



**Proposed CLC Lawyer Standards for newly qualified licensed conveyancers
and licensed probate practitioners
Proposed CLC Education Framework**

CLC Consultation Paper
June 2016

Submission Deadline: 5pm on Friday 5 August 2016

Summary

- A. As a regulator the CLC has an important role in setting standards of education which need to be achieved for individuals to apply successfully for a licence to practise as a licensed conveyancer or as a CLC probate practitioner. The CLC has decided to move away from the additional role it has carried out since the mid 1990s of managing directly the education and training of licensed conveyancers and latterly of CLC probate practitioners. It has appointed an Awarding Body which will take over much of the CLC's oversight role from September 2016. The CLC has also supported a conveyancing and a (separate) probate apprenticeship consortium.
- B. This has prompted the need for the CLC to publish a document (Annex 3) making clear the 'day one outcomes' in knowledge, skills and attributes applicants are expected to demonstrate when they are first issued with a licence. This will be refreshed regularly.
- C. As part of its support for the conveyancing and probate apprenticeship schemes the CLC has agreed to host a voluntary register of CLC technical lawyers (Annex 4) which is designed to record the fact that individuals have attained specific levels of education. It is intended that the register will be accessed both by students and by employers and potential employers of those students.
- D. The draft Education Framework reflects the changing role of the CLC, emphasising its continuing role in setting standards (Annex 1). As is made clear in this consultation paper, the changes it proposes are in line with the recommendations of the Legal Education and Training Review and the Guidance published by the Legal Services Board.

Questions

1. Do you agree the draft Education Framework (Annex 1)?
2. Do you agree the Expectation on Qualification Statements in the CLC Lawyers Standards (Annex 3) describe the appropriate level of ethical, professional and occupational competence of a newly qualified Licensed Conveyancer and/or a Licensed Probate Practitioner?
3. Do you agree the Technical Competency Statements in the CLC Lawyers Standards (Annex 3) reflect correctly the newly qualifying individual's role and set the appropriate benchmark for activity centric competence; for example, Conveyancing, Probate or Will-Writing?
4. Do you agree the purpose of the CLC Legal Technician Voluntary Register (Conveyancing and Probate) User Proposition (Annex 4)?

Responding to this Consultation

1. You are invited to answer the questions on page 1.
2. When you respond could you please give your name and address and your status, (job or professional title) or professional qualification.
3. The CLC reserves the right to publish any response and to refer to it specifically in any further document it publishes following this Consultation. If you wish your response to be treated as confidential could you please let us know when you respond.
4. You can respond by email by [clicking here](#) or by post to

The Council for Licensed Conveyancers
CAN Mezzanine
49-51 East Road
London
N1 6AH

Or by to DX 36603 FINSBURY

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Background

5. The Council for Licensed Conveyancers (CLC) is required by the Administration of Justice Act 1985 to make education and training rules, and to set standards. Since the early 1990s the CLC has directly been responsible for setting the syllabus, preparation of course materials, setting and marking exams and managing the distance learning course. Some colleges have enrolled students but numbers on those courses have been relatively low because students tend to be thinly spread throughout the country, rather than concentrated in any particular area.
6. The CLC has recognised for some years that it should not be its role as a regulator to have direct responsibility for management and delivery of education for CLC students. That view was reinforced by the Legal Education and Training Review (LETR)¹ which reported in June 2013 recommending that regulators should set out day one outcomes for knowledge, skills and attributes expected of a competent member. In March 2014 (after the CLC had taken the decision in principle to move away from the direct delivery of education) the Legal Services Board (LSB) published guidance² setting out its expectations of the regulatory arrangements for education and training regulators should have in place to deliver outcomes, two of which are most relevant for the changes the CLC currently intends to make:
 - Education and training requirements focus on what an individual must know, understand and be able to do at the point of authorisation
 - Providers of education and training have the flexibility to determine how to deliver training, education and experience that meets the outcomes required.
7. The CLC has agreed principles which will determine its future educational framework in response to the LETR outcomes and the LSB Guidance to achieve a balanced educational model:
 - a) create a clear divide between regulatory and educational responsibilities
 - b) increase flexibility and currency of the CLC qualifications across the legal education market
 - c) increase opportunity and routes into the conveyancing profession.

