details of that qualification and assessment. CILEx Regulation will consider whether the experience or qualification relied upon demonstrates that the applicant meets the requirements of the competency framework.
20. An applicant who does not meet the knowledge, skills and experience requirements for practice management and or accounts must complete qualification courses and assessment in those areas which meet the competency frameworks at **Annexes 4 and 5**.

Admissions and Licensing Committee

21. The Admissions and Licensing Committee established under the Admissions and Licensing Committee Rules shall be responsible for the probate rights qualification scheme.

External Advisors

22. CILEx Regulation shall appoint external advisors to advise CILEx Regulation and the Admissions and Licensing Committee on issues relating to probate practice rights.

Probate Practitioners

23. An applicant who has been awarded a Probate Certificate will be known as a Probate Practitioner.

Continuing Professional Development (CPD)

24. Probate Practitioners will be required to undertake Continuing Professional Development (CPD) in accordance with the CPD Regulations issued by CILEx Regulation from time to time applicable to Chartered Legal Executives.
25. Where a Probate Practitioner has failed to undertake CPD which meets the CPD Regulations or fails to provide a record of such CPD, the Officer will refer the matter to the Admissions and Licensing Committee. The Admissions and Licensing Committee will consider whether the Probate Practitioner should retain their Probate Certificate.
26. The Probate Practitioner will have the opportunity to make written representations to the Committee and a right to be heard by the Committee.
27. The Committee may decide to:
 - Grant an extension of up to 3 months for the Probate Practitioner to meet their outstanding CPD requirements. The Probate Practitioner will still be required to meet their current CPD requirement in the normal way; or
 - Withdraw the Probate Certificate.
28. Where a Probate Practitioner's Certificate has been withdrawn for 12 months or more, on the basis that they have not met their CPD requirements, they will be required to make a fresh application for a Probate Certificate in accordance with these Rules.

Disciplinary Procedures and Code of Conduct

29. Probate Practitioners will be required to abide by the Code of Conduct of CILEx for the time being in force. They will also be bound by the associated regulatory arrangements in force from time to time.
30. Where a complaint is made, or an issue is brought to the attention of CILEx Regulation, regarding the conduct of a Probate Practitioner, that matter will be dealt with in accordance with CILEx Regulation's Investigation, Disciplinary and Appeals Rules. Where a finding, order or decision is made against a Probate Practitioner, that finding, order or decision will be referred to the Admissions and Licensing Committee. The Admissions and Licensing Committee will decide whether the Probate Practitioner remains a fit and proper person to hold a Probate Practice Certificate. The Admissions and Licensing Committee must give reasons for its decision.
31. Rule 30 shall not apply where an order is made excluding a Probate Practitioner from registration of CILEx Regulation or membership of CILEx. In such a case the Probate Practitioner's Certificate shall be invalid from the date the exclusion from membership or registration takes effect.
32. Where the Admissions and Licensing Committee decides that the Probate Practitioner is no longer a fit and proper person to hold a Probate Certificate or their certificate is invalid in accordance with Rule 31, they must return their Certificate to CILEx Regulation within 28 days of them being notified of the decision. Failure to do so will constitute a disciplinary offence. The Probate Practitioner may not exercise any probate practice rights granted to them under their Certificate after they have been notified of the decision.
33. Notwithstanding the Admissions and Licensing Committee Rules an appeal against the decision of the Admissions and Licensing Committee that a Probate Practitioner is no longer a fit and proper person to hold a Probate Certificate will be considered by a professional member and 2 lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation's appeals body.

Probate rules

ANNEX 1 - KNOWLEDGE, SKILLS AND EXPERIENCE GUIDELINES

1. An applicant who seeks probate practice rights must satisfy the guidelines below.
2. An applicant seeking probate rights must provide the following information in an application to CILEx Regulation:
 - A general outline of the probate practice work, including will writing and estate administration work, where relevant, they have carried out and the total experience they have gained of will writing, probate practice and estate administration;
 - Details of their typical caseload;
 - The number of chargeable hours they spend on will writing, estate administration and probate activities;
 - The proportion or number of cases which have included preparation of papers on which to found or oppose a grant of Probate or a grant of letters of administration;
 - Details of any distinctive features of their work; and
 - Details of any supervisory arrangements under which they work and their own supervisory responsibilities.
3. Applicants must demonstrate that they have the appropriate level of knowledge, skills and experience in probate practice and probate law and succession to be awarded a Probate Practice Certificate in accordance with the criteria set out at **Annex 3**.

Competence Criteria

4. In deciding whether an applicant has adequate knowledge, skills and experience, CILEx Regulation will have regard to the competency framework set out at **Annex 3**.
5. Applicants will be required to demonstrate their knowledge, skills and experience in accordance with the portfolio guidelines and assessment criteria set out at **Annex 2**.
6. In their application, portfolios and logbooks, an applicant will be expected to demonstrate that they can:
 - Recognise and rank items and issues in terms of relevance and importance;
 - Integrate information and materials from a variety of different sources;
 - Undertake the analysis of information in a logical and coherent way;
 - Make critical judgements on the merits of particular courses of action;
 - Present and make a reasoned choice between alternative solutions;

- Act independently in planning, preparing and undertaking tasks in probate activities;
- Undertake independent research in probate practice using standard legal information sources; and
- Reflect on their learning and make constructive use of feedback.

Evaluating Experience

7. An applicant will be expected to have a range of experience across the area in which they work. Applicants will be expected to have handled matters from the beginning to the end, including the administration of estates.
8. CILEx Regulation will consider the quality and quantity of experience that an applicant has gained. In considering the quality of experience, CILEx Regulation will look at various factors such as the complexity of cases handled, the nature of the matters handled and the types of issues that have arisen within them.
9. CILEx Regulation will recognise that applicants could have had a break in their experience due to factors such as career breaks, job changes, maternity or paternity leave, long term illness, or disability. CILEx Regulation will not discriminate directly or indirectly against an applicant whose experience has been affected in this way. However, CILEx Regulation will need to ensure that an applicant has an acceptable level of experience.
10. Where an applicant has had a break in their experience, they may provide details of experience gained during a different period when they were more actively engaged in probate practice. However, the break must not have been longer than 5 years. In exceptional circumstances, applications may be accepted from applicants who have had a break longer than 5 years.
11. There may be other factors which affect an applicant's experience in the preceding 2 years. CILEx Regulation will consider details of more active periods from applicants whose experience discloses a pattern that they regard as atypical.

Probate KEG

ANNEX 2 - PORTFOLIO GUIDELINES AND ASSESSMENT CRITERIA

Introduction

1. An applicant seeking reserved legal activity rights must provide evidence of their:
 - Knowledge and understanding of the area of law in which they seek rights, demonstrated to CILEx Level 6 standard;
 - Knowledge and understanding of the area of practice in which they seek rights, demonstrated to CILEx Level 6 standard;
 - Evidence of their experience in the area of law in which they seek rights; and
 - Skills in the legal practice area in which they seek rights.
2. Applicants must demonstrate their knowledge, skills and experience, set out at Rule 1, in accordance with the competency framework which appears at **Annex 3**.

Knowledge of Law and Legal Practice

3. An applicant who has successfully completed and passed an assessment in the CILEx Level 6 examinations in the law and associated legal practice subject relevant to the area in which they seek practice rights will have demonstrated their knowledge of the law and legal practice.
4. An applicant who has obtained a qualification which is not the CILEx Level 6 qualification, but of an equivalent standard, may rely upon that as evidence of their knowledge. In determining whether to accept an alternative qualification, CILEx Regulation will assess the syllabus of that qualification, date upon which the qualification was obtained and details of the assessment the applicant undertook, to determine whether an exemption may be granted. In assessing the details of the qualification, CILEx Regulation will determine whether the qualification relied upon is of an equivalent standard and covered at least 50% of the syllabus of the relevant CILEx Level 6 subject(s).
5. Where an applicant does not rely upon an alternative qualification, or the qualification is deemed as not providing sufficient coverage to the same standard as the CILEx Level 6 subject(s), they may rely upon experience which has developed their knowledge of the relevant law area and/or legal practice.
6. Applicants seeking to rely upon their experience must demonstrate how they have developed their knowledge of the relevant law and/or legal practice subject area(s) through their experience. Applicants will complete portfolios of 5 cases they have handled, within the 2 years preceding the date of their application, which demonstrate the knowledge they have gained through experience.

