



# **Regulated Qualification Specification for: SQA Level 4 Diploma in Probate Law and Practice**

**SQA Level:** 4  
**SQA Code:** GL7J 53  
**Regulator Code:** 603/0166/1

**Operational start date:** September 2016

**Date of original publication:** August 2016

**Version:** 01



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# 1 Introduction

This qualification specification describes the key requirements of the qualification and includes information which will:

- ◆ 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, internal verifiers, learners, employers and HEIs of the aims and purpose of the qualification
- ◆ provide details of the range of learners the qualification is suitable for, recommended entry requirements and progression opportunities
- ◆ provide details of how the Units in the qualification meet the aims of the qualification
- ◆ provide details of the knowledge, skills and understanding which will be assessed and the method of assessment
- ◆ provide details of the criteria against which learners' levels of attainment will be measured
- ◆ total qualification time

## 1.1 Objective of the qualification

The main purpose of this Level 4 Diploma qualification is to provide prospective CLC Lawyers with the knowledge and skills of a first level qualification, enabling them to deliver legal services under the supervision of a fully qualified lawyer.

On successful completion of the Level 4 Diploma, learners will be able to apply to register with the CLC as a probate technician. The qualification is a component part of two possible routes to the probate technician role:

- ◆ An Apprenticeship route whereby learners undertake work experience with an employer and complete additional work based assessments.
- ◆ A professional qualifications route, whereby the Level 4 Diploma is supplemented by some evidence of practical experience.

The Level 4 Diploma therefore provides an intermediate level of professional recognition for those learners who may choose to continue their studies by undertaking the Level 6 Diploma in Probate Law and Practice, which is a prerequisite for eligibility to apply to be licensed, as an Licensed Probate Practitioner, by the Council for Licensed Conveyancers (CLC) to provide probate services to the public.

## **1.2 Rationale for the qualification**

### **1.2.1 Background to the development**

The Council for Licensed Conveyors (CLC) was established in 1985 as a Regulator to license and regulate CLC lawyers and CLC entities in the provision of conveyancing and probate legal services. In 2015 CLC entered a Qualification Partnership Agreement with the Scottish Qualifications Authority (SQA) to allow CLC to concentrate exclusively on its licensing role, with SQA becoming the awarding body responsible for developing, quality assuring and certificating the revised qualifications.

Due to an increase in the demand from the sector for more trained and qualified Legal Technicians and Licensed Practitioners, SQA has worked closely with CLC and its team of subject specialists to create a suite of four new Ofqual regulated Diploma qualifications, two at SQA Level 4 in Conveyancing Law and Practice and Probate Law and Practice; and two SQA Level 6 Diplomas in Conveyancing Law and Practice and Probate Law and Practice.

Once achieved, the Level 4 Diploma in Probate Law and Practice provides eligibility for learners to register with CLC as a Legal Technician; the Level 6 Diploma will allow learners to apply for a licence to practise as a Conveyancing or Probate Practitioner, when combined with the mandatory hours of practical experience with an employer.

The Level 4 Diploma is a component of a Probate Technician Apprenticeship developed by employer-led consortia supported by CLC.

### **1.2.2 Consultation with stakeholders: meeting employers' needs**

The new suite of Diploma qualifications has been subject to consultation with employers, CLC delivering centres as well as CLC subject specialists to ensure it is fit for purpose and meets the current and future needs of the sector served by CLC.

### **1.2.3 Range of learners the qualification is suitable for**

The purpose of this bespoke Level 4 Diploma qualification is to provide the requisite evidence for those wishing to apply to become registered with the Council for Licensed Conveyancers (CLC) as a Probate Technician. It is designed for:

- ◆ members of staff or paralegals working in will-writing in a licensed law firm or businesses providing legal services in England or Wales who may have no legal qualification.
- ◆ individuals wishing to progress from full or part time further education at Level 2 and Level 3.
- ◆ individuals enrolled on a probate technician apprenticeship.
- ◆ anyone interested in gaining a better understanding of the English Legal System, contract and land law and the law relating to wills and inheritance.
- ◆ adults changing their career pathway.

## **1.2.4 Possible employment opportunities for learners who gain this Diploma**

A Registered Probate Technician is a new professionally recognised level of education and training and is an occupational destination and job role in its own right.

The SQA Level 4 Diploma qualification provides the threshold level of theoretical and technical knowledge of the occupational area required by the National Regulator, The Council for Licensed Conveyancers (CLC), for individuals who aspire to become Registered Probate Technicians in England and Wales. This entitles the probate technician to work in a legal environment under the supervision of an 'Authorised Person' and equips them to deal with their own case load as well as assist with the case load of other more senior colleagues.

## **1.2.5 Progression opportunities from this Diploma qualification**

The SQA Level 4 Diploma is a component part of the Probate Technician Apprenticeship. It also enables the learner to progress to the SQA Level 6 Diploma in Probate Law and Practice. Once achieved, learners can then complete the specified number of hours of practical experience in order to apply for a CLC licence to practise as a Licensed Probate Practitioner.

