



Group Award Specification for:

**Professional Development Award in Debt Recovery
at SCQF level 8**

Group Award Code: GG9N 48

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1 Introduction

This is the Group Award Specification Document for the Professional Development Award (PDA) in Debt Recovery at SCQF level 8. This document was previously known as the Arrangements document. The purpose of this document is to:

- ◆ assist centres to implement, deliver and manage the qualification
- ◆ provide a guide for new staff involved in offering the qualification
- ◆ inform course managers, teaching staff, assessors, learners, employers and HEIs of the aims and purpose of the qualification
- ◆ provide details of the range of learners the qualification is suitable for and progression opportunities

This document includes: background information on the development of the Group Award, its aims, guidance on access, details of the Group Award structure, and guidance on delivery.

The PDA in Debt Recovery at SCQF level 8 is an updated version of the PDA of the same title which is coded G95V 48, and it has been developed as part of a suite of awards for paralegals in close collaboration with the Scottish Paralegal Association (SPA), the Law Society of Scotland, SQA and the Paralegal Steering Group, comprising a wide range of representatives of the sector in Scotland.

The suite of PDAs in specialist areas of law in which paralegals work is designed to provide one route whereby paralegals can qualify for registration as part of the Law Society of Scotland's Registered Paralegal Scheme, which was introduced in August 2010. The scheme is voluntary, but has been designed, as part of the de-regulation of the legal sector, to formally recognise the competence of paralegals to a minimum professional standard.

The full route for registration requires employees to have a formal qualification and to undergo a one-year traineeship. At the end of this period, if they are judged by their employer to meet the competence criteria for registration in their specialist area of work as set out by the Law Society of Scotland, they can apply to become a Law Society of Scotland Registered Paralegal in their specialist area.

Professional recognition

This PDA is recognised as a formal qualification for entry into the Law Society of Scotland's Registered Paralegal Scheme for the legal domain of Civil Litigation: Debt Recovery

Rationale for the Group Award

Background

There were various drivers for SQA's work with the Scottish Paralegal Association on developing awards specifically for paralegals.

- 1 There has been an increase in demand from the sector for competent paralegals. The SPA estimates that there are approximately 10,000 people currently working in Scotland in a paralegal/legal support-type role across all legal specialisms in private law practices, the public sector and in-house legal teams in commercial companies (such as those in insurance, finance, food and drink sectors). Drivers such as the introduction of alternative business structures within the legal sector (which is likely to mean the use of more paralegals and fewer solicitors), and the need for both existing and new paralegals to demonstrate their competence and on-going CPD, mean that the Law Society of Scotland and the SPA envisage a steady stream of learners coming forward to undertake SQA's PDAs for paralegals.
- 2 The alternative business model debate has prompted discussion about how to assure competent service delivery. The SPA was especially pleased to be working with SQA on developing PDAs so that paralegals would have the opportunity to complete a national, quality assured qualification which assures a minimum level of competence for paralegals across Scotland, rather than completing one of a number of commercially devised training courses which do not assure a minimum level of competence and which can be extremely expensive to undertake.
- 3 In order to become a Registered Paralegal under the Law Society of Scotland Registered Paralegal Scheme, learners must hold a relevant 'formally recognised and assessed qualification'. The Trainee Registered Paralegal entering the scheme then works during a one-year training period to achieve general competences and competences specific to the legal area in which the paralegal is working, and as a result will qualify as a Registered Paralegal. The PDA in Debt Recovery is one of a number of PDAs which are suitable qualifications under the Law Society of Scotland Registered Paralegal Scheme.
- 4 To complement the introduction of the Registered Paralegal Scheme, The Law Society of Scotland and the SPA introduced the paralegal 'Competency Framework' in August 2010, the aim of which was to ensure that there were 'occupational standards' in place for paralegals, both generic and sector- or domain-specific. The aim of the framework is to ensure that paralegals who are registered with the Law Society of Scotland Registered Paralegal Scheme will have proof of working to a recognised minimum level of competence. Once admitted as a Trainee Registered Paralegal, the paralegal and the supervising solicitor will work together to ensure the paralegal achieves the generic and domain-specific competences for their specialist area of legal practice.

Consultation with stakeholders: meeting employers' needs

In order to confirm that the suite of paralegal PDAs would meet the needs of those working across the sector in local authorities, private practice, voluntary organisations or in-house legal teams, extensive consultation was carried out.

The general points made which are worth highlighting as relevant to all the PDAs in the paralegal suite are listed below.

- ◆ Despite the effects of the recession, there remains a continuing demand for legally competent support staff and also an increasing demand for specialisation in legal work.
- ◆ Courses should focus on an understanding of the law in general, but most of the qualification content should deal with the appropriate specialist skills required to undertake work in that area.
- ◆ Learners should understand the level of responsibility they could be expected to have on achieving the Units. In particular, where Unit assessments might use the phrase 'Advise clients ...' this was not intended to imply that paralegals could work independently of a solicitor to give advice to clients. It was acknowledged that it should be emphasised to learners that paralegals should only be providing advice to clients with appropriate guidance and consent from their supervising solicitor.
- ◆ It was agreed to develop a single credit Unit covering confidentiality, identifying conflicts of interest at the earliest possible stage, money laundering regulations, legal research skills and some background to the composition and jurisdiction of the civil and criminal courts in Scotland. This Unit is FT5R 35 *Essential Skills for Paralegals*.
- ◆ It was reiterated amongst the consultation groups that it is essential that all paralegals have very good spoken and written communication and interpersonal skills in order to be able to deal with clients appropriately, draft clear and concise letters using plain English, and keep proper records of all conversations and actions as these could be founded on in court at a later date.
- ◆ Computer skills were considered essential since much of the work involves use of online conveyancing services such as Registers of Scotland, Miller & Bryce etc.
- ◆ Feedback also indicated it was essential that learners were taught the reasons behind what they were doing, not just the steps involved.
- ◆ It was considered by most of those who responded that this award was more appropriate for those who already had some knowledge of legal work, rather than someone with no legal knowledge at all.
- ◆ It was recommended that wherever possible, all paralegal PDAs being revised or developed should ideally not exceed 6 HN Unit credits in size. This equates to approximately 240 hours of teaching time, equivalent to one full day or two evenings for the 36 weeks of the academic year. This would allow PDAs to be delivered on a part-time basis over the course of an academic year, thus making them more attractive and accessible to those in employment.

Revision of the qualification

In revising the existing PDA in Debt Recovery (G95V 48), a revised structure was proposed comprising three Units with a total of 4 HN credits. This reduction in size was achieved by replacing three Units (namely *Legal Research Techniques*, *Legal and Ethical Issues* and *Legal Secretarial Practice*) with the Unit *Essential Skills for Paralegals*, mentioned above.

To inform discussions, a mapping of the content of the Units in the proposed new structure to the paralegal competences in the Law Society of Scotland Legal Domain of Civil Litigation: Debt Recovery was commissioned.

During the consultation phase, no changes were proposed to the new Unit, *Essential Skills for Paralegals*, however a number of changes were proposed for the other Units in the Group Award, *Corporate Insolvency, Bankruptcy and Diligence* and *Sheriff Court Civil Procedures*. The Units were updated accordingly.

Mapping to the Law Society of Scotland Paralegal Competences

The PDA in Debt Recovery meets all the training requirements for this cross-section of the legal sector, mapping to the general and relevant domain-specific competences from the Law Society of Scotland. These Law Society competencies are designed specifically to testify to competence required of paralegals in the workplace and these competencies must be demonstrated to an employer in the pre-registration year in order to become a Law Society of Scotland Registered Paralegal.

