



Higher National Unit specification: general information

Unit title: Essential Skills for Paralegals

Unit code: FT5R 35

Superclass: EC

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Unit purpose

This Unit is designed to provide candidates with knowledge of the standards required of a paralegal working either in a local authority, private law firm or other such suitable environment. Candidates will develop knowledge and skills covering conduct, knowledge of money laundering regulations, client confidentiality and identifying at the earliest stages when there may be a conflict of interest for the local authority or company the paralegal is working for. Candidates will also develop legal research skills and an understanding of the courts system in Scotland. The Unit is suitable for those in employment as a paralegal who wish to undertake Continuing Professional Development or register with the Law Society of Scotland Registered Paralegal Scheme.

On completion of the Unit the candidate should be able to:

- ◆ apply knowledge of the jurisdiction of the civil and criminal courts in Scotland to assess civil and criminal liability
- ◆ explain common law principles and current legislation relating to confidentiality, conflict of interest and money laundering regulations
- ◆ retrieve and analyse legal information from the main sources of law.

Recommended prior knowledge and skills

Access to this Unit is at the discretion of the centre. However, candidates would normally be expected to have competence in *Communication* at SCQF level 6.

Credit points and level

1 Higher National Unit credit at SCQF level 8: (8 SCQF credit points at SCQF level 8*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

General information (cont)

Unit title: Essential Skills for Paralegals

Core Skills

The Unit should provide candidates with an opportunity to develop the following Core Skills/Core Skill components in this Unit, although there is no automatic certification of Core Skills or Core Skill components:

- ◆ *Communication*
- ◆ *Information Communication Technology (ICT)*

Context for delivery

If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

Assessment

Outcome 1 could be assessed by at least one case study covering criminal law and at least one case study covering civil law in order for the candidate to assess civil and criminal liability.

Outcome 2 could be completed by the candidate completing a series of two or more case studies, with each case study comprising two or more of the aspects of confidentiality, conflict of interest and money laundering regulations, with the candidate being expected to provide detailed written responses on these aspects and provide the relevant advice.

Outcome 3 could be assessed with one assessment. The first part of the assessment could take the form of restricted response questions each requiring the candidate to use a specialist law library or electronic legal database to obtain the required information. The second part of the assessment could consist of series of multiple choice questions. This assessment will be open-book to allow the candidate to use the appropriate resources with the candidate being given approximately fourteen days for completion.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, Knowledge and/or Skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the Knowledge and/or Skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Apply knowledge of the jurisdiction of the civil and criminal courts in Scotland to assess civil and criminal liability.

Knowledge and/or Skills

- ◆ Composition of civil and criminal courts in Scotland and appeal routes.
- ◆ Jurisdiction of civil and criminal courts in Scotland.
- ◆ Types of crimes and punishments including statutory, strict liability or common law offences.
- ◆ Defences (including special defences).
- ◆ Powers of criminal courts.
- ◆ Types of case and available remedies in civil court actions.
- ◆ Burdens of proof in civil and criminal cases.
- ◆ Role of the Supreme Court.

Evidence Requirements for Outcome 1

The candidate will be required to provide written and/or oral evidence that they can apply their knowledge to assess civil and criminal liability to at least one case study on criminal law and at least one case study on civil law.

Evidence for the criminal law case study/studies should include:

- ◆ Analysis of the relevant legal principles identifiable and any possible defences and their applicability or likelihood of success.
- ◆ Assessing the criminal liability of the parties to the case study or case studies, and whether or not the crimes identified are subject to statutory or common law provision.
- ◆ Referring to the appropriate legal precedent or statute regarding the legal principles.

Evidence for the civil law case study/studies should include:

- ◆ Analysis of which court(s) would have jurisdiction regarding the issue(s) detailed.
- ◆ Assessing the most suitable remedy under the circumstances.
- ◆ Ability of candidate to successfully complete with precision standard court forms.

Candidates will be given a series of scenarios covering a variety of civil and criminal matters from which they will choose at least one civil and one criminal case. The assessment will be in open-book supervised conditions, and candidates may take one side of A4 notes into the assessment.