Trailblazer Apprentices

8. In the autumn 2013 the CLC agreed to work with a Trailblazer Consortium to develop a conveyancing apprenticeship scheme, and subsequently with a separate Trailblazer Consortium to develop a probate apprenticeship scheme, in each case to develop higher apprenticeship qualifications as part of an additional non-graduate pathway into the regulated professions, subject to the approval of the Skills Funding Agency (SFA). The Conveyancing Technician and Licensed Conveyancer Apprenticeship Standards were

¹ <http://www.lettr.org.uk/wp-content/uploads/LETR-Report.pdf>

² http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/20140304_LSB_Education_And_Training_Guidance.pdf

published by the SFA in July 2014. The assessment plans for each of those Standards³ were published in October 2015. This coincided with the publication of the CLC's Standards for a Probate Technician. The Assessment Plan for the probate Apprenticeship is in production and will after consultation be ready for submission to the SFA in August/September 2016.

9. The Conveyancing Consortium has for some months been working closely with an Awarding Organisation and a number of training providers to determine the final delivery arrangements before submitting these in June 2016 to the SFA for wider consultation and then approval. Confirmation from the SFA is expected in August 2016 at which time training organisations will be able to apply to the SFA for standard contracting arrangements. The first apprentices are due to start training in autumn 2016.

Appointment of Awarding Organisation

10. In 2015 the CLC agreed terms for the Scottish Qualifications Authority (SQA), a national awarding organisation authorised by Ofqual, to develop a joint qualification leading the licensed conveyancer and probate practitioner, to quality assess the delivery of the qualification, check candidates' achievements against conditions of award and issue certificates, whilst the CLC retains its core responsibility for setting standards. Accreditation of the qualification framework by Ofqual ensures that the standards reached by students in assessments are nationally recognised which makes them portable, and that as they are subject to review by Ofqual they will remain current and relevant to modern practice.
11. SQA is working in partnership with conveyancing and probate professionals and academics to ensure the new qualification materials for CLC Conveyancing and Probate Technicians, Licensed Conveyancers and Licensed Probate Practitioners are truly fit for purpose for modern legal firms. SQA aims to increase the mutual recognition of qualification transferability across reserved activities and to introduce new pathways to qualify; such as the new Apprenticeships routes. SQA are currently identifying providers who will work with them to deliver the course programmes from September 2016. It is for the SQA to agree with individual providers how courses should be delivered. The CLC will not participate in the approval process for providers.
12. CLC expects the new qualification framework to improve access, diversity and growth in to the profession and ultimately to provide a robust future pipeline of qualified individuals filtering through into licensing.
13. The CLC apprenticeships will become available later in 2016 once all government requirements have been met. The Conveyancing and Probate Technician

³ a guidance document setting out technical requirements for the assessment of Apprentices aimed at the providers of education and training

Apprenticeships now provide new recognition for individuals working in productive junior level roles in legal firms and builds on the CLC's established approach to helping firms grow their own pipeline of qualified lawyers.

Transitional Arrangements

14. The CLC has been working with students to ensure that as many as possible complete their studies and are able to apply for their licence. An additional exam sitting has been announced for October 2016 to enable as many students as possible to complete their current unit of study so that they can carry over credits from the equivalent units on the new course.

About the standards

15. The CLC Lawyer Competency Standards have been developed in line with recommendations from LETR to ensure newly qualified lawyers meet the Standards ('day one outcomes') and as recommended by the LSB the requirements for eligibility to apply to become a CLC lawyer, namely:
 - a Licensed Conveyancer, licensed by the CLC to provide the reserved legal activity of conveyancing, with the addition of probate, if so qualified; or
 - a Licensed Probate Practitioner, licensed by the CLC to provide the reserved legal activity of probate.
16. The standards will be in place to ensure newly qualified individuals are competent to
 - 1) understand and comply with the CLC's regulatory regime and lender requirements, and
 - 2) demonstrate that their behaviours comply with the outcomes set out in the CLC's Code of Conduct.
17. They set the level of competence needed for professional practice by CLC Lawyers at the point of qualification to conduct and deliver the full range of services within their chosen reserved activity, and has two core areas:
 - Expectations on Qualification to demonstrate the ability to form proper outcomes and a competent performance; and
 - Technical Competency Statements.
18. The programme of education and training prescribed by the CLC covers an extensive range of conveyancing and probate topics common to standard transactions. The CLC's expectation is that newly qualified Licensed Conveyancers and Probate Practitioners should each have a level of knowledge of these topics at the point they are first issued with a licence.