7. Applicants will be required to select a range of cases and provide an outline of the following in respect of each portfolio:
 - The facts of the case;
 - The law arising in the case and its application to the facts of the case;
 - The appropriate procedural and process matters that arose in the case and how they were dealt with;
 - The evidential issues that arose in the case and how they were dealt with;
 - An outline of any ethical or conduct issues that arose in the case and how they were dealt with;
 - The funding issues that arose in the case and how they were dealt with;
 - The advice the applicant provided to the client and the outcome of the matter;
 - Decisions the applicant had to make in the case and whether they had to take advice on any strategic issues in the case; and
 - Any training or development needs the applicant identified from having dealt with the case.
8. CILEx Regulation will assess the portfolios to establish whether they demonstrate that an applicant has acquired sufficient knowledge, through experience, to the same standard as CILEx Level 6 subject. The knowledge gained must cover at least 50% of the syllabus of the CILEx Level 6 subject.
9. In making its assessment, CILEx Regulation will take into account the competence criteria set out at **Annex 3** which outline the knowledge requirements for the relevant subject area.

Experience

10. All applicants must provide an outline of their experience in the area of practice in which they seek to become an authorised person for the purposes of conducting reserved legal activities.
11. Applicants must provide an outline of their experience in an application along with 3 portfolios of cases they have handled which demonstrate their experience.
12. The experience outlined in an application must set out the following information for the 2 years preceding the date of the application:
 - A description of cases that the applicant has handled;

- A description of the applicant's typical case load, including details about the complexity of the case load and a summary of any difficult cases the applicant has handled;
 - The number of chargeable hours spent on the practice area in which rights are sought;
 - The proportion of time spent on that area of law;
 - A description of the range and nature of matters that the applicant has handled in the area of practice in which rights are sought; and
 - Details of any distinctive features of the applicant's work.
13. An applicant will be required to produce portfolios of 3 cases which demonstrate their experience in the area in which rights are sought.
14. In the portfolios, applicants must provide the following information:
- The facts of the case;
 - The law arising in the case and its application to the facts of the case;
 - The procedural and process matters that arose in the case and how they were dealt with;
 - The evidential issues that arose in the case and how they were dealt with;
 - Any ethical or conduct issues that arose in the case and how they were dealt with;
 - The funding issues that arose in the case and how they were dealt with;
 - The advice the applicant provided to the client and the outcome of the case;
 - Decisions that the applicant had to make in the case, including whether they had to take advice on any strategic issues; and
 - Any training or development needs that the applicant identified from having dealt with the case.
15. CILEx Regulation will assess the outline of experience provided in the application, along with the 3 portfolios. The assessment will consider whether the applicant meets the experience requirements set out in the competency framework at **Annex 3**.

Skills

16. An applicant must provide evidence of their skills in the area in which they seek reserved legal activity rights in accordance with the skills criteria for each practice and law area which appear at **Annex 3**.

17. An applicant may demonstrate their skills through either undertaking a skills course which meets the outcomes set out at **Annex 3**, or producing a log of their experience which demonstrates their skills.
18. Where an applicant seeks to rely upon a course, they must demonstrate that the course meets the outcomes set out at **Annex 3**.
19. An applicant who seeks to rely upon their experience as evidence of their skills must demonstrate that they meet each of the outcomes set out at **Annex 3** through the production of a log book and supporting evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.
20. CILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the skills criteria set out at **Annex 3**.

Practice management and accounts

21. An applicant who relies upon their existing practical experience of practice management and accounts must provide evidence of their knowledge, skills and experience of accounts and practice management in accordance with the competency criteria which appear at **Annexes 4 and 5**.
22. An applicant must demonstrate their knowledge, skills and experience through producing a log which demonstrates that they meet each of the outcomes set out at **Annexes 4 and 5**. The log must be supported by evidence. Applicants will be required to evidence in the log book the outcome that has been met and reflect upon how the outcome was met. Each outcome must be met at least once.
23. CILEx Regulation will assess the log and supporting evidence provided by applicants to determine whether an applicant has demonstrated that they meet the competency requirements set out at **Annexes 4 and 5**.

Annex 3 - COMPETENCE FRAMEWORK

PROBATE PRACTICE RIGHTS

Introduction

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to practise in the area of probate work, that is obtaining a grant of representation and related issues together with will preparation and estate administration
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – client care, research, drafting, letter writing, interviewing and advising
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements

Certification of probate practice rights will ensure that the applicant has:

- met the application requirements
- an appropriate level of experience in the field of probate work in practice which must include not less than 2 years relevant experience immediately preceding the application
- an appropriate level of knowledge and appreciation of the key legal features of probate work, including the ability to apply for different types of grant of representation, to prepare wills and to administer estates. Whilst emphasis will be given to the aspects of dealing with property passing under a will and/or intestacy, a level of knowledge and understanding of the other ways in which property can devolve on death is also expected so that the applicant can not only deal with it in the context of grants and estate administration but also as an aspect of will preparation and ancillary advice
- the ability and experience to research aspects of statute and case law, legal practice, procedures and documentation that is current

- the ability and experience to interview clients appropriately and identify each client's objectives and different means of achieving those objectives if options are available, together with the ability and experience to advise such clients and be aware of the personal, commercial, financial, tax and other fiscal priorities and constraints (including fiduciary and other duties owed to others and the court) that must be taken into account together with the costs, benefits and risks involved in any procedure, transaction or course of action
- the ability and experience to perform the tasks required to advance procedures, transactions or matters, to include (but not restricted to), drafting letters of advice to clients, drafting and completing documents, and communicating with co-professionals, the Probate Registry/Court, Her Majesty's Revenue and Customs and other bodies and organisations
- the ability and experience to prepare wills and applications for grants of representation and associated documentation such as (but not restricted to) that required by the Probate Registry/Court or Her Majesty's Revenue and Customs necessary to progress and finalise the administration of an estate
- demonstrate a level of experience, knowledge and understanding of all aspects of professional conduct and regulation which includes an understanding of the key ethical requirements contained in relevant conduct rules and other law and regulations and, where these may impact, be able to apply them in context.

Entry Level Competencies	Learning Outcome	Supporting Experience
	<p>The entry requirement to obtain probate practice rights seeks to ensure that the applicant:</p> <p>NOTE: Knowledge Element 1 reflects what is currently the reserved activity in the Legal Services Act 2007 s12 and Sch 2 (there called 'probate activities'); Knowledge Element 2 and Knowledge Element 3 reflect will drafting and ancillary matters. Knowledge Element 4 reflects administration of a deceased's estate and ancillary matters.</p>	<p>The applicant will need to provide evidence of:</p>
<p>STAGE 1 ENTRY CRITERIA</p> <ul style="list-style-type: none"> • KNOWLEDGE • UNDERSTANDING • EXPERIENCE 	<ul style="list-style-type: none"> • has practical knowledge, understanding and experience 	<p>Either</p> <ul style="list-style-type: none"> • successful completion of CILEX Level 6 Professional Higher Diploma in Probate Practice and Wills and Succession <p>Or</p> <ul style="list-style-type: none"> • qualification and/or experience of an equivalent standard <p>Experience which demonstrates knowledge and understanding of Probate Practice and Wills and Succession through the submission of 5 portfolios in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from the applicant's case load.</p>
<p>Knowledge Element 1 Obtaining or opposing a grant of representation and its purpose in cases where there is a will and where there is not</p>	<p>Demonstrate knowledge, understanding and application of the types of grant of representation and the circumstances when:</p> <ul style="list-style-type: none"> - each is appropriate - an application for a grant of representation may be opposed - application may be made to amend or revoke a grant of representation. 	<ul style="list-style-type: none"> • The types of common grants including administration <i>de bonis non</i> (and an awareness of expedited, limited and special grants) and the circumstances when each is appropriate • The purpose and effect of a grant of representation • Identify when a grant is not necessary such as with property not passing to the personal representatives or property that can be dealt with without a grant • Entitlement to the appropriate grant in particular cases under the applicable statutory provisions • Matters affecting the application for a grant by executors and the appointment of administrators such as those relating to capacity; multiple applicants; number; renunciation; reserving power; clearing off and the power of the court to pass over an applicant • The purpose and effect of caveats, citations, and standing searches; procedure for their issue; procedure for removal and up to the point that a matter becomes contentious. • The circumstances when an application may be made for a grant of representation to be amended or revoked and the procedure to do so up to the point that a matter becomes contentious

