

SFE Rules of Membership

SOLICITORS FOR THE ELDERLY LIMITED (the 'Company')

MEMBERSHIP RULES (the 'Rules')

Adopted by the directors of the Company under article 2.3 of the Company's articles of association on 12th October 2005, (latest amendment 23rd October 2019)

1 General

These rules apply to all members of the Company.

2 SFE membership

2.1 Classes of membership

Article 2.3 of the Company's articles of association sets out the different classes of membership:

- Full Accredited Member (FAM)
- Full member
- Associate member
- Student member
- Scottish Registered Paralegal Member (Scotland only)
- Honorary Member

The directors have the power under article 2.3 of the Company's articles of association to determine additional classes of Membership in the future. Such current and future classes of members shall not be the "members" of the Company within the meaning of the Companies Act 2006 ("Act") and therefore do not have the voting or other rights bestowed upon the members of the Company by the articles of association or the Act. The members of the Company for the purposes of the Act shall be its appointed directors and the Regional Directors (see below) from time to time.

2.2 Definitions of membership

2.2.1 Members joining from 1st October 2014

2.2.1.1 Full Accredited Members (FAMs)

All new Full Accredited Members are required to complete both SFE accredited Awards – the SFE Older Client Care in Practice Award and the SFE Older Client Law in Practice Award.

They also need to continue to undertake relevant and sufficient ongoing training and education to be determined by the directors from

time to time. They will need to certify that they spend at least 50% of their time working in the field of Older Client Law and will consent to random checks being undertaken to monitor compliance. At renewal, all FAMs will need to upload their annual statement of competence or equivalent. All FAMs will have at least 3 years' post qualification experience.

In order to retain the status of accredited member, all FAMs will need to re-accredit every 5 years.

Any FAM who does not re-accredit by their 5 year anniversary, will lose their accredited status and will revert to a Full member and will no longer receive any of the benefits of FAM membership i.e.: business referrals, use of the SFE logo, marketing page on the SFE website, appearing in SFE public member searches and SFE PR packs. To return to the status of FAM, they will need to re-accredit.

If a FAM member retires from practice, then they cannot continue their FAM membership of SFE. (see 3.5)

2.2.1.2 Associate Members

All new Associate Members are required to complete the SFE accredited Award – the SFE Older Client Care in Practice Award.

All new Associate members are also required to take the OCLP Award within 12 months of joining SFE.

The period of Associate Membership cannot exceed 3 years from the date of joining.

Associate Members must satisfy the training requirements to be determined by the directors from time to time and they must spend at least 50% of their time working in the field of Older Client Law during this period of membership. At renewal, all associate members will need to upload their annual statement of competence or equivalent.

With the exception of CILEx Associates and Graduates, and any members on the exception register, if any Associate member exceeds the 3 years of membership at the Associate member level, their membership fee will then increase to £500 pa until they upgrade their membership.

To upgrade to Full Accredited Member

Associate members must pass the SFE Older Client Law in Practice Award within 12 months of gaining the SFE Older Client Care in Practice Award. They will also need to have at least 3 years of post-qualification experience

working in the field of older client law and they must spend at least 50% of their time working in the field of Older Client Law.

NB: Fellows of CILEx will only need one further year of relevant experience after achieving Fellowship and before they are eligible to upgrade their membership to Full Accredited Member.

2.2.2 Student Members (from 1st August 2017)

This is a new category of membership open to:

- Trainee solicitors
- Pupils (trainee barristers)
- Affiliate, Associate or Graduate members of CILEx who have studied specific CILEx units (see below) or equivalent:
 - CILEx Level 3 Unit 1 Introduction to Law and Practice
 - CILEx Level 3 Unit 8 Law of Wills and Succession
 - CILEx Level 3 Unit 15 The Practice of Law for the Elderly Client
 - CILEx Level 3 Unit 16 Client Care Skills
 - CILEx Level 3 Unit 17 Legal Research Skills
- Paralegal: Being a person who works in a regulated law firm or department of such a firm with some legal training but does not have the requisite qualifications to be called a solicitor, barrister or legal executive and carries out specific legal work for which a solicitor, barrister or legal executive is responsible.

All student members are required to complete the SFE student programme within the first 12 months of membership in order to retain their student membership status.

At renewal, student members are required to submit a brief statement summarising the progress they have made toward their professional qualifications in the last 12 months and their likely qualification date.

