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# Consultation

## Continuing Professional Development (CPD)

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4 December 2019

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Costs Lawyer Standards Board

CLSB  
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# This consultation

The Costs Lawyer Standards Board (CLSB) regulates Costs Lawyers under the framework established by the Legal Services Act 2007 (LSA). Costs Lawyers must have sufficient knowledge and practical skills to ensure they provide a quality service to their clients and meet the professional standards expected of them. A Costs Lawyer's competency is assessed at the point of entering the profession, but it is equally important for all Costs Lawyers to maintain the requisite level of competence throughout their professional career. To facilitate this, the CLSB imposes Continuing Professional Development (or CPD) requirements on regulated Costs Lawyers. The current version of our CPD Rules can be found [on our website](#).

In 2019, we reviewed our approach to continuing competency, to ensure our CPD Rules remain fit for purpose. The primary role of imposing continuous learning requirements is to promote the regulatory objectives set out in the LSA, including encouraging an independent, strong, diverse and effective legal profession as well as protecting and promoting the interests of consumers. A number of factors suggest that our CPD Rules could be enhanced to better support those objectives, namely:

- The need for further alignment with [guidance from the Legal Services Board](#).
- Emerging evidence from the wider legal sector on the success of alternative approaches to CPD, including the [Solicitors Regulation Authority's report](#) assessing the impact of its recent reforms.
- Evidence from our regulatory work suggesting that additional guidance or clarification would be useful in relation to certain aspects of our rules.

As a result of our review, we propose to adopt a new set of CPD Rules. These can be found at Annex 1. Proposed supplementary guidance is set out at Annex 2.

This consultation paper explains the main differences between our existing approach to CPD and our proposed approach going forward. It raises questions that you might like to consider as part of your response, although we welcome comments on any aspect of the proposal. Consultation responses should be sent to [enquiries@clsb.info](mailto:enquiries@clsb.info) by **5pm on 2 February 2020**.

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# Summary of key proposed changes

## Our current approach to CPD

The CLSB's original CPD Rules came into force in October 2011. They were reviewed and updated in January 2013 and again in June 2017, when they were separated out from our Training Rules into a standalone document. Each version of the CPD Rules has contained a prescriptive requirement for 12 CPD points (or hours) to be attained in each practising year. This equates to one CPD point per month, allowing for monthly dispensation if a Costs Lawyer is not in work (e.g. on maternity leave or suffering from long term illness).

The rules specify that the CLSB will only recognise CPD provided by certain types of providers and an exhaustive list of those providers is set out in rule 2.2. The rules also identify specific development activities for which a set number of CPD points can be claimed (rule 4). The list of activities has been reviewed and updated over time.

To supervise compliance with the rules, the CLSB requires Costs Lawyers to provide a record of CPD attained at the end of each year alongside their practising certificate application for the following year. A random selection of CPD records is audited each year and Costs Lawyers are asked to provide evidence of CPD points claimed.

In 2019, the CPD guidance that sits alongside our CPD Rules was updated to encourage Costs Lawyers to plan their annual CPD activities based on an objective assessment of their personal training and development needs in relation to their work and business practice. This requirement does not appear in the rules themselves and we do not currently have a process in place for proactively supervising compliance with this guidance.

## Proposed change of approach

We reviewed our position against the LSB guidance and prevailing best practice, and found there was scope to move further towards an emphasis on learning outcomes. Our view is that the current CLSB regime lacks flexibility around the content of training and

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development when compared with the approach adopted by others. Set numbers of CPD points are linked to prescribed categories of activity, with no clear justification for the division between the activities. There is a heavy focus on substantive law, with one category relating to practice management but no provision for wider competency areas, including “softer skills” and professionalism.

However, we do not recommend a move to an entirely outcomes-based regime of the kind adopted by the Solicitors Regulation Authority and Bar Standards Board (as considered during our review). Evaluation of both those regimes is at an early stage. Many of the perceived benefits of those regimes have been achieved by moving away from a rigid system which requires CPD to be attained only via accredited providers. The existing CLSB regime already builds in that flexibility, so there is less to be gained from wholesale change.

