



**Arrangements for:
Professional Development Award
(PDA) in Employment Law
at SCQF level 8**

Group Award Code: GD22 48

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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 Employment Law at SCQF level 8 which was validated in July 2011. 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 Employment Law at SCQF level 8 has been developed as part of a suite of awards for paralegals in close collaboration with the Scottish Paralegal Association (SPA); the Law Society of Scotland; 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 that have experience in the relevant area or individuals wishing to begin employment as paralegals. The PDA in Employment Law is aimed at paralegals working in this specialism in private practice or Local Authorities, or at those providing advice within HR departments or voluntary organisations within Scotland. For the sake of brevity, the term 'paralegal' will be used in this document to refer to legal support staff working in private practice, Local Authorities, HR departments or voluntary organisations such as Citizens Advice.

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 those seeking registration to have a formal qualification in legal studies 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 employment law.

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 has driven the initiative to develop 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 are:

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

SQA is working with the Law Society to ensure the relevant domain competences are embedded into the PDAs where appropriate. However, at this time no application has been made to the Law Society for a domain to be registered for Employment Law, and it is not clear when that will happen. There is an increase in the number of people working in this specialist area, although most employment law advice is being provided by firms which the Law Society of Scotland would term as 'non-solicitors', but that doesn't necessarily mean that the work is not being done under a supervising solicitor. In the meantime, the provision of a nationally recognised and quality assured qualification in Employment Law will highlight this specialist area of work, and provide paralegals currently working in the area with the means to have their CPD recognised and to gain a national qualification.

(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/D 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/HD 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 three PDAs in Conveyancing, Debt Recovery and Executries.

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 Commercial Conveyancing and Leasing, Family Law, and Law Relating to Adults with Incapacity, in addition to Employment Law.

2.2 Nature and purpose of the Group Award

The aim of this PDA in Employment Law 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, eg within HR teams, Citizens Advice Bureaux, Local Authority legal teams and commercial in-house legal teams. 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.

Employment law is an area which has been affected by the recession but, unlike other areas such as conveyancing where business has fallen, the ongoing effects of the recession have meant an increase in clients seeking advice and assistance in this sector, both employers and employees. Legal firms, particularly those in the top 10 in Scotland, have recognised the increase in those seeking advice in this specialist area, and the continuing changes in law being applied, and have increased their specialist resource to meet this demand. A sign of the increased growth in this market is the formation of specialist 'stand alone' commercial companies offering legal advice on employment law issues (owned and staffed by qualified solicitors and support staff).

Presently, there is no nationally recognised training in place to ensure that those paralegals working in this specialised area have the in-depth knowledge and skills to do so.

This is an area of work which involves a high level of documentation and where often work has to be carried out to tight deadlines, particularly where a tribunal hearing is involved. The sector has indicated that there are particular areas in which paralegals can be invaluable, such as:

- ◆ Dealing with witnesses and taking statements
- ◆ Assisting with responses to tribunal orders and ensuring compliance
- ◆ Collating documents and preparation of productions
- ◆ Assisting at case management discussions, pre-hearing reviews and attendance and support at full hearings
- ◆ Assistance with completion of sex discrimination questionnaires and equal pay questionnaires

Paralegals working within the context of employment law will also have direct contact with clients and other parties. Often the solicitor can spend a considerable amount of time out of the office in meetings or at tribunals/court, and when this happens the paralegal can be a contact for clients. However, paralegals are not expected to give clients advice without consultation with their supervising solicitor. Misinformation can have damaging consequences; therefore, as agreed with the consultation groups, the Units clearly include the statement: 'Advice should only be given to clients under the direction of a supervising solicitor'. The PDA will also ensure that the paralegal has the skills and knowledge to act correctly at the level of responsibility given by the employer, and also to apply for registration with the Law Society of Scotland to highlight their competence in this field.

Clients (both employers and employees) can be in stressful situations and need advice and action as a matter of urgency. It is therefore essential that those carrying out the work are properly trained and have the skills and knowledge to do so correctly. Just as important is the fact that they should be aware of the consequences arising when work is not carried out correctly.

This is also an area of legal work where any conflict of interest and also confidentiality are paramount, and this is something of which students can be made aware under the Ethics section of the Unit *Essential Skills for Paralegals*.

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

This new PDA will be recognised as a formal qualification for entry into the Registered Paralegal Scheme at such times as Employment Law is developed as a new Legal Domain.

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 2010/11.

The responses were very supportive of this PDA. Feedback 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.

To confirm the applicability of the proposed award to the wider employer group, in October 2010 a Consultation Group meeting was held with representatives from private practice, an HR team, a Local Authority and the FE sector.

