



## **Group Award Specification for:**

**Professional Development Award (PDA) in Executry  
Law and Practice at SCQF level 8**

**Group Award Code: GG9P 48**

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# 1 Introduction

This is the Group Award Specification Document for the revised Professional Development Award (PDA) in Executry Law and Practice at SCQF level 8, which was validated in March 2013. 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 Executry Law and Practice at SCQF level 8 is a revision of the PDA in Executries (G95P 48), and has been developed as part of a suite of qualifications 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 held 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 specialism.

## **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 Wills and Executries.

## **Rational for the Group Award**

### **Background**

There were various drivers for SQA's work with the SPA 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 ongoing 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 Executry Law and Practice 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, there was concern that the phrase ‘Advise clients ...’ implied that paralegals could work independently of a solicitor to give advice to clients. It was agreed this was not a reasonable expectation to give to learners and that it should be made clear to learners that paralegals should only be providing advice to clients with the appropriate guidance from a 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 was named *Essential Skills for Paralegals*.
- ◆ It was reiterated amongst the consultation groups that it is essential that all paralegals have good spoken and written communication skills in order to be able to speak to clients, 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. Good interpersonal skills were also highlighted as essential so that paralegals could deal appropriately with clients.
- ◆ Computer skills were considered essential since much of the work of a paralegal involves use of online services or word processing packages.
- ◆ Feedback also indicated it was essential that learners were taught the reasons behind what they were doing, not just the steps themselves.
- ◆ It was considered by most of those who responded that these qualifications were 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 the case of the PDA in Executry Law and Practice, the sector representatives proposed a new award structure comprising five Units with a total of 5 HN credits. Changes to the proposed structure comprised replacement of three Units (namely *Legal Research Techniques*, *Legal and Ethical Issues* and *Legal Secretarial Practice*) with the Unit *Essential Skills for Paralegals*, and adding *Drafting Wills* and *Legal Aid in Scotland* to the existing Units, *Executry Law and Practice*, and *Accounting and Tax for Executries*. 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 Wills and Executries was commissioned.

Consultees advised that it was not appropriate to include the Unit *Legal Aid in Scotland*, but otherwise they approved the proposed structure with a number of suggested changes to some Units with the exception of *Essential Skills for Paralegals*. The Units were updated accordingly.

### **Mapping to the Law Society of Scotland Paralegal Competences**

The PDA in Executry Law and Practice 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 the standards 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 covered in Units which involve carrying out legal research techniques, or producing relevant legal documents.

### **Range of learners the award is suitable for**

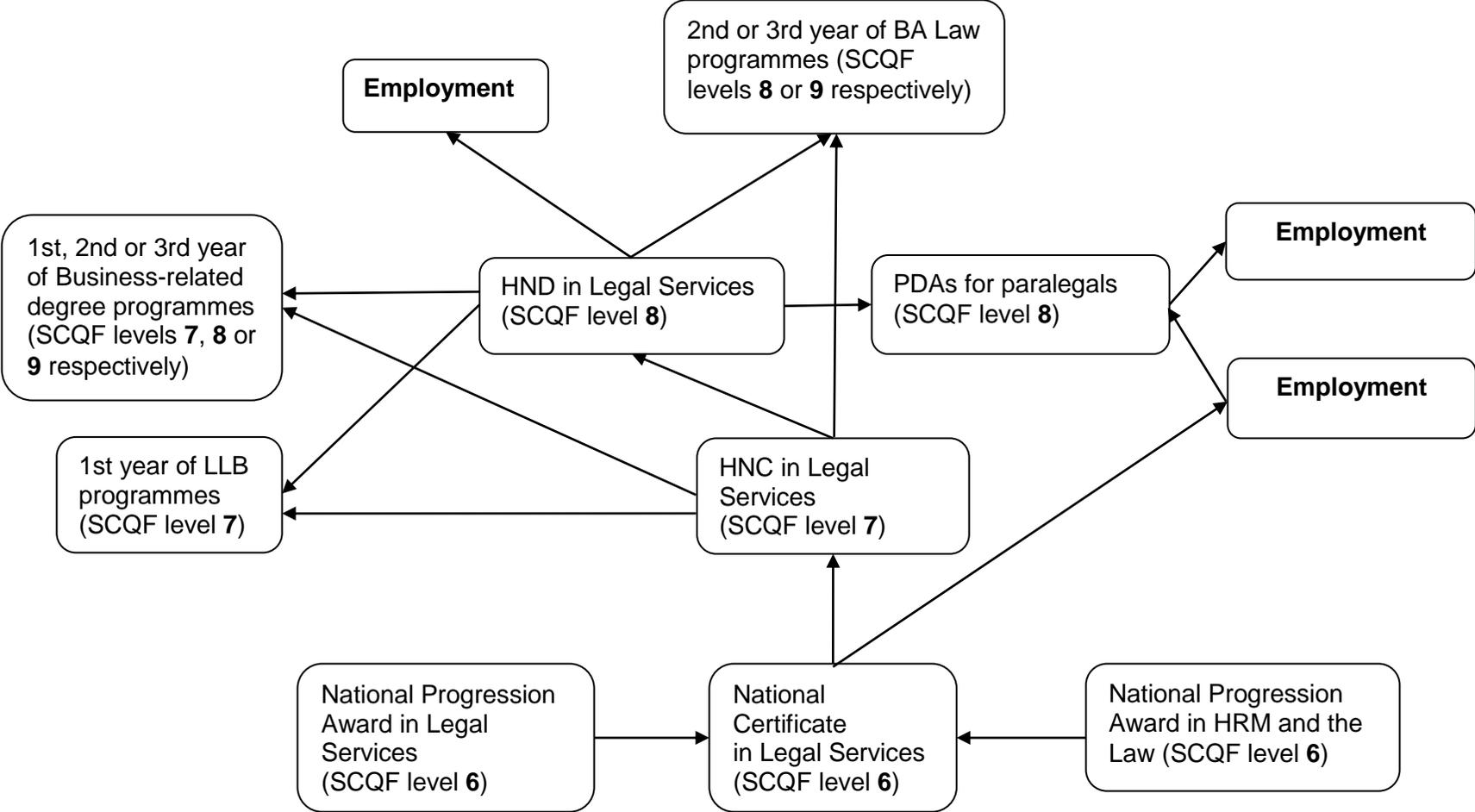
The PDA in Executry Law and Practice is aimed at trainee and experienced paralegals working in the specialism of Wills and Executry, whether in private practice or in local authority legal teams, or with paralegal responsibilities of this kind in a range of other types of organisation. The PDAs will also enable experienced paralegals to demonstrate their Continuing Professional Development (CPD) in order to maintain their registered status on an ongoing basis, as well as being 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.

