

## Regulations Chapter 4: Supervised Practice

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## 4.1 Definitions

### 4.1.1 Costs Work Experience

Under rule 9 of the CLSB CPD and Training Rules a trainee must have undertaken costs work experience in order to qualify as a costs lawyer. This is work that is of a costs nature, or work involving activities that require the application of costs law or costs practice or procedure. A qualified costs lawyer must have undertaken this work for a period of 3 years or more. This could be as an employee, self-employed or working for a registered charity. The experience can be gained before, during or after study for the costs lawyer qualification, and does not need to be continuous.

The ACL or the CLSB may audit the experience to ensure it was relevant and completed, as per the CLSB Training and CPD Rules (<http://clsb.info/rules-regulations/training-cpd-rules/>).

For examples of work that may amount to costs work experience see appendix SP1.

### 4.1.2 Supervised Practice

In order to qualify with ACLT as a Cost Lawyer, an individual has to achieve a core or threshold level of competency. The threshold standard for graduates has been articulated as:

*“a competent trainee having completed the costs lawyer qualification and 3 years of work based learning will have a good working and background knowledge of costs law and practice, will be able to work independently to draft documentation and conduct advocacy that is fit for purpose, and will be able to cope with complex situations through deliberate analysis and planning. This level of performance will be evidenced through assignments, examination and supervised practice.”*

The threshold is underpinned by outcomes as set out in the CLSB Aims and Outcomes Document 2013 ([http://www.clsb.info/wp-content/uploads/2014/06/Aims\\_Outcomes\\_9\\_12\\_13.doc](http://www.clsb.info/wp-content/uploads/2014/06/Aims_Outcomes_9_12_13.doc)). The aims of the Supervised Practice are to ensure a Trainee reaches that expected level of competency and performance. During Supervised Practice a Trainee will:

- Apply knowledge acquired by them under the Course.
- Learn and apply key practical skills of a costs lawyer.
- Learn and apply the professional standards required of a costs lawyer.

These outcomes require that a qualified costs lawyer must have demonstrated a minimum ability in costs law and practice. Whilst some of this experience can be achieved through academic study, certain competencies need to be developed in the work environment; in some cases a combination of academic

study and practical work application are called for. This is contextualised by the ACLT Supervised Practice Framework.

The Supervised Practice (SP) approach to a trainee's costs work experience provides structured learning and development, and assessment opportunities in a live work environment. The learning is based on a development plan of exposure, experience and reflection, to ensure the trainee has acquired, developed, applied and evidenced skills, knowledge and ability to the required competency level and the CLSB day one outcomes. As the stages of the plan are completed evidence is gathered and presented in a portfolio of evidence and/or reflection. This portfolio is then signed off by a Work Based Supervisor or by a SP Tutor, and submitted to the ACL for validation and moderation.

This means that a fully qualified cost lawyer not only has the knowledge to perform their role, but also the skills and experience to apply it; i.e. they are competent.

## **4.2 Accreditation Framework – the SP Framework**

The ACL SP Framework maps out all of the abilities or competencies that a qualified costs lawyer should have developed through SP. (please see appendix SP 2)

This framework is a part of the wider ACL Professional Development Framework. (please see appendix SP 3)

The competencies are organised in clusters set out by the CLSB Supervised Practice outcomes. All CLSB outcomes, underpinned by ACL Competencies, up to the level 3 threshold of the framework will need to be evidenced, through Supervised Practice or the formal qualification, in order to qualify as a costs lawyer.

Some of the competencies are to be developed only through Supervised Practice, and a secondary set will be developed through learning attained through formal study. All should be experienced and evidenced when student members of the ACL evidence their Supervised Practice, though failure to complete each competence statement would not automatically result in failure of the SP stage of qualification (please see appendix SP 2)

The accreditation framework also includes the three-year experience time frame.

## **4.3 Registration**

Trainees are required to register, with ACL, their Supervised Practice in accordance with the arrangements notified and published. This will usually be on the application for the professional qualification. ACLT will work with the ACL Administration team to ensure that all Supervised Practice is managed according to the requirements stipulated by the ACLT and, where applicable, the CLSB.