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge, understanding and application of the practical steps taken before making an application to obtain a grant of representation	<ul style="list-style-type: none"> Identifying type of grant needed and advising proposed applicants for the grant (if necessary, having first identified beneficial entitlements by critical analysis of the will or applicable intestacy rules); as required, explaining the functions of a personal representative to proposed applicants Taking required steps to obtain any will and identifying action to deal with perceived “difficulties”, such as locating it or obtaining evidence of due execution, or requirements if a will is lost, or accidentally or mistakenly destroyed Identifying sources of interim financial assistance that may be available if needed, for example by deceased’s dependants and offering practical advice and assistance accordingly Registering, notifying and advising the consequences of the death as required; notifying potential beneficiaries of their interest in the estate and progress of the grant application and administration Ascertaining and arranging for valuation of the deceased’s assets and liabilities; selecting and instructing professional agents and valuers as required An awareness of solemn form procedure and being able to advise when this procedure is appropriate
	Demonstrate knowledge, understanding and application of the requirements of the court when applying for a grant of representation	<ul style="list-style-type: none"> The nature, purpose and effect of oaths in support of an application for a grant of representation and the required content of each Obtaining the information to complete an oath for Executors or Administrators with will annexed or simple Administrators or Administrators <i>de bonis non</i> so as to meet the requirements of the court when making application; use of pro-forma templates and drafting oaths and using the settling facility offered by the Registry in appropriate cases The need for, and nature of, further affidavit evidence if required by the court under the appropriate probate rules, for example to confirm due execution, or prove the contents of a lost or missing will; drafting affidavits in appropriate form after obtaining required information The lodging of papers at a Probate Registry including: the sworn or affirmed oath; the will (if any) together with copies as required; necessary documents to meet the requirements of Her Majesty’s Revenue and Customs (HMRC); any further supporting documents as required; payment of probate fees

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge, understanding and application of the requirements of HMRC on application for a grant of representation and subsequently during the estate administration	<ul style="list-style-type: none"> • Duty on applicants (and generally on personal representatives and others accountable) to undertake full enquiries before submitting information to HMRC about the assets, liabilities and other matters concerning the estate and the potential liability to inheritance tax (IHT); risk of penalties for non-compliance with this duty and payment of interest for late payment of tax due • Identification of assets and liabilities that comprise the estate for IHT purposes including assets not passing to the personal representatives; the need to identify who is accountable for the IHT that is due and where the burden (incidence) falls • Identify if an estate is “excepted” within the meaning of the relevant Regulations • The completion and submission of the relevant IHT forms as appropriate to the type of estate, exemptions and reliefs and the calculation and payment of tax due • The need for and use of other IHT returns such as a corrective account and returns necessary for income tax and capital gains tax, dealing with both pre-death and post-death income and capital gains • The funding of tax due by utilising, for example, credit balances in deceased’s bank accounts, loans from institutional lenders or beneficiaries, or sale of assets; attending to payment of tax due on delivery of the IHT account (or at other times) using available methods
Knowledge Element 2 Make, alter or revoke a will and ancillary matters relevant to the preparation and execution of testamentary dispositions including understanding the importance of risk management	Demonstrate knowledge, understanding and application of the statutory requirements to make an effective will and the meaning of testamentary capacity and intention	<ul style="list-style-type: none"> • The statutory rules relating to formalities for making a will (or codicil) including an awareness of those for privileged wills and statutory wills • The evidence required by the court to establish testamentary capacity and the testator’s intention by knowing and approving the contents of a will • The overall duty of care owed (both to the testator and others) to ensure a valid and effective execution and recognition of circumstances where risk management is particularly important such as making a will for a very elderly or infirm testator, or an unsupervised execution of a will • Ensuring appropriate arrangements are made for the safe custody of a will and that it can be located when required

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge, understanding and application of the means by which a will can be validly altered or revoked	<ul style="list-style-type: none"> • The application of the law and practice in relation to alterations, additions and obliterations to a will including the use of codicils • The ways a will can be revoked by destruction, marriage or civil partnership, or by later testamentary document and an awareness of the possible limitations on the effect of revocation, for example, by conditional revocation and by the rules on mutual wills
Knowledge Element 3 Take full instructions from the testator and provide advice on the terms of a will (and ancillary matters) and to then prepare a will which gives effect to the testator's wishes	Demonstrate knowledge, understanding and application of the extent to which a will is capable of disposing of the testator's property and how property devolves on death if it cannot be dealt with by will	<ul style="list-style-type: none"> • The property and interests of the testator capable of passing by will and that which does not; the manner of devolution of property on death which devolves outside the testator's will; action that may be taken by a testator now, such as severing a joint tenancy, so as to be able to dispose of property by will • An awareness of the extent to which a will may deal with property abroad and the extent to which a foreign will may deal with UK property • Restrictions on the testator's ability to freely dispose of property on death
	Demonstrate knowledge, understanding and application of the statutory rules relating to the devolution of property wholly, or in part, on an intestacy	<ul style="list-style-type: none"> • The distribution of property and entitlement of spouses, civil partners, issue and others in cases of total and partial intestacy; recognition of when and how a partial intestacy might arise when there is a will; rights of cohabitees (if any) • Appreciation that the intestacy rules may make insufficient or no provision for those the deceased might have wished to benefit • The operation of the statutory trusts arising under the intestacy rules and the availability of statutory powers; special rules and rights applying to surviving spouses and civil partners
	Demonstrate knowledge, understanding and application of the need to take full instructions from the testator on a range of matters including the testator's present and, (if relevant), future circumstances and objectives	<ul style="list-style-type: none"> • Taking instructions on a wide range of factual issues including, but not restricted to: <ul style="list-style-type: none"> - the testator and his present and future circumstances - the testator's immediate and wider family - the testator's dependants (both within the family and outside it) - the testator's property interests (both personal and business) including those passing outside the will, such as interests under trusts and in jointly owned property - the testator's financial situation as to both capital and income including expectancies and future interests

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		<ul style="list-style-type: none"> - any existing or previous wills (including foreign wills) and steps already taken as regards financial, estate and succession planning such as creating powers of attorney or making lifetime gifts - assessment of the estate of any spouse/civil partner. • Identifying the testator's aims and objectives as regards the disposition of his estate on death and other terms of the will • Identifying situations where the aims and objectives of the testator in making provision might be met by arrangements outside of any will • Identifying circumstances where the will or its provisions might later be opposed, in particular, but not restricted to: potential claims that could be made under the Inheritance (Provision for Family and Dependents) Act 1975; mutual will agreements; enforceable promises to leave property to others (contract or estoppel); claims that testator lacked capacity or testamentary intention including that testator was subject to undue influence • Identifying appropriate measures and precautions (where available) to deal with circumstances above if arising
	Demonstrate knowledge, understanding and application of the taxation principles relevant to will preparation and associated tax planning measures	<ul style="list-style-type: none"> • Explain the principles of the charge to IHT and its calculation including but not restricted to: transfers of value; chargeable transfers; excluded property; dispositions not transfers of value or which are exempt; potentially exempt transfers; chargeable lifetime transfers; gifts with reservation of benefit; occasions of charge to tax; composition of the IHT estate; cumulation, rates and reliefs; liability and burden • Explain the basic principles of income tax, capital gains tax (CGT) and IHT applying to trusts (post-Finance Act 2006) including but not restricted to: income tax liability of trustees and beneficiaries; CGT on creation and subsequent liability of trustees and beneficiaries; IHT liability on creation and on subsequent chargeable events according to the type of trust

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge, understanding and application of the non-beneficial provisions relevant to a will	<ul style="list-style-type: none"> • The functions of executors, trustees and testamentary guardians and the choices available to a testator • The matters to be taken into account in implementing the appointment of executors, trustees and testamentary guardians in a will as is appropriate to a testator's circumstances and the terms of a proposed will • The duties, powers and responsibilities of personal representatives and trustees that are imposed by statute or by the courts • The suitability and desirability of appropriate express provisions which modify, extend, exclude or limit the powers, duties and responsibilities of personal representatives and trustees that would otherwise apply by default • Other common provisions typically included in, or supporting, a will (such as burial requests, organ donation or a letter of wishes)
	Demonstrate knowledge, understanding and application of the advice to a testator on the terms of a will and associated planning measures	<ul style="list-style-type: none"> • Identifying the objectives of the testator and providing the testator with options, as appropriate, for the terms of a will, covering both beneficial and non-beneficial provisions which are capable of meeting those objectives • Identifying other measures open to the testator which meet the testator's objectives such as advising on the making of lifetime dispositions or providing for succession planning as regards a business interest; if appropriate, advising on the making of a lasting power of attorney • Identify and explain appropriate opportunities for basic tax and succession planning in lifetime and through a will (or otherwise on death) including but not restricted to: use of exemptions and reliefs; IHT potentially exempt transfers; trust policies and similar products; issues relating to gifts to spouses/civil partners and minors; use of trusts to control use of property and entitlement to capital and income; interaction with CGT and income tax • The need to advise on the making of a will which implements the testator's instructions in a given situation and according to the testator's circumstances

