

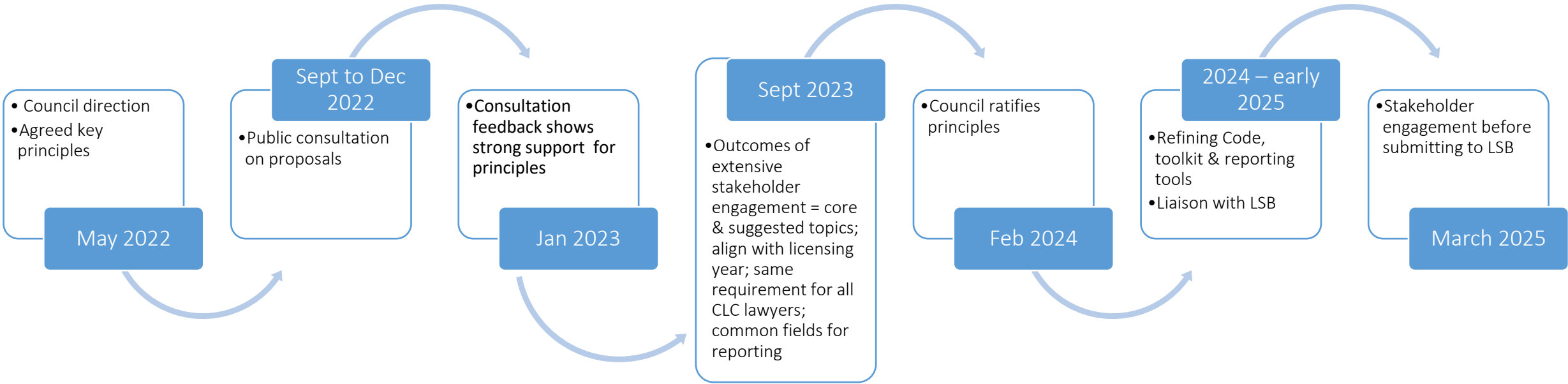
Ongoing Competence Code

Engagement Events

March 2025



Collaborative Policy Development: the story so far



What are we hoping to achieve?

Build upon the strengths of the previous CPD Code and Framework

Continue to achieve our Regulatory Objectives

Deliver on outcomes of LSB [Statement of Policy - Ongoing Competence](#)

Achieve the following outcomes:

- improved consumer outcomes and experience of legal services
- greater assurance regarding the breadth, relevance and impact of learning activities (i.e. CPD/Ongoing Competence activities)
- greater consistency in the topics that are covered and recorded
- more purposeful association of learning activities with impact and outcomes
- enhanced regulatory data capabilities achieved through analysis of standardised reporting

The key principles of the Code:



changes focus by replacing the hourly-based requirement with activity-based requirement with a proportion being 'assessed', a shift supported by 83% of 2022 consultation respondents



introduces a new Practice reporting requirement, supported by 84% of consultation respondents



enables ongoing competence activities to be used by the CLC as a tool for remediation, supported by 64% of respondents



prescribes Core Topics i.e. important areas of everyday practice all of which must be covered every 3 years



introduces Suggested Topics i.e. emerging risk and compliance issues identified through CLC's annual Risk Agenda to provide a steer on suggested topics



introduces Impact Statements to help focus on meaningful outcomes



continues to synchronise reporting with the licensing year, with compliance assessed through sampling of ongoing competence records



standardises requirements for all CLC lawyers irrespective of licence

CPD Ongoing Competence: CLC Lawyer

What is not changing:

CLC lawyers should continue to reflect on their development needs, knowledge gaps and career aspirations and undertake activities that will enable them to:

- maintain professional competence so they can provide high quality legal services
- enhance their legal technical knowledge to protect consumers and the public
- manage risks and commercial performance.

Mandatory annual requirement and reporting requirement.

What is changing:

- CPD Code and Framework replaced with 'Ongoing Competence Code' and 'Toolkit'.
- Hours replaced with activities, CLC lawyers must annually complete, at a minimum, 8 ongoing competence activities of which 50% must be assessed.
- All Core Topics must be covered within the 3-year cycle.
- The Toolkit sets out the Core and Suggested Topics, and Impact Statements. Reviewed in 3-year cycles.
- To be aware of - the Code requires Practices to nominate a Responsible Officer to plan and annually report on the ongoing competence activities of key compliance personnel (CLC registered managers, HoLPs, HoFAs & MLROs).

CPD Ongoing Competence: CLC Practice

What is not changing:

CLC Practices should continue to consider risks & issues across the practice when planning learning activities of key compliance personnel.

They already do this in order to:

- manage risks and commercial performance of their practice
- maintain the practice's competence so it can provide high quality legal services.

What is changing:

- NEW Annual reporting requirement, whereby a nominated Responsible Officer (CLC Manager, HoLP, HoFA or MLRO) records and reports on ongoing competence activity of key compliance personnel (at a role level).

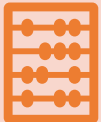
The purpose of introducing the annual reporting requirement is to ensure the practice is considering risks and issues to de-risk its practice, and that key compliance personnel are undertaking appropriate learning activities.

For clarity, there are no minimum activity requirements for practices to ensure are completed.

What we mean by 'assessed'



Assessed activities: activities where the CLC lawyer's sound understanding of the topic is informally or formally assessed, verified or evaluated. This could be through formal and informal post-training assessment (which produces a certificate/pass mark); recorded feedback or evaluation which is countersigned by a suitably qualified peer or colleague.



Assessed activity does not necessarily mean paid-for activity.
Assessed activities should cover a range of different topics and types of assessments over the three years; we do not expect the same assessment to be repeated each year, or identical topics to be assessed each year.



Non-assessed activities: activities completed without the CLC lawyer's understanding being informally or formally assessed, verified or evaluated. This could include attending conferences, seminars, workshops or webinars, delivering in-house training.

Discussion



VIABILITY

We welcome your feedback on clarity, viability and impact:

Clarity:

1. Do you understand what is required of you as a CLC Lawyer / CLC Practice?
2. Do you understand what an 'assessed activity' is?
3. If not, what or how could we improve?

Viability:

4. Is the number of activities per year feasible?
5. Is the number of assessed activities per year feasible? (4 activities per year must be assessed)
6. Is the reporting requirement for practices appropriate and achievable?

Discussion (continued)



Impact:

Current CPD Code and Framework does not make any exemption for lawyers taking time out on maternity, paternity or adoption leave whilst keeping their licence but does for those who have periods of leave due to medical or capacity issues (sometimes extending the time to complete requirements or waiving the requirements).

Currently a robust approach which supports the individual as well as provides assurance about their ongoing competence. We are evaluating whether to continue this approach:

- One of the concerns with prorating requirements is that some may do significantly less ongoing competence over multiple years, if they have more than one period of maternity/paternity or adoption leave.
 - One of the benefits of prorating requirements (retrospectively at licence renewal), could mean there are less barriers for parents to return to work. Many other regulators who prescribe a set number of activities/hours pro-rata their requirements for these individuals.
7. Should the CLC consider options for adjusting the ongoing competence requirements for those returning from maternity/paternity or adoption leave, retrospectively at licence renewal and/or when they re-apply for a licence?
8. Any other impacts that the CLC should consider which we have not already?

Q&A



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Thank you for joining
today, we would love
your feedback

<https://forms.office.com/e/C9zsfwnszH>

**Proposed Ongoing Competence
Code - opportunity to
ask questions or provide feedback**

