

Guidance

The following information is aimed at providing guidance to members who are uncertain as to whether they are in qualifying employment. The guidance is based on the application of the bye-laws by the Admission and Licensing Committee to particular cases.

The Admissions and Licensing Committee is reviewing the current arrangements for qualifying employment. It is anticipated that a work based learning scheme where applicants complete a log book to demonstrate that they have met a set of specified outcomes will be introduced in 2012. Please refer to the consultation section on the IPS website to obtain details of the proposals and to provide your views on them.

Examples of tasks that we would expect to see under the current rules

Work of a legal nature is work where you undertake an activity for a client or service user that involves the application of the law or legal practice or procedure in areas such as:

- taking instructions;
- advising and making recommendations;
- drafting documents, agreements and other legal instruments;
- undertaking legal research;
- corresponding with the parties to an action or transaction;
- making decisions in a legal matter based on legal principles or rules of law; and
- representing in negotiations and submissions.

The final 2 consecutive years of qualifying employment in the Graduate membership grade

During the final 2 years of qualifying employment you should be applying the knowledge you have gained through your ILEX studies to legal matters. The work you undertake may be work supporting a lawyer but should be autonomous work rather than directed work.

Maternity leave

Breaks in employment due to maternity leave do not count towards the overall period of qualifying employment. However, if maternity leave is taken in the Graduate membership grade, it does not break the continuity of qualifying employment. *Maternity leave is the statutory period of maternity leave.*

The first 3 years of qualifying employment

IPS recognises that you may not have undertaken autonomous work from the very outset of your employment. However, purely administrative tasks are not qualifying employment and you must have undertaken some level of legal work (whether this was directed work or not) for your role to be qualifying employment.

Below is an indication of the types of roles and/or tasks that are likely to be at the appropriate level:

- working on a caseload;
- completing legal forms;
- dealing with client enquiries which involves the provision of advice on law and procedure;

In-house practitioners

IPS recognises that not all members of ILEX work in traditional legal practices. If you are working in-house you may be in qualifying employment if your role is **wholly and principally of a legal nature**.

If you are working in-house, your employer is your client for the purposes of qualifying employment. Although the structure of an in-house role is likely to be different from that of a role in private practice, the types of tasks you are expected to undertake may be achieved in an in-house role.

Examples of duties that are not qualifying employment

In order to be in qualifying employment, your role must be one that is **wholly or principally of a legal nature**. Purely administrative tasks are not therefore qualifying employment.

Below is an indication of the types of roles and/or tasks that are administrative tasks and would not be regarded as qualifying employment:

- Diary management
- Typing
- Photocopying
- Filing
- Book keeping duties
- Document production
- Companies House returns
- File maintenance
- Data entry
- Office management
- Dealing with complaints

IPS recognises that members may undertake some administrative tasks in conjunction with legal tasks. However, the role undertaken by members must be **wholly or principally of a legal nature** in order to be qualifying employment.

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