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge, understanding and application necessary to produce a draft and then execute a will which gives effect to the testator's instructions and is consistent with the legal principles of construction and interpretation of testamentary dispositions	<ul style="list-style-type: none"> • The classification of legacies, devises and other testamentary dispositions and the difference between vested or absolute, and contingent or limited gifts • The effective drafting of legacies and other testamentary disposition to take account of potential failure through lapse, ademption, abatement, forfeiture, divorce, annulment etc. • The legal rules of construction and interpretation, including those applicable to adopted and illegitimate children and others referred to by description, and how those rules are applied by the court to ascertain the testator's expressed intention in the will • Compliance with the principles of good will drafting including but not restricted to: reflecting the testator's instructions in so far as effect can be given to them; ability to select, use and adapt appropriate precedents and templates to produce a complete draft will and drafting provisions "freehand" in the absence of an appropriate precedent being available; using a logical structure and layout; using clear and concise language; avoiding uncertainty, ambiguity or inconsistency in the will's interpretation; ensuring the will is legally effective both as to formal and essential validity • The need to understand fully the testator's circumstances and wishes in order to provide an appropriately drafted will; seeking the testator's approval to the draft and if necessary refining the draft to take account of any required changes • Identifying the requirements for a valid and effective execution of a will according to the testator's circumstances including the manner of the testator's signature or that of someone directed by the testator to sign in the testator's presence and the choice of witnesses; identifying any supporting actions to later assist in proving due execution; making and retaining at all times full file notes of the will making process
Knowledge Element 4 Law and practice relating to the administration of a deceased's estate	Demonstrate knowledge, understanding and application of the fundamental duties of personal representatives and exercise of administrative powers	<ul style="list-style-type: none"> • Identifying the statutory duties imposed on, and the powers available to, personal representatives and trustees; identifying duties and powers imposed or conferred by a will or trust document; identifying those to whom any such duties are owed or in whose favour powers may be exercised; identifying how a breach or abuse of a duty or power by a personal representative or trustee can give rise to liability to others

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
	<p>Demonstrate knowledge, understanding and application of the protection available to personal representatives and trustees against claims</p>	<ul style="list-style-type: none"> • Duty of personal representatives to give effect to the will though an analysis of its provisions, or, if appropriate, the intestacy rules, and that failure to do so may give rise to: administration proceedings; actions to recover "loss" by either personal action against personal representatives or tracing or personal action against recipients of estate assets • Identifying the fiduciary nature of particular duties and powers by reference to statutory provisions and relevant case law including but not limited to: delegation; investment and purchase of land; maintenance out of income; advancement of capital; appropriation; receipts for property; insurance; running or participating in a business; settling claims by or against the estate; express powers, that is, extensions and modifications to statutory powers commonly found in wills • The requirements of complying with any statutory obligations regarding the handling and management of estate or trust funds including (where relevant) compliance with rules or regulations of regulatory bodies • The law in relation to duties, powers, and liabilities of personal representatives and trustees and when relief may be granted from this liability, for example by court order, advertising for creditors and claimants, indemnity from beneficiaries, relieving provision in the will or by insurance • Particular situations facing personal representatives or trustees where they may seek protection including (but not restricted to): issues over the construction and interpretation of the will; issues over beneficial entitlements; claims by unknown beneficiaries or creditors and missing beneficiaries or creditors; claims under the family provision legislation or for rectification of a will; claims from HMRC for unpaid tax such as IHT on lifetime gifts; claims from other creditors including Department for Work and Pensions claiming reimbursement of overpaid benefit
	<p>Demonstrate knowledge, understanding and application of the collection and realisation of assets and the payment of debts and testamentary expenses</p>	<ul style="list-style-type: none"> • Registration of grant of representation with asset holders; prioritising the collection of sums due to the estate and the payment of liabilities; practical constraints on realisation or disposal of estate assets • Identifying secured creditors and whether an estate is solvent or insolvent; prioritising payment of debts from available assets according to the terms of the will or as required by statute

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		<ul style="list-style-type: none"> • Advising personal representatives as to the above
	Demonstrate knowledge, understanding and application of the post-death changes affecting distribution of the estate	<ul style="list-style-type: none"> • Disclaimers and variations of interests arising under a will, intestacy or passing by survivorship; identifying the necessary requirements according to the desired succession and tax consequences • Claims for family provision made under the Inheritance (Provision for Family and Dependants) Act 1975 or rectification under Administration of Justice Act 1982, either settled by negotiation or as a result of court order and any tax consequences • Identifying the benefits of negotiation where this may be relevant such as (but not restricted to) disputed inheritances or family provision claims and advising accordingly
	Demonstrate knowledge, understanding and application of the tax liability of personal representatives during administration	<ul style="list-style-type: none"> • Identifying deceased's income arising before death and income of the administration period; liability to income tax of personal representatives and position of beneficiaries • Identifying deceased's capital gains made in lifetime and disposals made by personal representatives in the course of estate administration; transfers by personal representatives to "legatees"; liability to CGT of personal representatives and position of beneficiaries • Finalising and discharging liability for income tax and CGT of the deceased and for the administration period • Finalising and discharging IHT liability of deceased and the estate, including but not limited to: negotiating with HMRC over probate valuations; claiming IHT loss relief if land/qualifying investments sold at a loss within permissible period after death; submitting corrective accounts (additional assets/liabilities or loss relief claim); applying for certificates of discharge; recovery of IHT for the benefit of the residuary estate from those who bear its burden
	Demonstrate knowledge, understanding and application of the payment of legacies and ascertainment and distribution of residue	<ul style="list-style-type: none"> • Identifying specific gifts, general and pecuniary legacies and terms of entitlement; application of rules on: ademption and abatement; giving effect to the gift or legacy by appropriation; receipts; position where beneficiary is a minor; time and manner of payment; entitlement to interest and income

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		<ul style="list-style-type: none"> • Paying administration expenses: reasonable funeral expenses; legal costs and remuneration under a charging clause; fees of other professionals; payment of legacies • Ascertaining residue for distribution and preparation of estate accounts for residuary beneficiaries or residuary trustees • Transfer and assent of assets by personal representatives to beneficiaries or vesting in trustees appropriate to terms of the will or intestacy and the nature of the asset; receipt and discharge of personal representatives by beneficiaries or trustees
ENTRY EXPERIENCE ALL APPLICANTS	<ul style="list-style-type: none"> • Probate practice experience in the 2 years preceding the application 	<ul style="list-style-type: none"> • General description of probate work carried out • Description of typical case load • An indication of chargeable hours spent on probate work in each of the last 2 years • The proportion of time spent on probate work • Details of the supervisory arrangements under which the applicant works and/or their supervisory responsibilities
		<p>The applicant is required to demonstrate their experience of Probate Practice through the submission of 3 portfolios in accordance with the Portfolio Guidelines.</p> <p>Examples will be drawn from a range of cases from the applicant's case load.</p>
STAGE 2 QUALIFICATION CRITERIA: SKILLS		<p>In order to obtain accreditation the applicant needs to demonstrate the outcomes by either:</p> <ul style="list-style-type: none"> • attendance on a course, or • through work experience and by satisfying the qualification criteria.
	<ul style="list-style-type: none"> • Client Care and Legal Research 	<p>Either</p> <ul style="list-style-type: none"> • successful completion of CILEX Level 6 Professional Higher Diplomas in the skills of Legal Research and Client Care <p>Or</p> <ul style="list-style-type: none"> • qualification and/or experience of an equivalent standard <p>Experience which demonstrates how they meet each of the outcomes in Elements 1 and 2 set out below.</p> <p>Examples will be drawn from a range of cases from the applicant's case load. Guidance on this can be found in the Portfolio Guidelines</p>

