



THE CRIMINAL BAR ASSOCIATION
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Introduction

1. The Criminal Bar Association represents over 3,800 barristers specialising in criminal law. We welcome the opportunity to respond to the ILEX Professional Standards (“IPS”) consultation paper “Work based learning outcomes and scheme” (“The Consultation Paper”).

The Consultation Paper

2. IPS consulted on the definition of ‘qualifying employment’ for ILEX fellows and work based learning proposals in 2010¹ (“2010 Consultation”). The Consultation Paper is in response to comments received in relation to the 2010 Consultation.

3. ILEX and IPS identified that the qualifying employment criteria ILEX members have to meet to qualify as Fellows should be revised. The definition was that it involves work ‘wholly or principally of a legal nature rather than of an administrative nature’. The Consultation has better defined the definition of ‘work of a legal nature’ so it specifies the area of work and type of activity and is broad enough to cover different types of legal practice.

¹ <http://www.ilex.org.uk/PDF/IPS%20con%20QE%20WBL%20Aug%2010.pdf>

4. The 2010 Consultation also invited comments on the proposal that qualifying employment should be evidenced through work based learning outcomes. New outcomes have been drafted and existing ones expanded upon. Guidance has been developed for each outcome.

5. The CBA considers the changes that have been made to the definition of qualifying employment and work based outcomes are adequate to address the concerns previously raised. The proposals are sufficient to identify the work that must be carried out in order to qualify and broad enough to encompass all practice areas. The learning based outcomes are similar to a pupil checklist. Such an approach is to be welcomed.

6. However, the CBA is of the view that the person who certifies that the outcomes have been met must be appropriately qualified. The standard must be comparable to that of a pupil supervisor.

Our answers to the questions

Question 1: Provide your comments on the new definition of 'work of a legal nature'

We have no comment to make.

Question 2: Provide your comments on the work based learning outcomes.

The outcomes appear to be fair and reasonable.

Question 3: Provide your views on the explanatory notes to the outcomes.

The explanatory notes appear adequate.

Question 4: Provide comments on IPS' proposals that members must complete a total of 3 years qualifying

employment within which they must meet the outcomes in a 2 year period, which includes at least 1 year after Graduate membership.

We agree with the qualifying period.

Question 5: Provide comments on IPS' redeveloped log book, outcomes checklist and employer sign off form.

The signing off process is an important safeguard. It should be carried out by a person with the appropriate qualifications, otherwise public confidence in the scheme would be undermined. The Consultation states that the person completing the employer sign off form should be a Solicitor, Fellow or Licensed Conveyancer but goes on to say:

"Where you do not fit into any of these categories please specify the position you hold"

It is of concern therefore that the person responsible for certifying that the work based learning outcomes may be unqualified and without experience. We would submit that only those with the appropriate qualifications set out above should be able to sign off the form.

Question 6: What are your views on the transitional timescales? Are they fair and practical?

We have no comment on the timescales.

Christopher Kinch Q.C.

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On behalf of the Criminal Bar Association