The PDA Units are designed to meet both the general and domain specific competencies required. The target market for the PDA includes both less experienced and experienced paralegals as well as those learners who may or may not already be in employment and who aspire to the paralegal role in the near future. The PDA Unit evidence requirements may be met by obtaining evidence both from the workplace and/or in college. The mapping illustrating how the general and domain specific competencies are met in the PDA Units is shown at Section 5.2

The general paralegal competences produced by The Law Society of Scotland cover the knowledge, skills, values and attitudes which all paralegals, regardless of their legal specialism, need to demonstrate in the course of their work. Some of these general competencies include specific things, the evidence for which can only be obtained from the workplace such as, for example, interviewing clients; advocacy; negotiation; undertaking CPD; compliance with office procedures; understanding and using proper business and professional etiquette within an electronic environment.

Learners who are not yet working as a paralegal in the relevant specialism will be able to obtain their evidence for workplace- specific competencies during their pre-registration year.

The PDA Units will equip all learners with the knowledge evidence required to understand why they are required to do things in a particular way and with the practical domain-specific skills required in the workplace. Delivering centres will be able to develop learners' practical communication and interpersonal skills through simulated exercises, role play and group work exercises, whilst case study scenarios give learners the opportunity to develop and apply their problem solving skills to situations involving a variety of legal issues. Other general competence criteria such as 'use computers and word processors appropriately for carrying out and producing his/her work' are overtaken in Units which involve carrying out legal research techniques, or producing relevant legal documents.

Range of learners the qualification is suitable for

The PDA in Debt Recovery is aimed at both trainee and experienced paralegals working in the specialism of Civil Litigation: Debt Recovery whether in private practice, local authorities, banks or building societies. It could also be undertaken by paralegals wishing to undertake CPD by moving into a new legal specialism, or those aspiring to a paralegal role in the near future.

Possible employment opportunities for learners who gain this qualification

The PDA in Debt Recovery is relevant in private practice and for those employed in other sectors, including local authority legal teams and those with paralegal responsibilities in a range of other organisations.

Articulation opportunities from this qualification

Possible pathways and progression routes are outlined below.

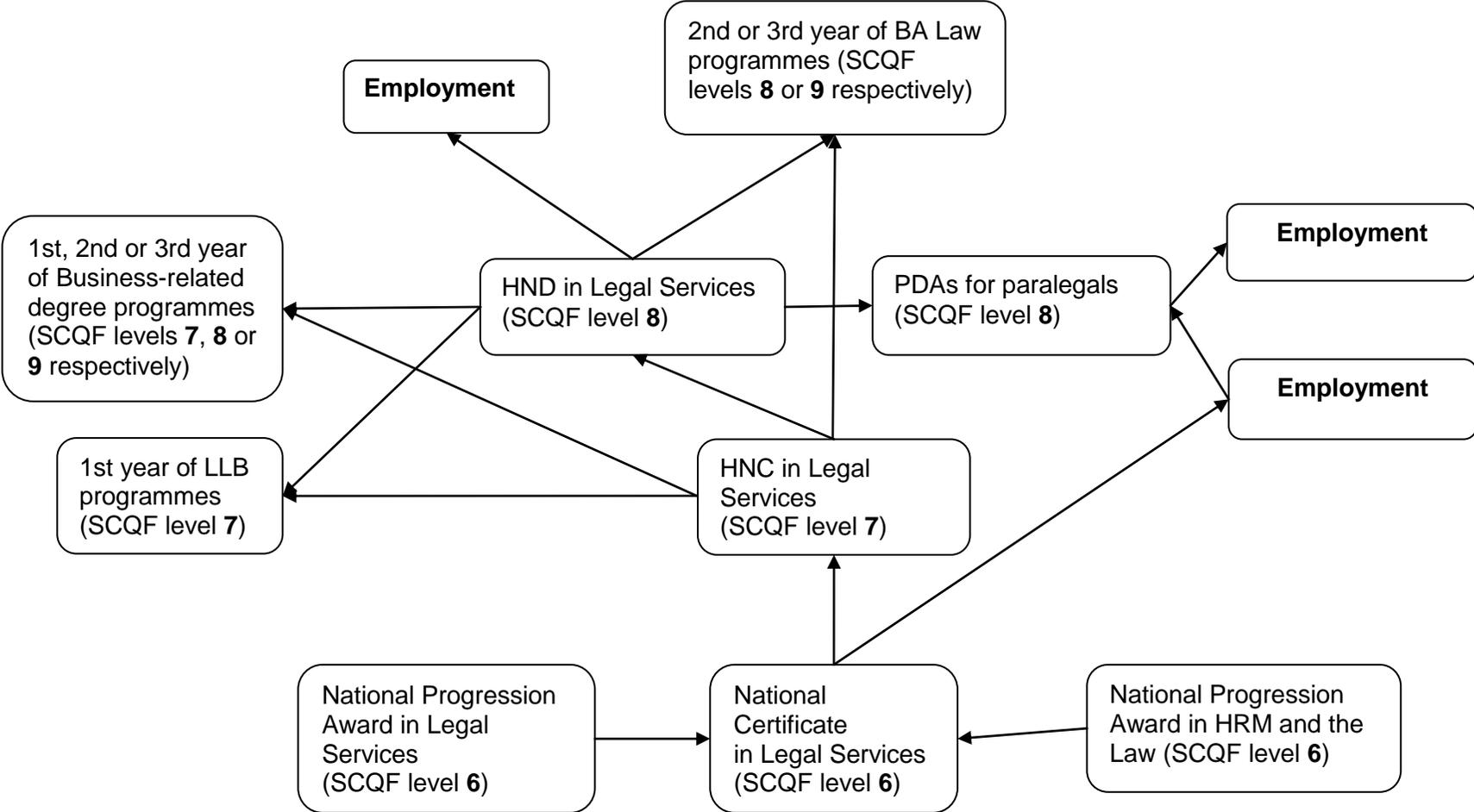
GF45 46 National Certificate in Legal Services at SCQF level 6

GF44 46 National Progression Award in Legal Studies at SCQF level 6

GF46 46 National Progression Award in Human Resources and the Law at SCQF level 6

The HNC/HND in Legal Services was validated in 2007, so the implementation of the new PDAs for paralegals at SCQF level 8 has presented an ideal opportunity to consider what revisions need to be made to the HNC/HND to align them more closely with the sector's requirements for paralegals. This review started in January 2013 and is currently ongoing.

Possible Progression Routes



2 Qualification structure

2.1 Structure

The Design Principles state that PDAs will be made up of at least two Units, and at SCQF level 8 PDAs will be made up of Units with a minimum credit value of 16 SCQF credit points and at least half of the SCQF credits will be at the level of the Group Award.

Learners will be awarded the PDA in Debt Recovery at SCQF level 8 on completion of all four of the mandatory Units with a total of 40 credit points.

The structure is illustrated below:

Unit title	Code	SCQF credit points	SCQF level	SQA credit value
Essential Skills for Paralegals	FT5R 35	8	8	1
Corporate Insolvency	H49N 35	8	8	1
Bankruptcy and Diligence	H490 35	8	8	1
Sheriff Court Civil Procedure	H4FT 35	16	8	2

3 Aims of the qualification

The aim of this PDA in Debt Recovery is to develop the relevant specialist competences required by employers to allow paralegals to demonstrate a minimum level of professional competence in order to qualify for registration as a paralegal within the Law Society of Scotland Registered Paralegal Scheme.

This is an area of work which involves a high level of documentation and direct contact with clients, lenders and other parties. It is essential that those carrying out the work are properly trained and have the skills and knowledge to do so correctly and accurately. Just as important is the fact that they should be aware of the consequences arising when work is not carried out correctly, and both the employee and the employer should recognise the appropriate level of responsibility at which the paralegal should be working.

The PDA also provides development of Core Skills and transferable skills such as *Communication* (both spoken and written), *Problem Solving*, and *Working with Others*. Consultation demonstrated that employers found these skills were lacking in new employees and an emphasis was placed on ensuring the PDA highlights where these skills are demonstrated. A signposting exercise was carried out to show where Core Skills are demonstrated within the PDA, and the results of this are shown in Appendix 1.

