



Immigration Practice Rights Handbook

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IMMIGRATION PRACTICE RIGHTS

INTRODUCTION

1. This handbook takes you through the application process to obtain immigration practice rights with CILEx Regulation and become authorised as an Immigration Practitioner.
2. We recommend that you read this handbook in conjunction with the Immigration Certification Rules which are located at **Annex 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 Immigration Practice, you are required to demonstrate your knowledge and understanding, experience and skills in immigration practice and, if you intend to provide immigration services through a CILEx Regulation regulated entity, in practice management and accounts management at Level 1. This handbook explains how you will demonstrate each of these elements.
5. Once you have been approved as a CILEx Immigration Practitioner, you will be authorised by CILEx Regulation to undertake immigration 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. CILEx Regulation can regulate legal practice entities and there is a separate process for you to seek regulation of your practice.
6. This handbook is divided into different sections:
 - Introduction: this section sets out who is eligible to make an application for immigration 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 immigration 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
 - Appendices and Annexes: these sections provide the competence framework, scheme rules and the Committee Rules.

7. In addition to demonstrating competence in immigration practice, if you will deliver immigration services in a CILEx Regulation regulated entity, you must demonstrate some knowledge of Practice Management and Accounts: we call this Level 1. If you intend to set up your own business as a CILEx Immigration Practitioner, where your practice is regulated by CILEx Regulation, you will also need to demonstrate competence in Practice Management and Accounts 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
- Fellowship

POSSIBLE OUTCOMES

AMEND AND
RESUBMIT

DECISION

- To Admissions and Licensing Committee

NOT YET
COMPETENT

- Reasons provided
- Preconditions for reapplication provided

COMPETENT

- Immigration Practitioner Certificate issued

What are Immigration Practice Rights?

9. Under the Legal Services Act 2007 (s12) immigration activities can be carried out by an authorised person only. CILEx Regulation is a regulator that can award immigration practice rights to enable you to become an authorised person. Immigration activities, under the Legal Services Act, means providing advice and representation to clients seeking immigration services in relevant matters as defined in the Immigration Certification Rules which are at **Appendix 1**.

Who can apply for Immigration Practice Rights?

10. Applications to become a CILEx Immigration 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. **However, you may not be authorised as a CILEx Immigration Practitioner by CILEx Regulation until you have been admitted to CILEx as a Chartered Legal Executive.** For further information on how to become a Chartered Legal Executive, you should contact the CILEx Membership department.

What can a CILEx Immigration Practitioner do?

11. A CILEx Immigration Practitioner who has been authorised by CILEx Regulation to undertake immigration practice will be able to provide legal advice and representation in the following areas:
 - A claim for asylum
 - An application for, or variation of, entry clearance or leave to enter or remain in the UK
 - Unlawful entry into the UK
 - Nationality and citizenship under the law of the UK
 - Citizenship of the EU
 - Admission to a member state under EU law
 - Residence in a member state in accordance with rights conferred by or under EU law
 - Removal or deportation from the UK
 - An application for bail under the Immigration Act or under the Special Immigration Appeals Commission Act 1997
 - An appeal against or an application for judicial review in relation to any decision taken in connection with a matter referred to in any of the bullet points above.

12. Immigration services can only be delivered through regulated entities. 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 Immigration Practitioner, who is an authorised person under the Legal Services Act 2007. This means you can carry out immigration 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 intend to practise independently i.e. to set up your own practice 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

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

THE APPLICATION FORM

17. The application form can be downloaded from www.cilexregulation.org.uk
18. You should fully complete all parts of the Application form with the exception of part six, which is only required for applicants seeking rights of audience in conjunction with an application for litigation rights. Applicants seeking immigration practice rights have the option to demonstrate their competence in advocacy as part of the application process. There is no requirement to complete part 6 of the application form to demonstrate this competence. However, where you have demonstrated your competence in immigration advocacy, this will be added to your practising certificate.

19. The application form includes sections to demonstrate your knowledge, understanding, skills and experience in Immigration Practice. It also covers your knowledge, understanding, skills and experience in Practice Management and Accounts at Level 1. Level 1 in Practice Management and Accounts must be demonstrated by all applicants seeking to work in a CILEx Regulation regulated entity. If you also are intending to run your own entity regulated by CILEx Regulation, you will also need a Compliance Manager. This could be you or it could be one or two other people. The Compliance Manager will need to demonstrate Practice Management and Accounts competence at Level 1 and Level 2. There is a separate handbook and application form for seeking additional authorisation as a Compliance Manager.

Completing the form

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

Part One: General Information

22. This section asks for your personal information. You should answer all questions in this section.
23. You do not need to be a member of CILEx to apply for Immigration practice rights. However to be authorised as a CILEx Immigration Practitioner, **you must be a Chartered Legal Executive**. If you are successful in obtaining authorisation by us, we will register you as a CILEx Immigration Practitioner once you have been admitted as a Chartered Legal Executive.

Part Two: Knowledge and Understanding

24. To obtain Immigration Practice rights, you must demonstrate that you have gained knowledge in Immigration Law and Practice to Level 6 standard. We have developed competence frameworks which set out the competencies we require in immigration. They are at **Annex 3**.
25. 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.
26. The options set out how you may demonstrate your knowledge and are explained below.

Option 1: CILEx examination

27. If you have passed the CILEx Level 6 examination in Immigration Law, you should select this option. You must record the title of the examination and the date on which you passed the examination.
28. If you have not completed this examination you may demonstrate your knowledge and understanding, equivalent to the Level 6 examination in Immigration Law, through option 2 or option 3 or a combination of the two.
29. As there is no Level 6 course in Immigration Practice you should use option 3 (see below) to demonstrate your knowledge of Immigration Practice.