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 employment law).
- ◆ 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

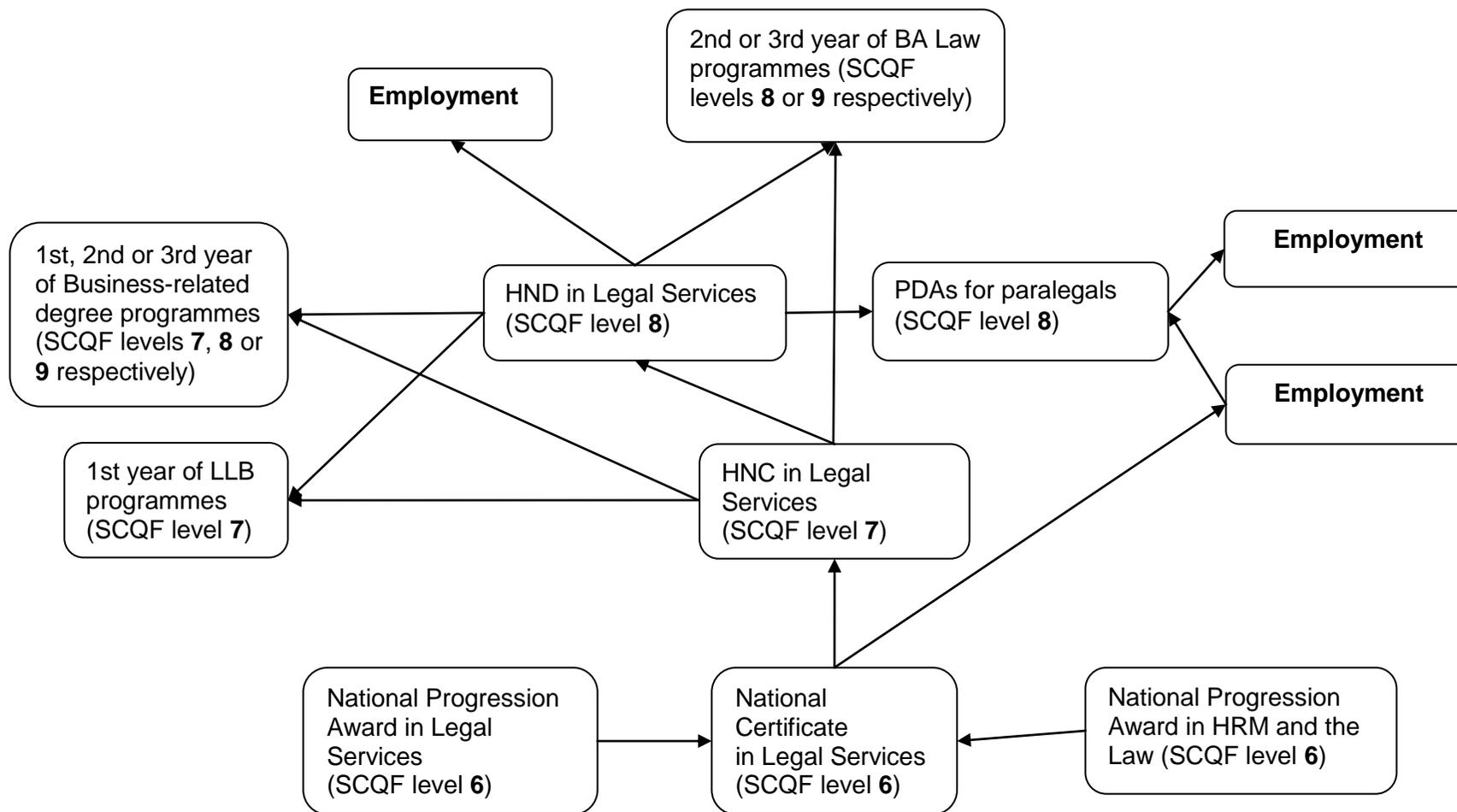
Possible pathways and progression routes are outlined below.

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 this PDA 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.
- 8 Develop Core Skills and transferable skills such as *Communication*.

3.3 Specific aims of the Group Award

The specific aims of this PDA are to:

- 1 Equip candidates with 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 employment law sector so they can work in the legal sector or within a legal context in a variety of organisations including commercial, public and voluntary organisations. Namely, ensure the candidate has the knowledge and skills to:
 - ◆ explain the nature of the employment relationship and an employee's statutory rights.
 - ◆ draft an employment contract.
 - ◆ explain the remedies available following a breach of contract and explain how a contract of employment can come to an end.
 - ◆ draft a compromise agreement.
 - ◆ explain the potentially fair reasons why an employee may be dismissed.
 - ◆ advise on the remedies available to those who have been unfairly dismissed.