3.1 General aims of the qualification

The general aims of the PDA are to:

- G1 develop the competences required by employers to undertake specialist paralegal support roles within the legal profession.
- G2 develop and apply a range of vocational knowledge and skills in an integrated manner to the analysis of complex legal problems.
- G3 develop skills in researching, planning, organising and investigating legal issues and problems in depth.
- G4 develop and adopt a proactive approach to problem-solving.
- G5 develop the capacity to respond quickly to the challenges posed by changes in the law and business/legal environment.
- G6 provide the skills and competences required to progress to registration as a qualified paralegal.
- G7 further develop skills in the practical and procedural application of law in Scotland and Scotland's courts.

3.2 Specific aims of the qualification

The specific aims of the PDA are to have knowledge of and /or skill in:

- S1 the composition and jurisdiction of civil and criminal courts in Scotland, appeal routes, and the role of the Supreme Court.
- S2 types of crimes and punishments and the powers of the criminal courts.
- S3 types of case and available remedies in civil court actions.
- S4 the burdens of proof of in civil and criminal cases.
- S5 the current law relating to confidentiality, the Solicitors (Scotland) Account Rules and Money Laundering Regulations, and how to comply and monitor compliance and identify conflicts of interest.
- S6 how the Insolvency Act 1986 (as amended) applies to a Winding-up Petition; considerations and requirement when drafting a Winding-up Petition and Inventory of Productions; the effect of dissolution of a corporate body.
- S9 different types of corporate insolvency: liquidation; administration; receivership; company voluntary agreement; floating charges.
- S10 carrying out a comparison with England and Wales in regard to corporate insolvency.
- S11 applying the law relating to the various forms of diligence against moveable and heritable property (a) enforcement; (b) diligence — inhibition and arrestment; (c) types of attachment; (d) factors preventing diligence.
- S12 bankruptcy procedures and the Trustee in sequestration.
- S13 the reciprocal functions of UK Courts in relation to recognising civil judgements issued within the UK; the reciprocal function of the European member states in relation to recognising civil judgements issued by a Scottish Court; the reciprocal functions of the Scottish Courts in relation to foreign civil judgements.
- S14 applying the correct procedures and documentation used in Small Claims actions, Summary Cause actions, and Ordinary Cause actions.

4 Recommended entry to the qualification

Access to this PDA will ultimately be at the discretion of the delivering centre. The following information on prior knowledge, skills, experience or qualifications that provide suitable preparation for this qualification has been provided by the Qualification Design Team as guidance only.

Learners are expected in the main to be already working as a paralegal, either as a trainee or a more experienced paralegal in this or another legal specialism, although this is not essential. Ideally learners would normally have some experience in conveyancing transactions, although this is also not essential. Learners would normally be expected to have competence in *Communication* at SCQF level 6 or equivalent.

Learners who have achieved either the HNC or HND in Legal Services, who are not yet employed as a paralegal, would have some evidence towards the PDA in the form of Units F1B2 35 *Conveyancing* and FN5N 34 *Property Law*, provided their evidence is still judged to demonstrate current competence.

4.1 Core Skills entry profile

The Core Skill entry profile provides a summary of the associated assessment activities that exemplify why a particular level has been recommended for this qualification. The information should be used to identify if additional learning support needs to be put in place for learners whose Core Skills profile is below the recommended entry level, or whether learners should be encouraged to do an alternative level or learning programme.

Core Skill	Recommended SCQF entry profile	Associated assessment activities
Communication	Level 6	<p>Identifying different communication options and selecting the communication form which is appropriate to the particular situation and/or client.</p> <p>Producing communications which meet client or supervising solicitor instructions, and which are fit for purpose.</p> <p>Awareness of professional standards and the additional or specific communication skills relevant to domestic conveyancing should underpin all teaching activities. The impact of written, verbal and non-verbal communication techniques in interactions with clients is emphasised in Unit support notes.</p> <p>The ability to research, translate and convey complex information in the most effective and appropriate style and format for purpose and clients is</p>

Core Skill	Recommended SCQF entry profile	Associated assessment activities
		<p>an aspect of competence.</p> <p>There is a client focus in the practical tasks of the award, which involve a range of procedures and transactions related to the essential and ancillary documentation associated with domestic conveyancing.</p>
Numeracy	Level 5	Although not identified as a specific need by employers, aspects of the Core Skill of <i>Numeracy</i> are applied in the settlement of legal transactions associated with conveyancing.
Information and Communication Technology (ICT)	Level 5	<p>Skills in the independent use of <i>Information and Communication Technology (ICT)</i> are integral to the effective accessing, retrieving and presentation of a complex range of legal information and documents.</p> <p>The development by learners of efficient electronic systems of recording, coding and storing evidence is essential.</p> <p>Current hardware and software will support the process, with security in the use of equipment and consideration of the needs of other users being routine practice.</p> <p>All learners are encouraged to use technology for on-going tutor feedback and support. This additional practice in the use of formal, business-like oral and written communication is of particular value to distance learners.</p>
Problem Solving	Level 5	<p>All elements of the Core Skill of <i>Problem Solving</i> — Critical Thinking, Planning, Organising, Reviewing and Evaluating — are naturally developed as learners apply theoretical knowledge to complete complex, practical tasks.</p> <p>Identification and analysis of all factors involved, including those of legal/statutory requirements, client</p>

Core Skill	Recommended SCQF entry profile	Associated assessment activities
		<p>and business needs is central to achievement.</p> <p>Identification and analysis of all factors impacting on the preparation and presentation of a range of legal documents, demonstrating efficiency and effectiveness in the various required stages of activities, will involve the ability to source and apply complex information with attention to detail.</p> <p>Although learners should be independently able to determine, produce and present evidence of competence, group and one-to-one discussions of case studies will offer opportunities to review and evaluate solutions selected.</p>
Working with Others	Level 5	<p>Recognition of various factors affecting interpersonal communication, including methods for negotiating positive outcomes and overcoming potential barriers, will have a focus in in-depth discussion of case studies.</p> <p>Communicating by explaining and listening and <i>Working with Others</i> will be effectively developed in contextualised formative activities.</p> <p>Opportunities for evidencing competence in complex oral communication may also be provided by supplementary questioning or the option of presenting oral evidence in certain assessment tasks.</p>

5 Additional benefits of the qualification in meeting employer needs

This qualification was designed to meet a specific purpose and what follows are details on how that purpose has been met through mapping of the Units to the aims of the qualification. Through meeting the aims, additional value has been achieved by linking the Unit standards with those defined in National Occupational Standards and/or trade/professional body requirements. In addition, significant opportunities exist for learners to develop the more generic skills, known as Core Skills through doing this qualification.

Employers can be assured that the PDA in Debt Recovery covers the general and domain specific competencies required of a Law Society of Scotland Registered Paralegal working in this area. It is a suitable qualification for both inexperienced paralegals who wish to undertake a specialist qualification prior to or in conjunction with the trainee's pre-registration year, or for more experienced paralegals who wish to undertake recognised CPD.

5.1 Mapping of qualification aims to Units

Code	Unit title	Outcome	Aims met
FT5R 35	Essential Skills for Paralegals	1 Apply knowledge of the jurisdiction of the civil and criminal courts in Scotland to assess civil and criminal liability.	G1–G7 S1–S5
		2 Explain common law principles and current legislation relating to confidentiality, conflict of interest and money laundering regulations.	
		3 Retrieve and analyse legal information from the main sources of law.	
H49N 35	Corporate Insolvency	1 Apply the law relating to creditor initiated corporate insolvency.	G1, G3, G4, G6, G7 S6–S10
		2 Apply the law relating to the effect of corporate insolvency and the legal implications upon creditors.	