19. The CLC expects CLC lawyers to continue their training after they have qualified to ensure that in-depth knowledge of non-standard matters is developed to support the individual's increased exposure to non-standard matters as their career progresses. This will ensure that all CLC lawyers remain competent and compliant. The CLC will review its requirements for Continuing Professional Development in 2017.

Why are the standards important?

20. The introduction of the Standards provide a clear statement of the CLC's expectations of education provision: to promote an independent, strong, diverse and effective profession providing services regulated by the CLC. They focus on what an individual must know, understand and be able to do at the point of authorisation. The Standards reinforce the CLC regulatory objective to secure the protection of consumers of legal services and of the public interest by ensuring the legal service is provided by an individual who has been assessed as professionally competent. They are framed from the starting point of universal requirements which are then focused on the specific requirements for the delivery of conveyancing and probate services.
21. The CLC's [Code of Conduct](#) identifies six Overriding Principles based on the professional principles set out in the [Legal Services Act 2007](#). Expectations on Qualification sit under the Overriding Principles. They form the basis of the Standards for education and training, set out what a CLC lawyer should be able to understand and to do, and establish a threshold for competence to practise.

Who are the Standards for?

22. The Standards apply to any individual or organisation intending to participate in the design, award, delivery and assessment of education and training leading to an application for a CLC licence including:
 - awarding organisations;
 - education and training establishments;
 - employers who deliver in-house education;
 - students working towards qualification as a CLC Lawyer.

The Standards may also be of interest to a range of stakeholder such as the LSB, the Legal Services Consumer Panel and other regulators of lawyers.

23. The CLC has already had extensive discussions over a two year period with academics, providers and the profession in the formulation of the Standards.
 - March – May 2014 - Consultations with the employer members of the apprenticeship consortium to define day one outcomes – a number of sessions through 2014
 - May- 2014, Standards were mapped against the current CLC educational outcomes for parity – this was an internal simultaneously with an external exercise
 - Oct 2014 – Reviewed by the CLC's Senior Management Team

- Jan –March 2015 - the draft Standards were further in consultation with Professional Council Members
- March – April 2015 - review and comment by academic staff (CLC examiners) and then a number of independent Higher and Further Education providers

CLC Legal Technician Voluntary Register

24. The CLC Technical Lawyer Voluntary Register will provide a place where CLC Lawyer Technicians can register and where employers and potential employers are able to validate the achievements of CLC Technician Lawyers.

Generally

25. Since the Standards will be set within the context of Ofqual regulation and quality assured by SQA as an Awarding Organisation, the CLC does not anticipate making an application to the LSB for approval of the CLC Lawyer Standards (Annex 3) nor of the CLC Legal Technician Voluntary Register (Conveyancing and Probate) (Annex 4). However, the CLC acknowledges that in the context of its approval of the CLC Education Framework, the LSB will wish to be advised of progress on both these matters.