Student members shall remain in student membership category until they are fully qualified:

- For trainee solicitors, this means that they have completed their training contract and been admitted to the roll
- For pupils, this means they have completed their pupillage and been called to the bar and are fully qualified
- For Affiliate, Associate and Graduate members of CILEx, this means they have become Fellows of CILEx
- For paralegals, until such time as they have completed a training contract or pupillage or become a fellow of CILEx whether or not they have acquired a specific recognised qualification as a paralegal.

As soon as Student Members are fully qualified (as above), they will need to upgrade their membership to SFE Associate Member. In order to do this, they will need to complete the SFE OCCP Award.

2.2.3 Scottish Registered Paralegal Member (Scotland only)

Scottish Registered Paralegals who have been registered with the Law Society of Scotland (LSS) for a minimum of 3 years.

2.2.4 Existing Full Members at 1st October 2014

In order to strengthen SFE's position in the marketplace, SFE expects all existing Full Members to take the SFE Older Client Care in Practice Award and upgrade their membership to a Full Accredited Member.

In order to retain the status of accredited member, all FAMs will need to re-accredit every 5 years.

Any existing Full Members who do not wish to do this can remain as Full Members but will no longer be eligible to receive referrals from either SFE or its key partners after 1st October 2015. As of 1st October 2016, Full Members will no longer be eligible to use the SFE logo.

All existing Full Members must continue to undertake relevant and sufficient ongoing training and education to be determined by the directors from time to time. They will need to certify that they spend at least 50% of their time working in the field of older client law and will consent to random checks being undertaken to monitor compliance. All Full Members will have at least 3 years' post qualification experience.

At renewal, all FAM and Full members will need to upload their annual statement of competence or equivalent.

Any FAM who does not re-accredit by their 5 year anniversary, will lose their accredited status and will revert to a Full member and will no longer receive any of the benefits of FAM membership i.e.: business referrals, use of the SFE logo, marketing page on the SFE website, appearing in SFE public member searches and SFE PR packs. To return to the status of FAM, they will need to re-accredit.

If a FAM member retires from practice, then they cannot continue their FAM membership of SFE. (see 3.5)

2.2.5 Existing Associate Members at 1st October 2014

All new Associate Members are required to complete the SFE accredited Award – the SFE Older Client Care in Practice Award.

All Associate members are also required to take the OCLP Award within 12 months of completing the OCCP Award.

The period of Associate Membership cannot exceed 3 years from the date of joining.

Associate Members must satisfy the training requirements to be determined by the directors from time to time and they must spend at least 50% of their time working in the field of older client law during this period of membership. At renewal, all associate members will need to upload their annual statement of competence or equivalent.

With the exception of CILEx Associates and Graduates, and any members on the exception register, if any Associate member exceeds the 3 years of membership at the Associate member level, their membership fee will then increase to £500 pa until they upgrade their membership.

3 Eligibility criteria for SFE membership

3.1 Post 1st October 2013

As of 1st October 2013, only the following individuals will be eligible to apply to join SFE:

- 3.1.1 Fully qualified solicitors holding a valid and current practising certificate and regulated by the Solicitors Regulation Authority (SRA) and Law Society of Scotland (LSS)

- 3.1.2 Fully qualified barristers holding a valid and current practising certificate and regulated by the Bar Council

- 3.1.3 Fellows of CILEx holding a valid and current practising certificate and regulated by CILEx

3.2 Pre-1st October 2013

For the members who joined before 1st October 2013, their eligibility criteria remain unchanged.

3.3 Eligibility criteria for SFE Student Membership

- 3.3.1 Trainee Solicitors

- 3.3.2 Pupils (barristers)

3.3.3 Affiliate, Associate or Graduate members of CILEx who have completed the following units: (or equivalent)

- CILEx Level 3 Unit 1 Introduction to Law and Practice
- CILEx Level 3 Unit 8 Law of Wills and Succession
- CILEx Level 3 Unit 15 The Practice of Law for the Elderly Client
- CILEx Level 3 Unit 16 Client Care Skills
- CILEx Level 3 Unit 17 Legal Research Skills

3.3.4 Paralegals: Being a person who works in a regulated law firm or department of such a firm with some legal training but does not have the requisite qualifications to be called a solicitor, barrister, legal executive or Scottish Registered Paralegal, and carries out specific legal work for which a solicitor, barrister or Fellow of CILEX is responsible.

3.4 Eligibility criteria for SFE Scottish Registered Paralegal Membership (Scotland Only)

Scottish Registered Paralegal Members will need to have at least 3 years' registration as a paralegal with the LSS and be able to show that they spend at least 50% of their time working in the field of older client and must pass the SFE Older Client Law in Practice Award.

At renewal, all associate members will need to upload their annual statement of competence or equivalent.