### **Articulation opportunities from this qualification**

Qualifications in Legal Services are available from SCQF level 6 through to the HNC/HND in Legal Services at SCQF levels 7 and 8, together with the PDAs at SCQF level 8. Possible pathways and progression routes are outlined in the diagram below.

The main employment opportunities in this legal domain are currently mainly within the private legal sector.

**Possible Progression Routes**



## 2 Qualification structure

### 2.1 Structure

The PDA in Executry Law and Practice at SCQF level 8 consists of four mandatory Units with a total of 32 SCQF 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
Drafting Wills	H3BV 35	8	8	1
Executry Law and Practice	H8X6 35*	8	8	1
Accounting and Tax for Executries	H3YN 35	8	8	1

\*refer to History of Changes for revision changes

The PDA in Executry Law and Practice at SCQF level 8 will be awarded to learners who achieve the four mandatory Units totalling 32 SCQF credit points.

### **3 Aims of the qualification**

Professional Development Awards are designed for people who are normally in a career or vocation who wish to extend or broaden their skills base. However in some cases they will be designed for those wishing to enter employment. They will assess and certificate progression in a defined set of specialist occupational areas.

#### **3.1 General aims of the qualification**

The general aims of the PDA in Executry Law and Practice 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 and/or skills 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 the current legislation surrounding Legal Rights (in particular the Succession (Scotland) Act 1964); entitlement to claim under Legal Rights; and procedures for discharging after death.

- S7 types of Wills and trusts; the requirements of a valid Will; matters such as tax implications, survivorship destinations, domicile, foreign assets and the revocation of Wills.
- S8 the intention of the testator and any ambiguities in the Will. Legacies and the use of extrinsic evidence.
- S9 establishing intestacy/testacy and identifying the person entitled to be appointed as executor; executors' competency, powers and restrictions; the change of executor(s).
- S10 preparing an initial writ for the appointment of an executor dative and confirmation of an executor.
- S11 the provision of Family Law (Scotland) Act 2006, sections 25–29.
- S12 ascertaining the extent of the deceased's estate, and preparation of a C1 inventory of the deceased's estate along with C5/IHT400.
- S13 the Bond of Caution, Deeds of Variation and the Eik to Confirmation.
- S14 Capital Gains Tax — the grounds for liability, exemption from liability, and the concept of a disposal.
- S15 Inheritance Tax — when payable, the main exemptions and reliefs, possible tax liability on gifts.
- S16 executry accounts —their nature and purpose; type of executry account; preparation of executry accounts not involving inheritance tax; and a scheme of division distributing the net proceeds of an estate.

## 4 Recommended entry to the qualification

Entry to this qualification is 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 would benefit from having attained the skills, knowledge and understanding required by one or more of the following or equivalent qualifications and/or experience.