Trainees may complete their Supervised Practice prior to, during or after their 3 year study programme. Registration for Supervised Practice in each phase is set out below. In all cases Trainees are required to notify the ACL of their supervision arrangements or requirements.

### 4.3.1 Prior to Study

Where trainees are going to use prior practice to evidence all of their supervised practice they will need to notify the ACL, when they apply for the course on the Course Application Form (see appendix SP 4). On this form they will formally notify ACL that they have completed their supervised practice years, and wish to evidence prior practice for all of their 3 years Supervised Practice. Any changes during their practice should be recorded on the application (for example, where there has been a change of employer). ACLT will then request the relevant documentation is completed and the assessment is diarised and conducted.

Where experience prior to study is used towards only part of the three year period students should notify the ACL Administration Team on the Course Application Form. ACLT will then request the relevant documentation is completed and any assessment is diarised and conducted. All students will be required to indicate on their course application form whether they will have a work based supervisor or whether allocation of an SP Tutor is necessary.

### 4.3.2 Concurrent with Study

All students will be required to indicate on their course application form as to whether they have a work-based supervisor so that ACLT may determine whether there needs to be an allocation of a SP Tutor (see appendix SP 4). Any changes in employment should also be communicated to the ACL Administration Team using the member details page on the ACL Website.

Upon completion of the 3 years supervised practice all trainees need to register with ACL, using the SP Registration Form (see appendix SP 5), that they have finished their three Supervised Practice years.

### 4.3.3 Post Study

All Trainees need to register with the ACL, using the SP Registration Form (see appendix SP 5), that they have formally commenced their three SP years. This form should only be partially completed at this stage and none of the supporting documents need to be lodged with ACLT. Students should indicate on the form whether they will have a work-based supervisor or whether allocation of an SP Tutor is necessary. Any changes in employment should also be communicated to ACLT using the member details page of the website.

## 4.4 Duration of Registration

The maximum duration of registration on any of the ACLT's awards, including periods of suspension and interruption of studies, is six years.

This means that whilst the period of Supervised Practice of three years does not have to be continuous it does have to be completed within a six year period. A student entering the ACLT with advanced standing or who is given accreditation for prior experience shall have their maximum duration of registration adjusted accordingly.

## **4.5 Attendance and Engagement**

Trainees need to meet the requirement to have worked the equivalent of a full time role for three years. Full time employment is in excess of 20 hours per week for a minimum of 43 weeks a year. This does not have to be continuous work.

During this period they need to be engaged in costs work experience in their day-to-day activities. Evidence of engagement with, and experience of, cost law and practice during this period will be shown on their Professional Development Plan (see appendix SP 6), SP Reflective Log (see appendix SP 7) and all Evidence will be stored locally in a single Folio.

In addition to this where SP is being evidenced, concurrently or after the qualification, trainees will be required to attend annual reviews with their Supervisor.

As part of his or her evidence of completion, each trainee will also be required to attend a minimum of one viva during the three years, which should take place within the first 18 months where supervised practice runs concurrently or after study. If supervised practice is evidenced purely by costs experience prior to study the viva will take place upon the submission of the registration form and supporting documentation.

## **4.6 Progression**

There is no set order for completion of the competencies on the SP framework. All competencies should be developed and evidenced prior by the completion of the three years.

However, within each Competency in the SP Framework there are levels of performance. These levels are cumulative, with each level building on the previous one. This means that at the threshold level 3, for example, an individual will also be able to demonstrate competency at levels 1 and 2 (See appendix SP 2).

All three levels, for each competency, therefore need to be experienced and evidenced.

## **4.7 Supervision**

All SP trainees need to have a work based Supervisor or SP Tutor to support and validate their development, application of competencies and evidence.

The Supervisor is there to guide, coach, review and sign off their Supervised Practice.

A Supervisor can be either:

- **Work Based Supervisor** – normally a line manager or training manager in the organisation employing the trainee
- **SP Tutor** – allocated by ACLT when a Work Based Supervisor is unavailable for example as no individual meets the criteria or the trainee is self-employed.

