

# Supervised Practice Handbook

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## 1. Introduction

ACL is responsible for the assessment of Supervised Practice in order that students may qualify as a CL, subject to the SP Regulations, the application process and the assessment criteria are set out in this handbook for students, employers and supervisors.

## 2. 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/>).

## 3. What is the Supervised Practice?

In order to qualify with ACLT as a Cost Lawyer, an individual has to achieve a core or threshold level of competency, 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)). An element of the training required must be achieved through costs work experience. The Supervised Practice (SP) approach provides structured learning and development, and assessment opportunities during that work experience. This is contextualised by the ACL Supervised Practice Framework.

## 3. The Supervised Practice Framework (“SP Framework”)

The ACL SP Framework maps out all of the abilities or competencies that a qualified costs lawyer should have developed through SP. An image of the framework can be seen overleaf. This framework is a part of the ACL Professional Development Framework. The competencies are organised in

clusters. All CLSB clusters, underpinned by ACL Competencies, up to the level 3 threshold of the framework will need to be evidenced, through SP or the formal qualification, in order to qualify as a costs lawyer.

CLSB Cluster	Competency	Level 1	Level 2	Level 3
		Novice Knowledge, Remembering	Beginner Understanding, Comprehension	Competent Applying
PA Practical Application of the law and Legal Practice	Identify and apply the relevant law to the matter.	<ol style="list-style-type: none"> <li>1. Describe the key organs and rules governing the English Legal System (ELS)</li> <li>2. Identify the constituent elements of a contract</li> <li>3. Describe the principles of negligence</li> <li>4. Identify when there is an entitlement to recover costs</li> </ol>	<ol style="list-style-type: none"> <li>1. Explain the fundamental principles underpinning the operation of the ELS and distinguish between sources of law</li> <li>2. Demonstrate an understanding of contract law applicable to a client matter, with minimal input from a supervisor</li> <li>3. Explain the implications of a negligence claim against a firm or individual, with minimal input from a supervisor</li> </ol>	<ol style="list-style-type: none"> <li>1. Demonstrate a critical awareness of the ELS and the sources of law applicable to a matter</li> <li>2. Accurately apply a critical understanding of contract law to a client matter</li> <li>3. Apply the principles of negligence to a particular matter</li> </ol>

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. The secondary set of competence statements appear on the SP Framework in green. 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.

## 4. Eligibility

Full time employment for the purpose of the 3 years of costs work experience is work in excess of 20 hours per week for a minimum of 43 weeks a year. This means to be eligible to receive a certificate of completion of SP a trainee must evidence that they have worked for a minimum of 129 weeks and a minimum of 2580 hours. 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 hours may also be evidenced where an individual is working part time over a longer number of weeks providing the 2580 hours are evidenced over a minimum of 129 weeks.

## 5. The SP Process

The SP process differs depending on whether a trainee is to evidence it using experience gained prior to study or concurrently/after studying the costs lawyer qualification.

### 5.1 Prior to Study

Where a trainee has obtained some or all of their costs work experience prior to study you are required to have that experience verified with a professional reference. The trainee must also complete the Reflective Log and Evidence Folio for the period they wish to evidence.

Before approaching a potential referee for signature a trainee is advised to provide them with a copy of this handbook and the SP Regulations. Any referee must be eligible to be a WB Supervisor or SP Tutor. It is important that any

referee understands that they are signing to verify a trainee has attained the experience and outcomes as required by the CLSB. The referee must sign off the clusters on the SP Framework and verify the relevant logbook entries. Where a referee cannot verify all clusters and the trainee claims to have achieved these during the 3-year period they will need to be assessed upon receipt and during the viva. In these circumstances the evidence folio will be requested.

Where trainees are going to use prior practice to evidence all of their supervised practice they will need to register this intention with the ACL, on the Course Application Form, that they have completed their supervised practice years, and wish to evidence prior practice for all of the 3 years SP. Any changes during their practice should be recorded on the application.

Where experience prior to study is used towards only part of the three-year period a submission of the necessary documents should not be made until the entirety of the supervised practice is complete but all students will be required to indicate on their course application form, or notify ACL, whether they will have a work based supervisor or whether allocation of an SP Tutor is necessary.

Upon registration, and as part of the assessment of supervised practice, the trainee must undertake a Viva with ACLT based on the submission made. ACLT will notify students of the requirements that apply in each case including details of the timescales for the assessment.

## 5.2 Concurrently or After Study

Where a trainee is to obtain some or all of their costs work experience during or after their formal academic studies, they are required to indicate on their course application form, as to whether they will have a work-based supervisor so that ACLT can determine whether allocation of an SP Tutor is necessary. Any changes in employment should also be communicated to ACLT in writing ([training@costslawyer.co.uk](mailto:training@costslawyer.co.uk)), or by using the member details page of the ACL website.