Learners are expected in the main to be in employment as paralegals, 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 executry work, 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 from the undernoted Units, provided their evidence is still judged to demonstrate current competence. These learners may wish to complete the PDA with a view to securing a post as a paralegal in Scotland in the near future:

FW33 35 *Drafting Wills*  
 F51W 35 *Executry Law and Practice*  
 F19S 35 *Accounting and Tax for Executries*

Learners who have undertaken the Units F50D 35 *Legal and Ethical Issues*, F1A3 34 *Legal Secretarial Practice* and F1B1 35 *Legal Research Techniques* should ensure that they provide the evidence required for the new Unit FT5R 35 *Essential Skills for Paralegals*, either by registering for the new Unit or by APL. If APL evidence is being presented, learners should ensure it attests to 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.

The PDA in Executry Law and Practice will provide learners with opportunities to enhance relevant components of Core Skills to and beyond the maximum level currently recognised — SCQF level 6. It provides development of Core Skills and transferable skills such as *Communication* (both spoken and written), *Problem Solving*, *Working with Others*, and *Information and Communication Technology (ICT)*. 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.

To ensure that learners already have advanced skills in reading, writing, talking and listening, the recommended Unit entry profile is SCQF level 6 in *Communication* skills. 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.

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 executry work 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>

Core Skill	Recommended SCQF entry profile	Associated assessment activities
		<p>The ability to research, translate and convey complex information in the most effective and appropriate style and format for purpose and clients is 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 executry work.</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 assessing liability and executry work with regard to payment of tax and executry accounts.
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>

Core Skill	Recommended SCQF entry profile	Associated assessment activities
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 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 Law Society of Scotland paralegal competences. 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 Executry Law and Practice covers the general and domain specific competencies required of a Law Society 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.	
H3BV 35	Drafting Wills	1 Advise a client of the different factors that affect the drafting of a Will.	G1, G2, G4, G6 S6–S7
		2 Draft simple and complex Wills in accordance with clients' instructions.	
		3 Prepare a Legal Rights entitlement whether or not there is a valid Will.	

<b>Code</b>	<b>Unit title</b>	<b>Outcome</b>	<b>Aims met</b>
H3P9 35	Executry Law and Practice	1 Deal with the initial stages of executry.	G1, G2, G4, G6 S8–S13
		2 Interpret the terms of a Will and identify lines of succession under intestacy.	
		3 Obtain an order for Confirmation allowing the executors to administer the estate.	
		4 Ingather an estate, and arrange to pay any debts.	
H3YN 35	Accounting and Tax for Executries	1 Explain the main principles of the Capital Gains Tax liability of a deceased person.	G1, G2, G3, G4, G6 S14–S16
		2 Explain the circumstances when Inheritance Tax is applicable to the estate of a deceased person.	
		3 Prepare an executry account and scheme of division for the estate of a deceased person where inheritance tax is not involved.	

## 5.2 Mapping of Law Society of Scotland Executry Law and Practice Domain Standards

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES	Essential Skills for Paralegals	Drafting a Will	Executry Law and Practice	Accounting and Tax for Executries
<p><b>KNOWLEDGE</b></p> <p>Demonstrate knowledge and understanding of:</p> <ul style="list-style-type: none"> <li>◆ the process of drafting and executing a valid Will or codicil.</li> <li>◆ the rights and obligations of the testator</li> <li>◆ the information which is required from a client when taking instructions for preparation of a Will or codicil.</li> <li>◆ the range of Will styles and in what circumstances each style would be appropriate.</li> <li>◆ the requirements for valid execution of a Will or codicil.</li> <li>◆ the steps involved in administering an estate, whether testate or intestate.</li> <li>◆ the rights and obligations of executor, beneficiary and other claimants in respect of an estate, whether testate or intestate.</li> <li>◆ the information required in order to carry out the administration of an estate, whether testate or intestate, including preparation of the inventory of the estate.</li> <li>◆ the documentation and evidence required to be submitted to obtain, eg appointment of executor.</li> </ul>	N/A	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>X</p> <p>✓</p> <p>X</p>