Option 2: Equivalent examination

30. You may rely on an examination you have passed in Immigration Law with an organisation other than CILEx. The examination 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 examination. For example, you may have completed this subject and been assessed in it on a law degree.
31. We will map the examination 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 the examination on which you seek to rely;
 - The title of the examination passed;
 - The date on which you passed the examination;
 - Evidence of your results (e.g. a certificate or transcript of marks); and
 - The syllabus for the examination.
32. Once we have received all the necessary information, we will map your examination against the requirements set out in the Competence Framework located in the Immigration Certification Rules at **Annex 3**.
33. The examination that you rely upon must have covered at least 50% of the competencies in the competence framework at **Annex 3**.
34. Where we do not find that the alternative examination maps to at least 50% of the competence framework we may ask you to supply further information about the examination upon which you rely. Alternatively you may be asked to complete option 3 to demonstrate knowledge of immigration law as well as immigration practice (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

35. Where you have not passed the CILEx Level 6 examination or equivalent examination in Immigration Law you must use option 3 to demonstrate your knowledge. This option should also be used to demonstrate your knowledge of immigration practice. Under this option you are able to demonstrate that through your practical experience you have gained knowledge of Immigration Law and/or Practice. 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 framework at **Annex 3**.
36. 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 Immigration 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.
37. 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 Immigration Certification Rules at **Annex 3**.
38. We provide further guidance on how to complete the portfolios later in this handbook.

Part Three: Experience

39. In this part of the application form you must set out your experience in immigration practice, by outlining work you have undertaken in the last 5 years and producing portfolios of **3** additional cases you have dealt with.
40. 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.).
41. You must have at least 2 years of experience in immigration practice immediately preceding your application. Where you have had a break in your employment, you may rely on immigration 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.
42. 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 immigration practice;
 - The proportion of time you spend on immigration practice work as opposed to other areas of practice;
 - A description of the range and nature of matters you have handled which relate to immigration practice; and
 - Any distinctive features of your work.
43. In addition to outlining your experience, you must 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 immigration 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.
44. To summarise, in order to demonstrate your knowledge, understanding and experience of immigration law and practice you must complete a total of 8 portfolios. 5 portfolios cover the knowledge of immigration practice and a further 3 portfolios to demonstrate your immigration experience. These portfolios should cover a range of areas of immigration work as set out in the entry knowledge and understanding section of the competence framework.

Part Four: Skills

45. In this part of the application you must demonstrate that you have the skills required to undertake immigration practice, deliver client care and undertake legal research. We have produced skills outcomes for client care, legal research and immigration practice.
46. The Competence Framework, located at **Annex 3**, sets out the skills you must demonstrate. We have called them learning outcomes for Immigration Practice.
47. 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.

48. You can demonstrate that you meet the immigration practice, 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.
49. 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 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 competence framework section of 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

50. Complete this part of the application form if you intend to deliver immigration 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 at least one 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.
51. 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.
52. The options set out how you may demonstrate your knowledge and are explained below.

Option 1: Course(s)

53. 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.
54. 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.
55. 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.
56. 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**.
57. 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.
58. 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).
59. CILEx Regulation's assessment following the mapping exercise is final.
60. If you have not completed a course which demonstrates that you meet 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

61. 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**.
62. 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.
63. 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

64. 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

65. You should complete the table, setting out details of all memberships you hold of professional bodies. 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.
66. 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 your current memberships, your subscriptions are up to date.

Statement of prior conduct

67. This section asks you about your past conduct. You must answer all questions on the statement of prior conduct.
68. 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.
69. 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 Immigration Practice rights.

Declaration of conduct

70. You should then 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

71. Applicants seeking immigration practice rights need not complete this section.
72. You can however choose to demonstrate your advocacy skills as part of your application for immigration practice rights. You would demonstrate your advocacy skills through completing the skills logbook and portfolio of evidence. Details of how to complete this section are set out in the 'completion of the skills logbook and portfolio' section of this handbook.

Part Eight: References, Endorsement and Declaration

73. This part of the application asks you to provide details of 2 legal professionals who have knowledge of your work and are willing to provide a reference for you. The legal professionals should be authorised persons or members of the judiciary. An authorised person is defined in section 18 of the Legal Services Act 2007 as a CILEx practitioner, 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 'Immigration' 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 an Immigration Practitioner with CILEx Regulation.

THE COMPETENCE FRAMEWORK

77. This handbook makes reference to the Competence Framework, which is located within the Immigration 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 they 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. 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 Immigration Certification Rules located at **Annex 3** of this document.
82. Where you have not passed the CILEx Level 6 examination or equivalent examination in Immigration Law, you must complete portfolios to demonstrate your knowledge and understanding 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 Immigration Law, in accordance with the learning outcomes from the competence framework (column 2 of the knowledge and understanding section of the framework).

84. In addition, you should complete five portfolios which demonstrate your knowledge and understanding of immigration practice. Where you are using the portfolios to demonstrate your knowledge of immigration law, these can also be used to demonstrate your knowledge and understanding of immigration practice.
85. 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.
86. 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 4	Learning Outcome	Supporting Experience
Knowledge and understanding of human rights	<p><i>This is made up of 3 learning outcomes: the 3rd outcome states:</i></p> <p>Identify and apply the procedure for appeal and judicial review based on HRA and ECHR claims</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"> – Use relevant human rights legislation on decision making in the immigration sphere – Identify and apply the nature and scope of the Articles of the ECHR relevant to UK law.

87. To meet this outcome, you could outline a case where you took instructions from an applicant in which the use of an Article of the ECHR assists their case. In your explanation, you should demonstrate that you covered the steps outlined in the supporting evidence column to show that you have satisfied this outcome of knowledge element 4.
88. There are 9 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 select 5 different learning outcomes 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 it addresses.

89. 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 assist them with an application for British citizenship.

- 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. For example, for learning outcome 4 of the knowledge section, if appropriate, you could set out the law that relates to your instructions such as Article 8 of the ECHR.

- 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 the UK Border Agency 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 through an application to the UK Border Agency.

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, you should demonstrate that you have explained the law as it applies to your client's claim and possible consequences following decisions made by 3rd parties such as the UK Border Agency.

- Provide an outline of the decisions you had 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.

90. 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 2 of Application Form

91. 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 Immigration Certification Rules located at **Annex 3** of this document. You should do this by providing a statement of experience which addresses each element set out in the 'supporting experience' of this section of the competence framework.
92. In addition, you must also complete portfolios of **three** cases to demonstrate your experience of Immigration Law and Practice, in accordance with the relevant elements identified in the entry knowledge and understanding section of the competence framework.

93. 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 immigration practice gained in the last 2 years. Where possible, these should cover different outcomes from those set out in the knowledge and understanding section.
94. The portfolios will be marked by an external assessor.
95. At the end of each portfolio you should identify how the portfolio demonstrates your experience in immigration practice.