3.5 Retired members

Retired members can remain as members of SFE at the Associate Member level for a maximum period of 2 years.

3.6 Honorary Members

People who are invited by the directors for their contributions to the field of Older Client law.

4 Admission of members

4.1 For the UK, applications must be online via the SFE website.

4.2 Every applicant for SFE membership must read, understand and accept the SFE Code of Practice and the SFE Rules of Membership.

4.3 For the Republic of Ireland applications must be online via the SFE ROI website. Applicants in the Republic of Ireland must follow the ROI Code of Practice and the ROI Rules of Membership.

4.4 The Directors may decline to accept any application for membership or renewal of membership without assigning any reason for its decision.

4.5 The applicant will only become a member once his/her annual subscription is paid.

4.6 Student, Associate or Full Members must not hold themselves out to be Full Accredited Members

5 Subscription rates

Up to date subscription rates are available on the SFE website

5.1 Subscriptions for membership (excluding student members)

5.1.1 There is a one off joining fee which is due when an application is made to join SFE.

5.1.2 Membership to SFE is on an annual rolling basis and the SFE membership subscription fee is payable annually.

5.1.3 The SFE membership subscription fee is due once the SFE Older Client Care in Practice Award has been successfully completed.

5.1.4 Payment for SFE membership cannot be refunded once paid. If membership is cancelled part-way through a membership year, then no refund will be offered. This does not affect the statutory right to cancel within the 14-day cooling off period from initial application to join SFE. No refund of the membership fee will be given if a member is expelled under Rule 7.

5.1.5 Membership renewal - a renewal reminder will be sent approximately 60 days before the membership is due to expire. The renewal fee must be paid in full by the anniversary of the membership renewal date.

5.1.6 SFE reserves the right, at its sole discretion, to charge additional fees to renew membership after the renewal date.

5.1.7 Where the membership fee is not paid by the renewal date, membership to SFE shall be deemed to have lapsed and the member will lose the right to hold him/herself out as a member of SFE and will lose all membership benefits.

5.1.8 If a lapsed member wishes to re-instate his/her SFE membership within the same membership year, the SFE administrator will need to be informed and a re-joining fee, together with the renewal fee due from the anniversary of the renewal date, will need to be paid.

5.1.9 If a membership has not been renewed for more than one year, in order to re-join, the SFE administrator will check whether the person has completed the OCCP Award within the last 5 years and if not, the person will need to complete it in order to re-join SFE. Associate members will also be required to complete the OCLP Award within 12 months of re-joining SFE.

5.1.10 SFE subscription rates shall be reviewed and, if necessary, revised annually.

5.2 Subscriptions for Student membership

5.2.1 There is no one off joining fee for student membership. However, the membership rate in year one is higher to take into account the SFE student programme.

5.2.2 Membership to SFE is on an annual rolling basis and the SFE membership subscription fee is payable annually.

5.2.3 Payment for SFE membership cannot be refunded once paid. If membership is cancelled part-way through a membership year, then no refund will be offered. This does not affect the statutory right to cancel within the 14 day cooling off period from initial application to join SFE. No refund of the membership fee will be given if a member is expelled under Rule 7.

5.2.4 Membership renewal - a renewal reminder will be sent approximately 60 days before the membership is due to expire. The renewal fee must be paid in full by the anniversary of the membership renewal date.

5.2.5 SFE reserves the right, at its sole discretion, to charge additional fees to renew membership after the renewal date.

5.2.6 Where the membership fee is not paid by the renewal date, membership to SFE shall be deemed to have lapsed and the member will lose the right to hold him/herself out as a member of SFE and will lose all membership benefits. If a lapsed member wishes to re-instate his/her SFE membership, the SFE administrator will need to be informed and a re-joining fee, together with the renewal fee due from the anniversary of the renewal date, will need to be paid.

5.2.7 SFE subscription rates shall be reviewed and, if necessary, revised annually.

5.2.8 Please note, when student members apply to upgrade their membership to Associate Member, a one-off fee will be payable (this is for SFE's two externally accredited awards which SFE requires its members to undertake as a part of their membership)

5.3 Subscriptions for Scottish Registered Paralegal Membership (Scotland only)

5.3.1 There is a one off joining fee which is due when an application is made to join SFE.

5.3.2 Membership to SFE is on an annual rolling basis and the SFE membership subscription fee is payable annually.

5.3.3 The SFE membership subscription fee is due once the SFE Older Client Care in Practice Award has been successfully completed.

5.3.4 Payment for SFE membership cannot be refunded once paid. If membership is cancelled part-way through a membership year, then no refund will be offered. This does not affect the statutory right to cancel within the 14-day cooling off period from initial application to join SFE. No refund of the membership fee will be given if a member is expelled under Rule 7.