- ◆ draft tribunal pleadings.
- ◆ assess the potential value of a claim and explain why the parties would choose to negotiate settlement.
- ◆ explain the differences between the various hearings and assist with the preparation for hearings.

3.4 Target groups

The PDA in Employment Law is aimed at trainee paralegals and experienced paralegals that are employed in a paralegal role 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 employment law.

It should be noted that employment in this area of work is not confined to the private legal sector. Often those working in voluntary organisations providing advice and assistance such as Citizens Advice, and those working in HR teams, recruitment agencies and Local Authority legal teams, would also benefit from this training.

It is the intention that the PDA in Employment Law 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, or as an HR officer.

Candidates would normally be expected to have competence in *Communication* at SCQF level 6 or equivalent and should normally have completed Unit F1A7 34 *Scottish Legal System* and Unit FN4X 12 *Law of Contract: An Introduction* (SCQF level 6) or have similar qualifications or experience.

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 *Essential Skills for Paralegals* Unit, in the form of Units F50D 35 *Legal and Ethical Issues*, F1A3 34 *Legal Secretarial Practice* and F1B1 35 *Legal Research Techniques*, 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.

5 Group Award structure

5.1 Award Structure

The PDA in Employment Law at SCQF level 8 consists of four mandatory Units with a total of 40 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
Employment Relationship and the Employment Contract	FT2C 35	16	8	2
Unfair Dismissal	FT2A 35	8	8	1
Employment Tribunal Procedure and Practice	FT5T 35	8	8	1

5.2 Conditions of the Group Award

The PDA in Employment Law at SCQF level 8 will be awarded to candidates who achieve the four mandatory Units totalling 40 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, 8	1, 2
Employment Relationship and the Employment Contract	2, 3, 4, 5, 6, 7, 8	3
Unfair Dismissal	2, 3, 4, 5, 6, 7, 8	3
Employment Tribunal Procedure and Practice	2, 3, 4, 5, 6, 7, 8	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 Employment Law 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*, *Problem Solving* 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. Opportunities for evidencing competence in complex oral communication may also be provided by supplementary questioning, sampling, or the option of oral explanation.

The ability to retrieve, apply 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 PDAs, which involve a range of procedures and transactions related to essential and ancillary documentation associated with mutuality of obligation and control according to employment law.

Raising awareness of theories about and methods for negotiating positive outcomes and overcoming conflict is particularly important to the study of employment law. Candidates will develop their own interpersonal skills by explaining, describing and listening — *Working with Others* — in discussion of contextualised case studies which focus on the benefits of negotiation and compromise.

All elements of the core skill of *Problem Solving* — Critical Thinking, Planning, Organising, Reviewing and Evaluating — are naturally developed as candidates apply concepts to analyse fictitious case studies, identify remedies available and manage and complete typical tasks relating to employment law. An overview of current legal/statutory requirements underpins examination of all factors that may be taken into account by a court or tribunal. Assessment of contractual status, the potential value of claims and consideration of the component elements of compensation available will all be considered. Although candidates work independently to complete practical tasks there will be on-going discussion of case studies with opportunities to review and evaluate best practice in approaches and solutions. Attention to detail and awareness of the limitations of the information and advice given to clients by the paralegal is integral to achievement.

Although not identified by employers as specific skills, both *Numeracy* and the independent use of *Information and Communication Technology (ICT)* are essential to effective accessing, retrieving and presentation of a complex range of legal information and documents. *Numeracy* is a tool used flexibly to support assessment tasks. Candidates must assess the potential value of claims, provide breakdowns of value and present accurate financial data in an appropriate format. They need an overview of statutory rights with regard to each component element of compensation available. Efficient use should be made of current technology to access and present complex data, with attention to security being routine. Effective electronic systems of recording, coding and storing materials support accuracy and attention to detail.

5.5 Mapping to the Law Society of Scotland paralegal competences

It is the intention that the new PDA in Employment Law will meet all the training requirements for this cross section of the legal sector. At the moment Employment Law is not a registered Legal Domain from the Law Society of Scotland. However, we expect this to become a registered Legal Domain in due course. In the meantime, a mapping of the general competences has been carried out against the Units in the PDA.

