

**Institute of Legal Executives**

# Continuing Professional Development Guidance Notes

2010

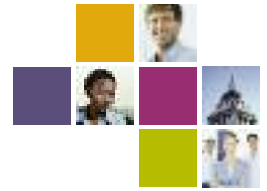




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# Introduction



Continuing Professional Development (CPD) is defined as:

'The systematic maintenance, improvement and extension of the professional and legal skills, and personal qualities, necessary for the execution of professional and legal duties, and compliance with the standards required by the Institute throughout the Fellow's, Associate member's, Graduate member's or Associate Prosecutor member's working life.'



# Definition of the Institute of Legal Executives (ILEX) Continuing Professional Development Scheme

## **CPD Requirements**

CPD is compulsory for all Fellows, Graduate Members, Associate members and Associate Prosecutor members. The CPD year runs from 1 January – 31 December. During the year 2010 Fellows and Associate Prosecutors are required to complete a minimum of 16 hours CPD, Graduate Members are required to complete a minimum of 12 hours CPD and Associate members are required to complete a minimum of 8 hours CPD.

## **Types of Training**

The CPD requirements for each membership grade are divided into two broad categories:

### ***(i) Specialist Training***

Members are required to choose their area of specialisation by marking the area on their CPD logbook. This will usually be the main area of work in which the member practises but, where a member works in a more general capacity, they may designate a specialist area of their choice. Members are required to undertake a minimum of half of their CPD hours training in their chosen specialist area.

### ***(ii) Non-Specialist Training***

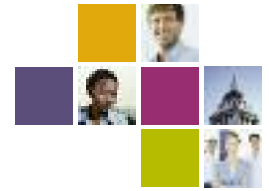
The other half of the CPD hours may be taken in any area(s) of a member's choice (which may also be in their areas of specialisation if they wish) which they consider would be of benefit to them in their daily role. This may include non-legal work such as management training, or the development of communication skills or information technology skills.

## **Recording CPD**

### ***Logbook***

Members are required to record their CPD through an on line recording system. Members may log onto 'MyILEX' through the ILEX website ([www.ilex.org.uk](http://www.ilex.org.uk)). The website contains on line log books which members must access to record details of CPD training they have undertaken. Members must submit their log book to ILEX electronically once they have completed their CPD for the year. By submitting the log book to ILEX a member will be making a declaration indicating that the CPD listed on the log book has been completed. False declarations will be referred to the IPS as a conduct matter..

# How To Obtain CPD Credit Through Training



Listed below are recognised CPD activities for this scheme. When selecting activities, members are reminded to consider the requirements relating to CPD hours for specialist and non-specialist training, as well as the criteria relating to the maximum number of CPD hours credit for specific activities.

All members are reminded that they must undertake **at least half of their CPD** in their designated **specialist area**.

## Recognised CPD Activities 2010

The list of recognised CPD activities should be used in conjunction with the criteria and explanatory notes detailed below, as well as the required evidence detailed in the following table. Particular attention is drawn to the criteria relating to ITC updates and the Legal Executive Journal or Internet articles.

- (i) ITC Updates 2010
- (ii) Relevant Journal or Internet Articles 2010
- (iii) Attendance at courses or seminars in specialist or non-specialist areas
- (iv) Distance Learning Courses (including e-learning) in specialist or non-specialist areas
- (v) In-house training by employer in specialist or non-specialist areas
- (vi) Training by local ILEX or Law Society Branches in specialist or non-specialist areas
- (vii) Academic or professional study in specialist or non-specialist areas
- (viii) Production of a dissertation in specialist or non-specialist areas
- (ix) Research of a legal topic in specialist areas only
- (x) Preparation and delivery of training courses in specialist or non-specialist areas
- (xi) Work shadowing in specialist or non-specialist areas
- (xii) Coaching or mentoring in specialist or non-specialist areas
- (xiii) Participation in development of areas of law through Committee or Working Party activity – specialist areas only
- (xiv) Writing on law or practice – specialist areas only

## Criteria and Explanatory Notes Relating to CPD Activities

### (i) ITC updates, and

### (ii) Relevant journal or internet articles

1. Only two ITC updates are available for each member.
2. One ITC update equals a maximum of 4 hours CPD, and is likely to be in a member's specialist area, but could be in a non-specialist area.
3. In 2010 members can claim a maximum of 75% of their CPD for reading relevant articles and using ITC updates.
4. Another CPD activity (other than ITC updates or reading relevant articles) MUST be undertaken by members to achieve the outstanding 25% CPD.

## Example:

A Fellow uses two ITC updates (in specialist area) and reads two journal articles (in specialist area) spending 2 hours on the articles.

Maximum CPD which can be claimed is 10 hours.