# **2 Aims of the qualification**

## **2.1 General aims of the qualification**

- 1 To acquire an understanding of the English Legal System and the methods of law making and dispute resolution.
- 2 To develop an understanding of the role of regulation for legal services provided directly to the public.
- 3 To provide the essential basic knowledge, and ability to apply that knowledge in a limited context, in order to progress to registration as a CLC qualified Probate Technician in England and Wales.
- 4 To develop and adopt a proactive approach to problem solving in a legal context within the scope of responsibility for a Probate Technician.

## **2.2 Specific aims of the Diploma qualification**

The qualification aims are to provide the learner with a theoretical and basic practical understanding of:

- 1 The legislative and court system in England and Wales (how laws are made and disputes resolved).
- 2 The law governing the formation, content, performance and discharge of legal contracts including defects and remedies (offer, acceptance, communication consideration, mistake and misrepresentation, legal and equitable remedies).
- 3 The system of English Land Law and the modern system in an historical context, the doctrine of estates, easements, mortgages, covenants, freehold and leasehold, mortgages, third party rights (Unregistered and Registered Land systems, protection of interests, prescription, adverse possession, rights and duties of mortgagors and mortgagees).
- 4 The law and procedures required to take instructions for a testamentary document (a standard range of processes and procedures when taking instructions for a Will, capacity, formalities, revocation and revival).
- 5 The administration, winding up and distribution of an estate (the role, duties and power of Executors and Administrators, the rules of succession of property in England and Wales).
- 6 The system of accounting for client and office monies and the regulatory framework as prescribed by the Council for Licensed Conveyancers (CLC) and anti-money laundering legislation.

## **3 Recommended entry requirements**

The learner is not required to have prior knowledge, skills, or understanding of the subject of Wills and Succession and is not required to be employed in a legal capacity/practice. Level 2 English and Maths qualifications may be helpful.

## 4 Qualification Structure

To achieve the SQA Level 4 Diploma, learners must complete five mandatory Units as shown below:

<b>Qualification title</b>	SQA Level 4 Diploma in Probate Law and Practice	
<b>Qualification Level</b>	4	
<b>Credit value (TQT/10)</b>	50	
<b>TQT</b>	500	
<b>Guided learning hours (GLH)</b>	250	
<b>Mandatory credits/credit value</b>	50	

<b>SQA code</b>	<b>Regulator code</b>	<b>Title</b>	<b>Level</b>	<b>Credits</b>	<b>GLH</b>
HG12 53	A/615/0542	The English Legal System	4	6	32
HG13 53	T/615/0541	Law of Contract	4	12	60
HG14 53	F/615/0543	Land Law	4	12	60
HG15 53	A/615/0668	Understanding Accounting Procedures for Probate Transactions	4	8	38
HG16 53	F/615/0669	Law of Wills, Succession and Grants of Representation	4	12	60

## 5 Transitional Arrangements

Current CLC learners who have not yet completed their Foundation course will be able to transition into the SQA Level 4 Diploma and to gain full credit towards the appropriate SQA Units using the CLC course(s) already completed. These transitional arrangements will ensure that current CLC learners are not disadvantaged and will take effect from September 2016. Further details about the transitional arrangements are available on SQA's webpages.

<https://www.sqa.org.uk/sqa/77128.html>

## 6 Mapping of Units to the aims of the Diploma qualification

Unit code	Unit title	General aims met	Specific aims met
HG12 53	The English Legal System	1, 3, 4	1
HG13 53	Law of Contract	3, 4	2
HG14 53	Land Law	3, 4	3
HG15 53	Understanding Accounting Procedures for Probate Transactions	2, 3, 4	6
HG16 53	Law of Wills, Succession and Grants of Representation	3, 4	4, 5

## **7 Guidance on approaches to delivery and assessment**

The emphasis should be on an interactive delivery of the qualification. Students should be encouraged to apply relevant law and principles to practical and professional situations that they are likely to experience and may have to deal with in their current or prospective employment.

Scenarios should be presented to the student which reflect the experiences that are likely to occur in professional practice.

Whilst there is a great deal of technical detail that the student must master to achieve this qualification, it is important that this is presented as the 'tools of the trade.' There is no merit in assessing the rules and principles in isolation. The emphasis throughout should be on the application of these rules and principles in problem solving in a legal context and in learning how to provide competent and useful advice.

It is recommended that ongoing formative assessment of the unit content is carried out on a regular basis to facilitate satisfactory learner progression towards achieving the qualification.

### **7.1 Sequence of delivery**

Students should commence with the Unit 'The English Legal System' to enable an understanding of the context within which the law and principles covered in 'Law of Contract' and 'Land Law' operate.

It is recommended that the 'Understanding Accounting Procedures for Probate Transactions' Unit be completed before embarking on the 'Wills, Succession and Grants of Representation' Unit as the former will inform some key aspects of the latter.