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
Skills Element 1 CLIENT CARE	Demonstrate good practice in interviewing and advising	<ul style="list-style-type: none"> • Understanding of successful client interviewing • Identify interviews which the applicant considers to be successful and identify what made them successful. This may be evidenced by demonstrating ability to: <ul style="list-style-type: none"> • Prepare for the interview and apply a structured approach to it • Greet the interviewee appropriately and maintain the interviewee's confidence • Use appropriate listening, questioning and feedback techniques • Be sensitive to diversity and other relevant issues and handle any emotionally distressed client in a sensitive and professional manner • Give appropriate advice when required (including the need to take further instructions or undertake research before doing so) • Keep a full and accurate record of the interview • Close the interview appropriately and deal with any follow-up issues as required. • Demonstrate the ability to give and communicate clear, accurate and practical advice both orally and in writing on matters relating to probate activities. This may be evidenced by ability to: <ul style="list-style-type: none"> • Obtain all relevant information and identify the client's objectives • Give clear advice on all relevant matters arising • Where necessary, refer the client to other professionals better able to deal with the issues • Identify the options available and explain the advantages and disadvantages of each of those options • Enable and assist the client to reach a decision based on appropriate advice • Give clear, appropriate and accurate advice regarding costs, disbursements and funding • Seek appropriate instructions and give clear advice regarding the next steps to be taken in the matter • Deal appropriately with any diversity or other issues that might arise • Keep an accurate record of the advice given and the information on which that advice was based.

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate good practice in legal writing	<p>Provide evidence of legal writing which demonstrates understanding of the following key areas of good practice:</p> <ul style="list-style-type: none"> • Accurate, succinct, complete and precise writing • Awareness of the need to use 'plain English' and writing using correct grammar and spelling • The use of legal English is used only when necessary and is appropriately explained • Judicious use of structure to clearly and logically set out information • Provide evidence to demonstrate the synthesis of a variety of sources to provide advice to the client • Provide evidence of use of appropriate communication, including use of appropriate tone and style, to sensitively manage client expectations.
	Demonstrate knowledge and understanding of professional conduct issues arising in practice	<ul style="list-style-type: none"> • Explain where the applicant will find the rules of professional conduct which affect their practice of the law • Identify situations in which an ethical issue may have arisen in the applicant's practice and how they dealt with those situations • Identify any professional organisations that exist within the applicant's area of practice and explain benefits of membership
	Demonstrate knowledge and understanding of the importance of client care in legal practice	<ul style="list-style-type: none"> • Explain the conduct rules relating to client care and evidence use of the rules in practice • Evidence use of client care letters and complaint management handling • Demonstrate understanding of the need for good client care to benefit the business
Skills Element 2 LEGAL RESEARCH	Demonstrate knowledge and understanding of and be able to: 1 analyse the scope and complexity of situations which need legal research 2 evaluate legal research sources 3 perform appropriate legal research 4 analyse the law in relation to practical problems 5 record and evaluate information 6 synthesise research to present advice.	<ul style="list-style-type: none"> • Identify situations in which the need for legal research has arisen in the applicant's work • Explain the steps the applicant undertook to identify relevant sources of information and how they determined the reliability, accuracy and currency of the information discovered • Explain their understanding of primary and secondary sources and how these sources can be used to ensure they have sufficiently researched the problem • Identify relevant statutes, case law and other sources from their research • Explain how the applicant prioritised and analysed the research and used this to better understand the issues raised in the legal matter

Entry Level Competencies	Learning Outcome	Supporting Experience
	The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	The applicant will need to provide evidence of: <ul style="list-style-type: none"> • Demonstrate the applicant's synthesis of the research materials to provide a structured and accurate report • Show how the applicant evaluated the research ensuring that it is comprehensive and sensitive to the needs of the recipient
Skills Element 3 DRAFTING	Probate Papers <ul style="list-style-type: none"> • Draft and complete probate papers; that is papers which are to found or oppose a grant of representation 	Preparing and amending as required documents to found or oppose a grant of probate or grant of letters of administration to include (but not restricted to): <ul style="list-style-type: none"> • The oath • HMRC accounts and supporting schedules • Supporting evidence as required (affidavits or statements) • Renunciations • Applications for caveats, citations and standing searches • Other applications pursuant to the non-contentious probate rules • Covering letters in support.
	Wills <ul style="list-style-type: none"> • Draft and complete wills and ancillary documents 	Preparing and amending as required documents relating to the preparation of wills to include (but not restricted to): <ul style="list-style-type: none"> • Wills and codicils • Letters of wishes • Covering letters to clients • Instructions for execution of a will or codicil • Letters to others ancillary to will preparation such as medical practitioners, accountants and other professionals.
	Administration of Estates <ul style="list-style-type: none"> • Draft and complete documents required in the administration of an estate 	Preparing and amending as required (including but not restricted to): <ul style="list-style-type: none"> • Statutory notices • Letters to asset holders and documents necessary to realise assets • Tax returns and information for beneficiaries • Assents, transfers and other documents to transfer title • Post-death disclaimers and variations • Estate and (where relevant) trust accounts • Letters to personal representatives and trustees, beneficiaries, creditors and others.
Skills Element 4 MANAGING PROBATE ACTIVITIES	<ul style="list-style-type: none"> • Demonstrate an ability to plan and manage probate activities effectively 	<ul style="list-style-type: none"> • Allocate time and resources appropriately • Adopt and maintain an appropriate case strategy • Be aware of procedural requirements and time limits including relevant directions, rules and regulations

Entry Level Competencies	Learning Outcome The entry requirement to obtain probate practice rights seeks to ensure that the applicant:	Supporting Experience The applicant will need to provide evidence of:
		<ul style="list-style-type: none"> • Actively manage case files to meet expectations of clients and beneficiaries whenever possible including the timely provision of interim payments if required • Properly comply with all relevant accounting requirements relating to the handling of funds.
	<ul style="list-style-type: none"> • Demonstrate an ability to assemble all materials relevant to the matter in hand, in accordance with its requirements 	<ul style="list-style-type: none"> • Identify relevant law and procedural rules • Identify and efficiently locate and collate all relevant documents • Identify the need to update information as required by the relevant law and procedure • Commission reports, valuations and other information from experts such as agents and valuers • Recognise the need to act without undue delay in the preparation of documents including (but not restricted to) wills
	<ul style="list-style-type: none"> • Demonstrate an ability to instruct other professionals 	<ul style="list-style-type: none"> • Appreciate the nature and function of different types of experts and agents relevant to probate activities • Identify when it is appropriate to instruct an expert or agent including when a specialist legal opinion is required • Be familiar with the available registers, databases and organisations through which an appropriate expert or agent may be identified and located • Understand any relevant statutory requirements to ensure that an expert or agent is instructed properly and is suitably qualified and experienced • Identify when it is appropriate to delegate work and any relevant law or procedure which may limit the right or power to delegate • Agree an appropriate fee for work to be carried out by an expert or agent • Draft instructions to an expert or agent • Deal with any expert or agent in a professional manner

ANNEX 4 - COMPETENCE FRAMEWORKS

PRACTICE MANAGEMENT

Introduction

The qualification criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to run a business which provides a legal service, having consideration for rules and regulations, both professional and legislative
- the elements required to evidence that level of competency, knowledge and understanding.
- the level of competency required in the relevant skills for this area of practice – what it means to be part of a profession, CILEx regulations, management of a legal entity and business acumen
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Certification of practice management will ensure that the applicant has:

- met the application requirements
- an appropriate level of suitability to manage a practice
- an appropriate level of knowledge and appreciation of the key features both financial and non-financial of practice management to include the ability to deal with risk, have a strategy, make informed business decisions, manage and motivate others, the benefits of IT and the external and internal forces which will ultimately will affect an organisation's ability to succeed
- the ability and skill to advance the organisation through the creation of a strategy appropriate to the market sector the organisation wishes to target, to include the use of a business plan, marketing plan, corporate social responsibility policy and other appropriate associated documents which may be needed to support the organisation's strategy
- the ability and skill to manage a client's expectations appropriately, not just at the outset of a case, but throughout the life of the retainer relationship