Completion of the Skills Logbook and Portfolio of Evidence – Annex 3 of Application Form

96. The following guidance explains how to complete and present your logbook and portfolio for the skills part of your application. You must demonstrate your skills in immigration 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.
97. This section guides you where you opt to complete a logbook and portfolio of evidence.
98. The skills that you are required to demonstrate can be found in 2 parts of the competence framework. The first is labelled: 'Entry Skills' and is made up of Client Care and Legal Research. The second is labelled: 'Stage 2 Qualification Criteria: Skills'. In the first column of this part of the competence framework, there are 6 compulsory skills elements identified and an optional 7th skill (advocacy).
99. Entry 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.
100. Entry 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.
101. Qualification skills elements 1 to 7 are specific to immigration practice. They cover a number of skills including drafting and managing immigration activities.
102. There is also an optional element which covers advocacy skills. These skills 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.
103. 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 Immigration competency framework 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.
104. For each piece of evidence you provide to support how you meet 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 6 (dealing with vulnerable clients), learning outcome 4 (signposting), you could provide evidence of having identified and appropriately signposted a client to another agency to assist them.
105. You should then outline how the evidence shows you have put the outcome into practice in your workplace. For example, to explain how the signposting meets the outcome, you could outline how your clients will benefit from contact with the agency signposted.
106. 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.
107. 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.
108. The evidence should be provided in a page numbered portfolio, with the relevant logbook sheet attached to the evidence.

109. A template logbook sheet can be found at **Annex 3 of the application form**.
110. There are up to 9 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. Ideally you should demonstrate competence against each of the learning outcomes in the competence framework.
111. 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 had a break in your employment, you may rely on immigration 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.
112. You should sign and date each logbook sheet with the date you complete the logbook entry.
113. 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

114. If you seek to deliver Immigration services through an entity that is regulated by CILEx Regulation you must obtain authorisation to Level 1 in Practice Management and Accounts.
115. 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 CILEx Immigration Practitioner if they are not undertaking immigration work. Alternatively you may be the CILEx Immigration Practitioner and the Compliance Manager for your entity.
116. Once you have demonstrated competence in immigration practice rights and accounts and practice management to level 1 you will be authorised by CILEx Regulation to deliver immigration services.
117. If you intend to practise independently i.e. 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.

The Practice Management and Accounts Competence Framework

118. This handbook makes reference to the Practice Management Competence Framework and Accounts Management Competence Framework, which are located at **Annex 4** of this document.
119. You may not be familiar with competence frameworks, in which case you should read this section before you start to complete the portfolios.
120. 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.
121. 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.
122. 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.

123. 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

124. 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.

125. This section guides where you opt to complete a logbook and portfolio of evidence.
126. 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.
127. 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
128. The elements identified in the accounts competence framework cover the following elements:
- CILEx Accounts Rules
 - General Bookkeeping
 - Finances
129. 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.
130. 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.
131. 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.

132. 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.
133. 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.
134. 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.
135. 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.
136. The evidence should be provided in a page numbered portfolio, with the relevant logbook sheet attached to the evidence.
137. A logbook sheet can be found at **Annex 3 of the application form**.
138. 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.
139. 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.
140. You should sign and date each logbook sheet with the date you complete the logbook entry.
141. 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 immigration 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 immigration 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.

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.
142. 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 immigration activities;
 - Undertake independent research in immigration practice using standard legal information sources; and
 - Reflect on learning and make constructive use of feedback.

WHAT HAPPENS NEXT?

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

CILEx Regulation
Kempston Manor
Kempston
Bedford
MK42 7AB

144. You should also submit the required fee with your application. The current fee for submitting your application to become a CILEx Immigration Practitioner can be found on the CILEx Regulation website www.cilexregulation.org.uk
145. 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.
146. 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 1**, before we submit your portfolios covering your knowledge (where appropriate) and experience to our external assessors.
147. 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.
148. 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.
149. 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.

150. 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

151. If you are a Fellow and 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.
152. We will write to you confirming that you have been authorised as a CILEx Immigration Practitioner and will send out your practising certificate.
153. **NOTE: If you are seeking to practise immigration 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

154. 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

155. 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 Immigration Practitioner in the future, you will be required to make a fresh application.

The Admissions and Licensing Committee

156. 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.
157. 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.
158. The Committee may decide to approve or refuse your application.
159. If the Committee determines that your application demonstrates that you are competent to become an immigration practitioner and you are a Fellow your application will be approved. In this case, we will write to you confirming that you have been authorised as a CILEx Immigration Practitioner and will send out your practising certificate.
160. **NOTE: If you are seeking to practise immigration 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.**
161. If the Committee determines that your application does not demonstrate that you have yet met the competence requirements necessary to become a CILEx Immigration Practitioner they will refuse your application.
162. In this situation, your application will be cancelled. Your fee will not be refunded. If you would like to seek authorisation as a CILEx Immigration Practitioner, you will be required to make a fresh application.
163. 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

IMMIGRATION CERTIFICATION RULES

APPENDIX 1 - IMMIGRATION CERTIFICATION RULES

Definitions

1. In these Rules, except where otherwise indicated:
 - “Immigration Certificate” means a certificate authorising a person to provide immigration advice and services;
 - “Immigration Advice” means advice which
 - (a) Relates to a particular individual;
 - (b) Is given in connection with one or more relevant matters;
 - (c) Is given by a person who knows that he is giving it in relation to a particular individual and in connection with one or more relevant matters; and
 - (d) Is not given in connection with representing an individual before a Court in criminal proceedings or matters ancillary to criminal proceedings.
 - “Immigration Services” means the making of representations on behalf of a particular individual:
 - (a) In civil proceedings before a Court, Tribunal or Adjudicator in the United Kingdom, or
 - (b) In correspondence with a Minister of the Crown or Government department, in connection with one or more relevant matters.
 - “Relevant Matters” means:
 - (a) A claim for asylum;
 - (b) An application for, or the variation of, entry clearance or leave to enter or remain in the United Kingdom;
 - (c) Unlawful entry into the United Kingdom;
 - (d) Nationality and Citizenship under the law of the United Kingdom;
 - (e) Citizenship of the European Union;
 - (f) Admission to a Member State under Community Law;
 - (g) Residence in a Member State in accordance with rights conferred by or under Community Law;
 - (h) Removal or deportation from the United Kingdom;

- (i) An application for bail under the Immigration Act or under the Special Immigration Appeals Commission Act 1997;
- (j) An appeal against, or an application for judicial review in relation to, any decision taken in connection with a matter referred to in Paragraph (a) to (i); and
- “Tribunal” means the Immigration Services Tribunal.
- “Applicant in good standing” means a person in respect of whose conduct there is no complaint or misconduct matter outstanding, and against whom there is no disciplinary record which, in the view of CILEx Regulation, affects their suitability to be a Immigration 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 and disciplinary procedures of CILEx Regulation;
- “The Act” means the Legal Services Act 2007; and
- “The Officer” means a person with responsibility for the Immigration Practice Rights Scheme.