## 7.2 Assessment schedule

Unit	Assessment				
	Learning Outcome 1	Learning Outcome 2	Learning Outcome 3	Learning Outcome 4	Learning Outcome 5
The English Legal System	Learner Statement and Short answer questions.	Short answer questions.	Short answer questions and learner recommendations to mini case-study scenarios.	N/A	N/A
Law of Contract	Essay-based response questions and/or short answer restricted response questions				
Land Law	Learner responses to two case study scenarios.	Learner responses to two case-study scenarios.	Learner responses to three case-study scenarios.	N/A	N/A
Understanding Accounting Procedures for Probate Transactions	Short answer questions and/or multiple-choice questions.	Recording of financial transactions using the double-entry book-keeping system.	Preparation of a client invoice for a Probate transaction and preparation of a simple Estate account.	N/A	N/A
Law of Wills, Succession and Grants of Representation	Learner response to a case study scenario — assessment to be integrated with Learning Outcome 2.	Learner response to a case study scenario — assessment to be integrated with Learning Outcome 1.	Learner response to a case study scenario — assessment to be integrated with Learning Outcome 4.	Learner response to a case study scenario — assessment to be integrated with Learning Outcome 3.	Short answer questions to a case study scenario.

## 7.3 Assessment Support Materials

Support materials for the assessment of this qualification are available on SQA's secure website. Please contact [customer@sqa.org.uk](mailto:customer@sqa.org.uk) to arrange access.

## 7.4 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 qualification 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 qualification.

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

- ◆ integrative assessment Units
- ◆ 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/Assessment Principles

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

## 7.5 Resource requirements

Centres must ensure that they have the appropriate resources available in order to effectively deliver and assess this qualification.

## 8 Comparable qualifications

The Chartered Institute of Legal Executives (CILEx) offers a variety of modules and qualifying awards covering similar topic areas at Levels 3 and 4. There is no direct comparison between the SQA Level 4 Diploma and CILEx provision.

## 9 General information for centres

### 9.1 Equality and inclusion

This qualification and all associated support materials 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](http://www.sqa.org.uk/assessmentarrangements)

## 9.2 Internal and external verification

Assessments used within this Diploma qualification must 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 Internal Verification: A Guide for Centres offering SQA Qualifications  
[http://www.sqa.org.uk/files\\_ccc/InternalVerificationGuideforSQACentres.pdf](http://www.sqa.org.uk/files_ccc/InternalVerificationGuideforSQACentres.pdf)

## 9.3 Glossary of terms

**National Qualification Frameworks (NQF):** Frameworks provide the language for describing learning opportunities and therefore makes relationships between qualifications clearer. It clarifies entry and exit points, routes for progression within and across education and training sectors and in some cases, across countries. This helps learners plan their progress and minimise duplication of learning.

NQFs that apply to Regulated qualifications in England, Wales and Northern Ireland are below:

- ◆ **RQF — Regulated Qualifications Framework.** A descriptive framework which contains qualifications regulated in England and Northern Ireland.
- ◆ **CQFW — Credit and Qualification Framework in Wales.** A credit based framework for qualifications regulated in Wales.

**Levels:** The frameworks in England, Wales and Northern Ireland cover eight levels of learning. The level of a Unit or qualification denotes the complexity of learning. As a comparison, GCSEs (grade A\*–C) are Level 2, A Levels are Level 3, and a PhD is Level 8.

**Guided Learning Hours (GLH):** Indicates the notional number of hours of directly taught or supervised learning and assessment typically needed, for a learner to achieve the qualification. This figure could be part of or wholly Total Qualification Time.

**Total Qualification Time (TQT):** Indicates the total notional number of hours the typical learner will take to achieve a qualification. This includes GLH and all other types of learning and assessment that is not directly supervised by a teacher, tutor or equivalent person. TQT might be made up wholly of all other types of learning and assessment and not feature GLH.

**Credits:** Credit is used to quantify learning Outcomes from TQT values and give them a value or currency. They are a way of showing how much time it takes, on average, to complete and achieve a qualification or learning programme. One credit point represents 10 TQT hours. In some instances it may be possible to transfer credit to other learning programmes to ensure that a learner does not have to repeat any learning they have already undertaken.

**Award/Certificate/Diploma:** The size of the qualification can be quickly identified by the inclusion of Award, Certificate or Diploma in the title — indicating the amount of TQT it contains. There are three sizes of qualification:

Awards (up to 120 hours)  
Certificates (121 to 369 hours)  
Diplomas (370 hours or more)

**National Occupational Standards (NOS):** A Standard is a set of statements that describe the standards of performance and knowledge that are expected of a competent individual in a certain job role. NOS are developed with industry input. They are used in lots of different ways — including for the development of qualifications.

**Qualification Specification:** Each qualification must have a published specification, providing all the details required for a customer to know why they should offer or take the qualification and the benefits of doing so. What a specification should contain is detailed by the Regulator Conditions (Ofqual).

**Trailblazers:** Trailblazer groups, made up of employers in a specific sector, are phasing in new Standards and assessment plans for Apprenticeship programmes in England only. These new Standards will gradually replace the use of NOS in English Apprenticeships over the next two years.