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES	Essential Skills for Paralegals	Drafting a Will	Executry Law and Practice	Accounting and Tax for Executries
<ul style="list-style-type: none"> <li>◆ the procedure depending on whether the estate is testate or intestate, including court procedure.</li> </ul>		X	✓	X
<ul style="list-style-type: none"> <li>◆ the court and other deadlines and timescales for the particular type of administration.</li> </ul>		X	✓	X
<p>Demonstrate knowledge and familiarity with:</p>				
<ul style="list-style-type: none"> <li>◆ the Requirements of Writing Act 1995.</li> </ul>		✓	✓	X
<ul style="list-style-type: none"> <li>◆ Succession Scotland Act 1964 and specifically rights under intestacy.</li> </ul>		✓	✓	X
<ul style="list-style-type: none"> <li>◆ Family Law (Scotland) Act 2006 as far as it relates to the succession rights of cohabitees.</li> </ul>		✓	✓	X
<ul style="list-style-type: none"> <li>◆ principles of relevant taxation regimes, including income tax, SDLT, Capital Gains Tax, and Inheritance Tax.</li> </ul>		✓	✓	✓
<p>Demonstrate understanding of:</p>				
<ul style="list-style-type: none"> <li>◆ the importance of accuracy in correctly designing individuals in a Will.</li> </ul>		✓	X	X
<ul style="list-style-type: none"> <li>◆ the importance of having a Will signed and witnessed correctly.</li> </ul>		✓	X	X
<ul style="list-style-type: none"> <li>◆ the necessity for Wills to be drafted promptly.</li> </ul>		✓	X	X
<ul style="list-style-type: none"> <li>◆ the importance of providing accurate information to the court and Her Majesty's Revenue and Customs.</li> </ul>		X	✓	✓

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES			Essential Skills for Paralegals	Drafting a Will	Executry Law and Practice	Accounting and Tax for Executries
Demonstrate awareness of:						
◆ Inheritance Tax planning				✓	✓	✓
<b>SKILLS</b>	<b>Technical Skills</b>	◆ Accuracy, literacy and numeracy	✓	✓	✓	✓
		◆ Information Technology	✓	✓	✓	✓
		◆ Office equipment	X	✓	✓	✓
		◆ Office systems and procedures	X	✓	✓	✓
	<b>Organisational Skills</b>	◆ Personal management	✓	✓	✓	✓
		◆ File management	✓	✓	✓	✓
	<b>Communication Skills</b>	◆ Generally	✓	✓	✓	✓
		◆ Face to face communication	✓	✓	✓	X
		◆ Written communication	✓	✓	✓	✓
		◆ Electronic communication	✓	✓	✓	✓
<b>Inter-personal Skills</b>		✓	✓	✓	✓	
<b>Practice Skills</b>	◆ Research	✓	X	✓	✓	
	◆ Interviewing	✓	✓	X	X	
	◆ Writing and drafting	✓	✓	✓	✓	
	◆ Negotiation (if required in the Legal Domain)	–	–	–	–	
	◆ Advocacy (if required in the Legal Domain)	–	–	–	–	

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES			Essential Skills for Paralegals	Drafting a Will	Executry Law and Practice	Accounting and Tax for Executries
VALUES AND ATTITUDES	Legal and ethical values		✓	✓	✓	✓
	Attitude/s		✓	✓	✓	✓
	Focus:	<ul style="list-style-type: none"> <li>◆ Professional</li> <li>◆ Client</li> </ul>	✓	✓	✓	✓

### 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.

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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>						
<b>Technical skills</b>	<b>Accuracy, literacy and numeracy</b>	◆ that he/she is able to complete an Executry Account and to prepare distribution calculations.	X	X	X	✓
		◆ that he/she is able to prepare calculations of inheritance rights under intestacy, ie Prior and Legal Rights.	X	X	X	✓
		◆ 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.	✓	X	✓	✓
	<b>Information Technology</b>	◆ 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 and maintain electronic files, where appropriate.	✓	✓	✓	✓

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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>						
	<b>Office equipment</b>	<ul style="list-style-type: none"> <li>◆ that he/she is able to use office equipment such as voicemail, photocopier, fax competently and effectively.</li> </ul>	X	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ 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.</li> </ul>	X	✓	✓	✓
	<b>Office systems and procedures</b>	<ul style="list-style-type: none"> <li>◆ 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.</li> </ul>	X	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ compliance with office procedures, including time recording.</li> </ul>	X	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ compliance with all quality standards, and other policies and processes of employer organisation.</li> </ul>	X	✓	✓	✓

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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>						
<b>Organisational Skills</b>	<b>Personal management</b>	◆ 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	✓	✓	✓

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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"> <li>◆ 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.</li> </ul>	X	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ 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.</li> </ul>	X	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ 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.</li> </ul>	X	✓	✓	✓

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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"> <li>◆ 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.</li> </ul>	X	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ that he/she recognises where a transaction is non-standard or includes non-standard elements, and refers this to his/her supervising solicitor.</li> </ul>	X	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ that he/she passes on messages promptly and undertakes communications/action arising from telephone calls, meetings or client interviews.</li> </ul>	X	✓	✓	✓