Words importing the singular include the plural and vice versa.

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

Immigration Certificate

2. An applicant in good standing may apply to CILEx Regulation to be granted an Immigration Certificate.
3. The immigration practice rights exercisable by a person holding an Immigration Certificate are to provide immigration advice and immigration services.

Qualification Arrangements

4. Applicants who seek an Immigration Certificate must demonstrate that they meet the knowledge, skills and experience in accordance with the knowledge, skills and experience guidelines which appear at **Annex 1** and the portfolio guidelines and assessment criteria at **Annex 2** and the competency framework at **Annex 3**.
5. Applicants who seek Immigration Rights 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**.

6. 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.
7. 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**.
8. 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**.
9. 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 the application. The Officer will consider whether the applicant may be granted an Immigration 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.
10. 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 to be referred to the Admissions and Licensing Committee to consider.
11. The Admissions and Licensing Committee will decide whether or not an application should be approved. In reaching their 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.
12. 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.
13. 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**.

14. The Officer will notify an applicant of their decision or the decision of the Admissions and Licensing Committee.
15. Where the application has been approved, the notification shall include the Immigration Certificate.
16. 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

17. An Immigration 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 frameworks 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.
18. Where an applicant relies upon existing experience they must complete a log in accordance with 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.
19. 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

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

External Advisors

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

Immigration Practitioners

22. An applicant who has been awarded an Immigration Certificate will be known as an Immigration Practitioner.

Continuing Professional Development (CPD)

23. Immigration Practitioners will be required to undertake Continuing Professional Development (CPD) in accordance with the CPD Regulations issued by CILEx Regulation from time to time.
24. Where an Immigration 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 Immigration Practitioner should retain their Immigration Certificate.
25. The Immigration Practitioner will have the opportunity to make written representations to the Committee and a right to be heard by the Committee.
26. The Committee may decide to:
- Grant an extension of up to 3 months for the Immigration Practitioner to meet their outstanding CPD requirement. The Immigration Practitioner will still be required to meet their current CPD requirements in the normal way; or
 - Withdraw the Immigration Certificate.
27. Where an Immigration 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 an Immigration Certificate in accordance with the Rules.

Disciplinary Procedures and Code of Conduct

28. Immigration 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.
29. Where a complaint is made, or an issue is brought to the attention of CILEx Regulation, regarding the conduct of an Immigration 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 an Immigration Practitioner, that finding, order or decision will be referred to the Admissions and Licensing Committee. The Admissions and Licensing Committee will decide whether the Immigration Practitioner remains a fit and proper person to hold an Immigration Practice Certificate. The Admissions and Licensing Committee must give reasons for its decision.

30. Rule 29 shall not apply where an order is made excluding an Immigration Practitioner from registration of CILEx Regulation or membership of CILEx. In such a case the Immigration Practitioner's Certificate shall be invalid from the date the exclusion from membership or registration takes effect.
31. Where the Admissions and Licensing Committee decides that the Immigration Practitioner is no longer a fit and proper person to hold an Immigration Practice Certificate or their certificate is invalid in accordance with Rule 30, 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 Immigration Practitioner may not exercise any Immigration practice rights granted to them under their certificate after they have been notified of the decision.
32. Notwithstanding the Admissions and Licensing Committee Rules an appeal against the decision of the Admissions and Licensing Committee that an Immigration Practitioner is no longer a fit and proper person to hold an Immigration 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.

Transitional Arrangements

33. Immigration advisors registered on the CILEx Regulation immigration register as at the date of commencement of this scheme who are not Chartered Legal Executives will be granted a period of 3 years, from the date of the commencement of this scheme, to qualify as Chartered Legal Executives and a further 6 months to meet the requirements as to competence set out in these rules. The authorisation of an advisor on the register at the commencement of this scheme who does not qualify as a Chartered Legal Executive or fails to meet the competence requirements within the timescale set out in this rule will be withdrawn at the expiry of the relevant timescale in this rule.
34. Immigration advisors registered on the CILEx Regulation immigration register as at the date of commencement of this scheme who are Chartered Legal Executives will be granted a period of 6 months to meet the requirements as to competence set out in these rules. The authorisation of an advisor on the register at the commencement of this scheme who does not meet the competence requirements within the timescale set out in this rule will be withdrawn at the expiry of the relevant timescale in this rule.

ANNEX 1- KNOWLEDGE, SKILLS AND EXPERIENCE GUIDELINES

1. An applicant who seeks immigration practice rights must satisfy the guidelines below.
2. An applicant seeking immigration rights must provide the following information in an application to CILEx Regulation:
 - A general outline of the immigration practice work they have carried out and the total experience they have gained;
 - Details of their typical caseload;
 - The number of chargeable hours they spent on immigration activities;
 - The proportion or number of cases which have involved immigration matters;
 - 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, experience and skills in immigration practice and immigration law to be awarded an Immigration Practice Certificate in accordance with the framework 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 arguments;
 - Present and make a reasoned choice between alternative solutions.
 - Act independently in planning, preparing and undertaking tasks in immigration activities;

- Undertake independent research in immigration 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 cases matters from the beginning to the end.
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 immigration 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.