Changes to CLC Education Framework

26. The articulation of standards is part of the wider development of a new range of qualifications within the CLC's education framework. The Standards will help to improve the accessibility and flexibility of educational routes into CLC licensed conveyancing and probate practice.
27. The CLC will no longer require students to register with the CLC before being eligible to start studying. That will be a matter for the individual training providers to manage. The CLC's direct regulatory engagement with any individual will only commence when it carries out due diligence at the point an application is made for a licence. It is therefore possible that an application for a licence to practise as a licensed conveyancer may be refused at the point of licence because of issues raised in the due diligence process (such as a criminal conviction for dishonesty). These requirements are already set out in the CLC Licensed Conveyancer Licensing Framework⁴.
28. Given that the CLC will have no direct engagement with education and training, students will no longer have to pay a registration fee or annual renewal fee whilst they continue studying. Providers of education and training will have the flexibility to determine how to deliver training, education and experience which meets the outcomes required, subject to the oversight of SQA. SQA will be responsible for ensuring that providers are able to demonstrate how their approach enables candidates to achieve the expectations on qualification set by the CLC.
29. The new education arrangements will not predetermine approval by prescribing particular routes. A student may take a number of routes to authorisation. No one route is prescribed as the 'gold standard'.

⁴ Paragraph 1 http://www.conveyancer.org.uk/CLCSite/media/PDFs/4_Licensed_Conveyancer_Licensing_Framework.pdf

30. As explained at paragraphs 10-13 above, the extension of CLC approved qualifications will be supported by introduction of a new national Qualification Partnership with SQA, an Ofqual regulated national Awarding Organisation. The partnership will enable the CLC to retain its professional standards setting role for the education of CLC Lawyers whilst helping it to bring about a number of significant improvements, including:
- a. the introduction of new technician level qualifications for conveyancing and probate, and standalone licensed probate practitioner qualifications;
 - b. increasing availability of CLC courses and improving access and choice for training and studying (this will include the addition of Further Education Colleges, Universities and professional training organisations);
 - c. opening up a number of routes to qualify where government funding is available;
 - d. increasing the number of education and training providers approved to deliver CLC qualifications.
31. Paragraphs 22-26 of the current CLC Student Training Framework (Annex 2) set out the Practical Training Requirements. These are replicated at paragraph 1(d)(i) of the CLC Licensed Conveyancer Licensing Framework⁵. No further amendment is needed, aside from a minor amendment to the definition of ‘Qualified Person⁶’ in the Glossary to the CLC Handbook by omission of the introductory phrase ‘under the Student Training Framework this means’.
32. The CLC Education Framework at Annex 1 reflects the changes proposed which result in the CLC moving away from the direct delivery of education. This function will be undertaken by providers approved by the SQA, whilst the CLC retains its core function of setting standards of education and training.

Next Steps

33. The new qualifications framework will become available from September 2016. In the interim SQA will be seeking approval for the qualifications from Ofqual and is putting in place the approval specification and quality assurance processes to manage the education and training delivery base. At the heart of these developments is the appointment by SQA of a number of conveyancing and probate professionals who will ensure that new centres meet the CLCs requirements for occupational competence and levels of expertise.

⁵ http://www.clc-uk.org/CLCSite/media/PDFs/4_Licensed_Conveyancer_Licensing_Framework.pdf

⁶ Which states ‘under the Student Training Framework this means an individual who has for a cumulative period of five years in the seven years prior to the start of the period of supervision in question been authorised by an approved regulator to carry on the reserved legal activity the subject of your Intended Licence and has carried on that reserved legal activity as his or her principal form of practice during that five year period’

Annex 1
Proposed CLC Education Framework
To come into force after it has been approved by the LSB



CLC Education Framework

1. The CLC determines the standards of education which individuals must receive to become:
 - a) a CLC Registered Technician; and
 - b) a CLC Lawyer,and agrees how they are assessed.

Annex 2
Current Student Training Education Framework

For comparison purposes

The Framework will cease to have effect when the Education Framework comes into force (following approval by the LSB)



CLC Student Training Framework

Outcomes-Focused

This Code seeks to ensure that only those able and committed to delivering the **CLC's Code of Conduct's Outcomes** for **Clients** are awarded a Practising **Licence**.

Applications

1. The student application must be in the form prescribed by the **CLC** and accompanied by the required fee.
2. The application must state whether you intend to train to acquire:
 - a. a **conveyancing licence**; and/or
 - b. a **probate licence**; and/or
 - c. a **litigation licence**; and/or
 - d. an **advocacy licence**; andthis is referred to below as the "**Intended Licence(s)**".
3. The application and any notice given to the **CLC** must be addressed to the **CLC's** offices at 16 Glebe Road, Chelmsford, Essex, CM1 1QG, to such other address as may be designated by the **CLC**, or made online via the **CLC** website.
4. The application must be fully completed and must demonstrate to the satisfaction of the **CLC** that you are a **fit and proper person** to be registered as a student.
5. If the **CLC** considers it appropriate, you must support your application with a statutory declaration and produce such other evidence as it may request to support your application.

