



Arrangements for:
**Professional Development Award
(PDA) in Commercial Conveyancing
and Leasing**
at SCQF level 8

Group Award Code: GD21 48

Validation date: July 2011

Date of original publication: January 2012

Version: 04 (July 2017)

Acknowledgement

SQA acknowledges the valuable contribution that Scotland's colleges have made to the development of Higher National qualifications.

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1 Introduction

This is the Arrangements Document for the new Professional Development Award (PDA) in Commercial Conveyancing and Leasing at SCQF level 8, which was validated in July 2011. This document includes: background information on the development of the PDA, its aims, guidance on access, details of the PDA structure, and guidance on delivery.

The PDA in Commercial Conveyancing and Leasing at SCQF level 8 was developed as part of a suite of awards for paralegals in close collaboration with the Scottish Paralegal Association (SPA); the Law Society of Scotland; and the Paralegal Steering Group, comprising representatives from Local Authorities and private law firms in Scotland, colleges delivering the HNC/HND Legal Services and the sector skills council, Skills for Justice.

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 PDAs will also enable experienced paralegals to demonstrate their Continuing Professional Development (CPD) in order to maintain their registered status on an ongoing basis.

The SCQF level 8 PDAs in a variety of specialist areas are intended for paralegals who have experience in the relevant area or individuals wishing to begin employment as paralegals. The PDA in Commercial Conveyancing and Leasing is aimed at paralegals working in this specialism in either private practice or Local Authorities within Scotland.

The PDA was validated in July 2011 to coincide with the launch of the Full Route of the Registration Scheme in August 2011. The Full Route will require 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, eg commercial conveyancing and leasing.

2 Rationale for the development of the Group Award

2.1 Background

This section explains the background to recent changes in the regulation of the legal sector which initiated the development of PDAs for paralegals.

(i) The changing landscape within the legal profession

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

First of all, there was the introduction of what has become known as 'Tesco Law', whereby the public will have access to the services of a lawyer through means other than the traditional firms of solicitors, eg through supermarkets. This recommendation from The Office of Fair Trading for the legal sector to adopt 'alternative business structures' is designed to benefit consumers (eg by allowing clients to instruct an advocate directly instead of going through a solicitor). For solicitors, the alternative business structures model means they may have access to a far greater number of clients seeking legal advice on matters which affect them personally, eg purchase and sale of property (conveyancing), divorce (family law), employment issues such as redundancy (employment law), making a will (executry) and debt issues (debt recovery). Consequently, solicitors will employ and supervise the work of a larger number of paralegals.

A new Scottish Legal Complaints Commission (SLCC) was set up in January 2008 which will become the gateway for service complaints in Scotland. Any complaints made by members of the public against the work carried out by paralegals will be the personal responsibility of the supervising solicitor who will be held accountable for any negligence and may ultimately have his or her license to practice revoked. The alternative business model debate has prompted discussion about how to assure competent service delivery and the Chief Executive of SLCC has called for the profession to set new standards for service before commissioners start defining these through their investigations into complaints.

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.

(ii) The Law Society of Scotland Registered Paralegal Scheme

In order to become a Registered Paralegal, candidates must hold a formal legal qualification and provide evidence that they meet the competence criteria in place for registration in a particular specialist area of legal work. The Society decided to carry out a staged roll-out of the Registered Paralegal Scheme from the launch date of August 2010.

In Phase 1, rolled out in three stages from August 2010, two transition stages granted access to the Registered Paralegal Scheme to paralegals who already met the standards of the Scheme. For students in paralegal education now, or who will embark on paralegal education in the future, it is most likely that they will enter through the third stage — the 'Full Route' — which opened on 16 August 2011. All applicants via the 'Full Route' must hold a formally recognised and assessed qualification relevant to the work they will be doing as a Trainee Registered Paralegal and involves working as a Trainee Registered Paralegal for 1 year.

In Phase 2, the Society has committed to looking at the possible accreditation of qualifications, and 'fast-tracked' training periods for those who commence the one-year, work-based training and who wish to apply for a 'discount' or reduction in the full one year's training by virtue of prior qualifications/experience they may already have.

(iii) The paralegal 'Competency Framework'

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. There are currently no National Occupational Standards (NOS) available for paralegals from the sector skills council, 'Skills for Justice', and no other national awards specifically developed for paralegals. 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. To date, there are competences in seven specialist Legal Domains:

- ◆ Debt Recovery
- ◆ Criminal Litigation
- ◆ Domestic Conveyancing
- ◆ Liquor Licensing
- ◆ Wills and Executries
- ◆ Commercial Conveyancing
- ◆ Family Law

New Legal Domains currently under construction include:

- ◆ Civil Litigation — Industrial Disease
- ◆ Civil Litigation — Reparation Law
- ◆ Commercial Law
- ◆ Company Registrar/Company Secretarial
- ◆ Oil and Gas

(iv) SQA's work with the SPA and the Law Society of Scotland

For SQA, the development of PDAs for paralegals provided a specific vocational focus for awards in the legal services area which previously had been missing or at the very least was indistinct. Prior to the validation of the current HNC/HND in Legal Services in 2006/2007, the HN awards were used primarily for articulation purposes, with holders of the awards mainly progressing into BA law programmes or even into the first year of an LLB degree at The University of Dundee. The involvement of SPA in the HNC/HND and PDA development work since 2006, and the expectation of an increase in the requirement for paralegals by the sector, and paralegals with a recognised minimum level of competence, have been pivotal factors in the development of the suite of PDAs for paralegals. The specific vocational competences which paralegals must now show they possess can be recognised by attaining an appropriate PDA, and the HNC/HND in Legal Services can prepare candidates with the broader background and some of the skills required for entry to the role.

(v) The 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 candidates coming forward to undertake SQA's PDAs for paralegals.