In 2017 we amended our rules to emphasise the need for Costs Lawyers to reflect on their individual development requirements and achievements, while retaining a points-based system of reporting. We felt that a points-based system complemented rather than undermined an outcomes-focused approach to CPD, by providing Costs Lawyers with a practical framework within which they could measure, track and report their ongoing training. This continues to be our view, whilst accepting the need to help practitioners move further towards an outcomes-focused approach.

We therefore propose to introduce a mixed model which builds on emerging best practice from other regulators and which, in our view, better meets the LSB guidance. The model is set out in the proposed CPD Rules (at Annex 1) and has the following features:

1. CPD activities must achieve the outcome of developing skills, knowledge and professional standards as a Costs Lawyer.
2. There will be a clear link with meeting the regulatory Principles set out in the Cost Lawyer Code of Conduct.
3. Under the Rules, Costs Lawyers will be required to:

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- Identify their CPD needs and set their CPD objectives in light of their responsibilities and the regulatory principles in the Code.
  - Undertake qualifying CPD activity.
  - Evaluate the outcome of the CPD activity against their objectives.
  - Report their CPD activities.
4. We will maintain an obligation to obtain at least 12 CPD hours (points) per calendar year. However, this will be a minimum requirement, not a target. The total amount of activity that a Costs Lawyer undertakes should be related to their needs and objectives.
  5. There will no longer be a rigid list of activities that count towards CPD or any cap on the number of points attainable for each type of activity. Instead, Costs Lawyers will be given discretion to undertake those activities which best help them meet their objectives.
  6. However, we will adopt the Bar Standards Board's approach in specifying that activities carried out as part of normal practice cannot count towards CPD activity. For CPD to have meaning, simply "learning by doing the job" is not sufficient, nor should clients be charged for CPD activities.
  7. We will remove the list of the categories of organisation or person that are able to provide CPD training (current rule 2.2). The list is now sufficiently broad – for example, incorporating any training company that provides legal or business skills training – to lack meaningful purpose. We would expect Costs Lawyers to assess whether any external trainer that they use is competent to provide them with that particular service, otherwise the training will not meet their needs and objectives.
  8. Where a practitioner does not work a full year then there will be provision, as now, for the minimum CPD hours to be reduced pro rata.
  9. We will continue to attribute 2 CPD points to membership of the Association of Costs Lawyers (ACL), provided that the Costs Lawyer actively uses the resources provided by ACL as part of their overall planning, objective setting and evaluation, and 6 points for attendance at an ACL conference.

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***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?***

Our proposed guidance in support of the CPD Rules (at Annex 2) is intended to assist practitioners in implementing the new model. The guidance emphasises a broader concept of competency that includes, but is not restricted to, technical competence. We suggest that training and development needs and objectives can be categorised into four broad areas:

- Legal and technical competence
- Professional ethics and behavior
- Dealing appropriately with your client and third parties
- Management

The proposed guidance links each of these areas to specific regulatory Principles in the Costs Lawyer Code of Conduct.

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

To assist practitioners, we have also developed a suggested (non-compulsory) template for the process of assessing CPD needs, setting objectives and evaluating outcomes. The template is at Annex 3, with a worked example showing how the template might be completed at Annex 4.

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

## Accrediting Costs Lawyers as CPD trainers

Rule 2.2 of the current CPD Rules requires regulated Costs Lawyers to be accredited by the CLSB before they can train other Costs Lawyers for CPD purposes. As part of our review, we considered whether to retain this requirement or replace it with a voluntary accreditation scheme, as a badge of quality upon which other Costs Lawyers can rely.

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The existing requirement for accreditation applies only to Costs Lawyers; that is, it applies only to the group of professionals who are arguably in the best position to train their peers on legal and technical competence in costs law. We therefore concluded that a voluntary scheme of accreditation was preferable.