Code	Unit title	Outcome	Aims met
H490 35	Bankruptcy and Diligence	1 Apply the law relating to the various forms of diligence against moveable and heritable property.	G1, G3, G4, G6, G7 S11–S13
		2 Apply the procedures involved in the law of Bankruptcy.	
		3 Apply the law relating to the recognition and enforcement of foreign judgments within Scotland and Scottish Judgments outwith Scotland.	
H4FT 35	Sheriff Court Procedure	1 Apply the correct procedures and documentation used in Small Claims actions.	G1, G3, G4, G6, G7 S14
		2 Apply the correct procedures and documentation used in Small Claims actions.	
		3 Apply the correct procedures and documentation used in Small Claims actions.	

5.2 Mapping of Law Society of Scotland Domestic Conveyancing Domain Standards

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES	Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<p>KNOWLEDGE</p> <p>Demonstrate knowledge and understanding of:</p> <ul style="list-style-type: none"> ◆ the steps involved in a debt recovery action, and in the appeal process. ◆ the duty to the court and other authorities such as the liquidator and Accountant in Bankruptcy. ◆ the rights and obligations of the creditor and debtor. ◆ the information required from the client in order to prepare the case for court. ◆ the procedure and options appropriate to the particular debt value. ◆ the court rules and procedures appropriate to the particular debt action, and in relation to time to pay applications and debt arrangement scheme applications. ◆ diligence on the dependence and in execution. ◆ a creditor's pre-decree protective measures. ◆ a debtor's protective measures and remedies. ◆ the use of caveats. 	N/A	<p style="text-align: center;">✓</p> <p style="text-align: center;">—</p> <p style="text-align: center;">—</p> <p style="text-align: center;">—</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">—</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">—</p> <p style="text-align: center;">—</p> <p style="text-align: center;">—</p>

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES	Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<ul style="list-style-type: none"> ◆ court rules relating to prescription, deadlines and timescales in relation to debt recovery cases, as well as other relevant deadlines and timescales. 		✓	✓	✓
<ul style="list-style-type: none"> ◆ the implications of court judgements. 		✓	✓	✓
Demonstrate knowledge and familiarity with:				
<ul style="list-style-type: none"> ◆ Bankruptcy Scotland Act 1985 		X	✓	—
<ul style="list-style-type: none"> ◆ Small Claim Rules 2002 		X	X	✓
<ul style="list-style-type: none"> ◆ Summary Cause Rules 2002 		X	X	✓
<ul style="list-style-type: none"> ◆ Ordinary Cause Rules 1993 		X	X	✓
<ul style="list-style-type: none"> ◆ Bankruptcy and Diligence, etc (Scotland) Act 2007 		X	✓	X
<ul style="list-style-type: none"> ◆ Debtors (Scotland) Act 1987 		X	✓	X
<ul style="list-style-type: none"> ◆ Debt Arrangement and Attachment (Scotland) Act 2002 		X	✓	X
<ul style="list-style-type: none"> ◆ Late Payment of Commercial Debts (Interest) Act 1998, as amended 		X	X	✓
Demonstrate understanding of:				
<ul style="list-style-type: none"> ◆ the rules of evidence. 		X	X	✓
<ul style="list-style-type: none"> ◆ the law relating to: <ul style="list-style-type: none"> — personal and commercial insolvency, as appropriate 		✓	✓	—
<ul style="list-style-type: none"> — prescription and limitation. 		—	✓	✓

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES	Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<ul style="list-style-type: none"> ◆ implications of the Data Protection Act 1998 		X	✓	X
<ul style="list-style-type: none"> ◆ implications of the Freedom of Information Act 2000 		X	✓	X
<ul style="list-style-type: none"> ◆ Insolvency Act 1986 		✓	X	X
<ul style="list-style-type: none"> ◆ Consumer Credit Act 2006 		X	X	✓
Demonstrate awareness of:				
<ul style="list-style-type: none"> ◆ Art of Sederunt (Sheriff Court Caveat Rules) 2006. 		✓	✓	✓
<ul style="list-style-type: none"> ◆ Enforcement Abroad of Sheriff Court Judgements Act 1982. 		X	X	✓
<ul style="list-style-type: none"> ◆ Enforcements of Judgements under the Civil Jurisdiction and Judgements Act 1982. 		X	X	✓
<ul style="list-style-type: none"> ◆ Alternative Dispute Resolution procedures, including mediation, and their application. 		X	X	✓

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
SKILLS	Technical Skills	<ul style="list-style-type: none"> ◆ Accuracy, literacy and numeracy ◆ Information Technology ◆ Office equipment ◆ Office systems and procedures 	✓ ✓ — —	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓
	Organisational Skills	<ul style="list-style-type: none"> ◆ Personal management ◆ File management 	— —	✓ ✓	✓ ✓	✓ ✓
	Communication Skills	<ul style="list-style-type: none"> ◆ Generally ◆ Face to face communication ◆ Written communication ◆ Electronic communication 	— — ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓
	Inter-personal Skills		✓	✓ ✓	✓ ✓	✓ ✓
	Practice Skills	<ul style="list-style-type: none"> ◆ Research ◆ Interviewing ◆ Writing and drafting ◆ Negotiation (if required in the Legal Domain) ◆ Advocacy (if required in the Legal Domain) 	✓ ✓ X X —	✓ ✓ ✓ — —	✓ ✓ ✓ — —	✓ ✓ ✓ ✓ ✓

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
VALUES AND ATTITUDES	Legal and ethical values		✓	✓	✓	✓
	Attitude/s					
	Focus:	<ul style="list-style-type: none"> ◆ Professional ◆ Client 	— ✓	✓ ✓	✓ ✓	✓ ✓

KNOWLEDGE

By the end of the one year period as a 'Trainee Registered Paralegal', a paralegal eligible to qualify for Registered Paralegal status should be able to:

- ◆ demonstrate knowledge, understanding familiarity and awareness of the relevant law and procedure/s relevant to the particular Legal Domain for the work he/she is undertaking on behalf of the Supervising Solicitor.
- ◆ apply his/her knowledge and understanding of the law and procedure/s to a particular matter effectively, and carry out procedures appropriately and efficiently so as to meet the needs of the (i) Supervising Solicitor, and ultimately (ii) the client's needs, objectives and priorities, based on a clear understanding of the client's instructions.

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
Technical skills	Accuracy, literacy and numeracy	◆ an understanding of the importance of correct detail and the consequences/risks of carelessness.	✓	✓	✓	✓
		◆ attention to detail in his/her work.	✓	✓	✓	✓
		◆ that he/she is able to produce accurate work in terms of spelling, presentation and layout, as well as content.	✓	✓	✓	✓
		◆ that he/she is able to deal with figures and carry out computations accurately and proficiently, as required.	✓	✓	✓	✓
	Information Technology	◆ that he/she is able to use available technology effectively and efficiently.	✓	✓	✓	✓
		◆ that he/she is able to use computers and word processors appropriately for carrying out and producing his/her work.	✓	✓	✓	✓
◆ that he/she is able to use case management systems including debt recovery software, and maintain electronic files, where appropriate.		X	✓	✓	✓	

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
	Office equipment	<ul style="list-style-type: none"> ◆ that he/she is able to use office equipment such as voicemail, photocopier, fax competently and effectively. 	X	✓	✓	✓
		<ul style="list-style-type: none"> ◆ that he/she is able to use the telephone effectively to communicate with clients and others, and to carry out legal business on the telephone efficiently. 	X	✓	✓	✓
	Office systems and procedures	<ul style="list-style-type: none"> ◆ that he/she is able to use office business systems and resources appropriately and effectively, whether paper-based or computerised, including employing organisation's forms and precedents. 	X	✓	✓	✓
		<ul style="list-style-type: none"> ◆ compliance with office procedures, including time recording. 	X	✓	✓	✓
		<ul style="list-style-type: none"> ◆ compliance with all quality standards, and other policies and processes of employer organisation. 	X	✓	✓	✓