Higher National Unit specification: statement of standards (cont)

Unit title: Essential Skills for Paralegals

Candidates will also need to provide written and/or oral evidence of knowledge that they can identify and explain those responsible for administering the law in the civil and criminal courts in Scotland and the types of case which can be heard under each of these systems.

Evidence of knowledge which cannot be inferred from the practical exercise may be sampled.

Assessment Guidelines for Outcome 1

The application of knowledge could be assessed by the assessment centre having the candidate undertake an assessment composed of elements in both civil and criminal law.

For the civil law case study/studies, this could be in two parts, the first being the requirement of the candidate to complete documentation relating to Small Claims Procedure in the Sheriff Court. The candidate could download the documentation themselves within the assessment or printed Small Claims forms could be provided to them at the outset of the assessment. The forms would require to be accurately completed based on a case study provided by the assessment centre. The second part of the civil law assessment could be the completion of a series of multiple choice or restricted response questions on any aspects of civil law and procedure.

The answers to the restricted response questions of the civil law assessment, if used in conjunction with or as an alternative to the multiple choice questions, could be 1000 words in total (subject to a 10% deviation on either side of this) depending on the number of restricted response questions that the assessment centre decides the candidate must successfully undertake, or the equivalent if oral evidence is produced in the form of a presentation or other form.

For the criminal law case study/studies, the candidate could be required to complete one or more case studies, each composed of one or more hypothetical situations, with the candidate being expected to provide detailed written responses on the legal principles relevant to each case study, the criminal liability (if any) of the parties involved and if applicable, relevant defences.

The answers to each of the criminal law case studies could be 1000 words in length (subject to a 10% deviation on either side of this) or the equivalent if oral evidence is produced in the form of a presentation or other form.

Assessment for this Outcome could be combined with Outcome 3 which requires candidates to retrieve and analyse legal information. This would ensure the candidate is integrating their knowledge and skills relating to both these Outcomes 1 and 3 in a manner accustomed to a Paralegal effectively exercising their duties in a professional environment.

Higher National Unit specification: statement of standards (cont)

Unit title: Essential Skills for Paralegals

Outcome 2

Explain common law principles and current legislation relating to confidentiality, conflict of interest and money laundering regulations.

Knowledge and/or Skills

- ◆ Current law relating to confidentiality, including Law Society Rules and the Data Protection Act 1998.
- ◆ Current Provisions of the Solicitors (Scotland) Account Rules and Money Laundering Regulations.
- ◆ The steps necessary to comply with the Money Laundering Regulations.
- ◆ The methods of monitoring compliance with the rules relating to confidentiality, conflict of interest and money laundering.
- ◆ Identification of possible and actual conflicts of interest by the Paralegal.
- ◆ Ability of Paralegals to interact with and meet the needs of clients in their professional environment.

Evidence Requirements for Outcome 2

Candidates will need to provide written and/or oral evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ explain current legislation relating to confidentiality and how it affects their work with clients
- ◆ identify possible conflicts of interest for them or their employer in the early stages of a client approaching them and at any subsequent stage thereafter
- ◆ explain the money laundering regulations and how they are applied in practice in the specialism in which they work.

Evidence of knowledge which cannot be inferred from the practical exercise may be sampled.

Candidates will be assessed in open-book, controlled conditions and may take one sheet of A4 notes into the assessment.

Assessment Guidelines for Outcome 2

The assessment could require the candidate to complete a series of two or more case studies. Each case study could comprise of two or more of the aspects of confidentiality, conflict of interest and money laundering regulations, with the candidate being expected to provide detailed written and/or oral responses on these aspects and provide the relevant advice.

The answers to each of the case studies could be 1000 words in length (subject to a 10% deviation on either side of this) or the equivalent if oral evidence is produced in the form of a presentation or other form.

Higher National Unit specification: statement of standards (cont)

Unit title: Essential Skills for Paralegals

An alternative option for assessment centres is to require the candidate to complete one case study, encompassing elements of confidentiality, conflict of interest and money laundering, with the second part of the assessment including a series of multiple choice questions.