Therefore, a further 6 hours CPD is required to be undertaken in a specialist or non-specialist area in any CPD activity except ITC updates or reading relevant articles

## ***Use of ITC CPD updates, course manuals and self-assessment questions and answers***

Each year ITC will forward self-assessment questions and answers, with either a specially written CPD update or ILEX Tutorial College (ITC) course manual, to members who request them. A maximum of two CPD updates and/or ITC course manuals and self-assessment questions will be provided for each member. Members are required to study the CPD update or ITC course manual and answer 30 multiple-choice and/or short-answer questions based on the materials. Members are not required to return their answers to ITC, but should retain them with their logbook as ILEX may request them for checking purposes. Wherever possible, the CPD updates or ITC course manuals and self-assessment questions and answers will be self-contained but, where there are major changes to the law in a particular field, it may not be practical to produce a self-contained guide in that field. These materials should become available between June and September 2010.

Members should note that the CPD updates, ITC course manuals and self-assessment questions and answers are not intended for academic study of the law. They are intended for those members already practising in the area of law for which the CPD materials have been requested, and they therefore assume a level of knowledge in that topic equivalent to an ILEX Level 6 Professional Higher Diploma in Law examination pass. Members are advised against undertaking this form of CPD unless they are already fully conversant with the area of law in question.

Completion of ITC CPD materials in one subject will equate to 4 hours CPD. Members may request two sets of ITC CPD materials, one of which must be in their nominated area of specialisation.

The ILEX Level 6 Professional Higher Diploma in Law subjects for which ITC CPD materials are available are as follows:



ITC CPD updates, self-assessment questions, answers and feedback
Civil Litigation
Conveyancing and Land Law (combined*)
Criminal Law and Practice (combined*)
Probate Law and Practice (combined*)
Family Law and Practice (combined*)
Law of Tort
Law of Contract
Landlord and Tenant Law
Equity and Trusts
Employment Law

\* These subjects have been combined to create one text containing both substantive law and legal practice.

4 hours CPD is given for the combined subject.

**(iii) Attendance at a course presented by a training provider**

Attendance at a course provided by a training provider is sufficient training for CPD purposes up to the amount of hours in actual attendance. A member will need to complete his or her logbook with the details of the course and the number of hours of CPD credited, and ask the training provider to provide the course code for marking on the logbook as proof of attendance. All training providers should provide a course code. ILEX is unable to provide guarantees regarding the training delivered by any training provider.

**(iv) Distance learning courses offered by a training provider**

Distance learning courses (including e-learning) provided by a training provider are acceptable up to the amount of hours specified in the course materials, as long as the course provider has supplied the course code for the logbook in the same manner as for courses requiring attendance.

Any course taken with a training provider accredited by the Law Society or any other professional body may be used as ILEX CPD, provided the requirements of the ILEX scheme are satisfied.

**(v) In-house training by employer**

A member may engage in training carried out in-house by his or her employer as part of that employer's continuing professional development for staff. The member's log book must be signed off by the Training Manager or any equivalent person within the firm and submitted on request as evidence of training to ILEX. In-house training providers are automatically approved for training their own staff, and are not required to undergo a formal listing process.

**(vi) Training provided by local ILEX Branches or local Law Societies**

A member may engage in training carried out by an ILEX Branch or by a local Law Society. Members should check with their local Branch for any CPD training offered throughout the year. The member's logbook must be signed off or coded by the Branch or

Society Chairman or the training provider as appropriate.

**(vii) Academic study**

Academic study may be used to fulfil the CPD requirements in respect of all CPD hours in either specialist or non-specialist areas.

**(viii) Dissertation**

Actual time researching and writing up a dissertation in the member's chosen specialist area equates to up to 100% of the CPD requirement, whereas research and writing up a dissertation within a non-specialist area equates to up to 50% of the CPD requirement.

Where research and writing of a dissertation spans more than one year, this activity can be claimed for CPD purposes each year.

**(ix) Research**

Actual time spent on research undertaken in the member's chosen specialist area equates to up to 100% of the CPD requirement, whereas research undertaken in a non-specialist area equates to a maximum of 50% of the CPD requirement.

**(x) Preparation and delivery of training courses**

Members, who are ILEX tutors delivering the Level 3 Professional Diploma in Law or Level 6 Professional Higher Diploma in Law, cannot claim the delivery of these courses as a CPD activity. However, preparation, including research to ensure that up-to-date material is delivered, is a recognised CPD activity.

**(xi) Work shadowing**

Actual time spent work shadowing equates to 100% of the CPD requirement if it is undertaken within the chosen specialist area, and equates to a maximum of 50% of the CPD requirement if it is undertaken within a non-specialist area.

