



## **Guidance for Qualified Persons supervising trainee Costs Lawyers**

Thank you for acting as a Qualified Person for a trainee Costs Lawyer.

As well as passing the Costs Lawyer Qualification, trainee Costs Lawyers must also complete Qualifying Experience under the supervision of a Qualified Person. Requirements for Qualifying Experience are set out in the Training Rules.

If you qualified as a Costs Lawyer prior to 2023, or if you are not a Costs Lawyer, you may not be familiar with the current requirements.

This document is designed to help those supervising trainees understand their role and responsibilities.

This is particularly important as trainees are not required to submit any evidence of Qualifying Experience until the end, so it is essential that everyone involved is clear on what is required, and problems do not emerge only at the end.

### **What is Qualifying Experience?**

Work undertaken in costs law and practice for a period of two years (full time equivalent) under the supervision of a Qualified Person during which all of the skills in the Competency Statement must be practised at work.

It ensures all qualifying Costs Lawyers have the support, mentorship and oversight needed to meet the standards in the Competency Statement in a day-to-day working environment.

### **Can anyone be a Qualified Person?**

No. A Qualified Person must be a Costs Lawyer or another person who is authorised under the Legal Services Act 2007 to carry out the reserved legal activities of (at least) exercising a right of audience, conducting litigation and administering oaths (that is, someone who has the same authorised rights as a Costs Lawyer).

There is no need for you to be the trainee's line manager to supervise their Qualifying Experience. There is no need to change internal reporting lines if the line manager is not eligible to be the Qualified Person. An alternative Qualified Person can supervise them for the purposes of the Training Rules.

### **Must I be in the same organisation as the trainee to act as their Qualified Person?**

Usually you and the trainee will work in the same organisation. However, in the event that there is no one eligible to act as the Qualified Person in the same organisation as the trainee (if, for example, they are a sole practitioner, or there are no authorised persons in their firm) then you can supervise someone outside the organisation. In this case you will be supervising their Qualifying Experience for the purpose of the Training Rules, and not taking on any regulatory or legal responsibility for the trainee's work. We recommend that arrangements for supervision are put in place between you and the trainee.

### **What are my responsibilities as the Qualified Person?**

Being a Qualified Person is about actively supervising the trainee throughout their Qualifying Experience. It is not simply signing it off at the end. You must:

- have oversight of the trainee's work on at least a monthly basis and provide feedback to them on that work;
- be notified of any complaints made about the trainee's conduct and support them to handle such complaints appropriately;
- confirm the accuracy of the evidence provided to the CLSB by the trainee at the end of their period of Qualifying Experience.

You will confirm the accuracy of their evidence on a Qualified Person Statement. This also asks some questions about your supervision arrangements to ensure compliance with the Training Rules. Note that you are not being asked to assess the competency of the trainee.

Your trainee may also request your assistance in practising all the skills in the Competency Statement, particularly advocacy if their role does not give the opportunity to undertake this routinely.

You must continue to supervise the trainee until the CLSB confirms that Qualifying Experience has been completed successfully, even once they have passed the course, and hold a practising certificate.

### **When is Qualifying Experience undertaken?**

As the purpose of Qualifying Experience is to practice what is being learnt on the Costs Lawyer Qualification it cannot begin more than 12 months before the trainee commences the course. It can also be undertaken during, and after, the course.

Qualifying Experience may take longer than two years if it takes longer to practice and evidence all the required skills in the workplace.

### **What are the skills in the Competency Statement the trainee must demonstrate?**

The skills are Relationship Management; Case Management; Self Management; Agile Thinking; Effective Communication; Negotiation; Advocacy.

The [Competency Statement](#) sets out the knowledge, skills, Minimum Standard and professional attributes that newly qualified Costs Lawyers must have.

### **What if I or the trainee move firms during the Qualifying Experience?**

A new Qualified Person would usually be appointed. You will still be required to complete a Qualified Person Statement in relation to the period of Qualifying Experience that you did supervise.

### **When does Qualifying Experience end?**

Qualifying Experience does not automatically end 2 years after it began. The CLSB determines successful completion of Qualifying Experience, in line with the requirements of the Training Rules, on submission of evidence from the trainee. It is not unusual for us to have to ask for some revisions to their evidence before we can confirm successful completion. (See below for how you can help your trainee complete their Qualifying Experience Record, and avoid the need for revisions.)

### **Does my trainee need to complete Qualifying Experience before they can apply for a practising certificate?**

No. Please encourage them to apply as soon as they receive an email from the CLSB inviting them to do so. They will then be authorised and regulated, and will have a condition on their practising certificate to complete their Qualifying Experience, and work under supervision, by a date specified by them.

### **How can I help my trainee complete their Qualifying Experience Record?**

To determine successful completion we require only specific, detailed and dated examples of where they have practised the skill in the workplace. We do not need information about their overall role and responsibilities or their general approach.

We will be looking to see if the example provided demonstrates the positive behavioural indicators for the relevant skill, as set out in the Competency Statement.

Please encourage trainees to look at the worked example in the Qualifying Experience Record template to understand the level of detail required. One paragraph is unlikely to be sufficient. Please also encourage them to proof read their evidence prior to submission.

We strongly recommend that the Record is kept up to date throughout Qualifying Experience. If left until the end trainees are unlikely to be able to remember the level of detail required.

### **Further information**

[Training Rules](#)

## [Competency Statement](#)

[How to qualify as a Costs Lawyer webpage](#), includes extensive FAQs about Qualifying Experience, evidence templates, and other relevant documents and guidance.

For guidance on individual circumstances please contact the CLSB on [enquiries@clsb.info](mailto:enquiries@clsb.info)

**And finally**, thank you for your efforts in helping supervise trainees, and develop the next generation of Costs Lawyers!

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