(vi) SQA's Paralegal Steering Group

In June 2008 the Paralegal Steering Group, comprising representatives from the legal sector (both private and public), HE, FE colleges, the SPA and SQA, met for the first time, having been convened as a representative group of the legal profession in Scotland to assist SQA's work with the colleges in developing awards for paralegals. In 2008 the Steering Group oversaw the validation of the three PDAs in Conveyancing, Debt Recovery and Executives.

The Steering Group advised that PDAs for paralegals should be at least at SCQF level 8, and has overseen the development of the suite of PDAs covering Family Law, Employment Law, and Law Relating to Adults with Incapacity, in addition to Commercial Conveyancing and Leasing. Work on a PDA in Criminal Law had to be postponed due to difficulties in obtaining sufficient comment from the sector, although there has been enthusiastic support for an award in this area from some quarters.

2.2 Nature and purpose of the Group Award

The aim of this PDA in Commercial Conveyancing and Leasing is to develop the relevant specialist competences required by employers to allow paralegals to undertake specialist paralegal support roles within the legal profession or in a legal context within a variety of businesses, the public sector or financial organisations. It will also allow paralegals to demonstrate a minimum level of professional competence in order to qualify for registration as a paralegal within the Law Society of Scotland Registered Paralegal Scheme.

Historically, paralegals were first employed in the domestic conveyancing sector but, as time has gone on, some paralegals have transferred their skills and are now working in the commercial conveyancing and leasing area. This new PDA in Commercial Conveyancing and Leasing will provide the nationally recognised training required to ensure that those paralegals working in this specialised area have the in-depth knowledge and skills to do so.

Commercial conveyancing and leasing is an area which has been affected by the recession but core business has continued and there are now signs of re-growth. The Local Authority sector in particular indicated that this is likely to be a growth area in the future.

This is an area of work which involves a high level of documentation and direct contact with clients, lenders and other parties. Often work has to be carried out to tight deadlines. The value of the transactions can be extremely high and the fees earned by the companies carrying out the work also considerable. It is therefore essential that those carrying out the work are properly trained and have the skills and knowledge to do so correctly and accurately. Just as important is the fact that they should be aware of the consequences arising when work is not carried out correctly, and both the employee and the employer should recognise the appropriate level of responsibility at which the paralegal should be working.

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

This new PDA is recognised as a formal qualification for entry into the Registered Paralegal Scheme for the recognised Legal Domain of Commercial Conveyancing.

2.3 Consultation with stakeholders: meeting employers' needs

In order to confirm that the suite of PDAs would meet the needs of employers there was wide consultation with the sector in several stages during 2009/2010 and 2010/2011.

The responses were very supportive of this PDA and Local Authority legal teams in particular were supportive of having an award in this area. The comments received indicated that it was essential to ensure the PDA reflected the practical skills as well as knowledge required to do the work, eg:

- ◆ Using online resources such as Registers Direct (Registers of Scotland)
- ◆ Drafting and amending Missives (to be signed off by a qualified solicitor)
- ◆ Preparing inventories of heritable and leasehold properties
- ◆ Carrying out online searches where appropriate
- ◆ Drafting Notices to Quit
- ◆ Raising actions for recovery of possession together with knowledge of other lease irritancy events
- ◆ A knowledge of tenants' statutory protection in commercial leases

Computer skills were considered essential since much of the work involves use of online conveyancing services such as Registers of Scotland, Miller & Bryce, etc.

Feedback also indicated it was essential that students were taught the reasons behind what they were doing, not just the steps themselves. It was considered by most of those who responded that this award was more appropriate for those who already had some knowledge of this area of legal work, rather than someone with no legal knowledge at all.

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 (eg commercial conveyancing and leasing).
- ◆ All of the consultation groups were clear that candidates 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 candidates and that it should be made clear to candidates that paralegals should only be providing advice to clients with the appropriate guidance from a supervising solicitor.

- ◆ The three Units originally proposed as common to all the PDAs being developed were felt to take up too much content within the PDA, and 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.

2.4 Relationship to other awards

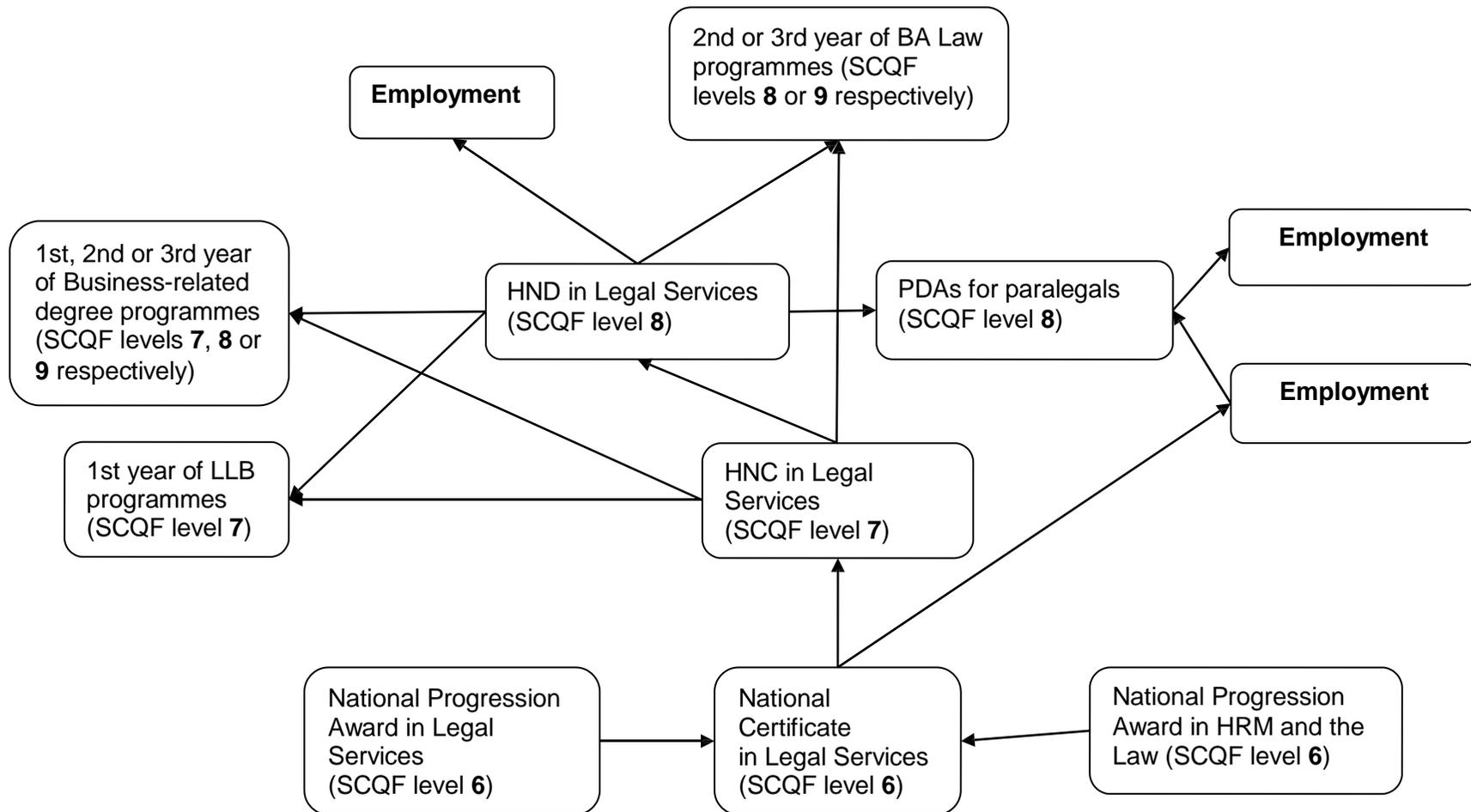
Possible pathways and progression routes are outlined below.