- the ability and skill to read and interpret the firm's accounts, in addition to any supporting budgets, cash flows, management accounts and ad hoc reports pertaining to the firm's profitability and financial position
- the ability and skill to perform the tasks required to evaluate the benefits of IT and the need for good project management
- to demonstrate a level of experience, knowledge and understanding of professional conduct and regulation contained in the relevant conduct rules and other law and regulations, including government legislation, and where these may impact and to be able to apply them in context.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
QUALIFICATION CRITERIA <ul style="list-style-type: none"> • KNOWLEDGE • UNDERSTANDING • EXPERIENCE • SKILLS 	<ul style="list-style-type: none"> • Sufficient practical knowledge, understanding, experience and skills – note these are different depending of the role of the applicant 	<p>Demonstrate they meet the outcomes set out below by:</p> <ul style="list-style-type: none"> • attendance on a course, or • practical experience <p>The outcomes are split into the following levels:</p> <ul style="list-style-type: none"> • Level 1 - mandatory for all applicants • Level 2a - mandatory for compliance managers • Level 2b - mandatory for compliance manager undertaking practice management • Level 2c - mandatory for compliance manager undertaking accounts management
Element 1 BEING PART OF A PROFESSION	<p>EXTERNAL INFLUENCES</p> <p>Demonstrate knowledge, understanding and application of the current legal market and legal entities which may be created to provide a legal service</p>	<p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge and understanding of the types of structure through which a legal entity may be formed • Knowledge and understanding of those able to regulate reserved legal activities • Understanding that the structure and regulation of legal entities and activities may change and be able to identify these changes • Knowledge and understanding of a business plan, taking into account recent and current changes to the legal services market • Knowledge, understanding and ability to comply with a complaints procedure in line with LeO guidelines. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Ability to prepare a business plan, taking into account recent and current changes to the legal services market • Ability to create a complaints procedure in line with LeO guidelines.
	<p>REGULATION</p> <p>Demonstrate knowledge, understanding and application of the relevant conduct rules and other laws and regulation affecting the professional and legal practice</p>	<p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge, understanding and application of obligations to the court, the client, other lawyers and barristers, stakeholders, third parties and the general public • Knowledge, understanding and application of the regulations for which an individual is personally responsible • Knowledge, understanding and application of obligations to the client • Knowledge and understanding of how and when a retainer relationship should be terminated • Knowledge and understanding of professional indemnity insurance. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Ability to complete a professional indemnity proposal form, gathering and identifying relevant information for proposal.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	Demonstrate knowledge, understanding and appropriate application of effective procedures for compliance	<p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge and understanding of the nomination procedure and suitability for the Money Laundering Reporting Officer (MLRO) • Knowledge and understanding of the Money Laundering regulations. <p>LEVEL 2b:</p> <ul style="list-style-type: none"> • Ability to identify and appoint a MLRO • Knowledge, understanding and application of procedures which a legal entity must follow in order to produce an office policy on money laundering • Knowledge, understanding and application of appropriate file testing which ensures files are only opened after necessary money laundering checks • Knowledge, understanding and application of the requirements of the Information Commissioner's Office (ICO) and why legal entities must register with them • Knowledge, understanding and application of equality and diversity monitoring both in the workplace and through contracting of third parties.
Element 2 CILEx REGULATIONS	CILEx PRACTICE RULES (GENERAL) Demonstrate knowledge, understanding and appropriate application of the scope of the CILEx practice rules	<p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge and understanding of situations which would give rise to a breach of the practice rules • Knowledge, understanding and application of the duty of confidentiality, including identification of when this starts and ends <p>LEVEL 2b:</p> <ul style="list-style-type: none"> • Knowledge, understanding and application of the requirements to fulfil the role of practice manager. <p>LEVEL 2c:</p> <ul style="list-style-type: none"> • Knowledge, understanding and application of the requirements to fulfil the role of the financial manager.
	CILEx PRACTICE RULES (ADMINISTRATION) Demonstrate knowledge, understanding and appropriate application of the administration requirements of a CILEx regulated entity in addition to any requirements to remain individually compliant	<p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge, understanding and ability to provide appropriate advice regarding fees to be charged and the merits of the case following a cost benefit analysis • Knowledge, understanding and ability to provide realistic cost estimates in the form of a 'costing' of all costs and disbursements at the start of the case and to provide regular updates throughout the life of the file • Knowledge and understanding of identification, documentation and dealing appropriately with potential conflicts of interests both at the outset and throughout a retainer relationship

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		<ul style="list-style-type: none"> • Knowledge and understanding of situations which may give rise to an undertaking and the implications of giving an undertaking • Knowledge and understanding of situations which would result in a breach of the equality and diversity code. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Knowledge, understanding and demonstration of good internal governance • Knowledge, understanding and application of systems, procedures and reporting to monitor compliance • Application of monitoring equality and diversity, both in the workplace and in the selection of external resources. <p>LEVEL 2b:</p> <ul style="list-style-type: none"> • Knowledge, understanding and implementation of procedures to review and test systems put in place to meet the outcomes of the CILEx practice rules (including management of undertakings, cost information, file reviews, client care, referral arrangements and conflicts of interest) • Ability to identify when a fee earner has undertaken work in the absence of sufficient resources and outside their competence • Ability to draft policies which promote equality and diversity • Ability to draft appropriate safeguards for the issuing of undertakings and the consequences of not fulfilling the created obligation • Knowledge and understanding of the difference between an introduction and a referral • Knowledge, understanding and ability to draft an outsourcing policy.
	<p>CILEX PRACTICE RULES (COMMUNICATION)</p> <p>Demonstrate the ability to communicate the requirements of the CILEx practice rules appropriately</p>	<p>LEVEL 1:</p> <ul style="list-style-type: none"> • Ability to establish good relationships with client and third parties, including the ability to adapt the style, medium or method of communication for a diverse range of clients to identify the client's objective(s) • Ability to communicate to the client how legal services will be provided including expected time frame, what the client must do and duties and obligations applicant will carry out • Ability to draft a letter which identifies the client's objectives and advises them of the right to complain • Ability to communicate to ensure the client is kept up to date with progress of a matter and advise who is dealing with the matter, including the status of that person.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		LEVEL 2b: <ul style="list-style-type: none"> Ability to communicate values to all staff which promote client outcomes, transparency of costs Ability to manage client expectations and evaluate overall client satisfaction.
	FILE MANAGEMENT Demonstrate knowledge, understanding and appropriate application of good file management	LEVEL 1: <ul style="list-style-type: none"> Knowledge and understanding of examples of key dates and the methods which could be used in recording such dates in a diarised system and on the client's file Ability to identify and record key dates. LEVEL 2a: <ul style="list-style-type: none"> Knowledge and understanding of the elements of a good case management system, including the potential benefits Ability to implement and operate a case management system, including for use as a supervision and compliance monitoring tool Ability to design and implement a file closure procedure. LEVEL 2b: <ul style="list-style-type: none"> Ability to create and perform a file review process covering both legal and administrative obligations Ability to participate significantly in the successful application of an accreditation standard.
Element 3 MANAGEMENT OF A LEGAL ENTITY	EXTERNAL INFLUENCES Demonstrate knowledge, understanding and impact of external influences on a business	LEVEL 1: <ul style="list-style-type: none"> Knowledge and understanding of recent and/or current external issues facing business/legal entities Knowledge and understanding of the impact of inflation, how this impacts on business and actions which can be taken to counterbalance this. LEVEL 2a: <ul style="list-style-type: none"> Ability to assess the impact of the current economic environment. LEVEL 2b: <ul style="list-style-type: none"> Knowledge, understanding and ability to identify pending legislation or professional changes which could affect the business.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	<p>INTERNAL INFLUENCES</p> <p>Demonstrate knowledge, understanding and appropriate application of internal influences which can affect a business</p>	<p>LEVEL 1:</p> <ul style="list-style-type: none"> Knowledge and understanding of the internal influences which a business is likely to face and effective ways of controlling them. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> Ability to develop a culture of accountability, compliance and openness for the business Ability to manage a team. Knowledge and understanding of the different types of risk affecting a business Ability to identify examples of risks and to identify how these risks can be managed.
	<p>RISK MANAGEMENT</p> <p>Demonstrate knowledge, understanding and appropriate application of risk management</p>	<p>LEVEL 2a:</p> <ul style="list-style-type: none"> Ability to respond to risks Knowledge and understanding of collection, review, evaluation and management of risk Ability to produce a risk management policy Knowledge, understanding and implementation of appropriate supervision Knowledge and understanding of the principles supporting delegation.
	<p>CONTINGENCY PLANNING</p> <p>Demonstrate knowledge, understanding and application of basic contingency planning</p>	<p>LEVEL 2b:</p> <ul style="list-style-type: none"> Knowledge and understanding of the key contents of an effective contingency plan, and the need for regular review Ability to draft a contingency plan Ability to test a contingency plan.
	<p>PEOPLE MANAGEMENT</p> <p>Demonstrate knowledge, understanding and application of good supervision; including appropriate management, motivation and delegation</p>	<p>LEVEL 1:</p> <ul style="list-style-type: none"> Knowledge and understanding of the negative effects of poor management Ability to manage and motivate others. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> Ability to identify the link between low motivation and low production Knowledge, understanding and application of procedures to manage and motivate Ability to use specific, measurable, achievable, relative, time bound objectives to delegate Ability to encourage a culture of continuous improvement