**(xii) Coaching and mentoring**

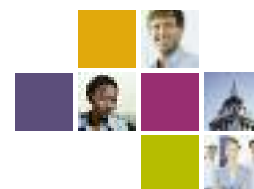
Members, who are ILEX Level 3 and Level 6 tutors, cannot claim as a CPD activity the coaching or mentoring of ILEX students towards their professional qualifications. This applies to coaching and mentoring in both specialist and non-specialist areas.

**(xiii) Participation in development of specialist areas of law**

This only counts as a recognised CPD activity when it is undertaken within the member's chosen specialist area of law. Actual time spent at meetings etc equates to up to 100% of the CPD requirement.

**(xiv) Writing on law and/or practice**

This only counts as a recognised CPD activity when it is undertaken within the member's chosen specialist area of law. Actual time spent on writing equates to up to 100% of the CPD requirement.



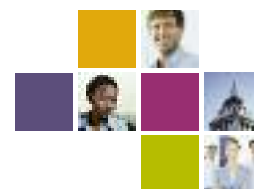
The table on the following pages explains how CPD hours can be claimed and what evidence is required for the logbook for each CPD activity.

#### CPD ACTIVITIES: HOURS CLAIMED AND EVIDENCE REQUIRED

Activity	Amount of CPD which can be claimed	Evidence Required
ITC updates, course manuals and self assessment questions	4 hours CPD per update. 2 updates available for each member leading to a maximum of 8 hours CPD  A maximum of 75% of the CPD requirement can be met by reading relevant articles and/or using ITC updates (see criteria above)	The details of the update/manual must be provided on the member's CPD logbook.  Answers to multiple-choice and/or short answer questions should be kept with the CPD logbook
Reading relevant articles in the Legal Executive Journal or other reputable sources including the internet	Actual time up to 75 % of CPD (subject to any CPD hours claimed for ITC updates – see criteria above)	The article title, publication details and/or website address must be provided on the member's CPD logbook
Attendance at a course/seminar – in a member's SPECIALIST AREA	Actual time – up to 100% of CPD requirement	The details of the training provider and the course must be provided on the member's CPD logbook
Attendance at a course/seminar – in a members' NON-SPECIALIST AREA	Actual time – up to 50% of CPD requirement	The details of the training provider and the course must be provided on the member's CPD logbook
Distance Learning Courses to include e-learning - in a member's SPECIALIST AREA	Actual time – up to 100% of CPD requirement	The details of the training provider and the course must be provided on the member's CPD logbook
Distance Learning Courses to include e-learning - in a member's NON-SPECIALIST AREA	Actual time – up to 50% of CPD requirement	The details of the training provider and the course must be provided on the member's CPD logbook
In-house training by employer – in a member's SPECIALIST AREA	Actual time – up to 100% of CPD requirement	The employer's details and information about the training must be provided on member's CPD logbook
In-house training by employer – in a member's NON-SPECIALIST AREA	Actual time – up to 50% of CPD requirement	The employer's details and the nature of the training must be provided on member's CPD logbook



Activity	Amount of CPD which can be claimed	Evidence Required
Training provided by local ILEX or Law Society Branches in a member's SPECIALIST AREA	Actual time – up to 100% of CPD requirement	Details of the Branch and the nature of the training must be provided on the member's CPD logbook
Training provided by local ILEX or Law Society Branches in a member's NON- SPECIALIST AREA	Actual time – up to 50% of CPD requirement	Details of the Branch and the nature of the training must be provided on the member's CPD logbook
Academic or Professional Study in a member's SPECIALIST AREA	Actual time spent studying – up to 100% of CPD requirement  Where study for qualification spans more than one year, this activity can be claimed for CPD purposes during each year of the qualification	Full details of the qualification (including subjects covered), the provider and the year of study must be provided on the member's CPD logbook
Academic or Professional Study in a member's NON- SPECIALIST AREA	Actual time spent studying – up to 50% of CPD requirement  Where study for qualification spans more than one year, this activity can be claimed for CPD purposes during each year of the qualification	Full details of the qualification (including subjects covered), the provider and the year of study must be provided on the member's CPD logbook
Production of a Dissertation in a member's SPECIALIST AREA	Actual time spent researching and writing up the dissertation – up to 100% of CPD requirement  Where research and writing of a dissertation spans more than one year, this activity can be claimed for CPD purposes each year	The title of the dissertation and the qualification details must be provided on the member's CPD logbook
Production of a Dissertation in a member's NON- SPECIALIST AREA	Actual time spent researching and writing up the dissertation – up to 50% of CPD requirement  Where research and writing of a dissertation spans more than one year, this activity can be claimed for CPD purposes each year	The title of the dissertation and the qualification details must be provided on the member's CPD logbook