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
Organisational Skills	Personal management	◆ an understanding of the importance of time-limits and of the risks of breaching time-limits.	✓	✓	✓	✓
		◆ that he/she is able to exercise effective judgement in respect of realistic timescales for completion of tasks and delivery of objectives, and manage his/her own time effectively.	X	✓	✓	✓
		◆ that he/she is able to manage his/her personal workload, including managing a number of concurrent matters effectively so as to meet all objectives, priorities and deadlines in each matter.	X	✓	✓	✓
		◆ that he/she is able to use paper-based and/or electronic diaries and electronic task management systems to plan time and work effectively.	X	✓	✓	✓
		◆ that he/she only accepts work which he/she feels competent to undertake.	X	✓	✓	✓

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
		<ul style="list-style-type: none"> ◆ that he/she is clear as to the work and responsibilities delegated to him/her by the Supervising Solicitor, and understands the limits in relation to that role. 	✓	✓	✓	✓
		<ul style="list-style-type: none"> ◆ that he/she recognises the requirement to keep his/her Supervising Solicitor fully informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and that he/she does so. 	✓	✓	✓	✓
		<ul style="list-style-type: none"> ◆ that he/she recognises that it is paramount to raise concerns/issues relating to completion of tasks and meeting of deadlines with his/her Supervising Solicitor at the earliest opportunity, and that he/she does so. 	X	✓	✓	✓
		<ul style="list-style-type: none"> ◆ that he/she recognises when it is necessary to seek support and/or advice from his/her Supervising Solicitor, when it is necessary or required to refer an issue in its entirety to the Supervising Solicitor, and that he/she does so. 	X	✓	✓	✓

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
		<ul style="list-style-type: none"> ◆ that he/she recognises where a transaction is non-standard or includes non standard elements, and refers this to his/her supervising solicitor. 	X	✓	✓	✓
		<ul style="list-style-type: none"> ◆ that he/she passes on messages promptly and undertakes communications/ action arising from telephone calls, meetings or client interviews. 	X	✓	✓	✓
	File management	<ul style="list-style-type: none"> ◆ good file management practices in terms of: <ul style="list-style-type: none"> — opening new files — filing documents and correspondence as appropriate — keeping filing up to date — taking and filing accurate notes of telephone calls and meetings — closing file when completed or instructed to close file. 	X	✓	✓	✓
			X	✓	✓	✓
			X	✓	✓	✓
			X	✓	✓	✓
			X	✓	✓	✓
			<ul style="list-style-type: none"> ◆ that he/she is able to lodge documents or applications in the correct form, at the correct place and at the correct time. 	X	✓	✓

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
Communication Skills	Generally	<ul style="list-style-type: none"> ◆ that he/she is able to communicate effectively with those with whom he/she needs to work, particularly the Supervising Solicitor, and with clients, the other side, relevant bodies and authorities, as appropriate, including: <ul style="list-style-type: none"> — identifying different communication options and selecting the communication form which is appropriate to the particular situation and/or client — producing communications which meet client or Supervising Solicitor instructions, and which are fit for purpose. ◆ confidence and assurance in his/her dealings with people, whether in person or over the telephone. 	✓	✓	✓	✓
			✓	✓	✓	✓
			✓	✓	✓	✓
			✓	✓	✓	✓

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
	Face to face communication	<ul style="list-style-type: none"> ◆ that he/she is able to communicate effectively in face-to-face situations, can listen and check understanding. ◆ that he/she is able to communicate effectively by telephone, including: <ul style="list-style-type: none"> — using appropriate telephone answering and handling techniques — using a good telephone manner which is efficient and polite — being able to establish the content and nature of telephone calls from the caller, whether or not a client. 	<p style="text-align: center;">✓</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>
	Written communication	<ul style="list-style-type: none"> ◆ that he/she is able to communicate effectively in writing: <ul style="list-style-type: none"> — using clear language, correct spelling and appropriate grammar, syntax and punctuation — demonstrating attention to detail — adopting a style appropriate to the recipient. 	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
	Electronic communication	<ul style="list-style-type: none"> ◆ that he/she is able to use electronic communications effectively and appropriately, including: <ul style="list-style-type: none"> — understanding and using proper business and professional etiquette within an electronic environment — understanding the difference between letters and e-mails and when the latter are appropriate — properly managing e-communications to avoid risk, including archiving e-mails safely and accurately. 	 ✓ X X	 ✓ ✓ ✓	 ✓ ✓ ✓	 ✓ ✓ ✓
Inter-personal skills		<ul style="list-style-type: none"> ◆ that he/she is able to develop and maintain effective working relationships with clients, colleagues (in particular the Supervising Solicitor) and others to achieve goals and to identify and resolve problems. ◆ that he/she is able to work effectively as part of a team including: <ul style="list-style-type: none"> — working co-operatively and willingly with others in own and other's teams — communicating effectively with those with whom the paralegal needs to work 	 ✓ X ✓	 ✓ ✓ ✓	 ✓ ✓ ✓	 ✓ ✓ ✓

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
		<ul style="list-style-type: none"> — knowing when to ask for support from, or to offer support to, other team members — knowing when to refer issues or ask for guidance from Supervising Solicitor. 	X	✓	✓	✓
Practice Skills	Research	<ul style="list-style-type: none"> ◆ that he/she knows where to look for and find information required to carry out his/her work. ◆ that he/she is able to use key primary (eg Acts, Regulations etc) and secondary (eg key text and reference books) sources. 	✓	✓	✓	✓
		<ul style="list-style-type: none"> ◆ that he/she is able to conduct a client-centred interview effectively, including: <ul style="list-style-type: none"> — preparing for the interview appropriately — listening and eliciting required legal, personal and factual information, and full instructions from client — recording all relevant factual, legal, procedural and evidential matters arising in relation to the client's matter in a file note for future reference. 	X	✓	✓	✓
	Interviewing		X	✓	✓	✓

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
	Writing and drafting	<ul style="list-style-type: none"> ◆ that he/she is able to write letters or reports appropriate for the recipient or audience and which achieve their purpose, including: <ul style="list-style-type: none"> — communicating clearly, concisely and unambiguously and appropriately with clients, solicitors, non-solicitors and others — tailoring style of communication to suit the purpose of the communication and the needs of different clients and other recipients — producing communications which meet client or Supervising Solicitor instructions following internal protocols, conventions and using required styles and/or precedents. ◆ that he/she is able to draft documents which are: <ul style="list-style-type: none"> — well-organised — valid in terms of content and form — use correct legal terminology — address relevant legal and factual issues accurately 	<p style="text-align: center;">X</p> <p style="text-align: center;">✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
		<ul style="list-style-type: none"> — ensuring documents are validly executed and registered in relevant registers, where necessary. 	X	✓	✓	✓
		<ul style="list-style-type: none"> ◆ that he/she is able to use precedent documents and styles by: <ul style="list-style-type: none"> — identifying the appropriate precedent document or style required — adapting the precedent document or style to the particular context — understanding when non-standard variations may be needed and referring to Supervising Solicitor. 	X	✓	✓	✓
		<ul style="list-style-type: none"> ◆ that he/she is able to use precedents, prescribed forms and styles appropriate for debt recovery actions. 	X	X	X	✓
		<ul style="list-style-type: none"> ◆ that he/she is able to draft procedural documentation for debt recovery cases, such as writ, summons, petition, incidental application, motions. 	X	X	X	✓
		<ul style="list-style-type: none"> ◆ that he/she is able to draft small claim summons, summary cause summons and writ for payment documentation. 	X	X	X	✓
		<ul style="list-style-type: none"> ◆ that he/she is able to draft petition for sequestration, petition for winding up and associated documentation. 	X	✓	✓	X