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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>						
	<b>File management</b>	<ul style="list-style-type: none"> <li>◆ good file management practices in terms of:               <ul style="list-style-type: none"> <li>— opening new files</li> <li>— filing documents and correspondence as appropriate</li> <li>— keeping filing up to date</li> <li>— taking and filing accurate notes of telephone calls and meetings</li> <li>— closing file when completed or instructed to close file.</li> </ul> </li> <li>◆ that he/she is able to lodge documents or applications in the correct form, at the correct place and at the correct time.</li> </ul>	X X X X X X	✓ ✓ ✓ ✓ ✓ X	✓ ✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓ ✓

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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>						
<b>Communication Skills</b>	<b>Generally</b>	<ul style="list-style-type: none"> <li>◆ 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"> <li>— identifying different communication options and selecting the communication form which is appropriate to the particular situation and/or client</li> <li>— producing communications which meet client or Supervising Solicitor instructions, and which are fit for purpose.</li> </ul> </li> <li>◆ confidence and assurance in his/her dealings with people, whether in person or over the telephone.</li> </ul>	✓	✓	✓	✓
			✓	✓	✓	✓
			✓	✓	✓	✓
			✓	✓	✓	✓

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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>						
<b>Face-to-face communication</b>	◆ that he/she is able to communicate effectively in face-to-face situations, can listen and check understanding.	✓	✓	✓	X	
	◆ that he/she is able to communicate effectively by telephone, including:					
	— 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.	✓	✓	✓	✓	

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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>						
	<b>Written communication</b>	<ul style="list-style-type: none"> <li>◆ that he/she is able to communicate effectively in writing:               <ul style="list-style-type: none"> <li>— using clear language, correct spelling and appropriate grammar, syntax and punctuation</li> <li>— demonstrating attention to detail</li> <li>— adopting a style appropriate to the recipient.</li> </ul> </li> </ul>	✓	✓	✓	✓
	<b>Electronic communication</b>	<ul style="list-style-type: none"> <li>◆ that he/she is able to use electronic communications effectively and appropriately, including:               <ul style="list-style-type: none"> <li>— understanding and using proper business and professional etiquette within an electronic environment</li> <li>— understanding the difference between letters and e-mails and when the latter are appropriate</li> </ul> </li> </ul>	✓	✓	✓	✓

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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"> <li>— properly managing e-communications to avoid risk, including archiving e-mails safely and accurately.</li> </ul>	✓	✓	✓	✓
<b>Interpersonal Skills</b>		<ul style="list-style-type: none"> <li>◆ 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.</li> <li>◆ That he/she is able to work effectively as part of a team including:               <ul style="list-style-type: none"> <li>— working co-operatively and willingly with others in own and other's teams</li> <li>— communicating effectively with those with whom the paralegal needs to work</li> </ul> </li> </ul>	✓	✓	✓	✓
			✓	✓	✓	✓
				✓	✓	✓

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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"> <li>— knowing when to ask for support from, or to offer support to, other team members</li> <li>— knowing when to refer issues or ask for guidance from Supervising Solicitor.</li> </ul>	✓	✓	✓	✓
<b>Practice Skills</b>	<b>Research</b>	<ul style="list-style-type: none"> <li>◆ that he/she knows where to look for and find information required to carry out his/her work.</li> </ul>	✓	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ that he/she is able to use key primary (eg Acts, Regulations, etc) and secondary (eg key text and reference books) sources.</li> </ul>	✓	✓	✓	✓
	<b>Interviewing</b>	<ul style="list-style-type: none"> <li>◆ that he/she is able to take full instructions to enable preparation of appropriate draft Wills and codicils.</li> </ul>	X	✓	X	X
		<ul style="list-style-type: none"> <li>◆ that he/she is able to take full and accurate details of an Executry estate.</li> </ul>	X	X	✓	X

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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"> <li>◆ that he/she is able to conduct a client-centred interview effectively, including:               <ul style="list-style-type: none"> <li>— preparing for the interview appropriately</li> <li>— listening and eliciting required legal, personal and factual information, and full instructions from client</li> </ul> </li> </ul>	X	✓	✓	X
		<ul style="list-style-type: none"> <li>— recording all relevant factual, legal, procedural and evidential matters arising in relation to the client's matter in a file note for future reference.</li> </ul>	X	✓	✓	✓
<b>Writing and drafting</b>		<ul style="list-style-type: none"> <li>◆ that he/she is able to:               <ul style="list-style-type: none"> <li>— prepare appropriate draft Wills and codicils</li> </ul> </li> </ul>	X	✓	X	X
		<ul style="list-style-type: none"> <li>— prepare Petition for appointment of Executor Dative (if appropriate)</li> </ul>	X	X	✓	X
		<ul style="list-style-type: none"> <li>— complete forms C1, C5 and a simple IHT400, as appropriate.</li> </ul>	X	X	✓	X