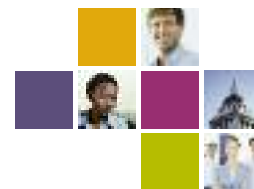


Activity	Amount of CPD which can be claimed	Evidence Required
Research – must relate to legal topics/ be relevant to the member’s place of work and be in their SPECIALIST AREA	Actual time – up to 100% of CPD requirement	Full details of the topic for the research and, where applicable, the organisation which has commissioned the research must be provided on the member’s CPD logbook
Research – must relate to legal topics/ be relevant to the member’s place of work and be in their NON-SPECIALIST AREA	Actual time – up to 50% of CPD requirement	Full details of the topic for the research and, where applicable, the organisation which has commissioned the research must be provided on the member’s CPD records
Preparation and delivery of training courses in a member’s SPECIALIST AREA	Actual time – up to 100% of CPD requirement  ILEX tutors delivering the Level 3 Professional Diploma in Law or Level 6 Professional Higher Diploma in Law cannot claim the delivery of these courses as a CPD activity. However, preparation, including research to ensure that up to date material is delivered, is an appropriate activity	Full details of the course being delivered must be provided on the member’s CPD logbook
Preparation and delivery of training courses in a member’s NON-SPECIALIST AREA	Actual time – up to 50% of CPD requirement  ILEX tutors delivering the Level 3 Professional Diploma in Law or Level 6 Professional Higher Diploma in Law cannot claim the delivery of these courses as a CPD activity. However, preparation, including research to ensure that up to date material is delivered, is an appropriate activity	Full details of the course being delivered must be provided on the member’s CPD logbook



Activity	Amount of CPD which can be claimed	Evidence Required
Work shadowing – with clear aims and objectives for professional development in a member’s SPECIALIST AREA	Actual time – up to 100% of CPD requirement	Full details of the aims and outcomes of the work shadowing sessions to be provided on the member’s CPD logbook
Work shadowing – with clear aims and objectives for professional development in a member’s NON-SPECIALIST AREA	Actual time – up to 50% of CPD requirement	Full details of the aims and outcomes of the work shadowing sessions to be provided on the member’s CPD logbook
Coaching or mentoring – delivered face to face or at a distance with clear aims and objectives for professional development in a member’s SPECIALIST AREA	Actual time – up to 100% of CPD requirement  ILEX Level 3 and Level 6 tutors cannot claim the coaching or mentoring of ILEX students towards the professional qualifications as a CPD activity	Full details of aims and outcomes of the sessions to be provided on the member’s CPD logbook  It is likely that this will be a specialist CPD activity but could include other skills, for example, presentation skills
Coaching or mentoring – delivered face to face or at a distance with clear aims and objectives for professional development in a member’s NON-SPECIALIST AREA	Actual time – up to 50% of CPD requirement  ILEX Level 3 and Level 6 tutors cannot claim the coaching or mentoring of ILEX students towards the professional qualifications as a CPD activity	Full details of aims and outcomes of the sessions to be provided on the member’s CPD logbook  It is likely that this will be a specialist CPD activity but could include other skills, for example, presentation skills
Participation in development of specialist areas of law by attending meetings of specialist committees/working parties of relevant organisations undertaking such work – MUST BE IN A MEMBER’S SPECIALIST AREA	Actual time spent at meetings – up to 100% of CPD requirement	Details of the committee/working party and/or organisation, the area of law being considered to be provided on the member’s CPD logbook
Writing on Law or Practice – to include material written for journals, law books, publications, newspapers, magazines, internet – MUST BE IN A MEMBER’S SPECIALIST AREA	Actual time – up to 100% of CPD requirement	Full details of the subject of the piece of writing and, where applicable, the publication/website/organisation for which the material is being produced must be provided on the member’s CPD logbook

# Administration and Application of the CPD Scheme



## **Random sampling of logbook**

IPS requires members to submit their completed 2010 logbook to ILEX for monitoring and verification. False declarations relating to the CPD logbook will be referred to IPS as a conduct matter.

Log books should be submitted using the on line recording system by the end of March 2011.

## **Affiliates upgrading to Associate member**

If an affiliate member of ILEX is upgraded to Associate membership during the CPD year (January to December), he or she will not be required to complete any CPD until the start of the CPD year following their upgrade to Associate membership.

## **Associate members upgrading to Graduate member**

If an Associate member of ILEX is upgraded to Graduate member during the CPD year (January to December) he or she will only be required to complete 8 hours CPD during that year. He or she will be required to complete 12 hours CPD from the start of the CPD year following their upgrade to Graduate membership.

## **Graduate members upgrading to Fellowship**

If a Graduate member of ILEX is upgraded to Fellowship during the CPD year (January to December) he or she will only be required to complete 12 hours CPD during that year. He or she will be required to complete 16 hours CPD from the start of the CPD year following their upgrade to Fellowship.