The HNC/HND in Legal Services was validated in 2007, so the implementation of the new PDAs for paralegals has presented an ideal opportunity to consider what revisions need to be made to the HNC/HND to align them more closely with the sector's requirements for paralegals.

To provide qualifications in Legal Services 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, further qualifications in Legal Services will be available from 2012/2013 namely:

- ◆ National Certificate in Legal Services at SCQF level 6
- ◆ National Progression Award in Legal Services at SCQF level 6
- ◆ National Progression Award in Human Resource Management and the Law at SCQF level 6

Possible Progression Routes



3 Aims of the Group Award

3.1 General aims of all PDAs

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.

3.2 General aims of the Group Award

The general aims of the PDA in Commercial Conveyancing and Leasing are to:

- 1 Provide candidates with personal and professional development opportunities so they can formalise their CPD and qualify for registration in the Law Society of Scotland Paralegal Registration Scheme.
- 2 Provide candidates with a basic understanding of Scots Law which will equip them for employment where knowledge of law and legal procedures are relevant.
- 3 Develop study and research skills.
- 4 Enable career progression.
- 5 Enable progression within the SCQF.
- 6 Develop a proactive approach to problem solving.
- 7 Develop the capacity to respond quickly to challenges posed by changes in the law and business/legal environment.

3.3 Specific aims of the Group Award

The specific aims of the PDA in Commercial Conveyancing and Leasing are to:

- 1 Equip candidates with the knowledge of how to conduct themselves in a legal environment, taking account of client confidentiality, and how to interact with clients face to face and in writing.
- 2 Ensure candidates are able to identify possible conflicts of interest for their employer at the earliest possible stage when dealing with initial enquiries from clients.
- 3 Develop specialist competences required by employers in the commercial conveyancing and leasing sector, so candidates can work in the legal sector or within a legal context in a variety of business, public sector or financial organisations. Namely, ensure the candidate has the knowledge and skills to:
 - ◆ complete a legally binding set of missives for a commercial purchase, sale or lease.
 - ◆ complete relevant title, security and other associated documentation.
 - ◆ complete the necessary registration procedures for deeds in relation to a sale or purchase or lease.
 - ◆ prepare a valid Stamp Duty Land Tax return for a straightforward commercial purchase and a commercial lease transaction.
 - ◆ complete ancillary documentation and obtain relevant consents.
 - ◆ draft appropriate lease-related management documentation.

- ◆ take account of VAT matters and whether the client is opting to tax or not.
- ◆ apply the law of land tenure and obligations associated with heritable property.
- ◆ apply the law governing Building Control Regulations and planning legislation.

3.4 Target groups

The PDA in Commercial Conveyancing and Leasing is aimed at trainee paralegals and experienced paralegals who are employed in a paralegal role, either within private practice or in Local Authorities, and would like to become registered with the Law Society of Scotland.

The experienced paralegals already working in this area tend to have commenced employment direct from universities or colleges and, although they have general qualifications such as an LLB, BA Law or HND, they have no qualification to formally recognise their specialist knowledge in commercial conveyancing and leasing.

Some candidates wishing to undertake this award are likely to come from a domestic conveyancing background, but by no means all candidates would do so. To enable candidates with no prior knowledge or experience of domestic conveyancing (and therefore no knowledge of generic conveyancing procedures) to undertake the award, the *Conveyancing* Unit was added to the award structure with Consultation Group and Steering Group approval.

The award is also suitable for those employed in other sectors including property investment companies and financial institutions dealing with loans and securities involving property.

It is the intention that the new PDA in Commercial Conveyancing and Leasing will meet all the training requirements for this cross section of the legal sector.

4 Recommended access to the Group Award

Access to this PDA will ultimately be at the discretion of the delivering centre. However, candidates 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. Candidates would normally be expected to have competence in *Communication* at SCQF level 6 or equivalent.

Candidates who have achieved either the HNC or HND in Legal Services, who are not yet employed as a paralegal, would have some evidence towards the PDA in the form of Units F1B2 35 *Conveyancing* and F1A5 34 *Property Law*, provided their evidence is still judged to demonstrate current competence. These candidates may wish to complete the PDA with a view to securing a post as a paralegal in Scotland in the near future.