5.3.5 Membership renewal - a renewal reminder will be sent approximately 60 days before the membership is due to expire. The renewal fee must be paid in full by the anniversary of the membership renewal date.

5.3.6 SFE reserves the right, at its sole discretion, to charge additional fees to renew membership after the renewal date.

5.3.7 Where the membership fee is not paid by the renewal date, membership to SFE shall be deemed to have lapsed and the member will lose the right to hold him/herself out as a member of SFE and will lose all membership benefits. If a lapsed member wishes to re-instate his/her SFE membership, the SFE administrator will need to be informed and a re-joining fee, together with the renewal fee due from the anniversary of the renewal date, will need to be paid.

5.3.8 If a membership has not been renewed for more than one year, in order to re-join, the SFE administrator will check whether the person has completed the OCCP Award within the last 5 years and if not, the person will need to complete it in order to re-join SFE.

5.3.9 SFE subscription rates shall be reviewed and, if necessary, revised annually.

6 Suspension/termination of membership

6.1 A member may be suspended from membership if, in the opinion of the Directors, it would not be in the interests of the Company for him/her to remain an active member. In any instance of suspension, the Director of Membership and Discipline will notify the member within 7 days of the Directors decision and such notification will include confirmation of the reason for suspension and a timescale in which suspension will be reviewed. During suspension the member must not hold themselves out as a member of the Company.

6.2 A member may be suspended for the following:

6.2.1 Non-payment of subscription fees

6.2.2 when complaint is being investigated by the Directors and it is the Directors' opinion that it would not be in the interest of the Company for that member to be active whilst the investigation is ongoing

6.2.3 when a breach of SFE's Code of Practice is being investigated by the Directors and it is the Directors' opinion that it would not be in the interest of the Company for that member to be active whilst the investigation is ongoing

6.3 A member will automatically cease to be a member in the following circumstances:

6.3.1 being struck off or suspended from legal practice;

6.3.2 death;

6.3.3 failure to pay the annual subscription fee within 3 months from the date from which it fell due;

6.3.4 on giving written notice of resignation to the secretary;

6.3.5 upon being expelled by the Directors due to the fact that in the Directors' opinion it would not be in the interest of the Company for him/her to remain a member so long as the relevant procedure has been followed as set out in section 7 below;

6.3.6 behaving in a way that displays any form of discrimination being based on the grounds of colour, race, religious belief or other that is deemed by the Directors to risk bringing the organisation into disrepute and the member will be summarily dismissed pursuant to 7 (iii) below.

6.3.7 being subject to any order imposed by the Solicitors Regulation Authority (or appropriate regulatory body) that puts restrictions on the member unless he/she has the permission of the Directors as to whether he/she can continue to be a member;

6.3.8 any honorary membership can be revoked by a vote of the board of Directors.

6.4 A member who is bankrupt will automatically be suspended from being a member unless he/she has the permission of the Directors as to whether he/she can continue to be a member.

6.5 Upon suspension, resignation or expulsion from membership the former member shall have no entitlement to any pro-rata refund or his/her annual subscription fee.

6.6 SFE is an inclusive community and is anti-discrimination in any of its forms i.e.

- Discrimination because of sex or sexual orientation
- Discrimination because of race
- Discrimination because of religion or belief
- Discrimination because of disability
- Discrimination because of age

If a member is found to be discriminatory in any way, membership will be terminated.

7 Expulsion of Members

7.1 If following the investigation of a complaint against a member by the Director of Membership and Discipline, the Director for Membership and Discipline deems that the member should be expelled then the member shall be given notice of this (Notice of Expulsion) and a full and detailed report of the circumstances leading to that decision by the Director of Membership and Discipline.

7.2 The member will then be given a period of 14 days to appeal this decision ("Notice of Appeal") to the SFE Administrator.

7.3 Upon receiving the Notice of Appeal, the SFE Administrator shall pass the Notice of Expulsion, the report and the Notice of Appeal to the other Directors who shall decide between them whether to expel the member or not and they shall, within 30 days, give their decision in writing to the member concerned.

7.4 Immediate expulsion shall occur where a member has been found guilty of any criminal offence or has been found guilty of discriminating on the ground of colour, race, religious belief or other.

8 Complaints

8.1 All complaints relating to members must be made in writing to the SFE Administrator who will submit them to the Directors, whose decision is final.

Complaints by those persons that do not have a valid retainer with the member or their firm will not be able to be considered by SFE.