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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"> <li>◆ 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"> <li>— communicating clearly, concisely and unambiguously and appropriately with clients, solicitors, non-solicitors and others</li> <li>— tailoring style of communication to suit the purpose of the communication and the needs of different clients and other recipients</li> <li>— producing communications which meet client or Supervising Solicitor instructions following internal protocols, conventions and using required styles and/or precedents.</li> </ul> </li> </ul>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p>

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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"> <li>◆ that he/she is able to draft documents which are:               <ul style="list-style-type: none"> <li>— well-organised</li> <li>— valid in terms of content and form</li> <li>— use correct legal terminology</li> <li>— address relevant legal and factual issues accurately</li> <li>— ensuring documents are validly executed.</li> </ul> </li> <li>◆ that he/she is able to use precedent documents and styles by:               <ul style="list-style-type: none"> <li>— identifying the appropriate precedent document or style required</li> <li>— adapting the precedent document or style to the particular context</li> <li>— understanding when non-standard variations may be needed and referring to Supervising Solicitor.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>X</li> <li>X</li> <li>X</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>X</li> <li>X</li> <li>X</li> </ul>	<ul style="list-style-type: none"> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>✓</li> <li>X</li> <li>X</li> <li>X</li> </ul>

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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"> <li>◆ that he/she is able to complete prescribed forms accurately.</li> <li>◆ that he/she is able to produce or prepare other required documentation which is:               <ul style="list-style-type: none"> <li>— accurate</li> <li>— well-organised</li> <li>— appropriate.</li> </ul> </li> </ul>	—	X	✓	✓
		<ul style="list-style-type: none"> <li>— accurate</li> <li>— well-organised</li> <li>— appropriate.</li> </ul>	✓	✓	✓	✓
		<ul style="list-style-type: none"> <li>— well-organised</li> <li>— appropriate.</li> </ul>	✓	✓	✓	✓
		<ul style="list-style-type: none"> <li>— appropriate.</li> </ul>	✓	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ understands and complies with the Standards, and refers to the Standards of Conduct and Service for Scottish Solicitors.</li> <li>◆ 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.</li> </ul>	✓	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ understands that responsibility for legal work undertaken rests with the Supervising Solicitor, including in relation to execution and signing of documentation.</li> <li>◆ only accepts work which they feel competent to undertake.</li> </ul>	✓	✓	✓	✓
		<ul style="list-style-type: none"> <li>◆ only accepts work which they feel competent to undertake.</li> </ul>	✓	✓	✓	✓
<b>Legal and ethical values</b>						
<b>Attitudes</b>						

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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"> <li>◆ is clear as to the work and responsibilities delegated to them by the Supervising Solicitor, and understands the limits in relation to that role.</li> <li>◆ 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.</li> <li>◆ 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.</li> <li>◆ 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.</li> <li>◆ recognises where a transaction is non-standard or includes non-standard elements and refers to Supervising Solicitor.</li> </ul>	<p>✓</p> <p>✓</p> <p>X</p> <p>X</p> <p>X</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>

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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"> <li>◆ updates Supervising Solicitor, client, court or others as appropriate, by conveying the appropriate information to the appropriate person.</li> <li>◆ engages with continuing professional and personal development, including:               <ul style="list-style-type: none"> <li>— being aware of the importance to self-assess, reflect and develop personally and professionally</li> <li>— assessing/identifying where development is required</li> <li>— evaluating strengths and weaknesses of own skills and knowledge, and working with Supervising Solicitor to set learning targets.</li> </ul> </li> </ul>	X	✓	✓	✓
			✓	X	X	X
			✓	X	X	X
			✓	X	X	X

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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>						
<b>Focus</b>	<b>Professional</b>	<ul style="list-style-type: none"> <li>◆ understands and adheres to good practice in carrying out the work he/she is instructed to do.</li> </ul>	✓	✓	✓	✓
	<b>Client</b>	<ul style="list-style-type: none"> <li>◆ works in a client-centred way and manages client service well, including:               <ul style="list-style-type: none"> <li>— being aware of the differences in acting for different types of client</li> <li>— 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</li> <li>— informs Supervising Solicitor of any client complaint immediately that it arises</li> <li>— regularly updating Supervising Solicitor on work being done for clients.</li> </ul> </li> <li>◆ manages client expectations.</li> </ul>	✓	✓	✓	✓
			X	✓	✓	✓
			X	✓	✓	✓
			X	✓	✓	✓

<b>SKILLS</b>			<b>Essential Skills for Paralegals</b>	<b>Drafting a Will</b>	<b>Executry Law and Practice</b>	<b>Accounting and Tax for Executries</b>
<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>						
		◆ is able to advise the client on the legal consequences of the client's instructions.	X	✓	✓	✓