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 mapping shows that the Units cover the necessary knowledge requirements in the general competences, 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 Employment Law Domain Standards

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES			Essential Skills for Paralegals	Employment Relationship and Employment Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
KNOWLEDGE		<ul style="list-style-type: none"> ◆ Knowledge, understanding, familiarity and awareness as required in the particular Legal Domain 	✓	✓	✓	✓
SKILLS	Technical Skills	<ul style="list-style-type: none"> ◆ Accuracy, literacy and numeracy ◆ Information Technology ◆ Office equipment ◆ Office systems and procedures 	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓
	Organisational Skills	<ul style="list-style-type: none"> ◆ Personal management ◆ File management 	✓ ✓	✓ ✓	✓ ✓	✓ ✓
	Communication Skills	<ul style="list-style-type: none"> ◆ Generally ◆ Face to face communication ◆ Written communication ◆ Electronic communication 	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓
	Inter-personal Skills					
	Practice Skills	<ul style="list-style-type: none"> ◆ Research ◆ Interviewing ◆ Writing and drafting ◆ Negotiation (if required in the Legal Domain) ◆ Advocacy (if required in the Legal Domain) 	✓ ✓ ✓ ✓ ✓	— ✓ ✓ ✓ —	✓ ✓ ✓ — —	✓ ✓ — — —

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES (cont)			Essential Skills for Paralegals	Employment Relationship and Employment Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
VALUES AND ATTITUDES	Legal and ethical values					
	Attitude/s					
	Focus:	<ul style="list-style-type: none"> ◆ Professional ◆ Client 	<ul style="list-style-type: none"> ✓ ✓ 			

KNOWLEDGE			Essential Skills for Paralegals	Employment Relationship and Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
<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>						
<ul style="list-style-type: none"> ◆ 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. 			✓	✓	✓	✓
<ul style="list-style-type: none"> ◆ apply/his/her knowledge and understanding of the law and procedure/s to a particular matter effectively, and carry out procedures appropriately and efficiently so as to meet the needs of the (i) Supervising Solicitor, and ultimately (ii) the client's needs, objectives and priorities, based on a clear understanding of the client's instructions. 			✓	✓	✓	✓
SKILLS						
<i>By the end of the one year period as a Trainee Registered Paralegal, a paralegal eligible to qualify for Registered Paralegal status should demonstrate:</i>						
Technical Skills	Accuracy, literacy and numeracy	<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. ◆ additional or specific accuracy, literacy and numeracy skills relevant to the particular Legal Domain. 	✓	✓	✓	✓
			✓	✓	✓	✓
			✓	✓	✓	✓
			✓	✓	✓	✓
			✓	✓	✓	✓

SKILLS (cont)			Essential Skills for Paralegals	Employment Relationship and Employment Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
	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. ◆ additional or specific information technology skills relevant to the particular Legal Domain. 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓
	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. ◆ additional or specific use of office equipment relevant to the particular Legal Domain. 	<ul style="list-style-type: none"> ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Employment Relationship and Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
	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. ◆ additional or specific use of office systems and procedures relevant to the particular Legal Domain. 	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓
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	Employment Relationship and Employment Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
		<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	Employment Relationship and Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
		<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. ◆ additional or specific personal management skills relevant to the particular Legal Domain. 	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓
	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. ◆ additional or specific file management skills relevant to the particular Legal Domain. 	✓ — ✓	✓ ✓ ✓	✓ — ✓	✓ ✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Employment Relationship and Employment Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
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 — 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 ◆ additional or specific inter-personal skills relevant to the particular Legal Domain. 	<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>
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. ◆ additional or specific research skills relevant to the particular Legal Domain. 	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>

SKILLS (cont)			Essential Skills for Paralegals	Employment Relationship and Employment Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
	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 ◆ additional or specific interviewing skills relevant to the particular Legal Domain. 	✓	✓	✓	✓
	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 	✓	✓	✓	✓

SKILLS (cont)			Essential Skills for Paralegals	Employment Relationship and Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
		<ul style="list-style-type: none"> ◆ 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 ◆ 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 ◆ additional or specific writing and/or drafting skills relevant to the particular Legal Domain. 	✓	✓	✓	✓
			✓	✓	✓	✓
			✓	—	—	✓
			✓	✓	✓	✓
			✓	✓	✓	✓

SKILLS (cont)			Essential Skills for Paralegals	Employment Relationship and Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
(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 the particular Legal Domain ◆ additional or specific negotiation skills relevant to the particular Legal Domain. 	—	✓	—	—
	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 ◆ additional or specific advocacy skills relevant to the particular Legal Domain. 	—	—	—	✓

VALUES AND ATTITUDES			Essential Skills for Paralegals	Employment Relationship and Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
<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. 	✓ ✓	✓ ✓	✓ ✓	✓ ✓
Attitude/s		<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	Employment Relationship and Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
		<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 ◆ specific attitudes relevant to the particular Legal Domain. 	 ✓ ✓ ✓ ✓ ✓ ✓	 ✓ ✓ ✓ ✓ ✓	 ✓ ✓ ✓ ✓ ✓	 ✓ ✓ ✓ ✓ ✓