Outcome 3

Retrieve and analyse legal information from the main sources of law.

Knowledge and/or Skills

- ◆ The purpose of legal research.
- ◆ The main sources of law — specialist law libraries and electronic legal databases.
- ◆ Retrieving and analysing legal information.

Evidence Requirements for Outcome 3

Candidates will need to provide written and/or oral evidence to demonstrate their knowledge and/or skills by showing that they can:

- ◆ apply their research skills by retrieving information from a specialist law library or legal database(s)
- ◆ analyse retrieved information in order to resolve the legal issues in at least one scenario from a variety of different situations which they may encounter in their working environment.

The assessment will require the candidate to source relevant legal information from a specialist law library or legal database(s) and use it to analyse the pertinent legal issues. The candidate's answers should clearly show the candidate's reasoning in their consideration of the issues in the given situation.

The assessment will be open-book and candidates will have two weeks to complete the assessment.

Evidence of knowledge which cannot be inferred from the practical exercise may be sampled.

Assessment Guidelines for Outcome 3

The assessments for Outcomes 1 and 3 in this Unit could be integrated. Similarly, the assessment for Outcome 3 could be integrated with the following HN Units which offer the opportunity for candidates to retrieve and analyse legal information:

FW2T 35: *Sheriff Court Procedures for Divorce or Dissolution of Civil Partnerships*, FN5N 34: *Property Law*, F1B2 35: *Conveyancing*, FT5T 35: *Employment Tribunal Procedure and Practice* and FT2A 35: *Unfair Dismissal*.

If the assessment centre opts not to integrate assessments for Outcome 1 and Outcome 3, a separate assessment for Outcome 3 should be undertaken by the candidate. The assessment could require the candidate to complete a series of restricted response questions, each requiring the candidate to use a specialist law library or electronic legal database(s) to obtain the required information.

Higher National Unit specification: statement of standards (cont)

Unit title: Essential Skills for Paralegals

If the assessment centre opts instead for Outcome 3 to be undertaken separately from Outcome 1, the candidate should also be given approximately 14 days for completion. This timeframe is representative of the fact that candidates would in a professional environment be expected to prioritise their workloads accordingly. The timeframe provided and the conditions being open-book acknowledges this.

The evidence produced for the restricted response questions could be between 500–1000 words (subject to a 10% deviation on either side of this) in total depending on the number of restricted response questions that the assessment centre decides the candidate must successfully undertake, or the equivalent if oral evidence is produced in the form of a presentation or other form.

Higher National Unit specification: support notes

Unit title: Essential Skills for Paralegals

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

The purpose of Outcome 1 is to provide candidates with knowledge of the legal system in Scotland. Candidates will be able to learn and recognise the fundamental aspects of how the civil and criminal courts in Scotland function.

The purpose of Outcome 2 is to provide candidates with the knowledge and skills expected of them in their professional environment, which are of importance in the overall regime of the Scottish legal system. Particularly for those working in legal offices and similar professional environments, these candidates must know about the main provisions of the Solicitor's Account Rules and the Money Laundering Regulations. It is essential that centres include in their courses the following points:

- ◆ All clients' money should be paid into a separate account known as the Client's Account which cannot be attached by the solicitor's creditors should they go bankrupt.
- ◆ The credit balance in the Client's Account must always be sufficient to meet the sum of the credit balances on all individual client's accounts within the Client's Ledger.
- ◆ If a payment is made on behalf of a client who has no funds, then the payment must be made using the solicitor's own funds.
- ◆ It is not permitted to use one client's money to make a payment for another client.
- ◆ Proper books of account must be kept, so they disclose all transactions the solicitor has made with clients' money. The meaning of 'proper' requires to be understood in the legal sense.
- ◆ The Client's Ledger must be balanced on a monthly basis to ensure the Client's bank account contains sufficient funds. This needs to be reconciled with the bank statement each month.
- ◆ If a solicitor holds funds for a client for any length of time they have a duty to place it on deposit receipt, and credit the client with the interest earned.
- ◆ The need to obtain identification from new clients before any transaction involving money is made.