## **Members working outside legal practice**

Members who are currently working outside legal practice will be required to complete CPD in the normal way in accordance with the Regulations, although they will not be required to designate a specialist area for CPD study.

## **Self-employed members**

ILEX members who are self-employed, whether providing legal services or otherwise, will be required to complete CPD in accordance with the Regulations.

## **Retired members**

Retired members are exempt from the requirement to complete any CPD training.

## **Legal Accounts Executives**

Legal Accounts Executives, whether Fellows of the Institute or not, are required to undertake CPD, although they are not required to nominate a specialist area. They are subject to the same conditions as Fellows and any reference to Fellows in this guide includes Legal Accounts Executives.

## **Legal Executive Advocates**

Legal Advocates are required to undertake a minimum of 16 CPD hours, but at least 5 hours must be undertaken in advocacy skills.

## **Part-Time Employment**

ILEX members in any form of part-time employment are required to undertake CPD in the same way as members in full-time employment. This is non-discretionary.

## **Overseas Fellows and Members**

Members working outside the United Kingdom are subject to CPD. Overseas members may undertake training relevant to their own professional development using any of the methods available to United Kingdom members. However, as ILEX is unable to list overseas training providers, the following rules apply:

- (i) Overseas members may attend local training courses in their nominated specialist area, if the course provider is approved by the local Bar or Law Society, or other such recognised legal professional body. The members are required to enter in the logbook the name and address of the training provider, and full details of the course undertaken.
- (ii) Overseas members may undertake up to 50% of their CPD training in non-specialist areas, which is relevant to their individual professional development. Members are required to enter in the logbook the name and address of the training provider, and full details of the course undertaken. Random checks will be made to verify the accuracy of the details provided.

As a condition of these concessions, the member's logbook must be signed by their employer (except in the case where a member is self-employed), in addition to the declaration signed by the member.

## **Members required to undertake CPD with other professional bodies**

ILEX recognises that many of its members are members of other legal professional bodies, such as the Law Society and Council for Licensed Conveyancers. These bodies have their own continuing professional development scheme. It is possible, therefore, for members to 'double count' CPD completed through that body towards completion of the ILEX CPD obligations, provided all the conditions of the ILEX scheme are met. ILEX members who have already completed CPD in their capacity as Solicitors or Licensed Conveyancers may produce this CPD evidence to satisfy their ILEX CPD. The ILEX CPD year need not coincide with those of other professional bodies.



### **Dispensation from CPD for Reason of Absence**

Members who are absent from employment for 6 months or more in a CPD year, whether in legal practice or otherwise, due to:

- illness
- unemployment
- maternity leave

are **not** required to undertake CPD during the CPD year in which the situation applies. The reason for the absence and the dates should be entered on the member's logbook. The declaration on the logbook will certify the truth and accuracy of the circumstances giving rise to the absence. Where a member enters the reason for dispensation as ill health, he or she must attach supporting medical evidence to the logbook.

Members are expected to resume CPD on their return to work, and will be required to complete the full CPD requirement if they are absent from work for less than 6 months in a CPD year.

**Further details on dispensation are available from the ILEX Membership team on 01234 841000.**

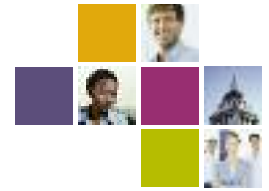
### **Failure to Comply with CPD Requirements**

Failure to comply with the CPD requirements is a breach of IPS Regulations. It constitutes misconduct, and will be referred to IPS for investigation in relation to the conduct of the member. It may result in a referral to the Professional Conduct Panel which may reprimand or warn members. The Panel may also refer cases to the Disciplinary Tribunal which has additional powers, including the power to exclude members from membership of ILEX.

However, members who have been unable to complete their CPD requirement during any given year due to particular circumstances, will be able to request an extension to the time given to complete the CPD for that year. An extension form will be provided on request by ILEX, and the member must sign and return it to ILEX. The extension, which is discretionary, will be for an initial period of 6 months. It may be possible to apply for a further 6 months extension in exceptional circumstances, where the member has encountered genuine difficulties in achieving the CPD requirements. This will not, however, relieve the member of the requirement to complete their outstanding hours for the following year.

Any CPD undertaken will be first used to satisfy the requirement of the previous year if this has not yet been completed. Guidance and support is available for members who face genuine difficulties in completing their CPD, but, when the extension period has expired, or if a request for an extension is refused, members who have still not completed the CPD requirement will be referred to IPS.