***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?***

## Reporting and monitoring

We will continue to require Costs Lawyers to report their CPD activities and the points they obtain as part of the practising certificate renewal process. We do not intend to ask all practitioners to provide evidence of their assessment, objective setting and evaluation process for every practising year. However, we already verify a sample of returns each year via the random CPD audit; under the new proposals these audits will look beyond checking that the activities took place and will examine evidence of the wider process behind them.

As well as offering an opportunity to provide feedback to individual Costs Lawyers, these audits will help us to monitor implementation of the new scheme overall. We propose to undertake a review after three to four years in order to assess whether, for example, the outcomes-focused process has sufficiently bedded in to render the 12 point requirement no longer necessary.

***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?***

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# Annex 1

## Proposed new Continuing Professional Development (CPD) Rules

These rules relate to the continuing professional development (CPD) of a Costs Lawyer authorised and regulated by the Costs Lawyer Standards Board (CLSB) and replace all other CPD rules previously issued by the CLSB. A Costs Lawyer is required to continuously develop their knowledge and practical skills to ensure they operate to the standard expected of them in the Costs Lawyer Code of Conduct. These rules should be read in conjunction with prevailing guidance on CPD issued by the CLSB.

### 1. Achieving CPD

- 1.1 CPD is activity undertaken in accordance with these rules over and above a Costs Lawyer's routine practice to develop their skills, knowledge and professional standards as a Costs Lawyer.
- 1.2 The CPD year is a calendar year (1 January to 31 December).
- 1.3 A Costs Lawyer must achieve a minimum of 12 CPD points in a CPD year, unless rule 1.4 applies. CPD points can be achieved by carrying out CPD activity, in accordance with rules 2 and 3.
- 1.4 In the event that a Costs Lawyer:
  - (a) qualifies part way through a CPD year;
  - (b) is reinstated part way through a CPD year; or
  - (c) takes long term leave during a CPD year,the Costs Lawyer will be required to achieve a minimum of one CPD point for each full month worked during that CPD year.
- 1.5 In accordance with the CLSB's Practising Rules, the CLSB may refuse to renew a Costs Lawyer's practising certificate or may issue the practising certificate subject to conditions where a Costs Lawyer has failed to comply with CPD requirements.

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## **2. Planning, evaluating and maintaining records**

A Costs Lawyer is required to:

- 2.1 Identify their training needs and set objectives for their CPD in light of their responsibilities and of the principles in the Code of Conduct.
- 2.2 Evaluate the effectiveness of the CPD carried out against those objectives.
- 2.3 Keep a written record of the matters required by rules 2.1 and 2.2 and of the CPD undertaken during a CPD year.
- 2.4 Submit a CPD record on the prescribed form to the CLSB upon request and co-operate fully with the CLSB in the annual CPD audit process, including by providing the CLSB with the written records required to be kept under rule 2.3.
- 2.5 Keep evidence of CPD achieved for two years from the end of the CPD year.

## **3. CPD activities**

- 3.1 The following is a non-exhaustive list of activities that can be included within CPD, with each full hour engaged on an activity counting as one CPD point:
  - (a) attending a conference, seminar or roundtable discussion;
  - (b) attending training, including in-house, external or web-based training;
  - (c) preparing for and delivering training;
  - (d) researching and drafting a publication;
  - (e) supervising a Trainee Costs Lawyer undertaking the Costs Lawyer qualification;
  - (f) research and reading.
- 3.2 Membership of the Association of Costs Lawyers shall be deemed to carry two CPD points and attendance at a full day conference provided by the Association of Costs Lawyers shall be deemed to carry a maximum of six points.
- 3.3 The following activities cannot count towards CPD:
  - (a) work, research or reading that is part of routine practice or casework;
  - (b) any work for which the client is charged (unless the Costs Lawyer is providing training or a seminar for that client);

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(c) following social media or maintaining a social media account.