Registration Determinations

6. The **CLC** will notify you of its determination within 28 days after it has received your application properly completed.
7. The **CLC** will give reasons for refusing any application.

Application acceptance and rejection

8. If your application is accepted you will be entitled to call yourself a **CLC Registered Student**.
9. If your application is not accepted you may appeal in writing to the **CLC** within 28 days after the CLC sent you notification that the application had been refused.
10. The **Adjudication Panel** will determine any appeal not more than 90 days after it has been received by the CLC.

CLC Registered Students

Examinations and Qualification

11. The **CLC** determines the syllabus.
12. The **CLC** may provide:-
 - a) for examination and assessment of various types and levels and at different times;
 - b) for limiting the number of times **candidates** who may attempt any qualifying examination and the effect of failure to achieve the required standard; and
 - c) the maximum period during which **candidates** must successfully complete all **qualifying examinations** and the effect of failure to do so within that time limit.
13. **Qualifying examinations** will be held on dates determined by the **CLC**.

Examination Concessions

14. As a student, you should attend **CLC qualifying examinations**.
15. If, having presented yourself for a **CLC** qualifying examination, you consider your performance to have been adversely affected as a result of illness or exceptional circumstances, you may apply to the **CLC** within 21 days of the examination for a concession to be granted.
16. In considering the concession application, the **CLC** may require you to:
 - a) support your application by a statutory declaration and production of other evidence requested; and/or
 - b) attend an interview; and/or
 - c) comply with any other steps the **CLC** considers necessary.
17. The granting of a concession is at the discretion of **CLC** which may:-
 - a) grant a concession with or without **conditions**; or
 - b) refuse the application.
18. In determining an application for concession the **CLC** will take account of the results you obtained in the examination to which the application relates.

19. The CLC will determine an application for concession within 42 days after expiry of the time limited for making such an application.
20. You will be notified of the grant or refusal within 14 days after a determination has been made.
21. Within 28 days after the **CLC** has sent notification of a refusal, you may appeal to the **Adjudication Panel** which will determine the appeal not more than 90 days after it has been received by the CLC.

Practical Training

22. **Practical Training** must be completed no later than 10 years after the **CLC**'s acceptance of your application to become a **CLC Registered Student**.
23. As a student you must produce evidence of completion of your **Practical Training** to the **CLC** at its request and in such form as it may require.
24. "**Practical Training**" means you are engaged in the provision of **Legal Activities**⁷:
 - a) associated with your **Intended Licence(s)**;
 - b) for the equivalent of 1,200 chargeable hours which must be documented;
 - c) at all times subject to the supervision of a **Qualified Person**; and
 - d) which, in the opinion of the **CLC**, is current, relevant and of an adequate standard.
25. A "**Qualified Person**" is an individual who (for a cumulative period of five years in the seven years prior to the start of the relevant period of supervision) has been authorised by an **approved regulator** to carry on the **reserved legal activity** the subject of your **Intended Licence** and has carried on that **reserved legal activity** as their principal form of practice during that five year period.
26. The **CLC** will judge the standard to be adequate if you have gained practical experience as certified in the 'Checklist for **Practical Training**' issued by the **CLC**.

Annual Registration

27. As a **registered student**, you must pay to the **CLC** on the first day of September (or such other date as the **CLC** may determine) each year the annual registration fee as prescribed by the **CLC**.

Variation

28. Except as provided at 15-20, the CLC may in its absolute discretion vary the effect of the **CLC** Student Training Framework either generally or in specific circumstances provided it is satisfied that:
 - a. the variation will not impact adversely on the regulatory objectives, in particular the protection of the interests of consumers; and
 - b. it is reasonable to do so.