Mention should also be made of the Society's right to audit any firm's books (currently every two to three years) and of the requirement of the Solicitors (Scotland) Accounts Rules to submit certificates every six months to confirm that the requirements of the Accounts Rules have been met.

The Law Society of Scotland provides copies of the Account Rules and Money Laundering Regulations and any other current regulations which apply.

This Outcome deals with the relevant legal issues of confidentiality within a legal environment. Any current developments within this area of law would be relevant as discussion points, but inclusion of issues such as Data Protection would certainly be necessary. It is suggested that delivery focuses first on the duties of confidentiality.

Higher National Unit specification: support notes (cont)

Unit title: Essential Skills for Paralegals

incumbent upon all employees, then deals with the specific issues of confidentiality in a legal environment, ie where information is likely to be of a particularly personal and potentially sensitive nature.

Outcome 3 covers how to retrieve and analyse relevant legal material to apply to a particular scenario. At the end of this Unit the candidate will have the specialist research skills required to identify, use and understand the main sources of law and enable location, retrieval and analysis of legal information from these sources through effective research.

Guidance on the delivery and assessment of this Unit

This single credit Unit is a mandatory Unit in the Professional Development Awards for Paralegals, and is a combination of specific outcomes taken from three HN Units in the *HNC/D Legal Services*, namely *Legal and Ethical Issues*; *Legal Secretarial Practice* and *Legal Research Techniques*. Whilst it is anticipated that it will be offered as part of the Group Awards it could be delivered as a stand-alone Unit for those who have an interest in acquiring relevant legal skills. Candidates who wish to broaden their understanding and experience of the subject matter covered in this Unit can access the candidate and tutor resources for the three source HN Units on SQA Academy. Anyone wishing to log onto SQA Academy for this purpose can obtain the candidate or tutor enrolment key by contacting academy@sqa.org.uk. The SQA Academy resource also has a candidate and tutor forum which allows participants to interact with other peers and share questions/ideas on the material.

Delivery of this Unit would be greatly enhanced if candidates could be made aware of the wider relevance of studying law. Newspapers and news programmes will inevitably make reference to the work of our Parliament, our courts, and of the personnel of the law, and so an understanding as to how the legal system works will help candidates make more sense of current affairs.

Where possible, use could be made of copies of Acts of Parliament, byelaws and statutory instruments and understanding could be enhanced by a visit to the local courts.

In the teaching and learning associated with this Unit every opportunity should be taken to enhance research skills which are important in the study of law. This could be achieved by giving candidates details not only of appropriate text books but also of relevant website addresses, such as the Scottish Courts (www.scotcourts.gov.uk), the Crown Office (www.crownoffice.gov.uk) and the Law Society of Scotland (www.lawscot.org.uk). The Office of Public Sector Information and Statute Law Database are two appropriate sites also, especially in relation to Outcome 3, and are now both subsumed into one website, being www.legislation.gov.uk.

By such means candidates should be encouraged to work independently of the classroom environment. This should be to their benefit when preparing for and completing assessments.

It is likely that candidates may already have had some experience of legal issues, and this prior knowledge could effectively be used as a starting point for classroom discussion, and further delivery.

Higher National Unit specification: support notes (cont)

Unit title: Essential Skills for Paralegals

It is also recommended that, wherever possible, a practical approach be taken to the delivery of this Unit. Whilst certain areas will require to be delivered from a more theoretical perspective, the objective of the Unit is best served if candidates are given as much practical experience of the issues covered as possible.

This Unit also deals with the importance of confidentiality within the legal environment, with emphasis on the Law Society's Code of Conduct relating to this. This Code of Conduct deals not only with solicitors but also with their partners and employees.

Teaching should concentrate on informing the candidates of the various sources and resources and demonstrating how to use these, with candidates being given opportunity to practice their research skills by retrieving data from these sources.

Open learning

This Unit could be suitable for open or distance learning methods however additional learning resources may be required and candidates may need to access the institutions resources on at least one occasion. Further additional resources would be required for assessment and quality assurance however it would require a considerable degree of planning by the centre to ensure the sufficiency and authenticity of candidate evidence.