3.4 Each CPD activity should be at a level appropriate to the Costs Lawyer's professional development needs.

## **4. Waiver**

4.1 The CLSB may waive all or part of these rules if it considers that exceptional circumstances have justifiably prevented a Costs Lawyer from meeting their CPD obligations during any CPD year.

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## Annex 2

# Proposed new Continuing Professional Development (CPD) Guidance

This document offers clarification and guidance on current Continuing Professional Development (CPD) Rules issued by the Costs Lawyer Standards Board (CLSB) for Costs Lawyers authorised and regulated by the CLSB.

### Contents

[Contents page to be inserted following consultation outcome.]

## 1. What is CPD for Costs Lawyers

### *What is CPD*

CPD is the compulsory and systematic maintenance of professional skills and personal qualities required throughout the working life of a Costs Lawyer. It is defined in CPD rule 1.1 as an activity over and above your routine practice to develop your skills, knowledge and professional standards as a Costs Lawyer.

### *CPD Rules*

The current CPD Rules for Costs Lawyers came into effect on [effective date]. They can be accessed via the CLSB website at [www.clsb.info](http://www.clsb.info) under the Costs Lawyer Handbook.

### *CPD year*

A CPD year runs from 1 January to 31 December (inclusive). This coincides with a practising certificate year. CPD achieved in one year cannot be carried over, or otherwise attributed, to the following year.

### *CPD stages*

The stages of CPD are as follows:

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- Identifying your CPD needs and setting your CPD objectives in light of your responsibilities and the regulatory principles in the Costs Lawyer Code of Conduct.
  - Undertaking CPD activity.
  - Evaluating the outcome of the CPD against your objectives.
  - Reporting your CPD to us upon request.

## 2. Identifying your CPD needs and setting your objectives

### *How to set objectives*

CPD is activity undertaken to develop your skills, knowledge and professional standards as a Costs Lawyer. CPD rule 3.4 establishes that each CPD activity should be at a level appropriate to your professional development needs.

In setting objectives for your CPD, you should consider factors such as:

- what your current role and responsibilities are, and how these might change in the future;
- what your existing skills are, and what training is required to achieve the skills necessary to undertake current or future roles and responsibilities;
- how CPD could help you uphold the regulatory principles set out in the Code of Conduct.

Your objectives should relate directly to your individual training and development needs. Considering your role and responsibilities allows you to focus your training on those areas that are most relevant. You should take into account any planned changes, as your training needs are likely to be greater at the point when you will be taking on a new role or extra responsibilities.

You are encouraged to plan your annual CPD activities based on an objective assessment of your personal training and development needs in relation to your practice. You should determine for yourself the most appropriate areas in which CPD is required, although you might be assisted by feedback from clients and colleagues or by monitoring developments in the wider marketplace. When considering whether a type of training or activity would be appropriate, it is suggested that you ask yourself the question “what

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is the value of this training in providing legal services to my clients and in complying with the principles”?

You are advised to assess your CPD needs and objectives by linking them to categories of development. Suggested categories and the regulatory principles in the Code of Conduct to which they are most directly linked are set out below. However, other principles may also apply, and to some degree categories will overlap.

There is no need to take CPD in a particular category if you consider that you do not have training or development needs in that category for the year in question. For example, you may not be involved in practice management in your role, or you may have focussed on a particular category and principles last year and met your objectives. However, given the constantly evolving nature of costs law, it is likely that you will always need to undertake some activity in relation to your legal and technical competence if you are to meet your obligations under the Code of Conduct.

Adoption of these particular categories is not compulsory – but you must ensure that your needs are assessed and objectives set in light of the principles in the Code of Conduct (CPD rule 2.1).

### *Category: Legal and technical competence*

- Principle 2: Comply with your duty to the court in the administration of justice (paragraph 2.1)
- Principle 4: Provide a good quality of work and service to each client (paragraphs 4.1-4.4)

Continuing to meet these principles will involve keeping up to date with the costs law and procedure that is relevant to your role. If you provide advocacy services, this will include maintaining that skillset and knowledge of the relevant court rules.