Immigration 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.
 - Experience in the area of law in which they seek rights.
 - 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

3. An applicant who has successfully completed and passed an assessment in the CILEx Level 6 examinations in the law subject relevant to the area in which they seek practice rights will have demonstrated their knowledge of the law.
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.
6. Applicants seeking to rely upon their experience must demonstrate how they have developed their knowledge of the relevant law 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 the CILEx Level 6 in the 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 outlines 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 or regulated 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;
 - Details of any distinctive features of the applicant's work; and
 - Details of any supervisory arrangements under which the applicant works and any supervisory responsibilities they have.
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 – IMMIGRATION PRACTICE RIGHTS

Introduction

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

- the level of competency, knowledge and understanding required to practise in the area of immigration work
- 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 including recognition of vulnerability and sensitivity and (optional) advocacy skills.
- 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 Immigration Practice Rights will ensure that the applicant has:

- met the application requirements
- an appropriate level of experience in the field of immigration 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 immigration work, including the ability to represent clients in applications for entry and stay from EEA and non EEA countries, applications for asylum and humanitarian protection, when and how to apply the Human Rights Act to applications, applications for nationality and citizenship, the appeals process, application for bail in detention and immigration offence cases, the operation of legal aid, welfare and benefits in immigration cases and an understanding of the impact of discrimination law on immigration cases.
- 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 the 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 any issues (such as the need for an interpreter) which may arise, these should 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 applications and matters, to include (but not restricted by), drafting letters of advice to clients, drafting and completing documents, communicating with co-professionals, the UK Border Agency, the Home Office and other bodies and organisations
- the ability, and experience to prepare appropriate applications in the best interests of the client
- 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 the relevant conduct rules and other law and regulations and where these may impact and be able to apply them in context.

	Learning Outcome The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	Supporting Experience The applicant will need to provide evidence of: <i>(outcomes in italics are optional)</i>
STAGE 1 ENTRY CRITERIA • KNOWLEDGE • UNDERSTANDING • SKILLS • EXPERIENCE	• Has practical knowledge, understanding, experience and skills	Either <ul style="list-style-type: none"> successful completion of CILEx Level 6 Professional Higher Diploma in Immigration law Or <ul style="list-style-type: none"> qualification of an equivalent standard and/or relevant knowledge and understanding And <ul style="list-style-type: none"> demonstrate their knowledge and understanding of Immigration Law and Practice through the submission of 5 portfolios. A further 3 portfolios are required to demonstrate practical experience of Immigration work, a total of 8 portfolios is required 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 And <ul style="list-style-type: none"> be a Fellow of CILEx. <p>NOTE: Where the applicant holds appropriate qualifications which enable an application for Fellowship to be made, this can be made concurrently with the application for Immigration Practice Rights.</p>
ENTRY KNOWLEDGE AND UNDERSTANDING	Demonstrate knowledge and understanding of entry of non-EEA citizens into and their stay in the UK and be able to <ul style="list-style-type: none"> identify categories of visitor identify and apply procedures re Home Office Applications and entry 	applications to the Home Office & to entry clearance officers in those areas of work in the following areas: <ul style="list-style-type: none"> entry into the UK, various categories of short term visitors, entry to study in the UK and entry to work in the UK on a permanent and temporary basis, including the points based system, entry to UK for business and investment purposes or self-employment, admission of spouses and civil partners and the admission of fiancés for marriage, and co-habitees for co-habitation. admission of children and other relatives, indefinite leave to remain and settlement, extensions, variations and curtailments of leave, illegal entry, overstaying, administrative removal and deportation.

	Learning Outcome The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	Supporting Experience The applicant will need to provide evidence of: <i>(outcomes in italics are optional)</i>
	Demonstrate knowledge and understanding of entry of EEA and EU citizens into and their stay in the UK and be able to <ul style="list-style-type: none"> Identify countries covered by EU law Identify and apply procedures for obtaining permits and settling in UK 	<ul style="list-style-type: none"> the operation of freedom of movement law, residency and settlement, reciprocal rights to welfare, healthcare and benefits, exclusion from the UK as it applies to EU citizens and both EU and non-EU citizen members of their families and dependents, knowledge of the Turkish association agreement.
	Demonstrate knowledge and understanding of asylum and humanitarian protection and be able to <ul style="list-style-type: none"> Identify and apply procedures for making an asylum application, screening and substantive interviews Identify and apply grounds on which an asylum decision can be challenged 	<ul style="list-style-type: none"> EC law on humanitarian protection and the Qualification and Protection Directive, the relevant Immigration Rules, the Secretary of State's discretionary powers in relation to humanitarian protection, the law relating to 'credibility' of asylum seekers and the Home Office/UKBA policies and procedures.
	Demonstrate knowledge and understanding of human rights and be able to <ul style="list-style-type: none"> Apply the Human Rights Act to cases Apply the European Convention of Human Rights to cases Identify and apply the procedure for appeal and judicial review based on HRA and ECHR claims 	<ul style="list-style-type: none"> relevant human rights legislation on decision making in the immigration sphere and the nature and scope of the articles of the ECHR relevant to UK law.
	Demonstrate knowledge and understanding of nationality and citizenship and be able to <ul style="list-style-type: none"> Identify and apply procedures for applying for British Citizenship Identify and apply Home Office Nationality Instructions 	<ul style="list-style-type: none"> the impact of legislation and Home Office policy on nationality and citizenship.

	Learning Outcome The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	Supporting Experience The applicant will need to provide evidence of: <i>(outcomes in italics are optional)</i>
	Demonstrate knowledge and understanding of appeals and be able to <ul style="list-style-type: none"> Identify and apply procedures for hearings before First-tier Tribunal Understand powers of Immigration judges and orders that can be made Understand rules of evidence and procedures for appeals to Upper Tribunal 	<ul style="list-style-type: none"> appeals, including when a decision of a First-tier Tribunal or a decision of an Upper Tribunal may be appealed, the role of the courts in the appeal system and the circumstances in which judicial review may be used and the grounds on which judicial review may be sought.
	Demonstrate knowledge and understanding of detention, bail and immigration offences and be able to <ul style="list-style-type: none"> Identify and apply procedures for applying for bail Identify and apply procedure for prosecution of immigration offences 	<ul style="list-style-type: none"> the circumstances in which an application for bail may be made and of the bodies or individuals empowered to grant bail, habeas corpus and bail from a chief immigration officer or an authorised person, Home Office policy on bail and detention for children and young persons, knowledge of the offences under the Immigration Acts and defences to offences under the Immigration Acts and the range of sentences available to the courts.
	Demonstrate knowledge and understanding of legal aid, welfare and benefits and be able to <ul style="list-style-type: none"> Identify and apply procedures for applying for benefits for refugees and those subject to humanitarian protection Identify main sources of advice and assistance 	<ul style="list-style-type: none"> claiming benefits support and housing for refugees or those benefiting from humanitarian protection or who have discretionary leave for that purpose, the types of public funding available for immigration, asylum and nationality applicants the eligibility tests for public funding.
	Demonstrate knowledge and understanding of race relations and immigration and be able to <ul style="list-style-type: none"> Identify and apply procedures for claiming racial discrimination in First-tier and Upper Tier Tribunals Identify and apply procedure for making claims of discrimination by immigration officials 	<ul style="list-style-type: none"> the relevant provisions of the equality legislation as it applies to immigration, asylum and nationality practice and the availability of appropriate remedies.

