



## The Costs Lawyer Standards Board, setting and maintaining standards in the profession

### Newsletter 12: 30 June 2018

#### **Fact not fiction .... again**

It is with much frustration and disappointment that we have to issue a newsletter again correcting information provided to the profession. In an ACL newsletter dated 7 June 2018, it was stated under the heading “ACL’s Head of Education urges the CLSB to approve revised training course”:

*In the wake of the CLSB’s decision to suspend any further intake onto the three-year Costs Lawyer qualification – based on ACLT forecasts of student numbers – there is currently no route to qualify as a Costs Lawyer.*

**Fact:** Our decision was made based on actual not forecast numbers, and the advice we were given on the minimum numbers across the full three years for the course to be financially viable for ACL Training to operate.

*Ms Allison (pictured) said: “The decision came after the CLSB told the oversight regulator, the Legal Services Board, that removing the three-year rule would allow the modules of the Costs Lawyer qualification to be re-worked to provide for the qualification to be achieved in two years.*

**Fact:** There has never been any conversation between the CLSB and the LSB on a two year qualification.

#### **CLCT: Outcome of the consultation**

We thank those who responded to the CLSB consultation, all comments received will be considered and the proposal revised as appropriate. The CLSB received 19 responses supporting the proposal and 23 against. The CLSB was however concerned the consultation outcome was skewed by ACL Training putting a potential 2 year qualification into a newsletter to ACL members on 7 June 2018, 2 weeks before our consultation closed. We are of the view this was misleading and inappropriate.

On 17 May 2018, the CLSB was asked by ACL Training to consider a 2 year qualification. All the facts were considered e.g. ACL Training advising a minimum of 65 trainees would be required on each year of the two year course for it to be viable, the onerous six month consultation process required to change our regulatory arrangements and that an alternative means of entry by way of a CLCT had already been consulted on. As a result the CLSB replied “*we aspire to remove a single prescriptive educational model means of entry, and this is where we will focus our resource.*”

Despite this, on 7 June 2018 ACL Training put their proposal for a 2 year qualification into the public domain. Of the 23 responses against the CLCT proposal, 18 were received after the 7 June 2018 article.

On 14 June 2018, ACL advised they had received 38 expressions of interest and asked the CLSB to accredit the two year course to commence 1 September 2018 on the basis the final year would coincide with the final year of the current three year course in 2020. In short, the CLSB was being asked to undertake a change of regulatory arrangement for a one off intake of 38 potential trainees. On 21 June 2018, the CLSB replied *“As ACLT is aware, any change to our regulatory arrangements require consultation and subsequently, approval by the Legal Services Board. This is a time consuming process for the CLSB and lengthy (up to six months). Further, the CLSB has already issued two consultations in respect of a new means of entry - the CLCT, and discussions with the Legal Services Board have taken place on that proposal. To put an alternative proposal to the Legal Services Board would undermine our position on the CLCT. Accordingly, we do not feel it appropriate to consider this proposal at this point.”*

#### **A note of concern on consultation responses and comments posted by Costs Lawyers elsewhere**

We understand feelings run high when we consult on any change to our regulatory arrangements, however, this is no excuse for writing and publishing incorrect, and therefore damaging information about the CLSB. Please remember the Costs Lawyer Code of Conduct which requires Costs Lawyers act professionally at all times (principle 1.1) and that they do not give false or misleading information to anyone with whom they deal (principle 1.3).

#### **What we propose to test under the CLCT**

On 25 June 2018, we sent an email to all Costs Lawyers asking them to consider Annex 2. This document defined what we propose to test. We are keen to hear from personal experience (qualifying and practising) as to what Costs Lawyers believe should or should not be tested. Input by way of track change would be very much appreciated on or before **5pm on Wednesday 4 July 2018**.

#### **Registering an interest with the CLSB in qualifying**

Under the proposed CLCT, the CLSB will be contacting potential training providers to establish interest in providing this new means of entry (if LSB approved). If you are aware of any potential candidates, such as the 38 who have expressed an interest to ACL Training, please ask them to **register their interest in qualifying with the CLSB**. This will enable us to keep them in the loop on future developments. An interested candidate providing their name and contact details will be consenting to the CLSB passing that information on to the successful training provider.

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