# Frequently Asked Questions



## 1. What is the purpose of Continuing Professional Development (CPD)?

CPD maintains, improves and extends the professional and legal skills, and personal qualities of the member. It is not only necessary for the execution of the member's professional and legal duties, but also upholds the standards required by ILEX and IPS throughout the member's working life. In addition, CPD enhances the standing of members in their careers as lawyers.

## 2. Who is required to undertake CPD?

CPD is a compulsory requirement for all Fellows, Graduate members, Associate members and Associate Prosecutor members of ILEX, unless they are retired.

## 3. How many hours of CPD are Fellows and Members required to undertake annually?

Fellows and Associate Prosecutors must undertake a minimum of 16 hours CPD each year, of which at least 8 hours must be in their chosen specialist area.

Graduate members must undertake a minimum of 12 hours CPD each year, of which at least 8 hours must be in their chosen specialist area.

Associate members must undertake a minimum of 8 hours CPD each year, of which at least 4 hours must be in their chosen specialist area.

Details of the annual CPD requirements are given on pages 2 and 3.

Members will have a responsibility to manage their own CPD scheme, and will be responsible for recording details of CPD activity through the online logbook recording system.

Members are encouraged to reflect on how they complete their CPD and to consider the variety of activities available which are outlined on page 3.

## 4. Are there any specific requirements for members in part-time employment?

No. Members employed part time are required to complete their CPD under the same terms as members in full-time employment. This is non-discretionary.

## 5. Can CPD hours be carried over to the following CPD year?

No. If a member completes more than 16, 12 or 8 hours CPD respectively in any one year he or she may not carry them over to the following year.

## 6. When does the CPD year run from and when does it end?

The CPD year runs from 1 January and ends on 31 December of each year.

## 7. What happens if status or employment changes during the CPD year?

If a Affiliate member of ILEX is upgraded to Associate member during the CPD year, he or she will not have to undertake any CPD until the beginning of the next CPD year.

If a Associate member is upgraded to Graduate member during the CPD year, he or she will only need to complete 8 hours CPD for that year.

If a Graduate member is upgraded to Fellow during the CPD year, he or she will only need to complete 12 hours CPD for that year.

If a member changes from employment in non-legal practice to employment within legal practice during the CPD year (or vice versa) then the CPD requirement will not change until the next CPD year.

## 8. What methods of training qualify for CPD purposes?

Members may undertake training through any of the recognised activities listed on page 4. Members are advised to look at the criteria relating to each type of activity (pages 3 - 4) and the table (pages 5 - 8) explaining how many hours can be claimed for each activity, and the evidence required for the logbook.

## 9. How do Fellows and Members undertake CPD provided by ILEX Tutorial College (ITC)?

Each year members may obtain a maximum of two CPD updates and/or ITC course manuals. Members are required to study these materials and answer the accompanying set of 30 self-assessment questions. Answers and feedback are provided. ITC provides materials for 10 of the current ILEX Level 6 Professional Higher Diploma in Law subjects, which are listed on page 5 above.

One set of ITC materials will equate to 4 hours CPD. Members may request two sets of ITC materials to gain 8 hours CPD. Members should request materials only in areas with which they are fully conversant. The ITC CPD materials are not intended for an academic study of the law. The ITC materials should become available between June and September 2010.

## 10. What is the position for Legal Executive Advocates with regards to CPD?

Legal Executive Advocates are required to complete 5 hours advocacy skills and must complete the remaining 11 hours under the main CPD scheme for Fellows.

## 11. What records of CPD undertaken must Fellows and Members maintain?

Members have a responsibility to keep a clear and concise record of their CPD on their logbook, which is accessible through 'MyILEX' on the ILEX website ([www.ilex.org.uk](http://www.ilex.org.uk)). Members are advised to look at the criteria relating to each type of activity (pages 5 - 8) and the table (pages 3 - 4) explaining how many hours can be claimed for each activity, and the evidence required for the logbook.

Members must submit their logbook when all their CPD is complete. An example CPD logbook is shown at page 13.



**12. When do members have to submit their CPD logbook to ILEX?**

Members must submit their completed logbook to ILEX, using the on line recording system once they have completed their CPD for that year.

**13. What can a member do if his or her firm will not allow time off to complete CPD or provide funds for the cost of CPD?**

The responsibility to undertake CPD lies with the individual member. A member's employer is not obliged to provide them with time off from work to complete the CPD, nor is the employer obliged to fund the cost incurred by the member for undertaking CPD.

Members who find themselves in such circumstances may wish to consider low cost CPD activities such as reading relevant journal or internet articles. They are reminded that they may undertake up to two CPD updates provided at a cost by ILEX Tutorial College (ITC). A full range of CPD activities is listed on page 3.