Candidates who have undertaken the Unit F1A5 34 *Property Law* should ensure that they provide the evidence required in the revised, updated version of the Unit FN5N 34, either by registering for the new Unit or by Accreditation of Prior Learning (APL).

Candidates 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, candidates should ensure it attests to current competence.

5 Group Award structure

5.1 Award structure

The PDA in Commercial Conveyancing and Leasing at SCQF level 8 consists of five mandatory Units with a total of 48 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
Applying Scots Property Law	H3YL 34*	8	7	1
Domestic Conveyancing	HP9M 35*	16	8	2
Commercial Conveyancing	FN5P 35	8	8	1
Commercial Leasing	FN5R 35	8	8	1

*Refer to History of Changes for revision changes.

5.2 Conditions of the Group Award

The PDA in Commercial Conveyancing and Leasing at SCQF level 8 will be awarded to candidates who achieve the five mandatory Units totalling 48 SCQF credit points at SCQF level 8.

5.3 Linkage of Units to the aims of the Group Award

As discussed earlier, the Units are specifically designed to achieve the aims of the Group Award, specific, general and organisational. The table below summarises how this is achieved.

Unit title	General aims	Specific aims
Essential Skills for Paralegals	1, 2, 3, 4, 5, 6, 7	1, 2
Applying Scots Property Law	1, 2, 4, 5, 6	3
Domestic Conveyancing	1, 2, 4, 5, 6	3
Commercial Conveyancing	1, 2, 4, 5, 6	3
Commercial Leasing	1, 2, 4, 5, 6	3

The underlying thinking behind the Group Award is that achieving the specific aims will, as a direct consequence, achieve the general aims both for the individual and the organisation/employer.

5.4 Core Skills

The PDA in Commercial Conveyancing and Leasing will provide candidates with opportunities to enhance relevant components of Core Skills to and beyond the maximum level currently recognised — SCQF level 6. A signposting exercise was carried out which mapped Core Skills criteria to Units and course activities (Appendix 1).

Research for the PDA established the particular importance to employers of Core Skills in *Communication, Information and Communication Technology (ICT)* and *Working with Others*.

To ensure that candidates already have advanced skills in reading, writing, talking and listening, the recommended Unit entry profile is SCQF level 6 in *Communication* skills. The award has also been developed to enhance these skills by taking account of the general professional standards for communication, namely:

- ◆ identifying different communication options and selecting the communication form which is appropriate to the particular situation and/or client.
- ◆ producing communications which meet client or supervising solicitor instructions, and which are fit for purpose.

Awareness of professional standards and the additional or specific communication skills relevant to the particular Legal Domain 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.

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. 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 commercial conveyancing and leasing.

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. Communicating by explaining and listening and *Working with Others* will be effectively developed in contextualised formative activities. 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.

Skills in the independent use of *Information and Communication Technology (ICT)* are integral to the effective accessing, retrieving and presentation of a complex range of legal information and documents. The development by candidates of efficient electronic systems of recording, coding and storing evidence is essential. 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. All candidates 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.

All elements of the Core Skill of *Problem Solving* — Critical Thinking, Planning, Organising, Reviewing and Evaluating — are naturally developed as candidates apply theoretical knowledge to complete complex, practical tasks. Identification and analysis of all factors involved, including those of legal/statutory requirements, client and business needs, is central to achievement. 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 an ability to source and apply complex information with attention to detail. Although candidates 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.

Although not identified as a specific need by employers, aspects of the Core Skill of *Numeracy* are applied in the settlement of legal transactions associated with conveyancing and leasing. An overview of the principles of yields, profits and returns and secure understanding of relevant tax issues will underpin accuracy in the interpretation and presentation of complex numerical data.

5.5 Mapping to the Law Society of Scotland paralegal competences

It is the intention that the new PDA in Commercial Conveyancing and Leasing will meet all the training requirements for this cross section of the legal sector, mapping to relevant domain-specific as well as the general paralegal competences from the Law Society of Scotland.

The general paralegal competences cover the knowledge, skills, values and attitudes which all paralegals, regardless of their legal specialism, need to demonstrate in the course of their work. Under each of these categories there are specific criteria to be met, many of which are specific to the workplace and specific to individual workplaces, eg compliance with office procedures. In general, therefore, the Units cover the necessary knowledge requirements in the general competencies but not all of the specific criteria in the general practical competences. For example, 'Understanding and using proper business and professional etiquette within an electronic environment' is part of the conduct of a paralegal covered in the *Essential Skills for Paralegals* Unit, and knowledge evidence for this will be obtained, rather than product evidence which is required in the Law Society of Scotland competences.

The Units have been produced to cover the necessary domain-specific practical skills. There are some general practice skills (such as interviewing clients, advocacy, negotiation, undertaking CPD) which can only be met by paralegals providing evidence from the workplace for these very specific criteria. In this instance, the mapping indicates that the Units do not cover these criteria. Evidence for these will be obtained when paralegals undertake the one-year pre-registration requirement in the workplace. Other general competence criteria such as 'use computers and word processors appropriately for carrying out and producing his/her work' are covered implicitly in the Units as part of other competences being performed, such as undertaking legal research techniques, or producing relevant legal documents.

In summary, those competences which are not explicitly assessed in the Units are very specific workplace competences which will be met during the paralegal's pre-registration year in the workplace.

