

## Annex 1 – Proposed Ongoing Competence Code (v6 DRAFT)



### Ongoing Competence Code

This Code should be read alongside the Code of Conduct. The Code of Conduct applies to and supports all CLC codes and Frameworks. All CLC regulated individuals and bodies are expected to comply with the Code of Conduct in the delivery of authorised reserved legal activities and permitted non-reserved legal activities.

In this Code ‘you’ refers to individuals and bodies regulated by the CLC (unless otherwise specified). You must ensure that you always comply with the Code of Conduct and topic specific Codes and must not permit anyone else to act or fail to act in such a way as to amount to a breach of this Code, the Code of Conduct, or the Ethical Principles. Should circumstances arise in which there is an apparent conflict between a topic specific Code, the Code of Conduct, or any other regulatory requirement, you must ensure that you comply with the Code of Conduct.

#### Introduction

This Code aims to safeguard the interests of consumers by ensuring that CLC licensed lawyers *and* practices are competent to deliver legal services to the highest standards.

This Code departs from the former hours-based requirement and instead requires lawyers and practices to undertake a prescribed number of ongoing competence activities which are outcomes- and impact-focused and which cover a range of prescribed topics.

#### The requirements

1. You must meet the specified annual ongoing competence requirements as a condition of your licence.
2. You must plan and complete the ongoing competence requirements set out in this Code in the format prescribed by the CLC from 01 November to 31 October each year.

The prescribed formats are explained in the CLC’s Ongoing Competence Toolkit.

#### Requirements for CLC-Lawyers

*Applicable to all CLC-licensed Lawyers including ‘Single-licensed’ (Conveyancing or Probate) and ‘Dual-licensed’ (Conveyancing and Probate).*

3. You must plan and complete four assessed<sup>1</sup> and four non-assessed<sup>2</sup> activities between 01 November and 31 October each year.

---

<sup>1</sup> **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.

<sup>2</sup> **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 or delivering in-house training.

4. The assessed and non-assessed activities referred to at 3 above may cover any of the Core Topics or Suggested topics (as defined in the Ongoing Competence Toolkit), provided that over three years you complete no less than one activity covering *each of the Core Topics* (these can be assessed or non-assessed activities).
5. You must plan and undertake appropriate educational, training and/or learning activities to maintain your professional and occupational **knowledge** in keeping with your professional responsibilities (including breadth of legal advice, supervisory responsibilities and career progressions),
6. You must plan and undertake appropriate educational, training and/or learning activities to maintain your professional and occupational **skills** in keeping with your professional responsibilities (including breadth of legal advice, supervisory responsibilities and career progressions),
7. You must plan and undertake appropriate educational, training and/or learning activities to maintain your professional **behaviours** in keeping with your professional responsibilities (including breadth of legal advice, supervisory responsibilities and career progressions),
8. You must plan and undertake appropriate educational, training and/or learning activities to ensure that the legal advice you provide is informed by appropriate and relevant legislative and regulatory requirements.
9. .
10. You must record your ongoing competence activity using the format prescribed by the CLC.
11. You must submit a fully completed, self-certified, record of your activities in the CLC's prescribed format (including the evidence for each completed activity) by 31 October each year as evidence of meeting this Code.

## **Requirements for CLC-Practices**

*Applicable to all CLC-regulated Practices*

*'Key Compliance Personnel' denotes individuals with specific compliance responsibilities such as: a CLC Registered Manager; HoLP (Head of Legal Practice); HoFA (Head of Finance and Administration); MLRO (Money Laundering Reporting Officer), although a practice may decide to include others.*

12. You must plan and undertake appropriate educational, training and/or learning activities to maintain the professional and occupational **knowledge** of your Key Compliance Personnel in keeping with the practice's professional responsibilities (including breadth of legal advice, supervisory responsibilities and risk mitigations),
13. You must plan and undertake appropriate educational, training and/or learning activities to maintain the professional and occupational **skills** of your Key Compliance Personnel in keeping with the practice's professional responsibilities (including breadth of legal advice, supervisory responsibilities and risk mitigations),
14. You must plan and undertake appropriate educational, training and/or learning activities to maintain the professional and occupational **behaviours** of your Key Compliance Personnel in keeping with the practice's professional responsibilities (including breadth of legal advice, supervisory responsibilities and risk mitigations),
15. You must plan and undertake appropriate educational, training and/or learning

activities to ensure that the legal advice you provide is informed by appropriate and relevant legislative, regulatory requirements.

16. You must nominate an individual at the practice to act as your 'Reporting Officer' for the purposes of this code.
17. You must ensure that the 'Reporting Officer' is a CLC Registered Manager.
18. You must record the ongoing competence activities completed by the Key Compliance Personnel in the format prescribed by the CLC.
19. You must ensure the Reporting Officer submits a record of your activities in the CLC's prescribed format by 31 October each year as evidence of meeting this Code.

DRAFT