**14. What can a member do if he or she cannot comply with the CPD requirements?**

ILEX accepts that on occasion it may prove difficult for members to comply with their CPD requirement. In such circumstances ILEX will aim to assist members as far as possible by considering a request for an extension period. Further information on extensions is given on page 10.

**15. What happens if a member is working out of legal practice for a period of time?**

Members who are working, but are not employed within legal practice, are still required to undertake CPD but are not required to nominate a specialist area.

**16. What is the situation regarding CPD requirements if a member is absent from work?**

Where the period of absence due to illness, maternity leave or unemployment is less than six months in any one CPD year, members will be required to complete CPD as normal.

Where the period of absence for these reasons is for six months or more in any one CPD year, then members will not be required to fulfil their CPD requirement for that year. Members in this situation should refer to the detailed information given on page 10.

**17. What exemptions are available from the CPD scheme?**

CPD is a mandatory requirement for all employed members, including Legal Accounts Executives, and there are no circumstances under which exemptions can be claimed.

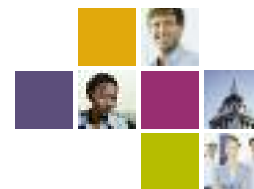
**18. What are the obligations in respect of CPD for members working outside the UK?**

Members working outside the United Kingdom must fulfil the same CPD requirements as members employed within the United Kingdom. Details of the types of CPD activities which can be undertaken for those employed outside the United Kingdom can be found on page 9.

**19. Can CPD required by other legal bodies be used towards the ILEX scheme?**

Yes. CPD required of a member by other legal professional bodies, for example, the Law Society or the Council For Licensed Conveyancers, may be used as CPD for the ILEX scheme provided all conditions of the ILEX scheme are met. See page 9 for further details.

# Example CPD Logbook 2010



## EXAMPLE TRAINING LOGBOOK 2010

**NAME :** A member  
**MEMBERSHIP NUMBER:** FZ00000  
**SPECIALIST AREA :** Conveyancing

DATE	EVENT	ORGANISER	COMMENTS	DURATION	COURSE CODE
16.4.10	Developments in conveyancing	Commercial co.		6 hours	ILBR001
17.7.10	Coaching of new member of staff of conveyancing team	In house		3 hours	
20.8.10	Practice management	Commercial co.		6 hours	CC123
1.11.10	Update on Conveyancing	ILEX Tutorial College		4 hours	ITC000

### *Declaration*

I declare that the information on continuing professional development provided in this logbook is true and accurate to the best of my knowledge and belief, and my signature on this logbook is an undertaking to that effect.

Signed .....A member.....

Date.....1.12.10.....



# Continuing Professional Development Regulations 2010

## A. Definition

- (1) Continuing Professional Development (CPD) is defined as : 'The systematic maintenance, improvement and extension of the professional and legal skills, and personal qualities, necessary for the execution of professional and legal duties, and compliance with the standards required by the Institute throughout the Fellow's, Associate member's, Graduate member's or Associate Prosecutor member's working life.'
- (2) For the purpose of these regulations references to member means Fellows, Graduate members, Associate members and Associate Prosecutor members of ILEX.
- (3) A CPD year begins on 1 January and ends on 31 December.

## B. CPD Requirement – UK and Overseas members

- (1) Members of the Institute of Legal Executives (ILEX), resident either in the United Kingdom or overseas, including Legal Accounts Executives, but with the exception of retired members, are required to undertake CPD. The amount of CPD to be undertaken during the year 2010 is as follows:
  - Fellows must undertake a minimum of 16 hours CPD;
  - Associate Prosecutor members must undertake a minimum of 16 hours CPD;
  - Graduate members must undertake a minimum of 12 hours CPD; and
  - Associate members must undertake a minimum of 8 hours CPD.
- (2) Excess hours may not be carried forward to the following CPD year.
- (3) For the CPD year 2010 at least half of the CPD hours must be in the member's chosen specialist area ('the specialist area') and the remaining half may be in an area relevant to the member's professional development outside his or her chosen specialist area ('the non-specialist area'). Members employed outside legal practice are required to undertake the full CPD hours, but need not designate a specialist area.
- (4) A Member must record all CPD activities undertaken in the CPD year through the online logbook recording system. The information recorded must include, as applicable, the training/course provider's details, the course/seminar/qualification studied or attended, details about any articles which were read including the title of the article and the publisher and, if applicable, the website address. A false declaration will be referred to IPS as a misconduct matter. A member must submit his or her logbook to ILEX by 31 March 2011 at the latest.
- (5) A member may engage in a range of CPD activities to meet the CPD requirements including: attendance at courses or seminars; undertaking distance learning courses; in-house training by employer; training provided by a local ILEX Branch or Law Society; use of ITC updates; reading relevant articles; study for professional or academic qualifications; production of a dissertation; research; writing on law or practice; preparation and delivery of training courses; preparation and research as an ILEX tutor; work shadowing; coaching or mentoring; and

participation in development of specialist areas of law by attending meetings of specialist committees/working parties of relevant organisations undertaking such work.