	Learning Outcome	Supporting Experience
	The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	The applicant will need to provide evidence of: (<i>outcomes in italics are optional</i>)
ENTRY SKILLS		<ul style="list-style-type: none"> Where the applicant does not hold the relevant CILEx Level 6 Legal Research or Client Care (or equivalent) qualification, they should provide a portfolio of evidence and logbook which demonstrates that they meet each of the outcomes set out below in accordance with the Portfolio Guidelines. Examples will be drawn from a range of cases from the applicant's case load.
Client Care	Demonstrate knowledge and understanding of the role of client interviewing and negotiation in legal practice	<ul style="list-style-type: none"> Explain what the applicant understands by successful client interviewing Demonstrate interviews which the applicant considers to be successful and identify what made them successful Explain what the applicant understands by negotiation and its importance in legal practice, including identification of a number of types of negotiation and the importance of preparation in successful negotiation. Identify a number of media through which negotiation can take place Provide examples of the following which have been overcome in a negotiation situation: <ul style="list-style-type: none"> The use of different types of negotiation using different media A situation in which preparation for negotiation was central to success A situation in which communication barriers were overcome for a successful outcome Use of persuasion to achieve a successful outcome.
	Demonstrate good practice in legal writing	<ul style="list-style-type: none"> Provide evidence of legal writing which demonstrates understanding of the following key areas of good practice: <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 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.

	Learning Outcome The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	Supporting Experience The applicant will need to provide evidence of: <i>(outcomes in italics are optional)</i>
	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 the importance of client care in legal practice	<ul style="list-style-type: none"> • Explain the SRA rules relating to client care and evidence use of the rules in practice • Evidence use of the use of client care letters and complaint management, 'Your Clients, Your Business' and the benefits of LEXCEL membership etc. • Demonstrate understanding of the need for good client care to benefit the business.
Legal Research	Demonstrate knowledge and understanding of legal research and be able to analyse the scope and complexity of situations which need legal research Demonstrate knowledge and understanding of and be able to evaluate legal research sources Demonstrate knowledge and understanding of and be able to perform appropriate legal research Demonstrate knowledge and understanding of and be able to analyse the law in relation to practical problems Ability to record and evaluate information Ability to synthesise research to present advice	<ul style="list-style-type: none"> • Identify situations in which the need for legal research has arisen in the applicants 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 understanding of primary and secondary sources and how these sources can be used to ensure the applicant has sufficiently researched the problem • Identify relevant statutes, case law and other sources from r research • Evidence how research was prioritised and analysed and used this to better understand the issues raised in the legal matter • Evidence synthesis of the research materials to provide a structured and accurate report • Evidence how research was evaluated to ensure that it was comprehensive and sensitive to the needs of the recipient.

	Learning Outcome The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	Supporting Experience The applicant will need to provide evidence of: <i>(outcomes in italics are optional)</i>
ENTRY EXPERIENCE: ALL APPLICANTS	<ul style="list-style-type: none"> Immigration practice experience in the 2 years preceding the immigration practice rights course. 	<ul style="list-style-type: none"> General description of immigration work carried out Description of typical case load An indication of chargeable hours spent on immigration proceedings work in each of the last 2 years The proportion of time spent on immigration proceedings work The number of cases which have included preparation for tribunal Details of any supervisory arrangements under which the applicant works and/or their supervisory responsibilities.
		The applicant must demonstrate the outcomes by either <ul style="list-style-type: none"> attendance on a course, or through work experience and by satisfying the assessment criteria.
STAGE 2 QUALIFICATION CRITERIA: SKILLS Element 1 INTERVIEWING, ADVISING AND COMMUNICATING	INTERVIEWING: <ul style="list-style-type: none"> An ability to conduct effective interviews with the client and potential witnesses across a range of immigration issues. 	<ul style="list-style-type: none"> Prepare for an initial interview and apply a structured approach to it Greet the interviewee appropriately Use appropriate listening questioning and feedback techniques Maintain rapport with the interviewee Be sensitive to diversity issues Keep a full and accurate record of the interview Close the interview appropriately.
	ADVISING AND COMMUNICATING: <ul style="list-style-type: none"> An ability to give and communicate clear accurate and practical advice both orally and in writing on matters relating to law, procedure, strategy and prospects of success (either orally, in writing or other media). 	<ul style="list-style-type: none"> Obtain all relevant information and identify the clients objectives Give clear advice on all relevant matters arising Identify the options available and explain the pros and cons of each of those options Enable the client to make decisions in the case based on appropriate advice Give clear, appropriate and accurate advice regarding costs and funding Seek appropriate instructions and give clear advice regarding the next steps to be taken Produce an accurate record of the interview.
Element 2 COSTS AND FUNDING	COSTS <ul style="list-style-type: none"> An awareness of the requirements of the relevant rules that relate to immigration costs and be able to give clear and accurate advice or information on costs issues arising in the case 	<ul style="list-style-type: none"> Provide realistic costs estimates of all costs at the start of the case or as soon as possible and update these throughout the progress of the action to include the cost implications of case strategies Provide appropriate advice regarding the fees that will be charged.

