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What is CPD for Costs Lawyers

What is CPD

1. 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

2. The current CPD Rules for Costs Lawyers came into effect on 1 January 2021. They can be accessed via the CLSB website in the [Costs Lawyer Handbook](#).

CPD year

3. 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

4. The stages of CPD are as follows:
 - 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.

Identifying your CPD needs and setting your objectives

How to set objectives

5. 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.
6. 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.
7. 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.
8. 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 is the value of this training in providing legal services to my clients and in complying with the principles”?

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9. 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.
 10. 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.
 11. 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)
12. 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. You might also have development needs in some of the non-procedural aspects necessary to provide a good service – such as the use of IT.

Category: Professional ethics and behaviour

- Principle 1: Act with integrity and professionalism (paragraphs 1.1-1.7)
 - 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
13. 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)
14. Learning needs in this category will include “softer skills”, such as being able to provide information clearly and simply and effectively managing client relationships. Effective and appropriate interpersonal skills are important when delivering services to clients, especially those that are vulnerable. There are clear overlaps of this category with professional ethics – it will include treating others with courtesy and dealing properly with complaints.
15. 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)
16. 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.

Undertaking CPD activity

CPD points

17. 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

18. 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.
19. Research carried out in order to improve your knowledge and capabilities (for example to reflect on new case law, or if you are preparing to return to practice

or to take up a new role or type of work) counts towards CPD but not research done as part of work on a particular file (see below under “What does not count as CPD”). It is important for you as a Costs Lawyer to “step out” from your daily work in order to consider your training needs.

ACL membership

20. We know that many Costs Lawyers are members of the profession’s representative body, the Association of Costs Lawyers (ACL). Membership of ACL involves regular updates on costs law, procedure and professional matters. ACL also holds annual conferences for the benefit of members.
21. You can claim CPD points for the time you spend using and engaging with the materials and training opportunities supplied by ACL in meeting your CPD objectives. To give you a general indication, an active member of ACL is likely to attain:
 - two CPD points through spending around two hours a year engaging with ACL materials that are relevant to their CPD objectives; and
 - six CPD points through fully participating in an annual conference where most elements of the conference are relevant to their CPD objectives.
22. This is indicative only and the number of CPD points attained through ACL membership will vary from member to member. An ACL member who does not engage with the materials provided would obtain no CPD through membership, while a particularly active member with detailed CPD objectives might attain more than eight CPD points through their membership.

What does not count as CPD

23. 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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24. 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.
 25. 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.

Evaluating CPD activity

26. 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.

Recording CPD activity and submitting it to the CLSB

What you must record

27. 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)

28. 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. The application form

will require you to demonstrate that you have achieved a minimum of 12 CPD points during the CPD year, unless rule 1.4 applies.

Reporting all CPD stages (full reporting)

29. 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).

Auditing

Random CPD audit

30. 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.
31. 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

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

Exemptions to CPD requirements

Not working consistently throughout the practising year

33. 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;
 - taking a career break.
34. 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

35. 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

36. 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

37. 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.

Accessing CPD

Funding of CPD

38. 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

39. 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.

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