⁷ Adopting the definition at s.12 of the 2007 Act.

Annex 3 The CLC Lawyer Standards

The Framework



Overriding Principles

The CLCs Overriding Principles set the established benchmark for its regulatory standards in the CLC Code of Conduct.

The new framework uses Expectation on Qualification Statements based on an assessment of ethical, professional and occupational competence. This approach is less prescriptive about the way in which technical knowledge is acquired and instead focuses on the newly qualified conveyancer's ability to demonstrate knowledge through competency to practise.

This will encourage the emergence of more varied and flexible routes to qualify as a CLC lawyer and responds to the demand by legal practices for newly qualified staff that are job and accountability ready.

Expectations on Qualification Statements

Expectations on Qualification Statements are used by the CLC to describe competence at the point of entry into professional practice. Expectations on Qualification Statements encompass under the Standards the level of legal and regulatory knowledge, and ethical and professional conduct, expected of CLC Lawyers.

Under the CLCs Overriding Principles six Expectations on Qualification Statements (A to F) set the benchmark for assessment expected of newly qualified CLC Lawyers.

Technical Competency Statements

Technical Competency Statements support Expectations on Qualification Statements A, B, and C and represent the newly qualifying individual's role and set the benchmark for activity centric competence; for example, Conveyancing, Probate or Will-Writing.

Technical Competency Statements are indicative of the skills required effectively to perform, deliver and satisfactorily to conclude the service provided to client(s).

In order to meet the Standards, a student will need to demonstrate that their practice or ability to practise is consistent with the Technical Competency Statements relevant to the service being provided.

Overriding Principle 1 Act with independence and integrity

Expectation on Qualification Statement A: Newly qualified CLC Lawyers must have a comprehensive legal and regulatory knowledge:

- of the principles of Law applicable to the service provided: they must be able to apply these principles, to explain them using plain English, and to understand and explain standard legal terms;
- of the management of legal and regulatory issues applicable to the individual client(s) and the CLC regulated practice: they must be able to discharge satisfactorily all professional obligations so as to not compromise clients(s) interests;
- to distinguish between different types of regulatory risk associated with client(s) and with the CLC Practice.

Technical Competency Statements for Conveyancing

1. Able to identify the nature of legal service provision required for client(s) on a full range of conveyancing matters inclusive of: professional accountability and consumer rights and protection afforded.
2. Able to conduct and manage legal matters arising in a typical residential conveyancing transaction, including leasehold.
3. Able to identify when a matter becomes complex, for example where the meaning of a document setting out legal rights to a property is disputed, and

requires in depth knowledge and/or greater experience in order satisfactorily to conclude the matter.

Technical Competency Statements for Probate

- a. Able to identify the nature of the legal service provision required to administer an estate to include the formal requirements for the validity, revocation and alterations of wills and codicils and intestacy provisions.
- b. Able to recognise and apply the provisions of claims against the estate which may include the Inheritance (Provision for Family and Dependents) Act 1975 or constructive/resulting trust.
- c. Able to identify when a matter becomes complex, for example in relation to taxation of estates, Agricultural Property Relief /Business Property Relief, lifetime gifts, foreign assets, cross border and domicile issues.

Overriding Principle 2 Maintain proper standards of work

Expectation on Qualification Statement B: Newly qualified CLC Lawyers must have a comprehensive knowledge of processes relating to the legal service provided and be able to apply legal research and analytical skills to:

- manage legal files, case management and accounting systems in order to provide a timely service; keeping the client(s) appropriately informed at all times;
- draft and review legal documents related to the service provided;
- manage case management systems and associated risks to identify solutions using all reasonable methods so that lawful and satisfactory conclusions are reached in the interests of client(s);
- secure when appropriate advice from across the wider legal and financial services environment to ensure lawful and equitable outcomes in the best interest of client(s).

Technical Competency Statements for Conveyancing

4. Able to identify and implement appropriate means to rectify defects in the title to establish good marketable title for conveyancing matters, including essential research, and communication with peers and third parties to provide clear advice to client(s).
5. Understand how to draft the contract(s) for transactions on all titles.