### *Category: Professional ethics and behaviour*

- Principle 1: Act with integrity and professionalism (paragraphs 1.1-1.7)

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- Principle 2: Comply with your duty to the court in the administration of justice (paragraphs 2.1-2.4)
  - Principle 3: Act in the best interests of the client (paragraphs 3.1, 3.6)
  - Principle 5: Deal with the regulators and Legal Ombudsman in an open and co-operative way (paragraphs 5.1-5.3)
  - Principle 7: Keep your work on behalf of your clients confidential

Learning needs in this category could include, for example, understanding case law and principles on conflicts of interest, confidentiality, bribery or anti-money laundering.

*Category: Dealing appropriately with your client and third parties*

- Principle 1: Act with integrity and professionalism (paragraphs 1.1, 1.3 and 1.7)
- Principle 3: Act in the best interests of the client (paragraphs 3.1-3.4)
- Principle 4: Providing a good quality of work and service to each client (paragraphs 4.1-4.6)
- Principle 5: Deal with the regulators and Legal Ombudsman in an open and co-operative way (paragraphs 5.1-5.3)
- Principle 6: Treat everyone with dignity and respect (paragraphs 6.1-6.3)

Learning needs in this category will include “softer skills”, such as being able to provide information clearly and simply and effectively managing client relationships. There are clear overlaps with professional ethics – it will include treating others with courtesy and dealing properly with complaints.

This category will also include encouraging equality and diversity and not unlawfully discriminating. For example, a training need may arise in relation to equality legislation or how to make reasonable adjustments for clients or colleagues.

*Category: Management*

- Principle 1: Act with integrity and professionalism (paragraphs 1.2, 1.4-1.6)
- Principle 3: Act in the best interests of the client (paragraphs 3.2-3.8)
- Principle 6: Treat everyone with dignity and respect (paragraphs 6.1-6.3)

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If you have or are intending to take on a role in management (including practice management), then areas of training need could include implementing effective supervision and oversight, recruitment and employment law, financial management, business planning or managing an effective complaints system.

### 3. Undertaking CPD activity

#### *CPD points*

You are required to achieve a minimum of 12 CPD points every CPD year. Merely achieving this minimum will not be sufficient if you have unmet training or development needs which mean that you cannot provide a competent service or cannot otherwise comply with the principles. The amount of activity you undertake should be related to your needs and objectives.

#### *What counts as CPD*

You have flexibility in determining the activities that you undertake to meet your objectives and achieve CPD points. A non-exhaustive list of activities is set out in CPD rule 3.1. Whilst it would usually be sensible to employ a range of activities, you can decide which activities to undertake to best meet your needs.

#### *ACL membership*

Membership of the Association of Costs Lawyers (ACL) can count as two CPD points since membership involves regular updates on costs law, procedure and professional matters; provided that you use and engage with the materials supplied in meeting your CPD objectives. Full attendance at an ACL conference carries a maximum of six points.

#### *What does not count as CPD*

CPD rule 3.3 provides that some activities cannot count towards your CPD. CPD is activity over and above your normal practice. For example, undertaking research as part of an instruction or talking a case through with a colleague – whilst appropriate and necessary activities in themselves – cannot count towards CPD.

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For this reason, CPD cannot include work for which you charge a client unless your charges are for providing them training or a seminar on a relevant matter such as costs law. Note that if you are working in-house the mere fact that you are paid your salary during your CPD activities does not amount to charging a client.

It is also important to note that some activities – such as drafting a publication – might constitute CPD for one practitioner but not another. If an activity does not meet your individual training needs, and therefore does not develop your skills, knowledge or professional standards as a Costs Lawyer, it is not CPD for your purposes.

#### 4. Evaluating CPD activity

After each CPD activity is completed you should review and evaluate it against the objectives that you have set yourself. This will help you assess whether the development need has been met or whether further action is required.