Mapping of Law Society of Scotland Commercial Conveyancing and Leasing Law Domain Standards

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
KNOWLEDGE		<ul style="list-style-type: none"> ◆ Knowledge, understanding, familiarity and awareness as required in the particular Legal Domain 	✓	✓	✓	✓	✓
	Technical Skills	<ul style="list-style-type: none"> ◆ Accuracy, literacy and numeracy ◆ Information Technology ◆ Office equipment ◆ Office systems and procedures 	✓	✓	✓	✓	✓
	Organisational Skills	<ul style="list-style-type: none"> ◆ Personal management ◆ File management 	✓	✓	✓	✓	✓
	Communication Skills	<ul style="list-style-type: none"> ◆ Generally ◆ Face to face communication ◆ Written communication ◆ Electronic communication 	✓	—	✓	✓	✓
	Inter-personal Skills		✓	—	✓	✓	✓

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
	Practice Skills	<ul style="list-style-type: none"> ◆ Research ◆ Interviewing ◆ Writing and drafting ◆ Negotiation (if required in the Legal Domain) ◆ Advocacy (if required in the Legal Domain) 	✓ ✓ ✓ ✓ ✓	✓ — ✓ — —	✓ ✓ ✓ ✓ —	✓ ✓ ✓ ✓ —	✓ ✓ ✓ ✓ —
VALUES AND ATTITUDES	Legal and ethical values						
	Attitude/s						
	Focus:	<ul style="list-style-type: none"> ◆ Professional ◆ Client 	✓ ✓	— —	✓ ✓	✓ ✓	✓ ✓

KNOWLEDGE (cont)	Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
<ul style="list-style-type: none"> ◆ how a purchaser obtains a good, valid and marketable title. ◆ the requirements for registration of charges. ◆ the law and basic principles of Sasines and Land Registered Title. ◆ the timescales involved in conveyancing transactions, particularly in relation to registration of deeds and registration of charges. ◆ the process of registration with different registers. ◆ procedure and requirements in relation to SDLT ◆ understands how Commercial Conveyancing interacts with other areas of law and practice and knows when to refer matters (eg TUPE, Licensing, Environmental, Planning, Litigation, Construction, Tax, Corporate, Banking, etc). 	<p style="text-align: center;">— — — — — — —</p>	<p style="text-align: center;">— — — — — — —</p>	<p style="text-align: center;">✓ ✓ ✓ ✓ ✓ ✓ —</p>	<p style="text-align: center;">✓ ✓ ✓ ✓ ✓ ✓ ✓</p>	<p style="text-align: center;">— — — ✓ ✓ ✓ ✓</p>
<p>Demonstrate knowledge of and familiarity with:</p> <ul style="list-style-type: none"> ◆ Conveyancing and Feudal Reform (Scotland) Act 1970 ◆ Land Registration (Scotland) Act 1979 ◆ Requirements of Writing (Scotland) Act 1995 ◆ Abolition of Feudal Tenure (Scotland) Act 2000 ◆ Finance Act 2003 ◆ Title Conditions (Scotland) Act 2003 ◆ Proceeds of Crime Act 2003 	<p style="text-align: center;">— — — ✓ — — — —</p>	<p style="text-align: center;">— — — ✓ — — — —</p>	<p style="text-align: center;">✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓</p>	<p style="text-align: center;">✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓</p>	<p style="text-align: center;">✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓</p>

KNOWLEDGE (cont)	Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
<ul style="list-style-type: none"> ◆ Tenements (Scotland) Act 2004 ◆ Companies Act 2006 ◆ Anti-Money Laundering Regulations 2007 ◆ Registration of Title Practice Book Scotland ◆ Stamp Duty Land Tax Forms ◆ PSG Styles ◆ Oyez Legal Forms or Registers of Scotland E-Forms ◆ Companies House Forms 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓
<p>Demonstrate knowledge of and familiarity with:</p> <ul style="list-style-type: none"> ◆ the Commercial Conveyancing market in Scotland. ◆ Keeper's Updates. ◆ guidance on the HMRC website. ◆ the different implications in terms of procedures and law depending on which party is being acted for in the transaction: 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓

KNOWLEDGE (cont)	Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
Purchaser: Deeds to be registered, returns to Companies House, SDLT returns, arrangements to pay purchase price (being aware of timing issues), payments and deposits, Searches, Deeds of Restriction, Discharges, Dispositions, Examination of Title. Seller: Exhibition of Titles, Searches, Deeds of Restriction, Discharges, Dispositions. Landlord: Services of notice, Break Options, Rent Review Triggers, Dilapidations Tenant: Payment of rent, SDLT returns, Break Options, Continuing obligations under the lease, Dilapidations Lender: Preparation of Securities, Registration of Securities, Registration of Charges.	— — — — —	— — — — —	✓ ✓ — — ✓	✓ ✓ — — ✓	✓ ✓ ✓ ✓ ✓
Demonstrate an awareness of: <ul style="list-style-type: none"> ◆ the Carbon Reduction Commitment Energy Efficiency scheme ◆ Automated Registration of Title to Land (ARTL) ◆ the law and basic principles of personal and real rights; Sasines and registered titles; special destinations; the giving and taking of security. ◆ Stamp Duty Land Tax requirements and operational procedures. ◆ situations where notices may be required to be served 	— — — — —	— — ✓ — —	— ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓

SKILLS			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
<i>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:</i>							
Technical Skills	Accuracy, literacy and numeracy	<ul style="list-style-type: none"> ◆ 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. ◆ that he/she is able to: <ul style="list-style-type: none"> — carry out calculations to produce accurate completion statements — enable states for settlement and rental apportionments 	✓ ✓ ✓ ✓ ✓	— — — — —	✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓
	Information Technology	<ul style="list-style-type: none"> ◆ 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. 	✓ ✓ ✓	— — —	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓

