

## **Application made by CILEx Regulation for approval of changes to the CPD Regulations**

### **A. Introduction**

1. This is an application seeking LSB approval of changes to the CPD Regulations.
2. We want to revise these rules in order to remove the transitional arrangements which were included when the new CPD scheme came into force as these are no longer relevant and to take the opportunity to clarify the regulations for CILEx members and CILEx Practitioners.
3. In support of this application we attach the following documents:
  - Annex 1:** CPD Regulations in tracked changes;
  - Annex 2:** Explanatory table for each proposed change;
  - Annex 3:** Public consultation document;
  - Annex 4:** Consultation responses analysis;
  - Annex 5:** Draft handbook

### **B. Current regulatory arrangements**

4. We refer firstly to the table at **annex 2** which sets out the proposed changes to the regulations compared with the existing regulations and handbook, together with an explanation of the changes.
5. The CPD regulations set out the requirements for CILEx members and others who are required to undertake CPD. These regulations currently include both the current rules and the transitional arrangements which applied to CILEx members and others when the scheme was first changed from an hours based scheme to an outcomes focused scheme.
6. The current CPD regulations:
  - Include both the transitional rules and the rules which cover the outcomes based CPD scheme
  - Set out the obligations of individuals required to undertake CPD by status (e.g. grade of membership)
  - Set out the requirements which individuals must follow when they

are unable to meet their CPD requirements by the deadline

- Set out action for non-compliance which is taken using Principle 4 of the Code of Conduct

7. This application relates to proposals to amend the CPD Regulations to make them clearer by:

- Removing the transitional arrangements from the regulations
- Clarifying the current regulations
- Clarifying the requirements for Return to Work obligations, dispensation, exemption and extension
- Including within the regulations the actions which may be taken when an individual is non-compliant with the regulations

### **C. Nature and effect of the proposed changes**

*The nature of the proposed changes*

8. The key rule changes proposed are to:

- Introduce clarification of the CPD requirements, including the Return to Work Scheme and the dispensation, exemption, extension and non-compliance requirements
- Remove regulatory arrangements from the CPD handbook
- Amend terminology to cover the CILEx Practitioners, who may not be members of CILEx

9. These changes do not involve substantive changes of policy or approach, other than the removal of the requirement to undertake a Return to Work scheme within 2 months of returning to work following a dispensation from the CPD requirements.

10. Reference is made to the table of changes at **annex 2** which sets out in more depth the changes proposed. The changes to the rules can be found in tracked format at **annex 1**.

**11.** We consider that the final proposals submitted will have a neutral impact upon consumers. There is no change to the CPD requirements other than the removal of the Return to Work scheme as a compulsory element of the scheme, as this is not always possible or appropriate for regulated individuals.

12. Removal of the transitional arrangements and clarification and simplification of the regulations will make the CPD scheme easier for regulated individuals to understand and comply with the revised arrangements.

#### **D. Rationale for amendment and outcomes sought**

13. The CPD regulations have been clarified and simplified. This will make them more straightforward for the regulated community to understand and to better enable non-compliance with the scheme to be managed in accordance with the individual's situation.
14. There is only one substantive change to the regulations, which makes the requirement to undertake a return to work scheme an optional requirement. This is now recommended through the guidance.

#### **E. Statement in respect of the regulatory objectives**

15. The impact of these proposals, set out at **annex 2**, upon the regulatory objectives primarily relates to requiring 'individual authorised persons to act in a manner that is consistent with the status of belonging to a profession' (regulatory objective 8). Although each of the regulatory objectives has been considered in broad terms during the development of the proposed changes. Particular consideration has been given to balancing the desire for proportionate and clear CPD regulations whilst maintaining regulated individuals' competence.
16. As detailed above we consider that the revised proposals will have a neutral impact upon consumer protection, as the regulations are not substantially changed from the existing CPD requirements and therefore will ensure that the community regulated by CILEx Regulation remains competent.
17. We consider overall that the proposals will have a neutral impact upon the regulatory objectives.

#### **F. Statement in respect of the better regulation principles**

18. We consider that the proposals are in keeping with the better regulation principles and that our duty under section 28 of the Legal Services Act 2007 has been fulfilled. Reference is again made to the application and annexure as a whole.
19. We have been mindful in particular of the need to perform regulatory functions in a manner which is both proportionate and transparent. Amending the CPD regulations to ensure that they are more easily understood and only contain regulations which are enforceable ensures that we are meeting these requirements.
20. We have consulted publicly on our proposals and have not sought to expand regulatory burdens on regulated individuals. We have focused upon ensuring that the regulations are clear and easy for the regulated community to understand. Responses to the consultation demonstrate that this additional clarity is welcomed.

## **G. Stakeholder engagement**

21. A consultation on these changes has been conducted with those required to undertake CPD. It was open between 12 July 2017 and 18 August 2017 and received 28 responses. The responses received were overwhelmingly positive and the consultation analysis is attached at **annex 4**.

## **H. Statement in relation to the impact upon other approved regulators**

22. We do not consider that these changes will impact upon areas regulated by other approved regulators.

## **I. Timetable for implementation**

1 October 2017	Implementation of revised CPD regulations to coincide with new CPD year at CILEx Regulation
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## **J. Contact details**

23. The contact details for this application are as follows:

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