	Learning Outcome The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	Supporting Experience The applicant will need to provide evidence of: <i>(outcomes in italics are optional)</i>
	FUNDING <ul style="list-style-type: none"> • Clear and accurate advice on funding options 	<ul style="list-style-type: none"> • Identify the funding options available in a particular case • Communicate the risks and benefits of each method of funding available • Be aware of the funding regulations and restrictions. • Advise the client, or service user, of significant development in the case.
	DOCUMENTATION <ul style="list-style-type: none"> • Draft or complete the necessary documents relating to funding 	<ul style="list-style-type: none"> • Identify the appropriate documents to put in place the agreed funding method • Draft or complete for the client or inform the client of the appropriate documentation to obtain funding and explain the requirements of the agreed funding method • Draft funding agreements • Prepare estimates and schedules of costs • Understand all matters relating to a summary assessment of costs and detailed costs assessment.
Element 3 PROFESSIONAL CONDUCT AND ETHICS	PROFESSIONAL OBLIGATIONS <ul style="list-style-type: none"> • An awareness of their professional obligations in a diverse range of situations in respect of matters relating to substantive law and the rules of professional conduct • An awareness of their obligations to: the court, their client, other lawyers, the public and money laundering legislation and regulation 	<ul style="list-style-type: none"> • Draft client care letters • Identify situations where their obligations to: the court, their client, other lawyers, the public, and money laundering legislation arise.
	CONFLICTS <ul style="list-style-type: none"> • An ability to identify and deal appropriately with conflicts of interest throughout their handling of the matter 	<ul style="list-style-type: none"> • Identify and deal appropriately with conflicts arising between the applicant and the client or service user, arising between them and their duty to the court, or arising between them and any relevant third party.
	WITHDRAWAL FROM THE CASE <ul style="list-style-type: none"> • An awareness of when they can and/or must withdraw from a case; the proper steps to be taken when doing so whilst observing the interest of the client 	Show an awareness of <ul style="list-style-type: none"> • the need to withdraw; • the proper action when the client refuses to make proper disclosure; • when the client's or service user's interests conflict with the applicant's duties to the court or any other circumstances where withdrawal is required.

	Learning Outcome The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	Supporting Experience The applicant will need to provide evidence of: <i>(outcomes in italics are optional)</i>
	CONFIDENTIALITY AND PRIVILEGE <ul style="list-style-type: none"> an understanding of and the ability to apply the law and practice of confidentiality and privilege in a variety of practical contexts. 	<ul style="list-style-type: none"> Distinguish between legal advice privilege, litigation privilege Distinguish between confidential information and privileged information.
	COMPLAINTS AND NEGLIGENCE <ul style="list-style-type: none"> an understanding of the professional conduct rules as they are applied in practice and the steps that must be taken in the event that a mistake (or an act of negligence) has occurred. 	<ul style="list-style-type: none"> Identify the circumstances when a complaint could be made or negligence action may arise Explain what steps would need to be taken in respect of the identified, or potential, mistake or act of negligence Identify the appropriate professional conduct rules applying and the indicative behaviours that would need to be shown to deal with allegations of mistake or negligence.
Element 4 MANAGING IMMIGRATION WORK	FILE HANDLING <ul style="list-style-type: none"> An ability to plan and manage immigration cases, deliver a good legal service to clients or service user manage the client's or service users expectations, progress matters expeditiously maintain files and records in accordance with procedures 	<ul style="list-style-type: none"> Plan and prioritise a workload and manage files and tasks concurrently, efficiently, making the best use of available resources, exercise good judgment, be realistic (as to the client's or service user's expectations, proportionality, time or available funds) and sought support when necessary Deal with matters without causing delay. Maintain files and systems (which may include electronicsystems) appropriately and correctly Ensure that files are up to date and 'in budget' Manage financial transactions on the file correctly and appropriately.
	CASE ANALYSIS AND CASE PREPARATION An ability to formulate a case strategy which is: <ul style="list-style-type: none"> Compatible with the client's objectives and Is legally and procedurally sustainable 	<ul style="list-style-type: none"> Identify 'strengths' and the 'weaknesses' in a case Identify gaps in available evidence Draw up a realistic case plan Relate the case theory to the client's or service user's objectives and expectations Provide the client with a balanced view of the likely risks, costs and benefits of the case strategies Adopt a cost effective, analytical and pragmatic approach to the wider issues (which may include the client's or service users commercial objectives).

	Learning Outcome	Supporting Experience
	<p>The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:</p>	<p>The applicant will need to provide evidence of: (<i>outcomes in italics are optional</i>)</p>
	<p>DEALING WITH OTHER PROFESSIONALS</p> <ul style="list-style-type: none"> • An appropriate level of professionalism in establishing an effective working relationship with others involved in a legal matter • Identify and provide appropriate information to others involved in a matter which may include: instructing advocates, interpreters and experts 	<ul style="list-style-type: none"> • Deal with other professionals involved in a matter appropriately, professionally and ethically • Provide other professionals involved in a matter with appropriate information, instructions and guidance.
	<p>INSTRUCTING ADVOCATES</p> <ul style="list-style-type: none"> • An ability to instruct an advocate when necessary 	<ul style="list-style-type: none"> • Identify when a specialist legal opinion is required/ when it is necessary to instruct an advocate • Identify a suitably qualified/experienced advocate • Agree an appropriate fee for work to be carried out by the advocate • Draft a brief to the advocate providing appropriate information and instructions • Liaise between the client and advocate • Demonstrate an awareness of the obligations of the advocate to the court and under his professional obligations • Deal with the advocate in an appropriate and professional manner.
	<p>EXPERTS</p> <ul style="list-style-type: none"> • An ability to select, appoint and instruct an expert and show an awareness of the range of expertise that may be needed for a case 	<ul style="list-style-type: none"> • Appreciate the nature and function of different types of experts • Identify when it is appropriate to instruct an expert • Agree an appropriate fee for work to be carried out by the expert • Be familiar with the available registers and databases through which an appropriate expert may be identified and located • Instruct an expert appropriately applying relevant rules and protocol • Provide the expert with appropriate information, instructions and guidance • Deal with the expert in an appropriate and professional manner.
	<p>INTERPRETERS</p> <ul style="list-style-type: none"> • Ability to identify when there is a need for an interpreter 	<ul style="list-style-type: none"> • Identify situations in which the need for an interpreter has been identified and the steps taken to accommodate this.