6. Has a detailed knowledge of the principles of exchange of contracts and completion, and where any variation of the standard arrangements for the transfer of property is appropriate.
7. Has a detailed knowledge of pre-Completion, Completion and post Completion requirements.

Technical Competency Statements for Probate

- d. Understands how drafting of a will affects the administration of an estate in relation and is able to provide explanation of the different types of gifts and in particular where abatement or ademption is applicable.
- e. Able to provide clients(s) with explanation of the law and practice governing the intestacy provisions, to include partial intestacy.
- f. Understands the importance of time limits in relation to estate administration to include section 27 Trustee Act 1925 Notices, interest payable on Inheritance Tax, Deeds of Variation and limitation periods.
- g. Able to identify and implement appropriate means to recognise what type of grant of representation is appropriate including where there is or is not a valid will and the valid appointment of an executor or administrator and prepare the requisite Oath to effect this.
- h. Has a detailed knowledge of the law and practice governing the payment of estate debts, taxes and administration expenses; and what is required for the proper completion of Inland Revenue accounts required by H.M.Revenue and Customs.

Overriding Principle 3 Act in the best interests of each Clients

Expectation on Qualification Statement C: Newly qualified CLC Lawyers must have a comprehensive regulatory knowledge and an understanding of their personal responsibility to:

- identify when the level of risk exceeds the scope of professional service provided;
- verify full and adequate courses of action by taking advice and guidance from other professionals;
- provide robust client protection and confidentiality arrangements and maintain robust regulatory, accounting and financial procedures;
- establish processes to ensure any client complaints or issues are dealt with impartially and comprehensively in a timely manner;
- ensure compliance with the CLCs regulatory regime and any third party requirements, in order to deliver satisfactory outcomes on behalf of client(s) and the CLC regulated practice;

- identify risk and formulate appropriate steps to mitigate risk.

Technical Competency Statements for Conveyancing

8. Able to identify risk and determine steps to be taken to mitigate risk and in particular:
 - i. able to determine what actions are necessary to manage the financial implications of a completion including the lender'(s) requirements to manage the lenders security appropriate to the client(s) and property;
 - ii. able accurately to reconcile client financial outcomes pertinent to the transaction and remedy any arising issues;
 - iii. able to recognise and manage professional liabilities in relation to client(s) and the practice in order to discharge satisfactorily all necessary and appropriate obligations;
 - iv. able to provide appropriate legal advice relevant to the transaction to enable client(s) to make informed decisions.

Technical Competency Statements for Probate

- i. Able to identify risk and determine steps to be taken to mitigate risk and in particular:
 - i. able to determine what actions are necessary to manage the financial implications of administering an estate to conduct matters associated with the powers and duties of personal representation to administer estates;
 - ii. able to manage the process of getting in estate assets and making claims on behalf of the estate; including recognising the nature of any charge, what is chargeable, appropriate exemptions, reliefs and anti—avoidance provisions;
 - iii. able to recognise and manage professional liabilities in relation to the estate administration and any fiduciary duties in order to discharge satisfactorily all necessary and appropriate obligations;
 - iv. able to provide appropriate legal advice relevant to the provision to enable client(s) and their beneficiaries to make informed decisions.

Overriding Principle 4 Comply with your duty to the court

Expectation on Qualification Statement D: Newly qualified CLC Lawyers must understand their professional accountability to the Court.

Overriding Principle 5 Deal with regulators and ombudsmen in an timely and co-operative way

Expectation on Qualification Statement E: Newly qualified CLC Lawyers will be accountable for:

- managing internal and external professional relationships, dealing with other lawyers and professional third parties;
- resolving issues impartially and comprehensively; including recognising where the service provided is not of the expected standard and identifying the course of action to provide appropriate redress for the client where necessary;
- managing compliance with the CLC's Regulatory Arrangements;
- up-holding regulatory and client ethics by ensuring all activities are conducted as required and expected by the CLC.