#### 4.7.1 Work Based Supervisor

This is the ideal support to a trainee completing their SP. During the three year period they will act as a supplier (of opportunity), guide, coach and assessor. In order to take on the role of a Work Based Supervisor the individual must meet the following criteria, to:

- be qualified as a cost lawyer, or equivalent;
- have worked as a cost lawyer, or equivalent, for a minimum of 5 years;
- be employed in the same organisation as the trainee;
- be happy to take on the role; and
- have the time and opportunity to fulfil the role.

#### 4.7.2 SP Tutor

If the trainee is unable to nominate a Work Based Supervisor, for instance as they are self employed or no individual meets the criteria, then ACLT will appoint them a SP Tutor, who will take on a similar role. In order to take on the role of a SP Tutor the individual must meet the following criteria, to:

- be qualified as a Cost Lawyer, or equivalent;
- have worked as a cost lawyer for a minimum of 5 years;
- be appointed to the role by ACLT; and
- be able to commit to the role.

### 4.8 Supervised Practice Process

All Supervised Practice needs to conform to the following high-level process. Full details can be found in the Supervised Practice Handbook. (see appendix SP8)

The Supervised Practice runs on an annual cycle for those undertaking the SP at the time, or after, study. This applies whether the trainee is in full or part time practice. In both situations the following stages need to be completed and evidenced.

#### Stage 1 Establishing Supervised Practice

- Obtain or confirm a relevant role
- Nominate SP Supervisor or be allocated an SP Tutor
- Establish outcomes and opportunities
- Register SP with ACL

#### Stage 2 Supervised Practice

- Develop and sign off development Pathway & SP Plan
- Monthly review
  - Sign off plan achievements and evidence
  - Review and adjust pathway and plan

#### Stage 3 Annual Review

- Complete annual review and sign off annual plan & evidence
- Submit evidence and reflection to ACLT
- Review pathway and plan for coming year

This will continue for each year until three years equivalent practice has been completed.

For those evidencing their SP from costs work experience wholly undertaken before study the process is slightly different, in this situation the following stages need to be completed and evidenced.

#### Stage 1 Supervised Practice

- Complete the Reflective Log and Evidence Folio
- Obtain a professional reference
- WB Supervisor or ACLT SP Tutor to review and sign off the submission

#### Stage 2 Establishing Supervised Practice

- Register SP with the ACL
- Submit evidence and reflection to ACLT
- Undertake a Viva with ACLT based on the submission made

## 4.9 Assessment

Overall assessment of completion of Supervised Practice will occur when

- three years (equivalence) of relevant experience has been completed, and
- all required competences on the Supervised Practice Framework have been achieved to level three.

In practice there are three levels of assessment:

- Firstly the trainee is self-assessing and once they are happy they have attained the required level will put forward their evidence for this.
- Secondly the Work Based Supervisor or SP Tutor adds their agreement to this assessment through the annual review and sign off processes.
- Finally ACLT, through the moderation, viva and random checks confirm the assessment.

An audit will be carried out on all students through the course of their qualifying period with a minimum sample of 20% of registered trainees being considered annually as part of the annual review cycle. The annual audit will check the number of hours, relevance of work and annual review processes.

Assessment records will be being maintained at two levels.

- **Local records** – based on a standard approach reflecting the SP Framework (See appendix SP 3). This will provide a tracking record for individuals and also the organisations they work for contained in the **Supervised Practice Portfolio**.
- **ACL HUB** - will record examination results and completion of Clusters of competencies at the various levels, as well as additional competencies achieved through CPD.

Trainees who fail to submit evidence of completion of each year of Supervised Practice, having a period of time without any evidence of relevant work experience, will be deemed absent for the missing time period. This time will then have to be evidenced later as part of the overall three years.