	Learning Outcome The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	Supporting Experience The applicant will need to provide evidence of: <i>(outcomes in italics are optional)</i>
Element 5 LEGAL WRITING AND DRAFTING	<ul style="list-style-type: none"> • An ability to understand and apply the principles of good writing and drafting 	<ul style="list-style-type: none"> • Understand and apply the principles of good writing • Use accurate, straightforward and modern language • Use correct spelling, grammar, syntax and punctuation • Draft a document that is clear, logical, consistent and with appropriate structure and format • Draft a document that forms a coherent whole and, where appropriate, advance the matter, identify the client's objectives and priorities, provide a clear risk analysis • Address the document appropriately and accurately • Understand the appropriate use of e-mails, letters, memoranda and other forms of written communication • Choose the appropriate medium, form and style of written communication • Tailor the written communication to suit the purposes of the communication and the needs of different clients or recipients.
Element 6 DEALING WITH VULNERABLE CLIENTS	<ul style="list-style-type: none"> • Ability to identify and deal with vulnerable clients • Ability to identify and deal with sensitive issues • Avoiding discrimination and promote equality and diversity • Knowledge of appropriate agencies, understanding of their functions and identify need to signpost 	<ul style="list-style-type: none"> • Identify situations in which a client has been identified as vulnerable and the appropriate adjustments made to accommodate the vulnerability • Identify situations in which an issue has been identified as sensitive and the appropriate adjustments made to accommodate the sensitivity • Provide evidence of steps taken to avoid discrimination and promote equality • Identify situations in which the client needs to contact other agencies and provide appropriate signposting to those agencies.
Element 7 (Optional) ADVOCACY	<ul style="list-style-type: none"> • An appropriate level of experience of case analysis, critical judgement and evaluation • Ability to make effective written representations 	<ul style="list-style-type: none"> • Identify the relevant factual, legal and evidential issues in a given case logically, clearly and coherently • Identify the evidence available to both parties to prove these issues • Understand the strengths and weaknesses of a case • Understand the relevant law in context • Prepare a case theory that is both succinct and persuasive • Prepare a case theory that observes the rules of professional conduct.

	Learning Outcome The entry requirement to obtain immigration practice rights seeks to ensure that the applicant will be able to demonstrate that they:	Supporting Experience The applicant will need to provide evidence of: <i>(outcomes in italics are optional)</i>
	<ul style="list-style-type: none"> • Ability to make effective written submissions 	<ul style="list-style-type: none"> • Prepare effective written submissions on the identified issues citing relevant authorities, arguments for the case and use appropriate factual and legal arguments. • Identify the client's goals. • Analyse the relevant factual issues. • Understand the legal and evidential context in which these factual issues arise and how they relate to each other. • Summarise the strengths and weaknesses of each party's case. • Develop an effective case presentation strategy. • Outline the relevant facts in a clear, effective format. • Understand and use the English language proficiently in relation to legal issues.
	<ul style="list-style-type: none"> • Ability to respond to arguments presented during a hearing • Ability to identify circumstances in which it is appropriate to apply for adjournment or challenge case law • Ability to re-evaluate evidence 	<ul style="list-style-type: none"> • Present a sustained argument in a way which is comprehensible to others. • Prepare and present a coherent submission to the tribunal based upon relevant facts, general principles and legal authority in a structured, concise and persuasive manner in a practical setting in relation to a hearing • Understand and appreciate the relevant communication skills and techniques used by an advocate.
	<ul style="list-style-type: none"> • Ability to assess case to identify whether it should be referred to solicitor or counsel for judicial review claim 	<ul style="list-style-type: none"> • Make an appropriate decision to appear and represent the client at tribunal • Understand when it would be appropriate to cease to act as an advocate.

ANNEX 4

PRACTICE MANAGEMENT AND ACCOUNTS FRAMEWORKS

ANNEX 4 - 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
- 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 the relevant conduct rules and other law and regulations and where these may impact and 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:
<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
<p>Element 1</p> <p>BEING PART OF A PROFESSION</p>	<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.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	<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.
	<p>Demonstrate knowledge, understanding and appropriate application of effective procedures for compliance</p>	<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.
<p>Element 2</p> <p>CILEx REGULATIONS</p>	<p>CILEx PRACTICE RULES (GENERAL)</p> <p>Demonstrate knowledge, understanding and appropriate application of the scope of the CILEx practice rules</p>	<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.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	<p>CILEx PRACTICE RULES (ADMINISTRATION)</p> <p>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>	<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. <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 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.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	<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. <p>LEVEL 2b:</p> <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.
	<p>FILE MANAGEMENT</p> <p>Demonstrate knowledge, understanding and appropriate application of good file management</p>	<p>LEVEL 1:</p> <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. <p>LEVEL 2a:</p> <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. <p>LEVEL 2b:</p> <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.
<p>Element 3</p> <p>MANAGEMENT OF A LEGAL ENTITY</p>	<p>EXTERNAL INFLUENCES</p> <p>Demonstrate knowledge, understanding and impact of external influences on a business</p>	<p>LEVEL 1:</p> <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.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		<p>LEVEL 2a:</p> <ul style="list-style-type: none"> Ability to assess the impact of the current economic environment. <p>LEVEL 2b:</p> <ul style="list-style-type: none"> Knowledge, understanding and ability to identify pending legislation or professional changes that could affect the business.
	<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.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
		LEVEL 2a: <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
	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: <ul style="list-style-type: none"> • Knowledge and understanding of the use of IT in monitoring compliance and understand its advantages, including as a time saving device.
Element 4 BUSINESS ACUMEN	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.

QUALIFICATION CRITERIA	Learning Outcome An applicant must meet the following outcomes:	Supporting Experience The applicant will need to provide evidence of:
	<p>MARKETING</p> <p>Demonstrate knowledge, understanding and application of a marketing strategy which supports the business plan</p>	<p>LEVEL 1:</p> <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). <p>LEVEL 2b:</p> <ul style="list-style-type: none"> • Ability to create an effective marketing plan • Knowledge and understanding of various methods of social media • 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>PROFITABILITY</p> <p>Demonstrate knowledge, understanding and application of appropriate tools to determine profitability</p>	<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
QUALIFICATION CRITERIA 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:
	<p>CREDIT CONTROL AND DEBT COLLECTION</p> <p>Demonstrate knowledge, understanding and appropriate application of the creation of a credit control policy</p>	<p>LEVEL 1:</p> <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. <p>LEVEL 2:</p> <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. <p>LEVEL 2c:</p> <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.
	<p>NOMINAL LEDGERS</p> <p>Demonstrate knowledge, understanding and appropriate application of nominal ledgers for a legal entity</p>	<p>LEVEL 1:</p> <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. <p>LEVEL 2c:</p> <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.
	<p>ACCOUNTS</p> <p>Demonstrate knowledge, understanding and application of information relating to the financial position of a legal entity</p>	<p>LEVEL 1:</p> <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. <p>LEVEL 2a:</p> <ul style="list-style-type: none"> • Ability to determine the general financial position of a legal entity. <p>LEVEL 2c:</p> <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 employment 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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