8.2 On being notified of a complaint made to SFE about them, an SFE member will be expected to co-operate fully with the Director of Membership and Discipline in discussing the complaint (either in person or by written communication).

8.3 An SFE member subject to a complaint will also be expected to provide information connected to the complaint in order to allow the Director of Membership and Discipline to consider the merit of the complaint which may include (but is not limited to) copies of attendance notes, correspondence, emails, documents, and file notes as can reasonably be provided in the circumstances.

8.4 Failure to provide such information without a justifiable reason may be considered as a factor when considering termination of membership in accordance with Rule 6 (e) (f) and 7 above.

8.5 In the event that a complaint about a member is upheld by the Director of Membership and Discipline then the following sanctions may apply:

8.5.1 Issue of a written reprimand

8.5.2 if the member has "Fully Accredited Member" status then this may be withdrawn and the member must apply for reaccreditation or face expulsion
8.5.3 Expulsion in accordance with Rule 7 above

9 Conduct

All members shall abide by the codes of conduct as set out in the latest edition of the Solicitors Regulation Authority's Code of Conduct or by the equivalent Guide to Professional Standards and SFE's Code of Practice.

10 Meetings

All members shall be entitled to attend the Company's AGM each year. However, as members are not Companies Act members of the Company, they will not be entitled to vote at the Company's AGM.

11 National Board Directors

11.1 All board directors must be Full Accredited Members and must comply with all the criteria for that level of membership.

11.2 All board directors are expected to attend all board meetings. If, for whatever reason, the board member cannot attend a board meeting, he/she must inform the SFE chair in advance of the meeting and send in his/her thoughts in accordance with the agenda and any projects he/she is undertaking on behalf of SFE.

11.3 If a board director misses more than two board meetings in a calendar year, except in exceptional circumstances, the board member will be interviewed by the SFE chair to discuss his/her position on the board.

11.4 All board members are expected to attend the RD and AGM meetings and attend the SFE national conference.

11.5 The SFE chair reserves the absolute right, at his/her discretion, to dismiss a board member, if he/she feels that he or she is not sufficiently committed to the board; is not a good fit with the board, is not delivering on assigned tasks or is not contributing in a positive way to board meetings.

12 Regional Directors

12.1 The elected chairpersons of the regional groups of the Company from time to time shall be known as Regional Directors. They shall be members of the Company for the purposes of the Act and shall be subject to the provisions of the articles of association and any other rules made by the directors from time to time relating to the "B' Members" specifically, as well as the members generally.

12.2 However, in accordance with article 8.6 of the articles of association of the Company as adopted by written resolution dated 20th March 2019, a Regional Director shall not be or be deemed to be a director of the Company unless he has also been appointed as such. Unless delegated to him, or as otherwise authorised in writing, by the board of directors, no Regional Director shall have or purport to have or to exercise or hold himself out as having any of the powers of a director and he shall not have any authority to incur any expenditure in the name of or for the account of the Company or hold himself out as having authority to bind the Company.

12.3 All regional directors must be Full Accredited Members and must comply with all the criteria for that level of membership. If a regional director loses their FAM status, then they will be deemed to retire as a regional director.

12.4 Minimum standards which Regional Director shall seek to attain shall be as follows:12.4.1 Organise a minimum of two meetings/training sessions per calendar year (compulsory)

12.4.2 Set up of a committee to help run the regional group (advised)

12.4.3 Produce an annual timetable of events (advised)

12.4.4 Apply the standard charging structure for training sessions as agreed by the directors (advised)

12.4.5 Set up and use a marketing database to facilitate record keeping and recruitment drives (recommended)

12.4.6 Hold recruitment drives per year to tie in with the training sessions (recommended)

12.4.7 Make contact with each new member and introduce them to the regional group (advised)

12.4.8 Attend or send a deputy to the Regional Director's meetings (compulsory)

12.4.9 Attend or send a deputy to the National Conference and AGM (compulsory)

12.4.10 Act as the local SFE Ambassador for local Public Relations (compulsory)

12.5 If the regional director does not meet the minimum standards (compulsory) listed in Rule 12.4 in particular the organising of two meetings/training sessions in the calendar year, the RD will be interviewed by the SFE chair to discuss the role and a forward plan for the next year. If the RD has not got any meetings in the diary within 90 days of the interview, the RD will be deemed to have retired.

13 Amendments of the Rules

The Rules may be added to, amended or rescinded by a resolution of the Directors passed at a meeting convened in accordance with the provisions of the Company's articles of association, provided that no such resolution shall be deemed to have been passed unless it is carried by a majority of at least two-thirds of the Directors present and voting.