

GUIDANCE NOTES: CPD RULES
COSTS LAWYERS

Regulator: Costs Lawyer Standards Board

Effective date: 28 August 2012

The following offers clarification and guidance on prevailing CPD rules.

What is CPD?

Continuing professional development (CPD) is the compulsory and systematic maintenance of the professional skills and personal qualities required throughout the working life of a Costs Lawyer. Both Costs Lawyers and Trainee Costs Lawyers are required to achieve a set number of CPD points each year, as set out under prevailing rules. At the time this guidance note was issued the requirement is as follows:

Costs Lawyer: Minimum 12 CPD points per practising year

Trainee Costs Lawyer: Minimum 7 CPD points per practising year

Where can I find the Costs Lawyer CPD rules?

The most recent version of the Training & CPD Rules issued by the Costs Lawyer Standards Board (CLSB) can be accessed under the “Documents” tab and then “Training & CPD Rules” sub-tab on the CLSB website at www.clsb.info

Where can I find the Trainee Costs Lawyer CPD rules?

Prevailing rules in relation to a Trainee Costs Lawyer can be obtained from the ACL or ACL Training.

Where can I find the most up to date version of this guidance note at any time?

This guidance note will be revised from time to time on a needs be basis to ensure it is fully comprehensive. The most current version can be accessed under the “Documents” tab and then “Guidance Notes” sub-tab on the CLSB website at www.clsb.info

What is a practising year/CPD year?

1 January (inclusive) to 31 December (inclusive), hereinafter referred to as the Year.

How do I identify my CPD needs?

Consider the following:

1. what is your current/future role;

2. what are your training & development needs;
3. undertake CPD activities that relate to your role/future role.

How do I earn my CPD points?

The table in the Training & CPD Rules sets out how you can earn required CPD points. You must earn at least 6 CPD points from table 1, the balance may be achieved from either table 1 or 2.

How do I record my CPD activity?

It is for you to record your CPD undertaken during the Year on the prescribed CPD Record form, as issued by CLSB.

Will my CPD record be audited?

To avoid delay in issuing annual practising certificates they will be issued based on trust (declarations made in the application forms). Each year, CLSB will undertake a random audit of those CPD records. In the event CPD has not been achieved as declared, then this will be dealt with under Disciplinary Rules and Procedures.

What if I lose my CPD Record form?

It is your responsibility to keep your CPD Record form safe and to keep a copy for your records before posting the original to CLSB at the end of the Year. Should you require a second copy of the CPD Record form during the Year, this can be obtained by emailing enquiries@clsb.info

Do I need to sign in at a CPD approved event?

Yes, it is important that you do as CLSB will check attendance sheets with the CPD provider on audit. If the course spans more than one day e.g. ACL National Conference, you must also ensure you sign in on both days.

I am self-employed, is my CPD requirement the same?

Whether self-employed or employed you are required to earn the full required number of CPD points for the Year.

I work part-time, is my CPD requirement the same?

If you work part-time there will be no reduction in the number of CPD points you are required to earn for the Year.

What if I take maternity leave/paternity leave?

In the event you take time out during the Year by way of maternity/paternity leave and this can be substantiated by your employer in the event of a CLSB audit, then your CPD point requirement will be pro-rata. On submitting your completed CPD Record sheet you are

required to endorse the dates of maternity/paternity leave to explain the lower CPD points earned during the Year.

What if I am made unemployed?

In the event you are made unemployed during the Year and you can substantiate this in the event of a CLSB audit, then your CPD point requirement will be pro-rata. On submitting your completed CPD Record sheet you are required to endorse the dates of unemployment to explain the lower CPD points earned during the Year.

What if I take a career break?

In the event you take time out during the Year for a career break and this can be substantiated by you in the event of a CLSB audit, then your CPD point requirement will be pro-rata. On submitting your completed CPD Record sheet you are required to endorse the dates of your career break to explain the lower CPD points earned during the Year.

What if I retire part way through a year?

In the event you retire part way through a Year then your CPD point requirement will be pro-rata. On submitting your completed CPD Record sheet you are required to endorse the date of your retirement to explain the lower CPD points earned for that year.

What if I am subjected to serious illness?