A trainee will identify a WB supervisor or be allocated to an SP Tutor by ACLT. A trainee is then required to review the competency framework and create a trainee pathway. This pathway should be discussed with the supervisor (or tutor) and should be reviewed and amended annually. The trainee will then start work on achieving their pathway and evidencing their achievement of the CLSB outcomes by completing a professional development plan. A Trainee should also start to build their portfolio of evidence and logbook.

A trainee should also organise, in accordance to the recommendations made by the supervisor (or tutor), monthly and annual reviews. Minutes should be kept of those meetings and should form part of the portfolio. Annual reviews must be undertaken.

When trainees have completed all elements of the portfolio and relevant SP they will need to register with ACLT, using the SP Registration Form, that they have

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completed their supervised practice years. Any changes during their practice should be recorded on the application.

## 6. Assessment of SP

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 assessment Board will determine the outcome of 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.

## 7. Evidencing SP

The way SP can be evidenced differs depending on whether you are to evidence it using experience gained prior to study or concurrently/after studying the costs lawyer qualification. All documentation required may be obtained from the ACLT Hub.

### 7.1 Prior to Study

Where the application is evidenced by 3 years of work experience prior to study the student is required to submit the following documentation with their application to register and evidence their supervised practice:

**1. SP Competency Framework:** 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. At least 80% of clusters must be signed off by the referee.

**2. Evidence and Reflective Log:** 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.

**3. Reference(s):** covering all periods within which the work was undertaken.

Upon receipt and satisfactory review of the documentation submitted ACLT will contact the student to organise a viva with that trainee.

## 7.2 Concurrently or After Study

Upon completion of the 3 years supervised practice all Trainees need to register with ACLT, using the SP Registration Form, that they have finished their three SP years. The documents that must be submitted to support the application are as follows:

**1. SP Competency Framework:** This is to be signed off by Supervisor or SP Tutor when a Cluster is completed, usually at the annual review.

**2. Trainee Pathway:** This will have been signed off by the trainee and supervisor as a sign of commitment to the development programme on both sides.

**3. Trainee Professional Development Plan:** this is to be completed by the trainee throughout their supervised practice and sets out what has been achieved over the SP years

**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.

**5. Review Meeting Records:** Monthly and annual reviews need to be evidenced. 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 trainee. Annual reviews must be undertaken with either a WB supervisor or with an SP supervisor.

Please note, the trainee's evidence folio does not need to be submitted to the ACLT with the registration form but may be requested for audit purposes.

## 8. The Supervisor

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

## 8.1 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.

If you are unsure whether an individual meets the criteria please contact the ACLT Education Manager (lynne@costslawyer.co.uk).

The supervisor will need to meet with the trainee for an induction meeting to discuss the trainee pathway and any amends that may assist the trainee in achieving the CLSB outcomes. The supervisor and trainee are required to sign in agreement to the proposed pathway. They must then meet at least once annually at which point the relevant clusters on the SP framework should be reviewed and signed off. The supervisor should also consider the trainee’s portfolio of evidence.

## 8.2 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 an SP Tutor, who will take on a similar role as a work based supervisor.

## 9. Documents and Records

Evidence of successful completion of three year Supervised Practice is presented through a series of validated documents that will be submitted to the ACLT HUB.

CLSB Cluster	Competency	Level 1			Level 2			Level 3										
		Novice			Beginner			Competent										
PA Practical Application of the law and Legal Practice	Identify and apply the relevant law to the matter.	1. Describe the law and rules governing the English Legal System (ELS)	2. Identify the constituent elements of a contract	3. Describe the principles of negligence	4. Identify when there is an entitlement to recover costs	5. Recognise some of the standard legal issues relevant to a case or transactions in costs law and practice.	1. Explain the fundamental principles underpinning the operation of the ELS and distinguish between sources of law	2. Demonstrate an understanding of contract law applicable to a client matter, with minimal input from a supervisor	3. Explain the implications of a negligence claim against a firm or individual, with minimal input from a supervisor	4. Explain, under supervision, how and why an entitlement to costs has arisen.	5. Generally being able to not only recognise the standard legal issues, but begin to see how rules and law apply to a particular case or transaction	1. One prescribed rule and rates and explain their legal standing	2. Demonstrate an understanding of the assessment procedure in special courts	1. Demonstrate a critical awareness of the ELS and the sources of law applicable to a matter	2. Accurately apply a critical understanding of contract law to a client matter	3. Apply the principles of negligence to a particular matter	4. Advise a client in relation to their entitlement to costs with no supervision	5. Overall identify the legal principles relevant to the area of practice and apply them effectively to individual cases.
	Identify and apply relevant legal procedure to a matter.	1. Identify and describe key parts of the CPR	2. Demonstrate an understanding of the assessment procedure in the civil courts.	3. Distinguish between client and office	1. One prescribed rule and rates and explain their legal standing	2. Demonstrate an understanding of the assessment procedure in special courts		1. Apply knowledge of the assessment procedure in the civil courts, the special courts and tribunals	2. Apply prescribed rule and rates and reach a measured conclusion									



of the qualification.