SKILLS (cont)			Essential Skills for	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
		<ul style="list-style-type: none"> ◆ that he/she is able to: <ul style="list-style-type: none"> — complete applications and carry out other aspects of a commercial conveyance electronically, where appropriate — submit SDLT forms electronically — use the following websites: <ul style="list-style-type: none"> – Registers of Scotland – Companies House 	— — —	— — —	— ✓ ✓	✓ ✓ ✓	✓ ✓ ✓
	Office equipment	<ul style="list-style-type: none"> ◆ that he/she is able to use office equipment such as voicemail, photocopier, fax competently and effectively. ◆ 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. 	✓ ✓	— —	✓ ✓	✓ ✓	✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
	Office systems and procedures	<ul style="list-style-type: none"> ◆ that he/she is able to use office business systems and resources appropriately and effectively, whether paper-based or computerised, including employing organisation's forms and precedents. ◆ compliance with office procedures, including time recording. ◆ compliance with all quality standards, and other policies and processes of employer organisation. 	✓ ✓ ✓	— — —	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓
Organisational Skills	Personal management	<ul style="list-style-type: none"> ◆ 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. ◆ 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. 	✓ ✓ ✓	— — —	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
		<ul style="list-style-type: none"> ◆ that he/she is able to use paper-based and/or electronic diaries and electronic task management systems to plan time and work effectively. ◆ that he/she only accepts work which he/she feels competent to undertake. ◆ 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. ◆ 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. ◆ 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. ◆ 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. 	✓ ✓ ✓ ✓ ✓ ✓	— — — — — —	✓ ✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
		<ul style="list-style-type: none"> ◆ that he/she recognises where a transaction is non-standard or includes non standard elements, and refers this to his/her supervising solicitor. ◆ that he/she passes on messages promptly and undertakes communications/ action arising from telephone calls, meetings or client interviews. 	✓ ✓	— —	✓ ✓	✓ ✓	✓ ✓
	File management	<ul style="list-style-type: none"> ◆ good file management practices in terms of: <ul style="list-style-type: none"> — opening new files — filing documents and correspondence as appropriate — keeping filing up to date — taking and filing accurate notes of telephone calls and meetings — closing file when completed or instructed to close file ◆ that he/she is able to lodge documents or applications in the correct form, at the correct place and at the correct time. 	✓ ✓	— —	✓ ✓	✓ ✓	✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
Communication Skills	Generally	<ul style="list-style-type: none"> ◆ that he/she is able to communicate effectively with those with whom he/she needs to work, particularly the Supervising Solicitor, and with clients, the other side, relevant bodies and authorities, as appropriate, including: <ul style="list-style-type: none"> — identifying different communication options and selecting the communication form which is appropriate to the particular situation and/or client. — producing communications which meet client or Supervising Solicitor instructions, and which are fit for purpose. ◆ confidence and assurance in his/her dealings with people, whether in person or over the telephone. ◆ that he/she is able to summarise aspects of Scots Law to clients unfamiliar with Scots Law processes. 	✓	—	✓	✓	✓
			✓	—	✓	✓	✓

SKILLS (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
	Face to face communication	<ul style="list-style-type: none"> ◆ that he/she is able to communicate effectively in face-to-face situations, can listen and check understanding. ◆ that he/she is able to communicate effectively by telephone, including: <ul style="list-style-type: none"> — using appropriate telephone answering and handling techniques — using a good telephone manner which is efficient and polite — being able to establish the content and nature of telephone calls from the caller ◆ that he/she understands the differences of approach with other professions and trades (especially surveyors, accountants, estate agents and builders). 	✓ ✓	— —	✓ ✓	✓ ✓	✓ ✓
	Written communication	<ul style="list-style-type: none"> ◆ that he/she is able to communicate effectively in writing: <ul style="list-style-type: none"> — using clear language, correct spelling and appropriate grammar, syntax and punctuation — demonstrating attention to detail — adopting a style appropriate to the recipient 	✓	—	✓	✓	✓

SKILLS (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
	Electronic communication	<ul style="list-style-type: none"> ◆ that he/she is able to use electronic communications effectively and appropriately, including: <ul style="list-style-type: none"> — understanding and using proper business and professional etiquette within an electronic environment — understanding the difference between letters and e-mails and when the latter are appropriate — properly managing e-communications to avoid risk, including archiving e-mails safely and accurately 	✓	—	✓	✓	✓
	Inter-personal Skills	<ul style="list-style-type: none"> ◆ that he/she is able to develop and maintain effective working relationships with clients, colleagues (in particular the Supervising Solicitor) and others to achieve goals and to identify and resolve problems. ◆ that he/she is able to work effectively as part of a team including: <ul style="list-style-type: none"> — working co-operatively and willingly with others in own and other's teams — communicating effectively with those with whom the paralegal needs to work 	✓ ✓	— —	✓ ✓	✓ ✓	✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
		<ul style="list-style-type: none"> — knowing when to ask for support from, or to offer support to, other team members — knowing when to refer issues or ask for guidance from Supervising Solicitor 					
Practice Skills	Research	<ul style="list-style-type: none"> ◆ that he/she knows where to look for and find information required to carry out his/her work. ◆ that he/she is able to use key primary (eg Acts, Regulations, etc) and secondary (eg key text and reference books) sources. ◆ that he/she knows where to look for and find information required to carry out his/her work 	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>
	Interviewing	<ul style="list-style-type: none"> ◆ that he/she is able to conduct a client-centred interview effectively, including: <ul style="list-style-type: none"> — preparing for the interview appropriately — listening and eliciting required legal, personal and factual information, and full instructions from client — recording all relevant factual, legal, procedural and evidential matters arising in relation to the client's matter in a file note for future reference 	<p style="text-align: center;">✓</p>	<p style="text-align: center;">—</p>	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p>

SKILLS (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
	Writing and drafting	<ul style="list-style-type: none"> ◆ that he/she is able to write letters or reports appropriate for the recipient or audience and which achieve their purpose, including: <ul style="list-style-type: none"> — communicating clearly, concisely and unambiguously and appropriately with clients, solicitors, non-solicitors and others — tailoring style of communication to suit the purpose of the communication and the needs of different clients and other recipients — producing communications which meet client or Supervising Solicitor instructions following internal protocols, conventions and using required styles and/or precedents ◆ that he/she is able to draft documents which are: <ul style="list-style-type: none"> — well-organised — valid in terms of content and form — use correct legal terminology — address relevant legal and factual issues accurately — ensuring documents are validly executed and registered in relevant registers, where necessary 	✓	—	✓	✓	✓
			✓	—	✓	✓	✓