### 5.3 Mapping of Core Skills development opportunities across the qualification

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	
H3BV 35	Drafting Wills	S	S					S	S	S		
H3P9 35	Executry Law and Practice	S	S	S	S	S	S	S	S	S		
H3YN 35	Accounting and Tax for Executries			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	Outcome 3
Drafting Wills	Learners will advise a client of the different factors that affect the drafting of a Will.  Advice may be given in either oral or written form.	Learners will draft at least one simple and one complex Will in accordance with client's instructions.	Learners will prepare a Legal Rights entitlement despite a valid Will showing an example of a division.
The assessment should be carried out under controlled, open-book conditions in class and take a maximum of three hours for all three pieces of evidence.			

Unit	Assessment			
	Outcome 1	Outcome 2	Outcome 3	Outcome 4
Executry Law and Practice	Learners are to deal with the initial stages of executry.  Prepare an initial writ appointing and executor dative.	Learners are to: interpret the term of a Will and identify lines of succession under intestacy.  interpret the provisions of a Will to give best advice to the client.	Learners are to: obtain an order for Confirmation allowing the executors to administer the estate.  prepare an inventory for lodging in court to seek Confirmation.	Learners are to: ingather estate and arrange to pay any debts.
Learners are to provide written evidence to show that they can administer an executry estate from death to the point where the funds have been ingathered ready for accounting and distribution; and written/oral evidence of being able to explain the procedures involved. Assessment will be open-book and the case study scenario will be given to learners seven days prior to the assessment which will be carried out in controlled conditions and take a maximum of two hours.				

Unit	Assessment		
	Outcome 1	Outcome 2	Outcome 3
Accounting and Tax for Executries	<p>The learner is to explain the main principles of the Capital Gains Tax liability of a deceased person.</p> <p>Written and/or oral evidence is to be provided based on a set of different scenarios covering both small and larger estates, requiring the learner to apply their knowledge in accordance with current legislation.</p>	<p>The learner is to explain the circumstances when inheritance tax is applicable to the estate of a deceased person.</p> <p>Written and/or oral evidence is to be provided based on a set of different scenarios covering both small and larger estates, requiring the learner to apply their knowledge in accordance with current legislation.</p>	<p>The learner is to prepare a simple executry account and scheme of division for the estate of a deceased person where inheritance tax is not involved.</p> <p>Written evidence to be provided by the learner based on a case study scenario. The case study will be given to the learners seven to ten days prior to the assessment which is to be carried out in supervised, open-book conditions.</p>

## 6 Guidance on approaches to delivery and assessment

The suite of Paralegal PDAs have 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 some Units. A case in point is the *Essential Skills for Paralegals* Unit, which is a single credit Unit combining certain key essential knowledge and skills items from three Units within the HNC/HND Legal Services awards, namely *Legal Research Techniques*, *Legal and Ethical Issues* and *Legal Secretarial Practice* which the consultation groups agreed should be included in the PDAs. SQA has produced e-enabled learning materials to complement the content of each of the original three Units that are suitable for both HNC/HND learners and those undertaking the individual PDAs. These 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.

The situations that require paralegals in this specialism to display, often working within very tight timescales, good interpersonal, written and oral communication skills and a high degree of accuracy, are difficult to simulate in a college or training environment. This setting can, however, provide learners, including those not currently employed, with opportunities to gain insight into the practical tasks performed by a paralegal in the particular Legal Domain. 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. From 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 many instances 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

The recommended sequence of delivery for the Units that make up the PDA is as follows:

- |   |         |  |
|---|---------|--|
| 1 | FT5R 35 | <i>Essential Skills for Paralegals</i>   |
| 2 | H3BV 35 | <i>Drafting Wills</i>                    |
| 3 | H3P9 35 | <i>Executry Law and Practice</i>         |
| 4 | H3YN 35 | <i>Accounting and Tax for Executries</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](http://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 Credit transfer

Details of the credit transfer/APL opportunities for those learners with one or more of the predecessor Units will be provided for the start of Session 13/14.

## 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 Executry Law and Practice 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](http://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](http://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](http://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.

## History of changes

It is anticipated that changes will take place during the life of the qualification and this section will record these changes. This document is the latest version and incorporates the changes summarised below. Centres are advised to check SQA's APS Navigator to confirm they are using the up to date qualification structure.

**NOTE:** Where a Unit is revised by another Unit:

- ◆ No new centres may be approved to offer the Unit which has been revised.
- ◆ Centres should only enter candidates for the Unit which has been revised where they are expected to complete the Unit before its finish date.