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
		<ul style="list-style-type: none"> ◆ that he/she is able to record narrative of evidence in court. ◆ that he/she is able to prepare and paginate productions. ◆ that he/she is able to produce or prepare other required documentation which is: <ul style="list-style-type: none"> — accurate — well-organised — appropriate. 	X			✓
			X			✓
			✓	✓	✓	✓
			✓	✓	✓	✓
			✓	✓	✓	✓
	Negotiation (if required for the specific Legal Domain)	<ul style="list-style-type: none"> ◆ that he/she is able to take part in a negotiation effectively, including: <ul style="list-style-type: none"> — preparing appropriately for the negotiation — negotiating within the agreed instruction and remit — being able to negotiate settlement terms in order to avoid litigation. 	Not specifically assessed	Not specifically assessed	Not specifically assessed	Not specifically assessed

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
	Advocacy (if required for the specific Legal Domain)	<ul style="list-style-type: none"> ◆ that he/she is able to advocate a case on behalf of a client effectively in accordance with relevant rules and procedure, in cases where a Registered Paralegal has jurisdiction and authority to appear, or where preparing on behalf of the Supervising Solicitor where the Supervising Solicitor will appear, including: <ul style="list-style-type: none"> — preparing appropriately for the submission — using legal authorities, relevant facts and documentation in preparation for, and during, a submission — using effective speaking skills — demonstrating an understanding of the relevant rules, ethics and conventions governing advocacy. In such matters as: <ul style="list-style-type: none"> — taxations — small claim hearings — summary cause first calling — time to pay hearings — exceptional attachment hearings. 	Not specifically assessed	Not specifically assessed	Not specifically assessed	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ X ✓ ✓ X X

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
Legal and ethical values		◆ understands and complies with the Standards, and refers to the Standards of Conduct and Service for Scottish Solicitors.	✓	✓	✓	✓
		◆ adheres to rules issued by the Society in respect of completion of ten hours of Registered Paralegal CPD per annum by way of qualifying activities recognised for solicitors' CPD.	X	X	X	X
		◆ Complies with duty to the courts, and other authorities, such as liquidator or Accountant in Bankruptcy.	✓	✓	✓	✓
Attitude/s		◆ understands that responsibility for legal work undertaken rests with the Supervising Solicitor, including in relation to execution and signing of documentation.	✓	✓	✓	✓
		◆ only accepts work which they feel competent to undertake.	X	✓	✓	✓
		◆ is clear as to the work and responsibilities delegated to them by the Supervising Solicitor, and understands the limits in relation to that role.	X	✓	✓	✓

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
		◆ recognises the requirement to keep his/her Supervising Solicitor fully informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and does so.	X	✓	✓	✓
		◆ recognises it is paramount to raise concerns/issues relating to completion of tasks and meeting of deadlines with his/her Supervising Solicitor at the earliest opportunity, and does so.	X	✓	✓	✓
		◆ recognises when it is necessary to seek support and/or advice from Supervising Solicitor when required or refers an issue in its entirety to the Supervising Solicitor, and does so.	X	✓	✓	✓
		◆ recognises where a transaction is non-standard or includes non standard elements and refers to Supervising Solicitor.	X	✓	✓	✓
		◆ updates Supervising Solicitor, client, court or others as appropriate, by conveying the appropriate information to the appropriate person.	X	✓	✓	✓

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
		<ul style="list-style-type: none"> ◆ engages with continuing professional and personal development, including: <ul style="list-style-type: none"> — being aware of the importance to self-assess, reflect and develop personally and professionally — assessing/identifying where development is required — evaluating strengths and weaknesses of own skills and knowledge, and working with Supervising Solicitor to set learning targets. 	X	✓	✓	✓
		<ul style="list-style-type: none"> — assessing/identifying where development is required — evaluating strengths and weaknesses of own skills and knowledge, and working with Supervising Solicitor to set learning targets. 	X	✓	✓	✓
		<ul style="list-style-type: none"> — evaluating strengths and weaknesses of own skills and knowledge, and working with Supervising Solicitor to set learning targets. 	X	✓	✓	✓
Focus	Professional	<ul style="list-style-type: none"> ◆ understands and adheres to good practice in carrying out the work he/she is instructed to do. 	✓	✓	✓	✓
	Client	<ul style="list-style-type: none"> ◆ works in a client-centred way and manages client service well, including: <ul style="list-style-type: none"> — being aware of the differences in acting for different types of client — communicating effectively with clients, following the terms of engagement that have been agreed with the client keeps client informed of progress on a regular basis 	✓	✓	✓	✓
		<ul style="list-style-type: none"> — communicating effectively with clients, following the terms of engagement that have been agreed with the client keeps client informed of progress on a regular basis 	X	✓	✓	✓

SKILLS			Essential Skills for Paralegals	Corporate Insolvency	Bankruptcy and Diligence	Sheriff Court Civil Procedure
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
		— informs Supervising Solicitor of any client complaint immediately that it arises	X	✓	✓	✓
		— regularly updating Supervising Solicitor on work being done for clients.	X	✓	✓	✓
		◆ manages client expectations.	X	✓	✓	✓
		◆ is able to advise the client on the legal consequences of the client's instructions	X	✓	✓	✓
		◆ is aware of the costs of litigation.	X	✓	✓	✓
		◆ is aware of the possibilities of funding of court action, including the likely cost of debt recovery procedures balanced against the likely recovery of funds.	X	✓	✓	✓
		◆ understands that it is for the client to judge whether litigation is worthwhile.	X	✓	✓	✓

5.3 Mapping of Core Skills development opportunities across the qualification

The following core skills have been signposted within the component units of the Group Award

Unit code	Unit title	Communication		Numeracy		ICT		Problem Solving			Working with Others	
		Written	Oral	Using Number	Using Graphical Information	Accessing Information	Providing/Creating Information	Critical Thinking	Planning and Organising	Reviewing and Evaluating	Working Co-operatively with Others	Reviewing Co-operative Contribution
FT5R 35	Essential Skills for Paralegals	S	S			S	S			S	S	
H49N 35	Corporate Insolvency	S	S			S		S	S	S	S	S
H490 35	Bankruptcy and Diligence	S	S			S		S	S	S		
H4FT 35	Sheriff Court Civil Procedure	S	S	S		S	S	S	S	S		

5.4 Assessment Strategy for the qualification

Unit	Assessment		
	Outcome 1	Outcome 2	Outcome 3
Essential Skills for Paralegals	<p>Learners will provide written and/or oral evidence that they can apply their knowledge to at least one civil and one criminal case. The assessment will be in open-book supervised conditions.</p> <p>Learners 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.</p> <p>Assessment for this Outcome could be combined with Outcome 3 which requires learners to retrieve and analyse legal information. This would ensure the learner 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.</p>	<p>Learners could complete 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. The learner is expected to provide detailed written responses and/or oral responses on these aspects and to provide the relevant advice.</p> <p>Alternatively, learners can 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.</p> <p>Learners will be assessed in open-book, controlled conditions.</p>	<p>This could be assessed with one assessment. The first part of the assessment could take the form of restricted response questions each requiring the learner to use a specialist law library or electronic legal database to obtain the required information.</p> <p>The second part of the assessment could consist of series of multiple-choice questions. This assessment will be open-book to allow the learner to use the appropriate resources with the learner being given approximately fourteen days for completion.</p> <p>The assessments for Outcomes 1 and 3 in this Unit could be integrated.</p>

Unit	Assessment	
	Outcome 1	Outcome 2
Corporate Insolvency	Learners are to produce an advice note to the creditor in letter format.	Open-book assessment under controlled conditions. Learners to be given three case studies and are to provide an advice note to the creditors for each scenario in a letter format. Any knowledge which cannot be inferred from the case studies is to be sampled (either orally or in writing) using short answer questions.

