

Sent by email only to victoria.purtill@cilexregulation.org.uk



11 April 2019

Dear Victoria

CILEx Regulation consultation on the proposed changes to its education standards

The Legal Services Consumer Panel (Panel) welcomes CILEx Regulation's consultation proposing the introduction of both legal technology and emotional competence into its education standards. The Panel supports the proposals and has made some specific comments below.

Legal Technology

We recognise that the use of legal technology in practices is becoming more prevalent. We are therefore supportive of the proposal to introduce legal technology and ethical implications into CILEx Regulation's education standards. The Panel agrees that the Competency Framework would provide a good foundation for the introduction of this standard. The Panel also agrees that would-be Chartered Legal Executives would benefit from having a training module on unconscious biases.

After completing their training, Legal Executives should be able to communicate in plain language information about the basis of decision-making, and how the technology used meets data protection requirements. Moreover, providers should be able to explain the risks and responsibilities of the different parties involved.

Looking at other sectors, the Financial Conduct Authority has issued detailed and technological-specific guidance to clarify its expectations from providers around using financial technology. The Panel would encourage CILEx Regulation to consider how it could develop regulatory guidance about the use of legal technology. For example, regulators could assist providers in developing the tools to communicate the basis of decision-making and how technology meets data protection requirements.

It is important to also note that the technology used for delivering services has the potential to learn and develop independently from human influence, which adds layers of complexity. In order to promote quality and safety of services delivered using legal technology, future providers should be trained to perform ongoing quality assurance checks for the technology they use, and raise issues with the software developer when necessary.

Emotional competence

The Panel has previously stated¹ that legal services professionals need effective and appropriate interpersonal skills when delivering services to consumers, especially

¹ LSCP, A new route to qualification: New regulations for the Solicitors Qualifying Examination, July 2017.

vulnerable consumers. We are therefore supportive of the introduction of emotional competence as an essential skill for lawyers at all stages of their career. We agree that elements of the emotional competences should help lawyers to understand and adapt to consumers' varying needs, as well as help providers develop emotional resilience.

The future of qualifying employment

From the options offered the Panel is minded to prefer option 1, i.e. to recommend retaining the current approach to qualifying employment for a minimum of three years, with at least 20 hours per week in wholly legal work. This should also offer flexibility to those in part-time work. The Panel opted for this option instead of an overall aggregate number of hours because we consider that the number of years also brings added exposure and experience for would-be Legal Executives.

We note and commend the regulator for commissioning research into the application of the qualifying employment rule to determine whether it has the potential to be discriminatory. We hope the outputs from this research informs future policy positions.

I hope you find these comments helpful. Please contact Lau Ciocan, Consumer Panel Associate, with any enquiries.

Yours sincerely



Sarah Chambers

Chair

Legal Services Consumer Panel