

## Higher National Unit specification

### General information for centres

**Unit title:** Legal Secretarial Practice

**Unit code:** F1A3 34

**Unit purpose:** This Unit is designed to provide candidates with an understanding of the role and function of a legal secretary and/or a paralegal in Scotland, to equip them with the knowledge to explain the laws of confidentiality applicable in a legal environment, and equip the candidate with the skills to prepare legal documentation.

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

- 1 Explain current legislation relating to confidentiality in a legal environment.
- 2 Prepare a range of legal documentation and procedures.

**Credit points and level:** 1 HN credit at SCQF level 7: (8 SCQF credit points at SCQF level 7\*)

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

**Recommended prior knowledge and skills:** Access to this Unit is at the discretion of the centre. However candidates would normally be expected to have competence in Communication at SCQF level 6 and should normally have completed Unit F1A734 *Scottish Legal Systems* or similar qualifications or experience.

**Core Skills:** There may be opportunities to gather evidence towards Core Skills in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

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

**Assessment:** The whole of the Unit will be assessed holistically with two assessments covering both Outcomes requiring the candidate to produce written evidence for the preparation of legal documentation and written or oral evidence of knowledge. The first assessment may take the form of either a set of restricted response questions or multiple choice questions which will sample the knowledge and skills required in both Outcomes. A second assessment will be required where the candidate will be provided with pro forma styles with enough information provided to enable completion of two legal documents covering civil procedures.

## **Higher National Unit specification: statement of standards**

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

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

### **Outcome 1**

Explain current legislation relating to confidentiality in a legal environment

#### **Knowledge and/or Skills**

- ◆ Current law of confidentiality:
  - Law Society Code of Conduct
- ◆ Data Protection Act 1988
  - Access to personal information

### **Outcome 2**

Create and/or explain a range of legal documentation and procedures

#### **Knowledge and/or Skills**

- ◆ Civil documentation
  - Small Claims Summons
  - Summary Cause Summons
  - Wills
  - Simple missives
  - Disposition
- ◆ Criminal documentation
  - Indictment
  - Complaint
  - Notice of Previous convictions
  - List of Productions
  - List of Witnesses
- ◆ Procedures
  - Prosecution and litigation
  - Summary and ordinary
  - Summary and solemn

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Legal Secretarial Practice

### **Evidence Requirements**

Candidates will require to provide written or oral evidence of knowledge of the law by:

- ◆ answering questions sampling across both Outcomes to show their understanding of the legal procedures
- ◆ written evidence to demonstrate their knowledge and skills by preparing legal documentation.

For the first assessment one topic from the knowledge and skills in Outcome 1 together with one topic from each of points 2 and 3 in the knowledge and skills in Outcome 2 should be sampled. This assessment should be carried out under supervision, with the candidate being allowed one A4 sheet of notes, to be completed within a period of approximately 1 hour. One error will be allowed over the two Outcomes. This assessment should be approximately 600 words in length or equivalent.

In the second part of the assessment the candidate will be given the information required to enable creation of two error free legal documents. Where appropriate, the candidate will be given the pro-forma documents/forms for completion. The candidate must produce 2 documents taken from point 1 in the knowledge and skills in Outcome 2. One of these documents must be completed using audio-recorded instructions. The whole assessment will be carried out under supervision and should be completed within a period of approximately 1 hour.

Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

### **Assessment Guidelines**

The pro forma documentation, eg small claims forms, may be downloaded by the candidate from the internet providing the candidate is given the internet address to enable them to do this. The documents could then be completed with the information provided in the assessment questions.

## Administrative Information

**Unit code:** F1A3 34  
**Unit title:** Legal Secretarial Practice  
**Superclass category:** AZ  
**Original date of publication:** March 2007  
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### History of changes:

Version	Description of change	Date

**Source:** SQA

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## **Higher National Unit specification: support notes**

### **Unit title:** Legal Secretarial Practice

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

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

### **Guidance on the content and context for this Unit**

The purpose of this Unit is to give candidates an understanding of the role and function of legal secretaries and paralegals, and to develop the skills that are commonly required of these legal personnel.

Whilst it is necessary for a secretary/paralegal to understand the court systems and the legal personnel within these courts, this has not been dealt with in this Unit as it is presumed that the candidate will already have completed Unit F1A3 34 *Scottish Legal System*, which is a core Unit within HNC/D Legal Services and which covers these elements and/or have relevant background knowledge or experience.