In the event you take time out during the Year for serious illness (for a continuous period exceeding 1 month) and this can be substantiated by you or your employer or with documentary evidence (doctors letter/certificate) in the event of a CLSB audit, then your CPD point requirement will be pro-rata. On submitting your completed CPD Record sheet you are required to endorse the dates of your illness.

As a retired Costs Lawyer, do I need to undertake CPD?

Should you retire as a Costs Lawyer then you will be exempt during your retirement from earning CPD points. In the event you chose to come out of retirement either part-time or full time to practice as a Costs Lawyer then you will be required to undertake CPD points on a pro-rata basis.

Can I carry over points earned above the required number to the next Year?

As Training & CPD Rule 10.2 states “a Costs Lawyer must complete a minimum of 12 CPD points in each CPD Year” there is no provision for points earned in that Year above 12 to be carried over to the following Year.

How do I fund my CPD?

The responsibility for undertaking CPD lies with the Costs Lawyer/Trainee Costs Lawyer, an employer is not obliged to provide you with funding or time off to earn CPD points.

What do I do in the event of exceptional circumstances?

Should exceptional circumstances (e.g. bereavement, serious illness of family member) occur during the Year then the CLSB Chief Executive & Chair will consider and decide on the same on written submission from you (with documentary evidence in support where possible) for a reduction in required CPD for the Year. Such exceptional circumstances are the only situation where there is discretion. The full CLSB board may consider any written appeal against that Chief Executive/Chair exceptional circumstance decision, but there will be no right of appeal thereafter.

Can I claim CPD points for the time expended in preparation of a training course on costs?

No. Under table 1, CPD points can only be claimed for the initial delivery of a “training course on costs” at a rate of 1 point per hour the course presentation lasts.

Can I claim CPD for tutoring Trainee Costs Lawyers?

No, however as an ACL Training Ltd tutor/examiner you can claim a maximum of 6 points in total under table 2 as follows:

- 1 point for each Costs Lawyer examination paper marked (Year 3)
- 1 point for each assignment marked and assessed (Years 1,2, and 3)

Can I claim CPD for serving on the ACL Council or its sub-committees?

No.

Can I claim CPD points for attending Costs Group meetings?

No, unless you are an Accredited Costs Lawyer and presented a training course on costs to that meeting (subject to guidance issued by ACL Training) or you attended the accredited CPD training at that meeting. 1 point per hour the presentation lasts (excluding breaks) can be claimed by either the presenter or attendee.

What CPD points can be claimed for attending the ACL National Conference?

Full attendance on day one: 6 points (table 1)

Full attendance on day two: 4 points (table 1)

Who are currently accredited for the purposes of providing CPD accredited training under table 1?

CPD course	Approved provider
ACL National Conference	ACL Training Ltd
ACL run training course	ACL Training Ltd
ACL accredited training course (offered by private providers)	Check with ACL Training, however the following are currently accredited: <ul style="list-style-type: none"> • New Law Journal CPD Service

	<ul style="list-style-type: none"> • APIL • Informa Podcasts
<p>Training course on costs run by an Accredited Costs Lawyer, subject to them having complied with prevailing rules at the time e.g. course and material has been approved by EDO at ACL Training.</p> <p>Always request confirmation in writing that the training they are providing is CPD accredited.</p>	<p>The current list of Accredited Costs Lawyers can be located on the CLSB website at www.clsb.info</p>
<p>Attending Law Society/SRA seminar on cost related subject matters</p>	<p>See the “Find a CPD Provider” on the SRA the website on the following link http://www.sra.org.uk/solicitors/cpd/find-cpd-providers.page</p>
<p>Attending a Counsel seminar on cost related subject matters</p>	<p>The BSB accredits each course for CPD individually. If attending a seminar run by Counsel check in advance that it has been CPD accredited, how many points full attendance attracts and obtain written confirmation of this for your records.</p>
<p>Attending ILEX seminar on cost related subject matters</p>	<p>As run by ILEX (now CILEX) branches, subject to schedule of activities which count towards CPD. If attending a CILEX seminar then check in advance that it has been CPD accredited, how many points full attendance attracts and obtain written confirmation of this for your records.</p>