

## **ACL Training (ACLT) Response to the CLSB Consultation: Continuing Professional Development (CPD)**

This response has been prepared by the Head of Education of ACLT.

ACLT is currently the sole accredited provider of the Costs Lawyer Qualification (CLQ) and also provides CPD courses for legal professionals. ACLT welcomed the move by the CLSB, in 2017, to encourage reflection in learning and it is felt that the present proposal builds upon the rules introduced at that time.

### ***Consultation question 1: Do you agree that the proposed approach strikes the right balance between outcomes-focused learning and provision of a practical framework within which Costs Lawyers can track and report their ongoing training? If not, why?***

The proposal appears to strike the right balance between outcomes-focused learning and the provision of a practical framework within which Costs Lawyers can track and report their ongoing training. The proposal makes the standards expected explicit, a Costs Lawyer must ensure that their needs are assessed, and objectives set, in light of the principles in the Code of Conduct (CPD rule 2.1). What must be demonstrated on audit is clear.

The CLSB have maintained a point-based system as a guide to costs lawyers, providing a clear indication as to the minimum time that should be devoted to their own training and development. Learners often benefit from a clear guide as to the minimum time requirements for a task.

Lawyers in other branches of the profession have found needs assessments, outcome setting, and reflection, difficult. The proposal helpfully includes some categories that can be used as a guide by Costs Lawyers upon which their development objectives can be based. However, it is recommended that there should be further consideration as to how easy it is for a Costs Lawyer to conceptualise what they are being asked to do. See further the response to question 3.

### ***Consultation question 2: Is the guidance clear as to what activities will qualify as CPD? Should the guidance cover any other topics?***

The guidance is clear as to what activities will qualify as CPD and appears to cover all required topics.

***Consultation question 3: Are the template and worked example useful? Are there any other materials that would help practitioners in implementing the proposals?***

The template and worked example are useful however additional materials could be included to help practitioners implement the proposals. The suggested additions (Annex 1 and 2) would help Costs Lawyers conceptualise what they are being asked to do.

Competence is not fixed or unchangeable and the proposal recognises this with the requirement that each CPD activity should be at a level appropriate to the Costs Lawyer's professional development needs. This will require Costs Lawyer's to assess their needs and reflect. Reflective practice is a continuous process with all learners bringing their own knowledge, ideas and beliefs to the process. The proposal seeks to introduce this cyclical approach to development and it is felt that costs lawyers may benefit from this being made more explicit within the guidance. A document could be included in the guidance that reinforces the idea that the process will have no clear beginning and end, that learning goes beyond the reporting requirements and requires continual review by the learner. Please see the proposed process map at Annex 1.

By way of guidance, the CLSB suggests that development objectives can be categorised into four broad areas (it is not proposed that the adoption of these categories is compulsory). It is felt that these guiding categories could be better presented to enable costs lawyers to conceptualise the categories for learning purposes. Learning or development is an acquisition of concepts and it is helpful to think of existing knowledge in these terms because it allows the building of mental structures which can act as scaffolding for building a broader or deeper knowledge base. It is proposed that a document be introduced into the guidance that promotes the idea that these four areas are concepts upon which learning can be built. Please see Annex 2.

Finally, it may also assist Costs Lawyers if they were provided with clear guidance as to how to set outcomes and objectives.

***Consultation question 4: Do you agree that the requirement for Costs Lawyers to be accredited before they can deliver CPD training should be removed? Is the accreditation scheme still valuable as an indicator of quality?***

It is agreed that the requirement for Costs Lawyers to be accredited before they can deliver CPD training should be removed. However, it would be a welcome addition to the proposals if all Costs Lawyers delivering CPD were required to keep records of evaluation for any CPD session that they delivered. This will encourage the fostering of reflective practice in all learning and development activities by both the learners and the facilitators.

Additionally, it cannot be said with any certainty that a voluntary register of CPD providers would be of benefit, such a register may suggest a quality benchmark of the provider that cannot be assured. Further information would be needed regarding how this register would operate in order to form a view on this.

***Consultation question 5: Do you agree that it is disproportionate to ask all Costs Lawyers to submit evidence of their assessment, objective setting and evaluation process every year and that, instead, this evidence should be asked for only as part of the random CPD audit?***

It is agreed that it would be disproportionate to ask all Costs Lawyers to submit evidence of their assessment, objective setting and evaluation process every year.

Proposed rule 2.3 requires a Costs Lawyer to record their assessment of CPD needs, associated objectives and evaluation. Costs Lawyers will not be expected to supply evidence of this as a matter of course but the evidence may be requested when the CLSB audit the CPD activity.