Version Number	Description	Date
02	<b>Revision to unit:</b> H3P9 35 Executry Law and Practice (finishing 31/07/2017) has been replaced by H8X6 35 Executry Law and Practice.	21/06/17

## Acknowledgement

SQA acknowledges the valuable contribution that Scotland's colleges have made to the development of this qualification.

## 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 Executry Law and Practice 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 Executry Law and Practice at SCQF level 8 is made up of four mandatory Units: FT5R 35 *Essential Skills for Paralegals*; H3BV 35 *Drafting Wills*, H3P9 35 *Executry Law and Practice* and H3YN 35 *Accounting and Tax for Executries*

The *Essential Skills for Paralegals* Unit is designed to provide you with an understanding of the court setup, individuals involved, procedures, and the retrieval of connected and pertinent information central to the Scottish Legal System. You will also learn about the relevance and requirements of the Law Society with regard to solicitors, together with money laundering regulations. In Outcome 1 you will learn about the courts systems and how civil and criminal law operates within the Scottish legal system and how it impacts upon your working practices. In Outcome 2 you will learn about 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. Outcome 3 is designed to provide you with 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 will be beneficial across a whole range of other Units, where effective research techniques are highly desirable and effective.

The *Drafting Wills* Unit is designed to provide you with the ability to draft various types of Will, both simple and complex, in accordance with clients' instructions, taking into account current legal requirements. You will also be able to advise clients, under the direction of a supervising solicitor, of various factors to be taken into account when drafting Wills in accordance with clients' circumstances. The Unit will also focus on Legal Rights, specific legacies and an understanding of Inheritance Tax and the implications which may arise. In Outcome 1 you will be able to advise a client of the different factors that affect the drafting of a Will. In Outcome 2, you will draft simple and complex Wills in accordance with the client's instructions. In Outcome 3, you will prepare a Legal Rights entitlement whether or not there is a valid Will.

The *Executry Law and Practice* Unit is designed to provide you with the knowledge required to administer a straightforward executry estate. It will equip you with the necessary skills to enable them to process and ingather funds in an executry estate up to the point where the funds are available for accounting and distribution.

In Outcome 1, you will deal with the initial stages of executry. In Outcome 2, you will interpret the terms of a Will and identify lines of succession under intestacy. In Outcome 3, you will obtain an order for Confirmation allowing the executors to administer the estate. In Outcome 4, you will ingather an estate, and arrange to pay any debts.

The *Accounting and Tax for Executries Unit* is designed to provide you with the skills necessary to understand the main principles of the tax liability of a deceased person, and to prepare an executry account, together with a suitable scheme of division to enable distribution to be carried out. In Outcome 1, you will explain the main principles of the Capital Gains Tax liability of a deceased person. In Outcome 2, you will explain the circumstances when Inheritance Tax is applicable to the estate of a deceased person. In Outcome 3, you will prepare an executry account and scheme of division for the estate of a deceased person where Inheritance Tax is not involved.

The Units are likely to be assessed using a range of case studies and structured or multiple-choice type questions. Those learners who are able to supply relevant evidence using their own experience from the workplace or products from their workplace will be encouraged to do so.

## **10 Appendices**

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

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

<b>Information and Communication Technology (ICT)</b>
<ul style="list-style-type: none"> <li>◆ Use ICT independently to carry out complex searches across a range of tasks</li> <li>◆ Use ICT independently to carry out a range of processing tasks</li> </ul>
<i>Undertaking complex background searches and investigations by identifying, accessing and using appropriate sites 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>
<b>Communication</b>
<ul style="list-style-type: none"> <li>◆ Read, understand and evaluate complex written communication</li> <li>◆ Produce well-structured, accurate written communication on complex topics</li> <li>◆ Produce and respond to oral communication on a complex topic</li> </ul>
<i>Analysis and evaluation of complex information from specialist sources, law registers, journals and databases. Researching, evaluating and applying relevant complex data as laid down and governed by the Law Society of Scotland, the Inland Revenue, 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>
<b>Problem Solving</b>
<ul style="list-style-type: none"> <li>◆ Analyse a complex situation or issue</li> <li>◆ Plan, organise and complete a complex task</li> <li>◆ Review and evaluate a complex problem solving activity</li> </ul>
<i>Analysing complex information around legal issues related to executry law and practice. Encompassing a variety of different situations encountered in the paralegal specialism. Identification and evaluation of regulations and legalities. Implementation to ensure that materials prepared are valid and legally binding by following procedures, generating and maintaining required records. Evaluation to check completion of tasks to professional standards within available resources and timescales.</i>
<b>Working with Others</b>
<ul style="list-style-type: none"> <li>◆ In complex interactions, work with others co-operatively on an activity and/or activities</li> <li>◆ Review work with others in a co-operative activity and/or activities</li> </ul>
<i>The award emphasises the client-centred nature of executry law and practice work. 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>

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