Unit	Assessment		
	Outcome 1	Outcome 2	Outcome 3
Bankruptcy and Diligence	Open-book assessment under controlled conditions. Learners to provide written and/or oral evidence to demonstrate their knowledge. Written evidence should be provided by way of short essay answers or advice notes to the creditor based on three separate case studies.	Open-book assessment under controlled conditions. Based on a case study, learners will complete the draft of a creditor's petition for sequestration; draft an Inventory of Productions; complete the prescribed Oath by Creditor form; and provide an advice note.	Open-book assessment under controlled conditions which is to consist of questions based on case study scenarios. Written and/or oral evidence to be provided by learners.

Unit	Assessment		
	Outcome 1	Outcome 2	Outcome 3
Sheriff Court Civil Procedure	Closed-book assessment under controlled conditions sampling the learners' knowledge of Small Claims actions, Summary Cause actions, and Ordinary Cause actions.	Based on a case study, learner is to draft Summary Cause forms. Learners will have a maximum of one week from receipt of the case study to complete and submit the necessary documentation in their own time.	Based on a case study, learner is to draft an initial writ. Learners will have a maximum of one week from receipt of the case study to complete and submit the necessary documentation in their own time.

6 Guidance on approaches to delivery and assessment

The PDA has been specifically designed to be achievable within one academic session through a part-time route by being no more than 48 SCQF credit points in length. This is to ensure that paralegals working full-time will have access to a delivery mode that fits in with their work commitments.

Evidence of competences for paralegal PDAs will, ideally, be gathered mainly from the workplace and the routine practical tasks undertaken by paralegals within a work environment. It is considered essential that the suite of PDAs has the potential to be deliverable through distance learning in order to make the awards accessible to the wider paralegal community, in which many will be working full-time whilst aiming to register with the Law Society of Scotland Registered Paralegal Scheme. Others who may be unemployed due to the recession may also wish to undertake the PDA by distance learning due to factors such as distance from home to an SQA approved centre, costs of travelling, or the convenience of distance learning itself. With this in mind, SQA has commissioned e-enabled materials to support the *Essential Skills for Paralegals* Unit as detailed in point 6.3 of this document.

The pressures which paralegals often have to cope with in the workplace mean that in this specialism they are often working within very tight timescales and they require very good interpersonal skills along with excellent written and oral communication skills with a high degree of accuracy. These pressures are difficult to simulate in a college or training environment. Despite this, colleges are in a good position to provide learners, including those not currently employed, with opportunities to gain insight into the practical tasks performed by a paralegal. Working practices can be demonstrated, explained and discussed using the experience of those in the class who are working as paralegals. Many centres employ working paralegals as visiting lecturers and speakers to put aspects of the course into context, an approach that is recommended. Using examples from personal experience and real case studies learners can learn not only how to perform certain tasks, but also explore in depth the reasons why they are needed. Learners could, for example, be asked to identify whether there may be any conflicts of interest arising from a particular situation they are presented with; or they could be asked to apply their knowledge of the Data Protection Act provisions to a particular situation involving client confidentiality. The sensitive nature of much of the information under discussion will additionally provide practical opportunities for learners to practise their use of oral skills in context, including active listening techniques. Where practical, the option of presenting evidence orally, either in the formal presentation of a report or by in-depth questioning provides a way of strengthening essential communication skills.

In the main learners are not assessed on rote learning or recall, but on their ability to locate, retrieve and analyse relevant legislation and to apply this to the situation with which they have been presented. For this reason, certain assessment tasks allow for open-book conditions and allow the learner to undertake the assessment in their own time — Outcome 3 of the *Essential Skills for Paralegals* Unit is evidenced by a researched report — and to develop critical analysis skills while working to a tight deadline.

The importance of continuing professional development (CPD) and currency in paralegals' knowledge and skills in order to remain competent in the workplace cannot be overstated, and this message can be reinforced with examples provided by any paralegals currently undertaking the PDA.

6.1 Sequencing/integration of Units

It is strongly recommended that learners of the PDA should undertake the Units in the following sequence in order to ensure background knowledge and skills are in place as learners meet each Outcome:

1	FT5R 35	<i>Essential Skills for Paralegals</i>
2	H49N 35	<i>Corporate Insolvency</i>
3	H490 35	<i>Bankruptcy and Diligence</i>
4	H4FT 35	<i>Sheriff Court Civil Procedure</i>

6.2 Recognition of Prior Learning

SQA recognises that learners gain knowledge and skills acquired through formal, non-formal and informal learning contexts.

In some instances, a full Group Award may be achieved through the recognition of prior learning. However, it is unlikely that a learner would have the appropriate prior learning and experience to meet all the requirements of a full Group Award.

The recognition of prior learning may **not** be used as a method of assessing in the following types of Units and assessments:

- ◆ HN Graded Units
- ◆ Course and/or external assessments
- ◆ Other integrative assessment Units (which may or not be graded)
- ◆ Certain types of assessment instruments where the standard may be compromised by not using the same assessment method outlined in the Unit
- ◆ Where there is an existing requirement for a licence to practise
- ◆ Where there are specific Health and Safety requirements
- ◆ Where there are regulatory, professional or other statutory requirements
- ◆ Where otherwise specified in an Assessment Strategy

More information and guidance on the *Recognition of Prior Learning* (RPL) may be found on our website www.sqa.org.uk.

The following sub-sections outline how existing SQA Unit(s) may contribute to this Group Award. Additionally, they also outline how this Group Award may be recognised for professional and articulation purposes.

6.2.1 Articulation and/or progression

The PDA comprises 24 SCQF credit points at SCQF level 8 and 8 SCQF credit points at SCQF level 7 which may allow the learner to gain credit towards an HNC or HND in Legal Services.

6.2.2 Professional recognition

This new PDA is recognised as a formal qualification for entry into the Registered Paralegal Scheme for the Law Society of Scotland's Legal Domain of Debt Recovery.

6.3 Opportunities for e-assessment

The *Essential Skills for Paralegals* Unit is a single credit Unit which is common across all paralegal PDAs. It combines into one Unit some key knowledge and skills considered essential by employers for a competent paralegal. This essential knowledge and skills is drawn from three Units within the HNC/HND Legal Services awards, namely *Legal Research Techniques*, *Legal and Ethical Issues* and *Legal Secretarial Practice*. SQA produced e-enabled learning materials for each of the original three Units and these are suitable for both HNC/HND learners and those undertaking the PDAs.

These e-enabled materials can be accessed online through SQA Academy using a given 'enrolment key' and learners can work through the materials at their own pace to complement the delivery of the Units within the SQA centres. Tutors can access materials with suggested answers using a different enrolment key. Learners who wish to go into the learning materials underpinning the *Essential Skills for Paralegals* Unit in more depth will be able to do so.

Personal and telephone/internet contact with tutors, other learners and external agencies are part of the learning process. These methods of communication promote and progress essential interaction with others and are of particular advantage to distance learners.

6.4 Resource requirements

Staff delivering this qualification should ideally be an experienced practitioner in the specialist domain area; they should have experience of tutoring in Debt Recovery and/or in delivering training for paralegals.

Access to a specialist law library or electronic legal database will be required for the FT5R 35 *Essential Skills for Paralegals* Unit. In general, the use of professional journals, the internet, news programmes and papers, and copies of Acts of Parliament, statutory instruments and byelaws, along with visits to court will be essential elements of the course delivery.

7 General information for centres

Equality and inclusion

The Unit specifications making up this Group Award have been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners will be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence. Further advice can be found on our website www.sqa.org.uk/assessmentarrangements.

Internal and external verification

All instruments of assessment used within this/these qualification(s) should be internally verified, using the appropriate policy within the centre and the guidelines set by SQA.

External verification will be carried out by SQA to ensure that internal assessment is within the national guidelines for these qualifications.

Further information on internal and external verification can be found in *SQA's Guide to Assessment* (www.sqa.org.uk/GuideToAssessment).