SKILLS (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
		<ul style="list-style-type: none"> ◆ that he/she is able to use precedent documents and styles by: <ul style="list-style-type: none"> — identifying the appropriate precedent document or style required — adapting the precedent document or style to the particular context — understanding when non-standard variations may be needed and referring to Supervising Solicitor. ◆ that he/she is able to complete prescribed forms accurately. ◆ that he/she is able to produce or prepare other required documentation which is: <ul style="list-style-type: none"> — accurate — well-organised — appropriate. ◆ that he/she is able to complete <ul style="list-style-type: none"> — Sasine Application Forms — Registration forms — Registers of Scotland Forms — SDLT Forms — Standard securities forms ◆ If appropriate, that he/she is able to <ul style="list-style-type: none"> — prepare plans 	✓	—	✓	✓	✓
			✓	—	✓	✓	✓
			✓	—	✓	✓	✓
			—	—	✓	✓	✓
			—	—	✓	✓	—

SKILLS (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
(if required for the specific Legal Domain)	Negotiation	<ul style="list-style-type: none"> ◆ that he/she is able to take part in a negotiation effectively, including: <ul style="list-style-type: none"> — preparing appropriately for the negotiation — negotiating — within the agreed instruction and remit — negotiating according to the practice and conventions of Commercial Conveyancing transactions 	—	—	✓	✓	✓
	Advocacy	<ul style="list-style-type: none"> ◆ that he/she is able to advocate a case on behalf of a client effectively in accordance with relevant rules and procedure, in cases where a Registered Paralegal has jurisdiction and authority to appear, or where preparing on behalf of the Supervising Solicitor where the Supervising Solicitor will appear, including: <ul style="list-style-type: none"> — preparing appropriately for the submission — using legal authorities, relevant facts and documentation in preparation for, and during, a submission — using effective speaking skills — demonstrating an understanding of the relevant rules, ethics and conventions governing advocacy 	—	—	—	—	—

VALUES AND ATTITUDES			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
<i>By the end of the period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate that he/she:</i>							
Legal and ethical values		<ul style="list-style-type: none"> ◆ understands and complies with the Standards, and refers to the Standards of Conduct and Service for Scottish Solicitors. ◆ adheres to rules issued by the Society in respect of completion of ten hours of Registered Paralegal CPD per annum by way of qualifying activities recognised for solicitors' CPD. 	✓ ✓	— —	✓ ✓	✓ ✓	✓ ✓
		<ul style="list-style-type: none"> ◆ understands that responsibility for legal work undertaken rests with the Supervising Solicitor, including in relation to execution and signing of documentation. ◆ only accepts work which they feel competent to undertake. ◆ is clear as to the work and responsibilities delegated to them by the Supervising Solicitor, and understands the limits in relation to that role. ◆ 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. 	✓ ✓ ✓ ✓	— — — —	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓

VALUES AND ATTITUDES (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
		<ul style="list-style-type: none"> ◆ 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. ◆ 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. ◆ recognises where a transaction is non-standard or includes non standard elements and refers to Supervising Solicitor. ◆ updates Supervising Solicitor, client, court or others as appropriate, by conveying the appropriate information to the appropriate person. ◆ engages with continuing professional and personal development, including: <ul style="list-style-type: none"> — being aware of the importance to self-assess, reflect and develop personally and professionally — assessing/identifying where development is required — evaluating strengths and weaknesses of own skills and knowledge, and working with Supervising Solicitor to set learning targets 	 ✓ ✓ ✓ ✓ ✓	 — — — — —	 ✓ ✓ ✓ ✓ ✓	 ✓ ✓ ✓ ✓ ✓	 ✓ ✓ ✓ ✓ ✓

VALUES AND ATTITUDES (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
Focus	Professional	<ul style="list-style-type: none"> ◆ understands and adheres to good practice in carrying out the work he/she is instructed to do. 	✓	—	✓	✓	✓
	Client	<ul style="list-style-type: none"> ◆ works in a client-centred way and manages client service well, including: <ul style="list-style-type: none"> — being aware of the differences in acting for different types of client — communicating effectively with clients, following the terms of engagement that have been agreed with the client keeps client informed of progress on a regular basis — informs Supervising Solicitor of any client complaint immediately that it arises — regularly updating Supervising Solicitor on work being done for clients 	✓	—	✓	✓	✓

VALUES AND ATTITUDES (cont)			Essential Skills for Paralegals	Applying Scots Property Law	Domestic Conveyancing	Commercial Conveyancing	Commercial Leasing
		<ul style="list-style-type: none"> ◆ manages client expectations. ◆ is able to advise the client on the legal consequences of the client's instructions. ◆ that he/she is aware of: <ul style="list-style-type: none"> — when practice guidelines do/do not apply — the professional values for those outwith the legal profession (especially surveyors, accountants, estate agents, builders) ◆ the need to refer matters to solicitors and/or other professionals. 	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>—</p> <p>—</p> <p>—</p> <p>—</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

5.6 Career progression opportunities

It should be noted that employment in this area of work is not confined to the private legal sector. In the public sector throughout Scotland, a high number of people are employed to deal with commercial conveyancing and leasing and at this time there is no specific training available for them. The training would also be suitable for those employed in other sectors including property investment companies and financial institutions dealing with loans and securities involving property.

6 Approaches to delivery and assessment

The 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 and aims to continue doing so during 2011/2012. 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 candidates and those undertaking the individual PDAs. These materials can be accessed online through SQA Academy using a given 'enrolment key' and candidates 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. Candidates 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 candidates, 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 candidates can learn not only how to perform certain tasks but also explore in depth the reasons why they are needed. Candidates 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 candidates to practise their use of oral skills in context, including active listening techniques.