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
Element 4 BUSINESS ACUMEN	PROJECT MANAGEMENT Demonstrate knowledge, understanding and application of planning, control, managing and evaluating a project successfully	LEVEL 2a: <ul style="list-style-type: none"> • Knowledge and understanding of the need for a project plan and the elements which should be included in the plan • Ability to apply these elements to allow for successful project management • Ability to evaluate the success of the project.
	INFORMATION TECHNOLOGY (IT) Demonstrate knowledge, understanding and application of IT in a legal environment	LEVEL 1: <ul style="list-style-type: none"> • Knowledge, understanding and application of bespoke third party software to complete prescribed electronic applications/submissions. LEVEL 2a: Knowledge and understanding of the use of IT in monitoring compliance and understand its advantages, including as a time saving device.
	STRATEGY Demonstrate knowledge, understanding and appropriate application of strategy and the use of a business plan to underpin that strategy	LEVEL 1: <ul style="list-style-type: none"> • Knowledge and understanding of a strategy • Ability to perform an analysis which identifies the strengths, weaknesses, opportunities and threats (SWOT analysis) of/to the business • Knowledge and understanding of how a competitive advantage arises and how a firm can differentiate themselves from competitors. LEVEL 2b: <ul style="list-style-type: none"> • Implementation and creation of strategy • Knowledge, understanding and application of likely trends evident following changes to internal and external influences and use these to identify a firm's current market position • Knowledge, understanding and application of the critical success factors (CSF) of a business and use these to identify the factors which are likely to be critical to the success of the business.
	MARKETING Demonstrate knowledge, understanding and application of a marketing strategy which supports the business plan	LEVEL 1: <ul style="list-style-type: none"> • Knowledge and understanding of what is meant by a marketing mix • Ability to implement and evaluate a marketing plan which supports the business plan • Knowledge and understanding of the importance of a website (or where appropriate provide a rationale as to why a website would not meet client needs). LEVEL 2b: <ul style="list-style-type: none"> • Ability to create an effective marketing plan • Knowledge and understanding of various methods of social media

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	<p>PROFITABILITY</p> <p>Demonstrate knowledge, understanding and application of appropriate tools to determine profitability</p>	<ul style="list-style-type: none"> • Ability to identify potential benefits of effective use of social media • Ability to identify the potential risks presented by social media both internally and externally. <p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge and understanding of working within budgets • Knowledge and understanding of a cash flow forecast <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Ability to budget and analyse the variances which arise through a given period • Ability to create a cash flow forecast and update it for a given period • Knowledge, understanding and identification of key performance indicators (KPIs), including how these can be met and used to measure a firm's success in comparison with the business strategy. <p>LEVEL 2c:</p> <ul style="list-style-type: none"> • Knowledge and understanding of /and ability to differentiate between fixed and variable costs and direct and indirect costs • Knowledge and understanding of the use of appropriate ratios and formulae to ascertain an organisation's overall profitability and department profitability • Ability to calculate 2 ratios to assist in ascertaining overall profitability • Ability to use appropriate formulae to ascertain a department's profitability • Knowledge and understanding of what is meant by direct, indirect, fixed and variable costs • Knowledge and understanding of what is meant by inefficiencies and how processes can be measured for value • Ability to identify inefficiencies which would lead to a loss of profit:

ACCOUNTS

Introduction

The entry criteria, learning outcomes and evidence of competency stated in this schedule set out:

- the level of competency, knowledge and understanding required to keep the books of accounts specific to a legal entity and to apply a minimum standard of accountancy for a business
- the elements required to evidence that level of competency, knowledge and understanding
- the level of competency required in the relevant skills for this area of practice – to accurately account for clients' money, run the firm's own accounts, apply CILEx Accounts Rules, bring the accounts from trial balance to profit and loss /balance sheet account position
- the elements required to evidence the required level of competence for these relevant skills
- a statement of the study and work-based experience that demonstrates that an applicant has attained the required level of competence, knowledge and understanding in all the required elements.

Certification of accounts will ensure that the applicant has:

- met the application requirements
- an appropriate level of expertise to manage the firms accounts and finances to an acceptable standard
- an appropriate level of knowledge and appreciation of the key features of protecting client's money, effective billing and efficient financial management
- the appropriate level of knowledge and skill to perform double entry booking, raise a valid invoice and a three way bank reconciliation.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
<ul style="list-style-type: none"> • KNOWLEDGE • UNDERSTANDING • EXPERIENCE • SKILLS 	<ul style="list-style-type: none"> • Has sufficient practical knowledge, understanding, experience and skills – note these are different depending of the role of the applicant 	<p>Demonstrate they meet the outcomes set out below by:</p> <ul style="list-style-type: none"> • attendance on a course, or • practical experience <p>The outcomes are split into the following levels:</p> <ul style="list-style-type: none"> • Level 1 - mandatory for all applicants • Level 2a - mandatory for compliance managers • Level 2b - mandatory for compliance manager undertaking practice management • Level 2c - mandatory for compliance manager undertaking accounts management
Element 1 CILEx ACCOUNTS RULES	Demonstrate knowledge, understanding and where appropriate apply the rules and regulations relating to the handling of client money	<p>LEVEL 1:</p> <ul style="list-style-type: none"> • Knowledge and understanding of the accounts rules • Ability to complete a three way bank reconciliation to accurately account for all client money • Ability to record and account for client money, ensuring it is banked promptly and not left unattended or unsecure • Understand the importance of the audit trail and ensure there is a clear audit trail • Understand the need to keep client money safe and separate from that of the business • Knowledge and understanding of the situations where it is fair and reasonable to account for interest to the client • Knowledge and understanding of money held as an agent/stakeholder • Knowledge, understanding and application of the internal policy on who can withdraw money • Knowledge and understanding of what is meant by trust money and an individual's legal responsibility as a trustee. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Ability to apply controls to safeguard client money • Communicate knowledge and understanding of the accounts rules to staff to ensure compliance • Understand the difference between client money and client account <p>LEVEL 2c:</p> <ul style="list-style-type: none"> • Ability to draft, implement and test robust internal controls, including who can withdraw client money and be able to distinguish between a material and non-material breach • Ability to perform an internal audit • Ability to draft, implement and communicate a fair and reasonable interest policy • Ability to make a calculation of interest • Ensure files are closed in a timely manner and surplus funds are returned promptly