### 9.3 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 is designed to help trainees consider personal strengths and experiences/areas that they could develop to improve their academic performance and employability. Trainees must decide upon the next appropriate steps for them, take those steps and monitor and review their own development as they progress.

On the development plan trainees should record the following:

**Development Objectives:** which are objectives that a trainee or their supervisor has identified to enable the trainee to meet their learning and development needs. These may be identified at the skills analysis stage and upon review of the Trainee SP Pathway. They should also be subject to ongoing review by the trainee.

**Work Based or Academic** identifies if this is an objective to help ensure you meet your work based learning requirements or if this task is to improve your academic study.

**Priority** identifies whether the development objective is:

- critical to the trainee's current role
- beneficial but non-critical to the trainee's current role
- critical the trainee's progressing in to future role
- beneficial but non-critical to progressing in to a future role

**Activities** can constitute any learning or development activity that will enable the trainee to achieve their development objectives e.g. formal training, on-the-job training, work-shadowing another colleague etc.

**Support/Resources** describe what the trainee needs to help them achieve their development objectives. Typically this would involve support from a manager, department or colleague to enable them to undertake a learning or development activity such as allowing them time away from the trainee's role or funding from their department.

**Target Date and Date Achieved** the trainee should state when they intend to achieve their development objectives followed by the date they actually achieve them. Data in these columns is particularly useful when your supervisor reviews your PDP as it will enable them to identify any factors that may have prevented a trainee from achieving their development objectives on the target date and build in contingencies to prevent this from occurring in the future.

**Review date and notes** states when you will review progress on your Personal Development Plan. Assuming that you undergo the personal development process annually, we recommend that you review your PDP every six months therefore enabling you to:

- Assess your progress
- Reflect on your learning
- Identify whether your development objectives need to be amended
- Identify factors that may have prevented you from achieving your development objectives

Build in contingencies to enable a trainee (where possible) to meet their agreed target date in the future.

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

## 9.4 Evidence and Reflective Log

This details the evidence presented for each competency statement achieved.

Requirement	Page Number
Evidence provided	
Outline how the evidence demonstrates you meet the Requirement	
Reflection and evaluation (what you learnt from the activity you undertook to meet the outcome). Note: you may want to complete this section at a later date once you have had time to reflect on your practice and experience.	
Completion date:	
Signed (trainee)	Date
Signed (supervisor)	Date

Evidence should include both the process and outcomes of the experience. It should also reference any copies of output – e.g. a client communication and the evidence folio reference number.

Trainees should complete a separate logbook sheet to demonstrate how they meet each of the 8 CLSB outcomes (or SP Clusters) at each of the 3 levels of the framework. A trainee must also produce evidence to show how they have met the outcomes.

The following details how the form should be completed:

**Requirement:** Enter the CLSB Outcome (cluster) and outcome number in this section of the form.

**Page Number:** Evidence, which demonstrates how the trainee met each outcome, should be created in a page numbered portfolio. This should include the corresponding page location of the evidence in the portfolio.

**Evidence Provided:** A trainee must summarise the evidence you are using to demonstrate how you meet each outcome.

**Outline how the evidence:** A trainee should state how the evidence they have provided demonstrates how they have met the learning outcome. A trainee

should ensure that they have thought about the different activities required to demonstrate they have met the outcome. A trainee should then outline how the evidence provided demonstrates how they met the outcome through their work.

**Reflection:** this box should be used to reflect and evaluate the learning achieved through meeting the outcome and where, a trainee has identified an opportunity for further development; a trainee may want to include any steps they have taken to address this opportunity for development.

**Signed and date:** The trainee should sign and date the form with the date they complete the logbook entry. A supervisor should countersign the logbook entry to confirm the content of the entry. This should be done at a monthly or 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.

## 9.5 Evidence Folio

This is a collection of documents, statements, bills 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.

## 9.6 Review Meeting Records

Monthly and annual reviews need to be evidenced within the portfolio. The trainee alone may undertake the monthly reviews, 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.

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.

## 9.7 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.

The viva is inquisitive in which the trainee will be questioned, there be a short interview, to confirm their competence based on the evidence that has been presented. The Viva will be undertaken by ACLT and is an independent assessment of whether a trainee has met the CLSB outcomes (ACLT SP Clusters).

A record of the viva and outcome is to be signed off by the Trainee and Supervisor.

Viva Assessment Record	
<b>The candidate</b>	
Name of Candidate	
Date	
Stage of Supervised Practice	
<b>Report</b>	
Name of supervisor	
Please provide your independent assessment of the candidate's competency including a consideration of whether the candidate has demonstrated they have met the CLSB outcomes (ACLT SP Clusters) with a broad knowledge and understanding of their discipline and its associated competencies, the application of these, strengths and weaknesses in the individual's ability and any particular issues that you wish to draw out in the oral examination.	