



## **Practice Note 4**

### **The Route to Qualification**

*The IOP: turning a job into a career and an occupation into a profession*

#### 1. Who We Are

This Practice Note 4 is produced by the [Institute of Paralegals](http://www.theIOP.org). We are the oldest incorporated professional body for paralegals in the whole of the United Kingdom. A not-for-profit organisation, we are recognised by the UK government. The Institute is your professional home if you are a paralegal, aspiring paralegal, law student or paralegal law firm whether based in the UK, Hong Kong or internationally. We set the competency standards for paralegals and legal secretaries, issue legal qualifications and work with government, e.g. to promote apprenticeships to the legal profession. Please visit [www.theIOP.org](http://www.theIOP.org) for more information.

#### 2. Other Practice Notes

Other Practice Notes available are:

- a) Practice Note 1 – Prohibition on providing reserved activity services
- b) Practice Note 2 - Setting up a paralegal business/law firm
- c) Practice Note 3 – joining the paralegal profession
- d) Practice Note 5 – Client engagement letters

#### 3. Introduction

The Institute offers a national and nationally endorsed career path for non-lawyers who do legal work (i.e. paralegals): the Route to Qualification.

The Route to Qualification recognises legal work experience and (where relevant) the training offered by a variety of training providers, universities etc.

The main purpose of the Route to Qualification (R2Q) is to provide paralegals and their employers with a simple and consistent paralegal career path based upon standards, proven competency, experience and training.

The R2Q brings together the various elements necessary for the proper recognition of paralegals as professional legal practitioners:

- competency standards
- The Paralegal Code of Conduct
- A Continuing Professional Development scheme
- Good affordable and accessible training
- A complaints procedure
- Professional designations (Certified Paralegal, etc) that actually mean something

#### 4. Why the Route to Qualification Was Introduced

- Too many paralegals still only have a job, not a career
- Employers do not have the time or resources to create their own internal career paths for paralegals
- Employers and paralegals want consistent professional designations to allow easy recognition of expertise
- The paralegal training market is in a mess

- Development and recognition of the paralegal profession has reached a plateau
- There is insignificant recognition of paralegal expertise
- Recruiters need to have consistent competency benchmarks to work to
- Paralegals need professional designations which are linked to ability
- Professional indemnity insurers need to be able to assess the risk factor
- Clients need to know their paralegal advisors have professional titles based on competency

#### 5. What is the Route to Qualification?

In a nutshell, it is a four-stage career path – NB it is not a training program.

### **Stage One: Affiliate Member**

This stage is for aspiring paralegals – i.e. anyone who does not yet do legal work. *Affiliate membership* is given to people who aspire to be a paralegal but who are not currently doing legal work, e.g. they are studying a law course or are changing career, or are currently working in an administrative role in a legal environment.

- Anyone can join at this grade as it is open access.
- Affiliate membership costs £49 per year (including VAT).
- Affiliate membership does not confer any professional designation or letters after one's name.
- There is no obligatory training requirement for this membership grade.
- There is no continuing professional development obligation.

### **Stage Two: Registered Paralegal**

This stage is applicable to people who already doing legal work but who are at or near the start of their careers - or who have passed certain Approved Courses making them eligible for Registered Paralegal status despite not having yet practiced).

The Registered Paralegal level is for people doing legal work with:

Less than four years' legal work experience; or  
 Less than two years' solid experience if they have successfully completed an Approved if Course (see below); or  
 Less than one year's legal work experience if they have successfully completed the Legal Practice Course/Bar Professional Training Course

- The above requirements can be achieved in any order/at the same time.
- Registered Paralegal membership costs £69 per year (including VAT).
- Registered Paralegal is a recognised professional designation. The letters "R.Inst.Pa" can be used after one's name.
- There is no obligatory training requirement for this membership grade - membership is based upon practice experience alone, although successful completion of some Approved Courses can give eligibility.
- There is a continuing professional development obligation of 12 hours per year.

### **Stage Three: Certified Paralegal**

This stage is for people already doing legal work who can show that they have achieved a significant degree of experience: normally a minimum of four years solid practice experience, but fast track options do exist. The three ways to achieve Certified Paralegal status are:

Have at least four years solid practice experience; or  
 Have at least two years' solid experience AND have successfully completed an approved course (see below); or

Have at least one year's solid practice experience AND have successfully completed the Legal Practice Course/Bar Professional Training Course

Why four years?

*We know that many paralegals can become very experienced and competent with less than four years experience.*

*But it is also true that in some complex practice areas up to four years' experience may be needed before a paralegal can claim to be genuinely experienced.*

*To ensure the R2Q is recognised by government and the legal profession we have to move at the speed of the slowest paralegal, not the fastest – hence we need four years so we can say everyone is experienced.*

The above requirements can be achieved in any order/at the same time.