When a student cannot, through disability, be fairly assessed for specific competencies, the Assessment Board may agree to vary those as deemed appropriate, bearing in mind the intended outcomes of the Supervised Practice and the need to assess each candidate on equal terms with other candidates. In addition, special arrangements can be made via the Operations Manager for alternative experience, development and evidence of competence to be undertaken. In determining the nature of any variation in methods of assessment, full account must be taken of the ACLT's policies in respect of students with disabilities. (Please see Appendix GR 7)

## 4.10 Records and Documentary Evidence

Evidence of successful completion of three year Supervised Practice is presented through a series of validated documents recorded on the ACLT HUB.

Failure to correctly maintain and submit the correct records either at sign off, the annual review, moderation or as part of a random check will result in failure to complete the SP element of ACL qualification.

The following documents, which make up the **Supervised Practice Portfolio**, are maintained and submitted throughout the SP period. This portfolio is owned by the trainee, and contains all the plans, outcomes and evidence from the SP programme.

### 4.10.1 SP Framework

A copy of the SP Framework on which the SP is based to evidence the trainee is aware of all the competencies to be completed. All competencies set out in the ACLT SP Framework need to be signed off as having been completed in order to finish the programme. This is to be signed off by Supervisor or SP Tutor when a Cluster is completed, usually at the annual review.

For those evidencing SP costs work experience undertaken partially or completely prior to study the clusters should be signed off by the person providing a reference for that individual. Where the referee is unable to sign off particular clusters, this will need to be signed off by ACLT when the Viva is undertaken. (see Appendix SP 2)

### 4.10.2 Trainee Pathway

This is the high level route the trainee will take over the three years to cover all the Competencies. This will only be needed for those that are completing their SP concurrently or after the CL qualification and includes:

- Areas of work experience and outcomes, related to the competencies
- A predicted three year timeframe for completion of each area
- Key dates for achievement of Clusters at level 1, 2 and 3

Whilst competencies in the SP Framework are in their Cluster groupings, this does not mean that a combination of competencies from across different Clusters could not be developed and assessed in a single work based outcome or experience.

To be signed off by the trainee and supervisor as a sign of commitment to the development programme on both sides. (see appendix SP9). This does not need to be completed for any period of costs work experience undertaken prior to study of the qualification.

### 4.10.3 Trainee Professional Development Plan

Derived from the Pathway, this sets out what is to be achieved over the coming SP year, and provides an on-going record as it is completed throughout the year.

The Plan sets out:

- Objectives (or the competence statements to be achieved)
- WB or AC
- Priority
- Activities to achieve objectives
- Support/resources
- Target Date
- Date Achieved
- Sign off by Supervisor or SP Tutor

(See appendix SP6)

This does not need to be completed for any period of costs work experience undertaken prior to study of the qualification.

#### **4.10.4 Evidence and Reflective Log**

This details the evidence presented for each competency statement achieved. Evidence should include both the process and outcomes of the experience. It should also reference any copies of output – e.g. a client communication.

This log also requires students to reflect upon their experience. This log requires sign off by the Supervisor or SP Tutor, usually at the annual review. The log will need to be completed by all students irrespective of when the costs work experience was undertaken. For those evidencing SP costs work experience undertaken partially or completely prior to study the log sheets should be signed off by the person providing a reference for that individual. Where the referee is unable to sign off particular clusters, this will need to be signed off by ACLT when the Viva is undertaken.

(See appendix SP7)

#### **4.10.5 Evidence Folio**

This is a collection of documents, statements, invoices or other evidence to support the evidence and reflective log. The evidence folio should include an index and reference should be made to the page number of the relevant evidence log. This is to be stored locally by the trainee but available to the WB supervisor or SP Tutor upon request.

For those evidencing SP costs work experience undertaken partially or completely prior to study the evidence folio will still need to be created. Where there is no evidence available at the time of creation to support the reflective logs, this will need to be signed off by ACLT when the Viva is undertaken.

#### **4.10.6 Review Meeting Records**

Monthly and annual reviews need to be evidenced within the portfolio. The monthly reviews may be undertaken by the trainee alone, with a WB supervisor or with an SP supervisor. This will depend on the arrangements made by the individual tutee.

Annual reviews must be undertaken with either a WB supervisor or with an SP supervisor.