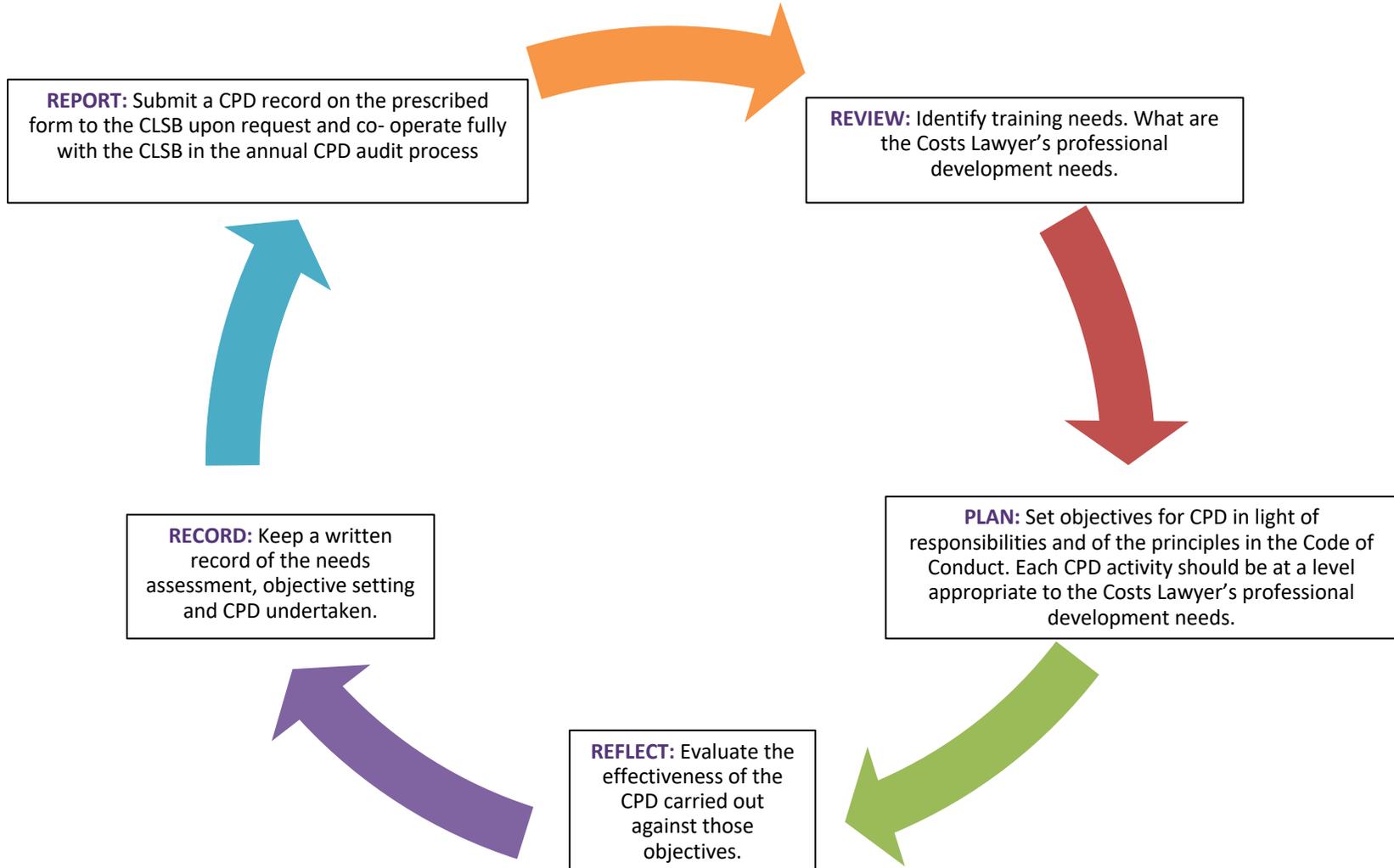
The routine reporting requirements of Costs Lawyers will not be changing and therefore there may be concern that the desired shift in approach to learning and development may not be achieved. Some Costs Lawyers may simply undertake 12 hours of CPD and take the chance that their objective setting will never be audited. However, there is a secondary stage of reporting (full reporting) which should encourage a change of approach to learning. This second part of the reporting process should encourage Costs Lawyers to change their approach to CPD.

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## Annex 1

Process map showing the need for a Costs Lawyer to review, plan, reflect, record and report CPD activities. **Note:** The full auditing process will require Costs Lawyers are able to evidence they have engaged with the process.



## Annex 2

Table of suggested categories for objective setting and the regulatory principles in the Code of Conduct to which the category is most directly linked. **Note:** Other principles may also apply, and to some degree categories will overlap.

<b>Legal and technical competence</b>	Comply with your duty to the court in the administration of justice.  (Principle 2: paragraph 2.1)	Provide a good quality of work and service to each client  (Principle 4: paragraphs 4.1-4.4)			
<b>Professional ethics and behaviour</b>	Act with integrity and professionalism  (Principle 1: paragraphs 1.1-1.7)	Comply with your duty to the court in the administration of justice  (Principle 2: paragraphs 2.1-2.4)	Act in the best interests of the client  (Principle 3: paragraphs 3.1, 3.6)	Deal with the regulators and Legal Ombudsman in an open and co-operative way  (Principle 5: paragraphs 5.1-5.3)	Keep your work on behalf of your clients confidential  (Principle 7)
<b>Dealing appropriately with your client and third parties</b>	Act with integrity and professionalism  (Principle 1: paragraphs 1.1, 1.3 and 1.7)	Act in the best interests of the client  (Principle 3: paragraphs 3.1-3.4)	Providing a good quality of work and service to each client  (Principle 4: paragraphs 4.1-4.6)	Deal with the regulators and Legal Ombudsman in an open and co-operative way  (Principle 5: paragraphs 5.1-5.3)	Treat everyone with dignity and respect  Principle 6: (paragraphs 6.1-6.3)
<b>Management</b>	Act with integrity and professionalism  (Principle 1: paragraphs 1.2, 1.4-1.6)	Act in the best interests of the client  (Principle 3: paragraphs 3.2-3.8)	Treat everyone with dignity and respect  (Principle 6: paragraphs 6.1-6.3)		