#### 5. Recording CPD activity and submitting it to the CLSB

##### *What you must record*

Under rule 2.3, you are required to record:

- your assessment of your CPD needs and the associated objectives;
- your CPD activity; and
- your evaluation of the activity.

##### *Reporting your achievement of 12 CPD points (minimum reporting)*

You will be asked to report your CPD activity to us on an annual basis when you apply for a practising certificate for the forthcoming year. You will be asked to submit a simple CPD form showing that you have achieved a minimum of 12 CPD points during the CPD year, unless rule 1.4 applies. A copy of the CPD form can be accessed via the CLSB website at [www.clsb.info](http://www.clsb.info) under the forms section of the Costs Lawyer Handbook.

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### *Reporting all CPD stages (full reporting)*

We will not ask you to submit full records of your assessment of needs, objectives and evaluation as a matter of course. However, these may be requested as part of our random CPD audit (see below).

## 6. Auditing

### *Random CPD audit*

Each year, we undertake a random audit of CPD records received. You are required, under CPD rule 2.4 and the Code of Conduct, to cooperate with us in the event such an audit is carried out in relation to your CPD record.

The audit will include examining your written record of the assessment of your CPD needs, your objectives and your evaluation of the activities. In the event CPD has not been achieved as required, our initial approach will usually be to discuss the issues with you and require you to plan and carry out corrective action. However, non-cooperation or persistent failure to address issues will be dealt with under the Disciplinary Rules and Procedures.

### *Signing in at a CPD event*

It is important that you sign the attendance sheet of any CPD event attended, including an ACL annual conference, as we will refer to attendance sheets when undertaking our annual random audit.

## 7. Exemptions to CPD requirements

### *Not working consistently throughout the practising year*

There are a number of reasons why a Costs Lawyer might not work consistently during a CPD year, including:

- long term sick leave (continuous period of one calendar month or more);
- maternity/paternity leave;
- qualifying part way through a year;
- being reinstated;
- being unemployed;

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- taking a career break.

In the event that you take time off during a CPD year for reasons such as these, you will be required to achieve one CPD point for each full month worked (rule 1.4). You should endorse on your CPD record why a lesser number of points has been achieved for that CPD year (for example, by stating the dates a career break was taken). You may be asked for documentary evidence in support if there is an audit.

### *Exceptional circumstances*

Should exceptional circumstances occur, such as a bereavement or serious illness of a family member which has impacted on your ability to achieve CPD for the CPD year, you should contact us so that we can consider whether to grant a waiver of some or all of your CPD obligations under rule 4.1. You may be asked for documentary evidence in support of your request. We will advise in writing whether or not a waiver is granted in an exceptional circumstance and will specify the terms of the waiver.

### *Retiring/retired Costs Lawyers*

If you intend to retire during a CPD year, it is unlikely that you will need to carry out CPD activities during that year, since your forward-looking training and development needs will be limited. In those circumstances, it will be for you to assess whether any CPD is necessary. Should you change your mind and decide to apply for a practising certificate for the following year, we will ask you to provide your CPD record in the usual way. A Costs Lawyer who has already retired is not required to undertake CPD.

### *Part-time and self-employed Costs Lawyers*

CPD applies to all Costs Lawyers, whether self-employed or employed by a third party, and whether working full-time or part-time. There is no reduction in the number of CPD points required for Costs Lawyers who work part-time; they are required to achieve 12 CPD points per CPD year in the usual way.

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## 8. Accessing CPD

### *Funding of CPD*

The responsibility for undertaking CPD rests with a Costs Lawyer. Whilst many do, an employer is not obliged to provide you with funding or time off to achieve CPD points.

### *Third party CPD providers*

You are free to choose CPD providers that are appropriate for your needs. You will want to satisfy yourself that any third party that you use for CPD is competent and that the training fulfils your objectives. The CLSB runs a voluntary accreditation scheme for Costs Lawyers who wish to provide CPD training; using a CLSB accredited Costs Lawyer is one way of assuring yourself of competence and quality.