- (6) A member should claim the actual time spent undertaking a CPD activity for CPD purposes (subject to the rules set out in the guidance notes), with the exception of the use of ILEX Tutorial College (ITC) updates (see B9 below).
- (7) In the event that a CPD activity spans more than one year, for example, study for an academic or professional qualification or production of a dissertation, this activity may be claimed for CPD purposes each year the activity is undertaken.
- (8) A range of ITC updates consisting of texts and/or manuals and accompanying questions and materials are produced by ILEX Tutorial College. Each update will constitute 4 hours CPD. Members may purchase a maximum of two ITC updates provided that one of the updates is in the member's specialist area of law.
- (9) CPD activities in a member's nominated specialist area may be claimed for up to all the CPD hours per annum as defined in B(1) of these Regulations, where such study is relevant to the member's professional development.
- (10) CPD activities in a member's non-specialist areas may be claimed for up to half the CPD hours per annum as defined B(3) and B (4) of these Regulations, where such study is relevant to the member's professional development.
- (11) Members may claim a maximum of 75% of their CPD hours for the activities of reading relevant articles and using ITC updates, subject to meeting the requirements set out in B(3) of these Regulations.

## C Admission to Fellowship and Enrolment to Membership

### *Graduate member upgrade to Fellowship*

- (1) If a Graduate member of ILEX is upgraded to Fellowship during the CPD year (January to December) he or she will only be required to complete 12 hours CPD during that year.

### *Associate member upgraded to Graduate member*

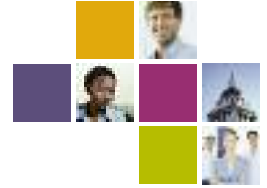
- (2) If an Associate member of ILEX is upgraded to Graduate member during the CPD year (January to December) he or she will only be required to complete 8 hours CPD during that year.

### *Affiliate member upgraded to Associate member*

- (3) If an Affiliate member of ILEX is upgraded to Associate membership during the CPD year (January to December) he or she will not be required to complete any CPD until the CPD year following his or her enrolment to Associate membership.

## D Application of CPD Requirements

- (1) Where a member is absent from employment, whether in legal practice or otherwise, for more than 6 months due to illness, unemployment or maternity or paternity leave, he or she need not fulfil his or her CPD requirement for that year.
- (2) The reason for the absence and the dates must be entered on the member's logbook. For absence from employment due to illness, unemployment, maternity or paternity leave, the member must submit supporting evidence with the logbook.



- (3) Members currently working outside of legal practice are subject to these Regulations, except that they are not required to designate a specialist area for CPD study.

#### **E Failure to Comply with CPD Requirements**

- (1) Any member failing to comply with the requirements relating to CPD, including the failure to complete CPD by the end of the CPD year, or failure to submit a completed log book, is required to inform ILEX in writing, stating the reasons for non-compliance. An extension of time to complete CPD training may be granted, at the discretion of ILEX, in periods of 6 months up to one year. The member is still required to complete the required CPD for the following year (2011) in the normal way, and any further CPD undertaken will be used to count towards fulfilling the CPD hours for the previous year.
- (2) Where a member is refused an extension of time or, having been granted an extension of time of either six months, or a further six months in exceptional cases, still fails to complete his or her CPD obligations, his or her conduct will be investigated as a breach of these Regulations.
- (3) Any other failure to comply with CPD requirements as set out in these Regulations will result in a misconduct investigation on the basis that the member is in breach of these Regulations.

IPS has the power to:

- (i) Accept a member's reasons for non-compliance and take no further action in relation to it
- (ii) Request a member to give undertakings as to his/her compliance with CPD in the future
- (iii) impose conditions on a member in respect of his or her conduct or in regard to his or her employment that it may think appropriate;
- (iv) Reprimand or warn a member as to his/her future conduct
- (v) Order the payment of a fine
- (vi) Exclude a member from membership of ILEX.

#### **F Legal Executive Advocates**

- (1) Fellows qualifying as Legal Executive Advocates are subject to the CPD requirements of the Rights of Audience Certification Rules and any conditions that may be imposed thereunder.
- (2) Legal Executive Advocates are required to complete 5 hours advocacy skills and must complete the remaining 11 hours under the main CPD scheme (a total of 16 hours CPD for Fellows in 2010).

#### **G Alterations to the Regulations**

- (1) These Regulations (as amended) have been adopted as by-laws by IPS and are effective for the year 2010. They may be altered by IPS.





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