8 Glossary of terms

Finish date: The end of a Group Award's lapsing period is known as the finish date. After the finish date, the Group Award will no longer be live and the following applies:

- ◆ learners may not be entered for the Group Award
- ◆ the Group Award will continue to exist only as an archive record on the Awards Processing System (APS)

Lapsing date: When a Group Award is entered into its lapsing period, the following will apply:

- ◆ the Group Award will be deleted from the relevant catalogue
- ◆ the Group Award specification will remain until the qualification reaches its finish date at which point it will be removed from SQA's website and archived
- ◆ no new centres may be approved to offer the Group Award
- ◆ centres should only enter learners whom they expect to complete the Group Award during the defined lapsing period

SQA credit value: The credit value allocated to a Unit gives an indication of the contribution the Unit makes to an SQA Group Award. An SQA credit value of 1 given to an SQA Unit represents approximately 40 hours of programmed learning, teaching and assessment.

SCQF: The Scottish Credit and Qualification Framework (SCQF) provides the national common framework for describing all relevant programmes of learning and qualifications in Scotland. SCQF terminology is used throughout this guide to refer to credits and levels. For further information on the SCQF visit the SCQF website at www.scqf.org.uk.

SCQF credit points: SCQF credit points provide a means of describing and comparing the amount of learning that is required to complete a qualification at a given level of the Framework. One National Unit credit is equivalent to 6 SCQF credit points. One National Unit credit at Advanced Higher and one Higher National Unit credit (irrespective of level) is equivalent to 8 SCQF credit points.

SCQF levels: The level a qualification is assigned within the framework is an indication of how hard it is to achieve. The SCQF covers 12 levels of learning. HNCs and HNDs are available at SCQF levels 7 and 8 respectively. Higher National Units will normally be at levels 6–9 and Graded Units will be at level 7 and 8. National Qualification Group Awards are available at SCQF levels 2–6 and will normally be made up of National Units which are available from SCQF levels 2–7.

Signposted Core Skills: refers to opportunities to develop Core Skills arise in learning and teaching but are not automatically certificated.

9 General information for learners

This section will help you decide whether this is the qualification for you by explaining what the qualification is about, what you should know or be able to do before you start, what you will need to do during the qualification and opportunities for further learning and employment.

The aim of the Professional Development Award (PDA) in Debt Recovery at SCQF level 8 is to recognise your continuing professional development as a paralegal in this area, or to develop the relevant specialist, practical skills and knowledge you will need as a paralegal to satisfy the requirements for registration as a Law Society of Scotland Registered Paralegal in this area. You may already be working as a paralegal in this or another specialist area, or you may be a full/part-time student finishing an HNC or HND in Legal Services and may wish to gain employment in the near future as a paralegal.

The PDA in Debt Recovery at SCQF level 8 is made up of four mandatory Units: FT5R 35 *Essential Skills for Paralegals*; H49N 35 *Corporate Insolvency*; H490 35 *Bankruptcy and Diligence*, and H4FT 35 *Sheriff Court Civil Procedure*.

The Essential Skills for Paralegals Unit is designed to provide you with an understanding of the courts systems and how civil and criminal law operates within the Scottish legal system and how it impacts upon your working practices; 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 learn about the confidentiality required when working in a legal environment and the regulation of solicitors by the Law Society's Code of Conduct and the rules laid down to control and defeat money laundering. You will also learn about the specialist research skills you need to identify the main sources of law and enable location, retrieval and analysis of legal information from these sources through effective research. This will enable you to identify where information can be found, and to know if this information is correct and up to date.

This *Corporate Insolvency Unit* is designed to provide learners with an understanding of the legal implications of the law of corporate insolvency. This includes an understanding of how this law might be applied in a creditor initiated debt recovery scenario together with a practical understanding and knowledge of the necessary checks, procedures and documentation drafting required to undertake a petition for winding up a corporate body, to include disposing of such a petition. The learner will also be provided with an understanding of the legal implications of the various types of corporate insolvency and how that impacts upon a creditor. In Outcome 1, you will be able to apply the law relating to creditor initiated corporate insolvency. In Outcome 2, you will be able to apply the law relating to the effect of corporate insolvency and the legal implications upon creditors.

The *Bankruptcy and Diligence Unit* is designed to provide learners with an understanding of the theoretical and practical processes and procedures of bankruptcy and diligence in Scotland with particular reference to creditor lead debt recovery. In Outcome 1, you will be able to apply the law relating to the various forms of diligence against moveable and heritable property. In Outcome 2 you will be able to apply the procedures involved in the law of Bankruptcy. In Outcome 3 you will be able to apply the law relating to the recognition and enforcement of foreign judgements within Scotland and Scottish Judgements outwith Scotland.

The *Sheriff Court Civil Procedure* Unit is to provide learners with the knowledge and skills required of paralegals working in a law firm, and those who aspire to the role, to gain an understanding of the procedures and documentation applicable to the various types of civil action commenced in the Sheriff Court. It is intended to provide learners with knowledge which can be applied in the workplace by those individuals who may wish to pursue a career within the legal sector. In Outcome 1 you will be able to apply the correct procedures and documentation used in Small Claims actions. In Outcome 2 you will be able to apply the correct procedures and documentation used in Summary Cause actions. In Outcome 3 you will be able to apply the correct procedures and documentation used in Ordinary Cause actions.

10 Appendices

Appendix 1: Core Skills (SCQF level 6) development opportunities

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Information and Communication Technology (ICT)
<ul style="list-style-type: none"> ◆ Use ICT independently to carry out complex searches across a range of tasks ◆ Use ICT independently to carry out a range of processing tasks
<p><i>Undertaking complex background searches and investigations by identifying, accessing and using appropriate sites, registers and databases. Competent use of current software underpins collation and presentation of materials/evidence of competence in the most appropriate format and style. Effective management, organisation and efficient storage of records.</i></p>
Communication
<ul style="list-style-type: none"> ◆ Read, understand and evaluate complex written communication ◆ Produce well-structured, accurate written communication on complex topics ◆ Produce and respond to oral communication on a complex topic
<p><i>Analysis and evaluation of complex information from specialist sources, law registers, journals and databases; conducting searches in a variety of situations typical of those in the paralegal specialism. Researching, evaluating and applying relevant complex data as laid down and governed by the Law Society of Scotland and other statutory bodies. Reporting and documenting information on complex topics with attention to detail, using accurate legal terminology and professional formats. Documents must meet instructions, be fit for purpose and use clear language, correct spelling and appropriate grammar, syntax and punctuation. Oral response is a possible option in some Outcomes; in depth questioning by the assessor may additionally be used to supplement written evidence with discussion of complex legal issues in business-like context.</i></p>
Problem Solving
<ul style="list-style-type: none"> ◆ Analyse a complex situation or issue ◆ Plan, organise and complete a complex task ◆ Review and evaluate a complex problem solving activity
<p><i>Analysing complex information around legal issues related to conveyancing encompasses a variety of different situations encountered in the paralegal specialism. Identification and evaluation of regulations, legal and other constraints at planning stage. Implementation ensures that materials prepared are valid and legally binding by following procedures, generating and maintaining required records. Evaluation to check completion to professional standards within available resources and timescales.</i></p>
Working with Others
<ul style="list-style-type: none"> ◆ In complex interactions, work with others co-operatively on an activity and/or activities ◆ Review work with others in a co-operative activity and/or activities
<p><i>Reasons and methods for negotiating the nature and scope of goals, roles and responsibilities in confidential situations, and possible conflicts of interests, are explored. Practical support of peers in the analysis, management and review of professional issues underpins group working and contextualised investigations.</i></p>

Numeracy
<ul style="list-style-type: none">◆ Apply a wide range of graphical skills to interpret and present complex information◆ Apply in combination a wide range of numerical methods to solve complex problems
<i>Overview of financial considerations. Accurate interpretation of data. Presentation of accurate numerical information in appropriate formats.</i>