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		<ul style="list-style-type: none"> • Ability to draft, implement and periodically review a compliance register and maintain complete records of all breaches • Control the release of client bank details outside of the legal entity • Knowledge, understanding and application of time costing and understanding the benefits of this information for reporting purposes.
Element 2 GENERAL BOOKKEEPING	DOUBLE ENTRY BOOKKEEPING Demonstrate knowledge, understanding and application of double entry bookkeeping	LEVEL 1: <ul style="list-style-type: none"> • Knowledge and understanding of posting entries to the client ledger account and appropriate cashbooks of a legal entity • Knowledge and understanding of a bill of costs • Knowledge and understanding of a trial balance. LEVEL 2c: <ul style="list-style-type: none"> • Ability to post entries to client ledger account and cashbooks • Ability to produce bill of costs • Ability to produce trial balance.
	FINANCIAL STATEMENTS Demonstrate knowledge and understanding of the use of financial statements	LEVEL 1: <ul style="list-style-type: none"> • Knowledge and understanding of when it is appropriate to provide the client with a financial statement. LEVEL 2c: <ul style="list-style-type: none"> • Ability to produce clear and informative financial statements which reflect the client's position and which include balances due to the client or to the legal entity • Ability to draft a financial statement • Knowledge, understanding and application of time costing and understanding the benefits of this information for reporting purposes.
Element 3 FINANCES	VALUE ADDED TAX (VAT) Demonstrate knowledge, understanding and appropriate application of VAT	LEVEL 1: <ul style="list-style-type: none"> • Knowledge and understanding as to how to calculate VAT payable • Knowledge and understanding of a vatable disbursement and a re-charge and understand the difference between the two. LEVEL 2c: <ul style="list-style-type: none"> • Ability to post a vatable disbursement and a re-charge to a client ledger • Ability to perform a partial exemption calculation • Ability to complete a UK VAT return.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	CREDIT CONTROL AND DEBT COLLECTION Demonstrate knowledge, understanding and appropriate application of the creation of a credit control policy	LEVEL 1: <ul style="list-style-type: none"> Knowledge and understanding of how credit control including business payment terms and debt collection policies and procedures are created. LEVEL 2: <ul style="list-style-type: none"> Ability to implement and communicate a credit control policy including business payment terms and debt collection policies and procedures. LEVEL 2c: <ul style="list-style-type: none"> Ability to create a credit control policy Ability to create and communicate a set of business terms and conditions relevant to a legal entity Ability to draft debt collection procedures.
	NOMINAL LEDGERS Demonstrate knowledge, understanding and appropriate application of nominal ledgers for a legal entity	LEVEL 1: <ul style="list-style-type: none"> Knowledge and understanding of maintaining a nominal ledger Ability to post a small selection of non-vatable entries to a nominal ledger Ability to explain what is meant by 'drawings' and the use of the capital and current accounts. LEVEL 2c: <ul style="list-style-type: none"> Knowledge, understanding and ability to distinguish between profit and loss ledgers and a balance sheet nominal ledger Ability to post entries to a nominal ledger.
	ACCOUNTS Demonstrate knowledge, understanding and application of information relating to the financial position of a legal entity	LEVEL 1: <ul style="list-style-type: none"> Ability to read and interpret management reports which include Profit and Loss Accounts and Balance Sheet Ability to identify significant variations to the accounts from previous years. LEVEL 2a: <ul style="list-style-type: none"> Ability to determine the general financial position of a legal entity. LEVEL 2c: <ul style="list-style-type: none"> Ability to produce Profit and Loss Accounts and Balance Sheet Ability to calculate a liquidity ratio, provide commentary on the findings and provide guidance on what is viewed as a poor liquidity ratio Ability to understand and explain working capital and how it can be effectively and efficiently managed Ability to explain different finance options available to each type of legal structure.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	TAXATION Demonstrate outline knowledge and understanding of taxation	LEVEL 1: <ul style="list-style-type: none"> Knowledge and understanding of the taxation system as it applies to individuals and corporations. LEVEL 2c: <ul style="list-style-type: none"> Ability to apply rules of taxation to individuals and corporations.
	SET OF ACCOUNTS Demonstrate knowledge, understanding and appropriate application of the creation and interpretation of accounts	LEVEL 1: <ul style="list-style-type: none"> Ability to understand a profit and loss account and balance sheet and relationship with a trial balance Ability to interpret a profit and loss account and balance sheet. LEVEL 2a: <ul style="list-style-type: none"> Ability to identify that the business is unlikely to meet its forthcoming liabilities and when it is appropriate to notify ILEX Professional Standards of this. LEVEL 2c: <ul style="list-style-type: none"> Ability to produce profit and loss account and balance sheet from a trial balance Ability to make the necessary annual adjustments to produce an accurate set of accounts Ability to calculate a liquidity ratio Ability to identify and explain the early indicators of a failing business Ability to identify the point when a business is no longer a going concern.

APPENDIX 2

ADMISSIONS AND LICENSING COMMITTEE RULES

ADMISSIONS AND LICENSING COMMITTEE RULES

1. CILEx Regulation shall establish an Admissions and Licensing Committee.
2. The Admissions and Licensing Committee shall:
 - ◆ apply and monitor the Certification Rules, Fellowship Rules, guidance and criteria for the reserved legal activity and regulated legal activity schemes;
 - ◆ consider and determine applications by applicants for reserved or regulated legal activity rights, applications for Certificates of Eligibility for rights of audience, applications for the assessment of qualifying experience and applications for admission as a Chartered Legal Executive referred to it;
 - ◆ consider and determine applications for the renewal of advocacy certificates, including lapsed certificates, referred to it;
 - ◆ consider and determine applications by prospective or current course providers for accreditation or renewal of accreditation to provide courses referred to it by the Officer;
 - ◆ consider whether or not an authorised person may continue to hold a Certificate which authorises them to undertake a reserved or regulated legal activity;
 - ◆ determine whether accreditation of a course provider to provide a course should be withdrawn;
 - ◆ receive reports of inspections of courses from the external advisors and the Officer;
 - ◆ receive reports of the moderation of course assessments from the external advisors;
 - ◆ receive annual reports from course providers;
 - ◆ submit an annual report to the CILEx Regulation Board.
3. The Officers will report all decisions made by them to the Admissions and Licensing Committee.
4. Wherever the Officer is unable to make a decision or takes the view that the matter requires Committee consideration they may refer the matter to the Admissions and Licensing Committee.
5. A person or organisation affected by any decision which the Admissions and Licensing Committee makes pursuant to its powers under these Rules may apply for reconsideration of that decision. Any such person or organisation must lodge an application for reconsideration at the CILEx Regulation offices within 20 working days of receiving written notification of the decision. The application must include written reasons why it should be reconsidered. The applicant shall have a right to be heard by the Committee when it reconsiders their application.

6. Where an application is reconsidered by the Admissions and Licensing Committee it shall have all the powers that were available to it at the original consideration of the application.
7. An appeal may be made against the decision reached by the Admissions and Licensing Committee in accordance with Rule 5. Appeals will be considered by an Appeal Panel comprising a professional member and two lay members drawn from the panel of lay and professional members appointed to serve on CILEx Regulation's appeal bodies under the Enforcement Rules. The Appeal Panel will have available to it all the powers available to the Admissions and Licensing Committee at the original consideration of the application.
8. Appeals against decisions to refuse or revoke renewal or certification of a Chartered Legal Executive Litigator and Advocate who holds or has held a Criminal Proceedings Certificate will be made to the Appeals Panel.
9. The Admissions and Licensing Committee shall report annually to the CILEx Regulation Board on its work during the preceding calendar year, and make such recommendations as it thinks fit concerning the operation of the scheme Rules falling within its remit.
10. The Admissions and Licensing Committee will comprise:
 - Fellows of CILEx; and
 - Independent members, at least 1 of whom shall have knowledge or experience of consumer issues, who are not members of CILEx Council or the CILEx Regulation Board and provided that the independent members are in the majority.
11. A Fellow who is a member of CILEx Regulation's Professional Conduct, Disciplinary or Appeals Panel shall not be eligible to serve as a member of the Admissions and Licensing Committee.
12. Appointments of independent members and Fellows shall be made by the CILEx Regulation Board.
13. Each independent member and Fellow will be appointed to the Admissions and Licensing Committee by CILEx Regulation for a period of up to five years. Upon the termination of the five year period of their appointment the Board may reappoint them for a further period of up to five years or make a new appointment.
14. No Fellow or independent member may serve more than two consecutive terms as a member of the Admissions and Licensing Committee. Where they fail without good reason to fulfil their duties set out in these Rules CILEx Regulation may terminate their appointment whether or not they have completed their current term of office.
15. The external advisors shall be invited to attend meetings of the Admissions and Licensing Committee. Where necessary the Committee may seek advice on matters under its consideration from other persons or sources.
16. At least three members of the Admissions and Licensing Committee must be present at a meeting to constitute a quorum. The external advisors will not form part of the quorum.
17. The Admissions and Licensing Committee will appoint one of its members as Chair. The Chair will be appointed for a period of one year. The Chair will be eligible for reappointment, but may not serve as Chair for more than three consecutive years.

18. Decisions of the Admissions and Licensing Committee will be reached by a majority vote. In the case of an equality of votes the Chair shall have a casting vote. External advisors may not vote on any matter at a meeting.
19. The Admissions and Licensing Committee shall meet at least once each year. Subject to this, where the Committee deems it appropriate it may consider applications and any other matter by way of a postal agenda or telephone conference.
20. CILEx Regulation shall have the power to pay fees to members of the Admissions and Licensing Committee and shall from time to time, determine the amount and basis of payments of such fees.

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