(See appendix SP10)

For those evidencing SP costs work experience undertaken partially or completely prior to study the review meeting records should be replaced by a reference covering all periods within which the work was undertaken.

### 4.10.7 Viva Record

All trainees are required to take part in a *minimum* of one viva as part of their evidence of completion during the three year period. A record of the viva and outcome is to be signed off by the trainee and Supervisor/ Tutor. (See Appendix SP11)

## 4.11 Exemptions

Applications for exemptions based on previous experience may be made in accordance with Rule 8 of the CLSB Training and CPD Rules 2013. Exemptions exempt the applicant from needing to develop a Competence or Cluster through work based experience during the programme. Evidence of past completion will need to be presented.

Trainees will not be exempted from the viva. Trainees are always required to have three years of relevant experience. (See Appendix AC3)

## 4.12 Interruption of Practice

Supervised Practice can take place before, during or after study for ACL Qualifications. SP does not have to run concurrently for the three year period, but to be three years in total, experienced over a six year duration.

### 4.12.1 Deferral

If a student has interruption(s) to their SP, which takes them beyond the six years, then they may apply to defer or extend their Supervised Practice.

Any student has the right to draw to the attention of ACLT any personal extenuating circumstances, which seriously impair his/her ability to complete their SP within the time frame, and to request an extension or deferral.

Requests for deferral on grounds of extenuating circumstances may only be made using the procedure notified, and must be accompanied by verifiable and current third party evidence. (Please see Appendix AC 8 and AC 9)

### 4.12.2 Interruption

The deferral procedure is not an appropriate measure in respect of permanent or long-term conditions or situations. Students experiencing special long term difficulties arising from changes in their personal, medical or work circumstances may apply or be advised to interrupt their Supervised Practice for up to 12 consecutive months according to the procedure notified.

A student returning from a period of interruption of studies shall be subject to the Regulations that apply at the time of recommencement of SP.

### **4.13 Change of Employer**

If a trainee changes firm during the course of their SP period they must advise the ACL Admin Team using the member details page on the ACL website. The existing Supervisor will be required to sign off achievements to date and hand over the relevant documentation. If a trainee is unable to complete a specific competency due to the change of employment then a new experience and outcome needs to be set in their plan.

Once a trainee has moved, a new Supervisor or SP Tutor needs to be appointed, pathway confirmed and the Plan updated or a new one set up and signed off. If a Supervisor leaves the firm a new Supervisor or SP Tutor needs to be appointed. The existing Pathway and Plan should continue, but will need to be confirmed by the new Supervisor or Tutor.

### **4.14 Complete Withdrawal from Practice**

Where a student indicates a desire to withdraw from Supervised Practice, the date of withdrawal shall be taken as the date on which the Operations Manager (or nominee) signs the form; retrospective withdrawal dates shall not be accepted. It is the student's responsibility to inform the ACLT of the withdrawal through the procedure notified. All competencies evidenced up to the time of withdrawal shall stand, and the student may re-start in later years if appropriate. (see Appendix GR 4 and GR 8)

The ACLT reserves the right to require a student to withdraw where the student has not fully engaged with the Supervised Practice or not complied with their financial commitment to the ACLT.

A student may submit an appeal, within ten working days of the date of the letter confirming the withdrawal, on the basis of material irregularity or if there is significant new evidence of mitigation against the student's non-engagement. The appeal must be submitted in writing to the Operations Manager, who must be satisfied that the conditions are met before the appeal will be put before the ACLT Management Board. The student may be required to sign a learning agreement giving a written undertaking as to their future engagement. (see Appendix AC5)

### **4.15 Conditions of completion**

After successful completion of the Supervised Practice, as evidenced through the Supervised Practice Portfolio, a student will be eligible for a certificate of completion. There are no interim awards for failure to complete all three years of the SP.

### **4.16 Modification of Assessment**

Final assessment of the Supervised Practice will be subject to moderation prior to a certificate of completion being issued. Any entitlement to a certificate of

completion may be set aside by the Assessment Board following a case of cheating.