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	FN5N 34	<i>Property Law</i>
3	F1B2 <u>35/HP9M 35</u>	<i>Conveyancing/Domestic</i>
4	FN5P 35	<i>Commercial Conveyancing</i>
5	FN5R 35	<i>Commercial Leasing</i>

Where practical, assessment is holistic, that is, the whole of the Unit can be assessed in an integrated task. This is an efficient approach that reflects the demands of the workplace. For example, in the *Commercial Leasing* Unit a maximum of two case studies can cover all four Outcomes, one covering a commercial lease transaction and one covering the management documentation. Candidates must also provide written or oral evidence of knowledge. 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 candidates 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 candidate 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.

7 General information for centres

Disabled candidates and/or those with additional support needs

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

Internal and external verification

All instruments of assessment used within this Group Award 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).

8 General information for candidates

The aim of the Professional Development Award (PDA) in Commercial Conveyancing and Leasing 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 Commercial Conveyancing and Leasing at SCQF level 8 is made up of five mandatory Units:

1	FT5R 35	<i>Essential Skills for Paralegals</i>
2	FN5N 34	<i>Property Law</i>
3	F1B2 35/ <u>HP9M 35</u>	<i>Conveyancing/<u>Domestic Conveyancing</u></i>
4	FN5P 35	<i>Commercial Conveyancing</i>
5	FN5R 35	<i>Commercial Leasing</i>

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.

Within 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.

Within 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 *Property Law* Unit is designed to introduce you to the basic concepts which govern the ownership of various types of property in Scotland. Particular emphasis will be placed on the different ways in which an item of property can be classified. You will have to demonstrate that you can satisfactorily describe an item of property by applying the correct classification used in Scotland. The Unit will also focus on how land is owned in Scotland and the various obligations or duties which are imposed on a landowner including those rules and regulations applicable to leased properties, both residential and commercial and relating to both tenant and landlord/owner. From your study of this area, you will learn to appreciate that a landowner is not entitled simply to do anything he or she pleases in relation to property, and the rights of his or her neighbours must be given due consideration. Additionally, you will study the most important rules governing the transfer and delivery of moveable property. You will be expected to apply the various legal rules which govern the ownership and delivery of the most common types of corporeal and incorporeal property. Finally, you will study the rules and procedures relating to building control, the process to be followed when making a planning application or consent for alterations, and the importance of the paperwork issued once all approvals are granted.

The *Conveyancing/Domestic Conveyancing* Unit is designed to introduce you to the basic concepts of buying and selling heritable property in Scotland. Particular emphasis will be placed on the purchase and sale of residential property, ie houses and flats. You will also become familiar with the documentation required for transferring the ownership of heritable property and the need for the new owner to record his/her title to the property in the Land Register. You will have to demonstrate that you can complete a contract of sale ('the missives') for heritable property. You will also have to carry out the appropriate searches in relation to heritable property and demonstrate a clear understanding of current procedures for registering the owner's title to heritable property. The Unit will also focus on common survey techniques used for valuing heritable property and the most common methods by which buyers finance the purchase of the property (standard securities/mortgages).

The *Commercial Conveyancing* Unit is designed to introduce you to the basic procedures necessary to allow you to purchase or sell commercial premises. You will be introduced to the documentation that is required to transfer the ownership of such premises. You will complete a legally binding set of missives for a commercial purchase or sale, complete relevant title, security and other associated documentation, complete the necessary registration procedures for deeds in relation to a sale or purchase, and prepare a valid Stamp Duty Land Tax return for a straightforward commercial purchase.

The *Commercial Leasing* Unit is designed to introduce you to the basic procedures necessary to allow you to acquire commercial premises on behalf of a client by way of a commercial letting. You will be introduced to the documentation that is required to transfer/create the tenancy of the premises. You will have to demonstrate the knowledge and understanding you have gained from the Unit that will allow you to (1) explain a contract of lease, (2) produce required drafts, (3) deal with settlement, and (4) draft/prepare any associated management and/or security documentation. You will gain an insight into the differences between acting on behalf of a landlord and a tenant. You will also have to demonstrate your understanding of the current procedures for registering the tenant's title.

The Units are likely to be assessed using a range of case studies and structured or multiple choice type questions. Those candidates 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.

9 Glossary of terms

SCQF: This stands for the Scottish Credit and Qualification Framework, which is a new way of speaking about qualifications and how they inter-relate. We use SCQF terminology throughout this guide to refer to credits and levels. For further information on the SCQF visit the SCQF website at www.scqf.org.uk

SCQF credit points: One HN credit is equivalent to 8 SCQF credit points. This applies to all HN Units, irrespective of their level.

SCQF levels: The SCQF covers 12 levels of learning. HN Units will normally be at levels 6–9. Graded Units will be at level 7 and 8.

Subject Unit: Subject Units contain vocational/subject content and are designed to test a specific set of knowledge and skills.

Graded Unit: Graded Units assess candidates' ability to integrate what they have learned while working towards the Units of the Group Award. Their purpose is to add value to the Group Award, making it more than the sum of its parts, and to encourage candidates to retain and adapt their skills and knowledge.

Dedicated Unit to cover Core Skills: This is a non-subject Unit that is written to cover one or more particular Core Skills.

Embedded Core Skills: This is where the development of a Core Skill is incorporated into the Unit and where the Unit assessment also covers the requirements of Core Skill assessment at a particular level.

Signposted Core Skills: This refers to the opportunities to develop a particular Core Skill at a specified level that lie outwith automatic certification.

Qualification Design Team: The QDT works in conjunction with a Qualification Manager/Development Manager to steer the development of the HNC/HND from its inception/revision through to validation. The group is made up of key stakeholders representing the interests of centres, employers, universities and other relevant organisations.

Consortium-devised HNCs and HNDs are those developments or revisions undertaken by a group of centres in partnership with SQA.

Specialist single centre and specialist collaborative devised HNCs and HNDs are those developments or revisions led by a single centre or small group of centres who provide knowledge and skills in a specialist area. Like consortium-devised HNCs and HNDs, these developments or revisions will also be supported by SQA.

10 Appendices

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

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