*Certified Paralegal status is recognition of experience, not proven competency (because experience and competency, sadly, do not always go hand-in-hand).*

*Certified Paralegal is a recognised professional designation. Once one achieves Certified Paralegal status one is a full member of the Institute of Paralegals (as opposed to an Affiliate Member or Associate Paralegal). Certified Paralegal status also confers the right to use the letters M.Inst.Pa after one's name (Member of the Institute of Paralegals).*

- Certified Paralegal membership costs £119 per year (including VAT).
- There is no obligatory training requirement for this membership grade. Membership is based upon practice experience alone (although certain optional Approved Courses are recognised for fast-track purposes).
- There is a continuing professional development obligation of 12 hours per year.

#### **Stage Four: Qualified Paralegal**

This stage is for:

Qualified lawyers (e.g. solicitors or barristers) and Fellows of the Chartered Institute of Arbitrators

People doing legal work and who already meet the criteria to become a Certified Paralegal AND who have passed a Mandatory Course.

Qualified Paralegal status is recognition of proven competency.

To achieve it you have to have both practice experience and successfully completed a mandatory graduate-level examination covering the A-Z of practice procedure in one specific practice area. Qualified Paralegals are legal professionals with independently vetted experience and competency.

- Qualified Paralegal membership costs £139 per year (including VAT).

*Qualified Paralegal is a recognised professional designation. Once one achieves Qualified Paralegal status one is a Fellow of the Institute of Paralegals. Qualified Paralegal status also confers the right to use the letters F.Inst.Pa after one's name (Fellow of the Institute of Paralegals).*

- This is the only stage of the four stages requiring obligatory training - the mandatory course.

- There is also a continuing professional development obligation of 12 hours per year.

## 6. What are Approved Courses?

These are courses which allow members to fast-track to Certified Paralegal status.

Successful completion of the Approved Courses run by [Ashley Taylors Legal Training](#) and [Central Law Training](#) also allow people to achieve Registered Paralegal status without actually having practiced.

Approved Courses generally are the courses that the Institute considers to be of sufficient calibre to allow a reduction in the usual four-year's practice experience needed to achieve Certified Paralegal. Successful completion of any Approved Course reduces the four year requirement to two years. The only exception is successful completion of the Legal Practice Course/Bar Professional Training Course which reduces the practice experience requirement to just one year.

The list of Approved Courses is not fixed. If you have taken (or offer) a course that you think should be on the Approved Courses list then please contact us.

The current list of Approved Courses is:

1. Bar Vocational Course/Bar Professional Training Course
2. [BTEC Advanced Diploma in Paralegal Work](#) run by Central Law Training
3. ILEX Level 3 Certificates in Law and Practice
4. ILEX Level 3 Professional Diploma in Law and Practice
5. ILEX Level 6 Professional Higher Diploma in Law
6. [LPQ Certificate in Advisory Practice](#)
7. Individual modules comprising the [LPQ Certificate in Debt Recovery \(Enforcement\)](#) run by Ashley Taylors Legal Training
8. Individual modules comprising the [LPQ Certificate in Mortgage Repossessions](#) run by Ashley Taylors Legal Training
9. [LPQ Certificate in Paralegal Practice](#)
10. [LPQ Certificate in Conveyancing Practice](#)
11. Solicitors Regulation Authority accredited Police Station Representatives programme
12. UK Honours law degree

## 7. What is the Mandatory Course?

At present there are two providers of Mandatory Courses: Ashley Taylors Legal Training and Central Law Training working with the University of the West of England. Between them they offer eleven Mandatory Courses in the main practice areas in which paralegals work:

Course Topic	Training Provider
Childcare	Central Law Training
Civil litigation	Central Law Training
Commercial conveyancing	Central Law Training
Company law	Central Law Training
Criminal litigation	Central Law Training
Debt recovery	Central Law Training
Debt recovery: bankruptcy	Ashley Taylors
Debt recovery: charging orders	Ashley Taylors
Debt recovery: other methods of enforcement	Ashley Taylors
Debt recovery: return of goods	Ashley Taylors
Family practice	Central Law Training
How conduct a repossession application in person	Ashley Taylors
Introduction to mortgages and mortgage repossession actions	Ashley Taylors
Personal injury	Central Law Training
Pre-action protocols and consumer protection regulations	Ashley Taylors
Repossession remedies available from the court	Ashley Taylors
Residential conveyancing	Central Law Training
Software contracts	Central Law Training
Starting a repossession file and preparing for court	Ashley Taylors
Wills and probate	Central Law Training

The Mandatory Course is necessary because we need to be able to guarantee to the profession that Qualified Paralegals are technically competent – that’s what the Qualified Paralegal professional designation is – a quality mark of technical competence.

That competence is obtained through having to take a graduate-level course covering the A-Z of practice & procedure in the chosen practice area - and having been tested afterwards.

We cannot give that guarantee if we do not have a detailed agreement with the course provider that allows us to examine, question or demand changes to the course. For this reason we cannot simply list courses of approximate equivalence to the Mandatory Course.

For information on the Mandatory Course please visit <http://www.theiop.org/training/mandatory-courses-to-be-a-qualified-paralegal.html>

#### 8. Background: Paralegal Numbers Rising

For more than a decade now, year-on-year, employers have been using paralegals in ever greater numbers, and delegating ever more complex, client-facing, work to them.