Outcome 1 deals with the relevant legal issues of confidentiality within a legal environment. Any current developments within this area of law would be relevant as discussion points, but inclusion of issues such as Data Protection would certainly be necessary. It is suggested that delivery focuses first on the duties of confidentiality incumbent upon all employees, then deals with the specific issues of confidentiality in a legal environment, ie where information is likely to be of a particularly personal and potentially sensitive nature.

Outcome 2 deals with the preparation/explanation of legal documentation and practice. This is perhaps the most important Outcome, particularly from a practical perspective. The facilitator should furnish candidates with up-to-date civil and criminal *pro forma* documents, although discretion will be required in terms of deciding which specific documents to select from the inevitably wide range available. However, it is advisable that the documents selected reflect a typical legal action, and follow such an action in a logical, systematic fashion – indeed in the order that, in practice, the paralegal would be likely to encounter them.

### **Guidance on the delivery and assessment of this Unit**

This Unit may form part of a Group Award, or may well be undertaken by candidates already working in the legal field who wish to attain a relevant qualification. In either case, it is likely that candidates will already have had some experience of legal issues, and this prior knowledge could effectively be used as a starting point for classroom discussion, and further delivery.

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

Outcome 1 introduces the candidate to the importance of confidentiality within the legal environment, with emphasis on the Law Society's Code of Conduct relating to this. This code of Conduct deals not only with solicitors but also with their partners and employees.

## Higher National Unit specification: support notes (cont)

### Unit title: Legal Secretarial Practice

The Data Protection Act is also relevant in relation to who can access what information. This could be important in cases where for example a violent husband wishes his wife's present address or it could be something as simple as a client wishing the telephone number of another client. The candidate should be capable of deciding what information can be given out on completion of this Outcome.

Outcome 2 deals with the documents and procedures in both civil and criminal courts. The differences between prosecution and litigation, summary and ordinary, and summary and solemn procedures, will be explained. Access should be given to both civil and criminal documentation and the candidate should be able to produce civil documentation. Explanation will be given in relation to criminal documentation, as the criminal documents will be drawn up by the Fiscal's department as opposed to the solicitor. The internet has a valuable source of legal documentation for teaching and learning purposes.

### *Opportunities for developing Core Skills*

There is a wide scope of opportunities for developing Core Skills within this Unit. Since much of the Unit material deals with correct preparation of documents, the developing of Communication skills is obviously of high importance. Further, since Word Processing would be an appropriate and effective method of producing these documents, Information Technology skills will be developed as candidates progress. Problem Solving and Working with Others could be encouraged regularly as well, with group problems being given to candidates to investigate and later report back on (again, encouraging good Communication). Depending on the types of documentation selected for candidates to complete, there might also be scope for developing Numeracy skills also.

### Open learning

Due to the practical nature of this Unit, delivery by Open Learning might prove difficult to accomplish. Whilst most Evidence Requirements could be achieved by a variety of Open Learning methods, the necessity to assess the candidate's ability to prepare documentation timeously does suggest a high degree of supervision whilst this task is undertaken. Nevertheless, if appropriate support measures could be put in place then these difficulties could most likely be addressed.

For further information and advice, please see the SQA guide *Assessment and Quality Assurance for Open and Distance Learning* (SQA, February 2001 – publication code A1030).

### Candidates with disabilities and/or additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering alternative Outcomes for Units. Further advice can be found in the SQA document *Guidance on Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs* ([www.sqa.org.uk](http://www.sqa.org.uk)).

## **General information for candidates**

### **Unit title:** Legal Secretarial Practice

This Unit is designed to introduce the candidate to some of the practical aspects of working in a legal environment.

Outcome 1 of the Unit deals with the security involved within the legal environment and how this affects the information you are allowed to release to persons other than the individual whose information is detailed. You will also look at the confidentiality element as all information gained from working in a legal environment is confidential and is given on trust by clients. In Outcome 2 you will be given the opportunity to draft and prepare a range of commonly employed civil documentation and you should be able to understand the relevance of the criminal documents.

In order to successfully complete the Unit, you will be required to demonstrate that you have obtained the knowledge and/or skills required for each Outcome. This will be achieved by you undertaking regular assessments throughout the Unit, as directed by your facilitator.

Assessments may take a number of different forms throughout this Unit, but will include mainly supervised exercises, for example the preparation of legal documentation under controlled conditions.