# Annex 3

## Proposed template for planning and recording CPD

Under the Continuing Professional Development (CPD) Rules [link once live], if you are a Costs Lawyers regulated by the CLSB then you are required to:

- Identify your training needs and set objectives for your CPD in light of your responsibilities and of the principles in the Code of Conduct.
- Evaluate the effectiveness of the CPD carried out against those objectives.
- Keep a written record of these matters for two years after the end of the CPD period.

This template is provided as a suggested model to assist you in meeting these obligations. It is not compulsory and you are free to decide on the format that you use. Please refer to the guidance on CPD [link once live] for further details about CPD requirements.

Professional details			
<b>Name:</b>		<b>Costs Lawyer number:</b>	
<b>Covering the CPD period from:</b>		<b>to:</b>	
<b>Type of practice</b> e.g. sole practitioner, costs law firm, solicitors firm, other in-house			

<b>Current role and responsibilities</b>		<b>Any likely changes to your role or responsibilities during the CPD period</b>	
<b>Planning your objectives</b>			
<b>Skills category (and related Principles)</b>	<b>What CPD objectives have you identified in this area in light of your training needs?</b>	<b>What CPD activity will you undertake to meet these objectives and when?</b>	
Legal and technical competence (Principles 2, 4)			
Professional ethics and behaviour (Principles 1, 2, 3, 5, 7)			
Dealing appropriately with your client and third parties (Principles 1, 3, 4, 5, 6)			

Practice management (Principles 1, 3, 6)		
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**Recording your activity and outcomes**

Description of CPD activity	Date	CPD provider	Learning objective(s) to which this activity relates	Was the learning objective met? (Y / N / Partially)	CPD points for this activity (one point per hour)

**Overall assessment of your CPD year**

- In relation to any learning objective that was not fully met, why was it not met or only partially met?
- 
- How do you intend to achieve any learning objectives that are still outstanding or not fully met?
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3. Did you need to vary your learning objectives during the CPD period? If so, how?

4. What are your overall thoughts on what worked well and what worked less well this year in relation to your professional development and training?

5. Have you identified any other training needs to help you comply with the Principles going forward?

# Annex 4

## Proposed worked example

Below is a worked example of how to complete the template form for planning and recording your CPD. It is an example only; the content of your CPD plan and record will reflect your own training and development needs. Please refer to the guidance on CPD [\[link once live\]](#) for further details about CPD requirements.

Professional details			
<b>Name:</b>	Jane Smith	<b>Costs Lawyer number:</b>	CL 1234
<b>Covering the CPD period from:</b>	1 January 2020	<b>to:</b>	31 December 2020
<b>Type of practice</b> e.g. sole practitioner, costs law firm, solicitors firm, other in-house	Costs law firm		
<b>Current role and responsibilities</b>	Partner in the firm with my own case load. We are three partners and six employees, including two other Costs Lawyers. Responsible for aspects of practice management and client relationship development.	<b>Any likely changes to your role or responsibilities during the CPD period</b>	Due to another partner retiring, I will be taking over responsibility for management and supervision of staff from February.

## Planning your objectives

Skills category (and related Principles)	What CPD objectives have you identified in this area in light of your training needs?	What CPD activity will you undertake to meet these objectives and when?
<p>Legal and technical competence (Principles 2, 4)</p>	<p>As I have a heavy case load, it can be difficult to find the time that I would like to keep up-to-date with changes to costs law and procedure, and I often end up in a rush at the end of the year to fulfil my CPD points requirement.</p> <p>We are now being asked by clients for advice on non-party costs orders and there is an increasing demand for our costs budgeting services as further case law emerges.</p> <p>My objectives are therefore to:</p> <ul style="list-style-type: none"> <li>• Plan and maintain CPD on legal and technical competence throughout the year.</li> <li>• Improve my understanding of case law and practice relating to non-party costs orders.</li> <li>• Update my knowledge of case law and practice relating to costs budgeting.</li> </ul>	<p>Attend at least one external course or carry out online training on relevant costs law and practice every 6 months.</p> <p>Research or carry out training relating to non-party cost orders and costs budgeting.</p> <p>Set aside a fixed time in my diary every month to read ACL practice news and the other costs law updates that the firm subscribes to.</p>
<p>Professional ethics and behaviour (Principles 1, 2, 3, 5, 7)</p>	<p>See below – my development needs in this area are closely linked to client relationship management.</p>	