This trend is so pronounced that there are already more paralegal fee-earners in solicitors’ firms than there are associate, assistant and consultant solicitors combined.

Paralegals comprise approximately 44% of all fee-earners in solicitors’ firms. If the trend continues (and there is no reason why it shouldn’t) then within a decade, paralegal fee-earners in solicitors’ firms will outnumber solicitors.

The rise in the number of paralegals is mirrored elsewhere too: in local government, the not-for-profit sector, commerce and industry etc.

Paralegal law firms are being created as a very swift pace too. It is likely that they will outnumber solicitors' firms by the end of 2014/15.

## 9. Coming Changes

Paralegals are increasingly being pushed centre-stage. As they become an ever-more important part of the legal sector's "talent" then:

Employers will have to work harder to attract, retain and motivate them  
Regulators will be obliged to consider issues of paralegal competency  
Clients will want to know that the paralegal acting on their matter is competent  
Professional indemnity insurers will have to begin assessing paralegal fee-earner risk

All of these things are either more likely to happen, or more likely to be implemented in a way favourable to paralegals, if there is already in place a recognised R2Q built around the concept of proven competency.

## 10. Development of the Paralegal Profession

The biggest motivator for the creation of the R2Q was to turn what is often a dead-end job into a career.

The second biggest motivator was to address the fact that the development of a recognised paralegal profession has reached a plateau. It is effectively stalled. This has a direct impact on the recognition of individual paralegals as legal professionals.

We speak often to government, regulators etc. The message is always the same. Paralegals as a group can never be recognised as a profession until they meet the basic (and traditional) criteria for professional status:

Taking each of these in turn:

1. They are a clear and easily definable group of practitioners
2. They can demonstrate a proven expertise in their practice area
3. They have published competency standards
4. There is a code of conduct with which they must comply
5. Continuing professional development must be obligatory

### They are a clear and easily definable group of practitioners

This is not currently the case. "Paralegal" is a catch-all, default term that applies to any non-lawyer who practices law. It therefore encompasses a huge array of different people in different circumstances with different skills doing different things. Since the number of paralegal roles is increasing, so the term is likely to become even less precise in its meaning.

Accordingly, paralegals as a single group will never achieve professional status.

The R2Q is designed to carve-out a distinct group of those paralegals who are sufficiently certain and consistent to meet this particular requirement. In effect, we are creating an "officer corps" identifiable through the two main professional designations: Certified Paralegal and Qualified Paralegal.

### They can demonstrate a proven expertise in their practice area

This is the purpose of the mandatory course - and why it is set/examined at graduate level (there are no professional bodies whose profession examinations are set at GCSE or A level!).

## They have published competency standards

We have now created these with the help of the legal profession. Our Competency Standards cover:

- Paralegals
- Conveyancing paralegals
- Legal assistants
- Legal secretaries

See/download these standards for free from <http://www.theiop.org/national-competency-standards/contract-terms.html>

Because they are so wide-ranging in content, compliance with the IOP Competency Standards is not mandatory. They are intended as a nationally consistent benchmark for both employers and employees.

There is a code of conduct with which they must comply, and continuing professional development must be obligatory

Both of these requirements have been in place for some time now for Institute members.

### 11. Conclusion

Introduction of the R2Q is an essential and important step in the route to professional recognition for paralegals. Organisations endorsing the R2Q are:

Association of Muslim Lawyers	Hudson
Badenoch & Clark	Huddersfield University Law School
Berrymans Lace Mawer LLP	Institute of Legal Cashiers & Administrators
Beyond the Brief	Kent County Council
Birmingham City University Law School	Lancaster University Law School
Blayney Personnel	Land Registry
Brabner Street Chaffe LLP	Law and More
Bradford University Law School	LawNet
Brighton Business School	Law South
Bristol Law School at the University of the West of England	Law Staff Legal Recruitment
Bucks New University Law School	Learning4Legals
Cambridge University (Professional Studies)	Legal Practice Solutions
Central Law Training	Legal Services Ombudsman
Chadwick Nott	LiST (Litigation Support Technology Group)
Chester University Law School	Liverpool Law Society
Clayton Legal	Manchester Law Society
Compliance Recruitment Solutions	Newport Business School
Coventry University Law School	Olswang LLP
DA Solutions	Pavillion Law
Derby & District Law Society	Portsmouth University Law School
Derby University Law School	RBUK Legal
Devon and Somerset Law Society	Sally Wilcock & Co.
Ealing Law School at Thames Valley University	Smith & Manchester
Edexcel	Society of Asian Lawyers
Executive Network Legal	Society of Specialist Paralegals
Executive Recruitment Services plc	Solicitors Group
Gloucester University Law School	Solicitors in Local Government
Grafton Banks	Strathclyde University Law School
Hertfordshire University Law School	TSG Recruitment
HR in Law	University of Wales
	Weightmans LLP
	Yorkshire Law Society

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