Overriding Principle 6 Promote equality of access and service

Expectation on Qualification Statement F: Newly qualified CLC Lawyers must be able to:

- ensure the service delivered is accessible and responsive to the needs of individual clients, including those who are vulnerable; taking responsibility to identify and articulate risk associated to client(s) and the practice;
- apply the appropriate level and style of communication to suit a variety of audiences across the broad spectrum of clients and professional parties in order to manage expectations;
- deal with any complaints impartially, comprehensively, and in a timely manner.

Annex 4
CLC Legal Technician Voluntary Register
(Conveyancing and Probate)
User Proposition

1. What is the CLC Legal Technician Voluntary Register?

The CLC Legal Technician Voluntary Register is the single national point of reference for promoting the technical status of property law and probate technicians working under the supervision of Authorised Persons; a licensed conveyancer; a solicitor; a Fellow of the Institute of Legal Executives.

2. What are the benefits of registration?

Being on the Register is the sector equivalent to professional technical status. It helps people to find out easily if you have a qualification that has been awarded by a CLC recognised Awarding Organisation or University.

Recognition that you understand how to work under supervision in accordance with a regulated Code of Ethics and understand how to apply ethical considerations to your work and being on the Register is a means of proving this.

Access to a network of similarly qualified and experienced property law technicians across the UK legal sector

3. Who has access to the register?

The register is in the public domain and anyone can search the list.

4. What are the registration requirements?

Registration is voluntary and open to those holding recognised Conveyancing or Probate Technician qualification; or alternative equivalent qualifications awarded by Awarding Organisations, Universities or Professional Bodies recognised by CLC

5. How do I apply to go on the register?

Registrants are personally responsible for ensuring that they meet initial registration requirements.

You will need to complete an online application form and provide proof of the following:

- a) your identity;
- b) successful completion of an appropriate recognised and accredited qualification.

A non-refundable application fee of £125.00 is charge when you submit your competed online application form. Upon approval a one off non-refundable registration fee of £45.00 is charged.

6. Do I need to be in current employment to be eligible to apply?

No, you only need to demonstrate that you meet the required educational standard therefore the register is open to anyone who can meet the educational requirements regardless of their current employment status. However, there is a voluntary option to specify your current employer should you wish to.

7. What information will be held about me on the register?

The following information will be held on the register:

- a. your name;
- b. your contact details including home address, date of birth, email address;
- c. education details, including qualifications and the name of the awarding institution;
- d. copy of your proof of identity, and
- e. the name of your employer (if you are employed and have chosen to submit this information).

Only **a** and **e** will be viewable on the public face of the register.

b, **c** and **d** comprise the information and documentation you will be required to submit to the CLC when you make your initial application. CLC will store personal information under the Data Protection Act 1998.

8. Can my application be declined?

Yes, if you provide unsatisfactory or incomplete evidence or if your qualification has not been awarded by a reputable CLC approved Awarding Organisation, University or Professional Body. Should this happen your application fee is not refundable.

9. Costs?

Registration is a one off process and once approved you will be issued with a unique registration number (URN). Application fee £125 (*based on the average weighted CLC hourly cost*). Registration Fee £45

10. What happens after I have registered?

Your information will be held for as long as you want to remain registered, or until you either:

- qualify as a Licensed Conveyancers or Probate Practitioner at which point you will be automatically removed; or
- inform us by email including your URN that you have qualified as a Solicitor or CILEx professional.

CLC may from time to time ask registrants to update their personal details. You will be able to do this by logging-in at the CLC website using your unique registration number to check and amend your personal details.

13. What happens if after I register I progress to qualify as a Licensed Conveyancer, Solicitor or CILEx professional?

If you qualify as a Licensed Conveyancer you will be removed free of charge from the voluntary register automatically when your first licence is approved. Individuals that progress to qualify as a Solicitor or CILEx professional need to follow the free de-registration process outlined in 14.

14. How do I come off of the register?

Simply by sending a de-registration request stating your name and URN and that you would like to be removed from the register by email to ctregistrations@clc-uk.org. There is no charge for being removed from the register.

15. Could I be removed from the register at any time?

You will only be removed from the register if at a later date any of the information provided in your initial application proves to be fraudulent and or not specifically related to you or your educational achievement.