Opportunities for developing Core Skills

- ◆ Paralegals have to build and maintain effective written and oral communication with a range of others, including the Supervising Solicitor, clients and colleagues. As the Unit is undertaken there should be a focus on enhancing the additional or specific communication skills relevant to the particular Legal Domain. Strengthening awareness of communication options and ways to select media, style and format appropriate to the recipient will support professional competences.
- ◆ To underpin knowledge and understanding developed in the Unit all written communication produced should be appropriately formal and show attention to detail. Clear language and accurate spelling, grammar, syntax and punctuation will be essential. Effectiveness in communicating orally in a range of complex situations is also critical. Listening skills need to be such that the meaning of questions and comments may be both understood and inferred, with interpersonal approaches adapted as necessary. As they assimilate knowledge candidates may gain insight from opportunities to present and explain complex information orally. Group discussions of case studies or course progress reviews could be managed to include in depth responses using a wide range of vocabulary relevant to paralegal practice. If candidates are not currently in employment such interactions will be particularly valuable; in formative work for Outcome 2 the use of simulation might be considered to extend understanding of specific issues of confidentiality in a legal environment.
- ◆ The use of technology in sourcing and presenting information on complex topics will be routine. This will allow practice in accessing, using and storing electronic data with a focus on accepted business and professional practice and etiquette.
- ◆ The need to develop efficient systems of recording and storing information using accepted business and professional practice should be emphasised. Candidates should further develop skills in the use of *Information and Communication Technology (ICT)* as they manage the practical aspects of research and present formal documents to a professional standard.

Higher National Unit specification: support notes (cont)

Unit title: Essential Skills for Paralegals

Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website www.sqa.org.uk/assessmentarrangements

History of changes to Unit

Version	Description of change	Date

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General information for candidates

Unit title: Essential Skills for Paralegals

The purpose of this Unit is to provide you with an understanding of the court setup, individuals involved, procedures and the retrieval of connected and pertinent information central to the Scottish Legal System. The relevance and requirement of the Law Society over solicitors together with money laundering regulations are also of importance.

This Unit may be assessed with three assessment events, one assessment for each outcome.

Outcome 1 deals with the court systems and how civil and criminal law operates within the Scottish legal system and how it impacts the working practices of the candidates.

Outcome 2 will cover the knowledge and skills to understand the importance of security within the legal environment and how this affects the information you are allowed to release to persons other than the individual whose information is detailed. You will also look at the confidentiality element as all information gained from working in a legal environment is confidential and is given on trust by clients. You will also learn about the regulation of solicitors by the Law Society's Code of Conduct and the rules laid down to control and defeat money laundering.

Outcome 3 is designed to provide you with the specialist research skills required to identify the main sources of law and enable location, retrieval and analysis of legal information from these sources through effective research. This would enable you to identify where information can be found, if this information is correct and more importantly, if it is current and up-to-date. This will be beneficial across a whole range of other Units, where effective research techniques are highly desirable and effective.

Outcome 3 introduces the resources available in a specialist law library and the internet. The resources include, but are not limited to, legislation in the form of Acts of Parliament and delegated legislation, case reports and institutional writings. Further resources include textbooks, law journals, periodicals, citators, databases. It goes on to consider in more detail primary and delegated legislation and case law. It will consider how to locate, retrieve and analyse primary and delegated legislation and case reports. The role of acronyms and citations used by the legal profession and candidates is explained together with the procedure to locate, retrieve and analyse legislation and case reports.

It also gives you the knowledge of the main specialist law subscription and non-subscription databases available to those researching the law. It will cover the content of the various databases indicating which of the sources are available on the various databases. You will then be shown how to use a database to access materials on given subjects, save materials located, analyse the results and then produce a printout of these materials.

In order to successfully complete the Unit, you will be required to demonstrate that you have obtained the knowledge and/or skills required for each Outcome. This will be achieved by you undertaking regular assessments throughout the Unit, as directed by your facilitator. Assessments for this Unit will take the form of case studies, structured questions or restricted response questions.