<p>Dealing appropriately with your client and third parties (Principles 1, 3, 4, 5, 6)</p>	<p>The practice deals with few lay clients but we had a complaint from one last year. Although the issue was ultimately resolved we felt that we could have handled the matter better and more swiftly.</p> <p>The objective is to be able to recognise a complaint earlier and ensure that proper processes are put in place and communicated appropriately to staff.</p>	<p>Attend a session/take online training in relation to complaints handling best practice by September 2020.</p>
<p>Practice management (Principles 1, 3, 6)</p>	<p>As I have limited experience of staff management or supervision, I have a development objective to better understand the requirements on me in this area and improve my skills.</p>	<p>Attend a session/take online training in relation to management and staff supervision by March 2020.</p>

### Recording your activity and outcomes

Description of CPD activity	Date	CPD provider	Learning objective(s) to which this activity relates	Was the learning objective met? (Y / N / Partially)	CPD points for this activity (one point per hour)
External training – costs law and procedure update	17 June	XYZ Costs Law Trainers	Plan and maintain CPD on legal and technical competence throughout the year	Y	3
Costs budgeting webinar	10 November	Newton Chambers	Update my knowledge of case law and practice relating to costs budgeting	Y	1

Full day attendance at ACL conference	22 June	Association of Costs Lawyers	Plan and maintain CPD on legal and technical competence throughout the year	Y	6
ACL membership (reading and considering practice updates)	Monthly	Association of Costs Lawyers	Plan and maintain CPD on legal and technical competence throughout the year	Y	2
Reading subscriptions on costs issues	Monthly	Smiths Solicitors LLP; Law Today Magazine	Plan and maintain CPD on legal and technical competence throughout the year	Y	4
Research	12 – 13 May	Online sources (Eastlaw; Law Texts Online)	Improve my understanding of case law and practice relating to non-party costs orders	Y	1
Reading LeO complaints guidance	5 – 6 February	Legal Ombudsman	Be able to recognise a complaint earlier and ensure that proper processes are in place	Y	1
Online training on managing staff in the legal environment	12 March	ABC People Trainers Ltd	Improve my staff management and supervision skills	In part	3

### Overall assessment of your CPD year

1. In relation to any learning objective that was not fully met, why was it not met or only partially met?

Although the course on managing staff in the legal sector improved my soft skills, I feel that I need further training on equality and other key HR obligations.

2. How do you intend to achieve any learning objectives that are still outstanding or not fully met?

I will arrange external training on legal obligations as an employer.

### 3. Did you need to vary your learning objectives during the CPD period? If so, how?

Given the very small number of complaints that we receive, I was unable to find external training on complaints that was time and cost effective. I therefore did my own research on the Legal Ombudsman's website and read their guidance.

I was also unable to find any bespoke training on non-party costs orders, so did my own research to deepen my knowledge and shared my learnings with colleagues internally.

### 4. What are your overall thoughts on what worked well and what worked less well this year in relation to your professional development and training?

Assessing my needs and planning my CPD throughout the year helped me get more value from CPD activities, as I no longer had to try and fit in activities in the final months of the year to make up the requisite points.

I found it difficult to source external training in certain niche areas. Next year I will establish a log of potential training providers and events, which everyone in the firm can contribute to and access.

### 5. Have you identified any other training needs to help you comply with the Principles going forward?

I intend to keep a focus on technical skills as well as improve my capacities as a manager.