VALUES AND ATTITUDES (cont)			Essential Skills for Paralegals	Employment Relationship and Employment Contract	Unfair Dismissal	Employment Tribunal Procedure and Practice
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. ◆ demonstrates a professional focus relevant to the particular Legal Domain. 	<ul style="list-style-type: none"> ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓
	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 ◆ manages client expectations. ◆ is able to advise the client on the legal consequences of the client's instructions. ◆ demonstrates the client focus relevant to the particular Legal Domain. 	<ul style="list-style-type: none"> ✓ ✓ ✓ 			

5.6 Career progression opportunities

It should be noted that employment in this area of work is not confined to the private legal sector, and often those working in voluntary organisations providing advice and assistance, such as Citizens Advice, and those working in HR teams, recruitment agencies and Local Authority legal teams, would also benefit from this training.

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:

- FT5R 35 *Essential Skills for Paralegals*
- FT2C 35 *Employment Relationship and the Employment Contract*
- FT2A 35 *Unfair Dismissal*
- FT5T 35 *Employment Tribunal Procedure and Practice*

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.

In many instances candidates are not assessed on rote learning or recall but on their ability to locate, retrieve and analyse relevant laws and to apply them 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 Employment Law 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.

Alternatively, you may be working or studying in a related field in which it would be useful to develop specialist knowledge and practical skills in employment law. For example, those working in voluntary organisations providing advice and assistance such as Citizens Advice, and those working in HR teams and recruitment agencies, would also benefit from undertaking this PDA.

The PDA in Employment Law at SCQF level 8 is made up of four mandatory Units:

- FT5R 35 *Essential Skills for Paralegals*
- FT2C 35 *Employment Relationship and the Employment Contract*
- FT2A 35 *Unfair Dismissal*
- FT5T 35 *Employment Tribunal Procedure and Practice*

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 court 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 *Employment Relationship and the Employment Contract* Unit is designed to provide you with knowledge in relation to the employment relationship and the employment contract. In addition to gaining knowledge you will also gain practical skills. You will develop the required knowledge and skills to:

- ◆ explain the nature of the employment relationship.
- ◆ explain employees' statutory rights.
- ◆ draft an employment contract.
- ◆ explain the remedies available following a breach of contract.
- ◆ explain how a contract of employment can come to an end.
- ◆ draft a compromise agreement.

The Unit *Unfair Dismissal* is designed to provide you with knowledge of the sources of employment law and how to research employment law in the office environment. You will gain a basic knowledge of key employment rights.

By the end of this Unit you will be able to explain what the potentially fair reasons are for dismissal; explain the procedural requirements for a dismissal to be fair; explain the circumstances in which an employee may be constructively dismissed; and explain the circumstances in which a claim for unfair dismissal may be brought without the requisite 12 months' qualifying service. You will also be able to advise, under the direction of a supervising solicitor, on the remedies available to employees who have been unfairly dismissed. You will learn how to: explain how conduct can lead to dismissal; explain how capability can lead to dismissal; explain how redundancy can lead to dismissal; explain how retirement can lead to dismissal; explain the

imposition of a statutory restriction; explain Some Other Substantial Reason (SOSR) for fair dismissal; advise on the ACAS Code of Practice; advise on the general principles of fairness; advise on collective redundancy procedures (Trade Union and Labour Relations (Consolidation) Act 1992 ss 188-192); advise on the retirement process; advise on situations which may amount to constructive dismissal (ie where an employee resigns because of the conduct of their employer); advise on situations where the normal 12 months' qualifying service requirements do not apply for bringing a claim of unfair dismissal; advise on claims to an employment tribunal; advise on reinstatement, reengagement, compensation and conciliated settlement, and the role of ACAS.

The *Employment Tribunal Procedure and Practice* Unit is designed to allow you to put your existing employment law knowledge into practice and to give you an understanding of the employment tribunal process. Within this Unit, you will learn how to: draft claims; draft responses; take account of time limits; take account of jurisdictions; identify the relevant points of law; make an assessment of the potential value of a claim; explain what financial considerations the parties may take into account when contemplating settlement; explain what other, non-financial factors the parties may wish to consider when contemplating settlement; explain the role of ACAS in assisting the parties to achieve settlement; explain the purpose of case management discussions, pre-hearing reviews and full merits hearings; describe the procedures used in case management discussions; pre-hearing reviews and full merits hearings and explain the potential outcomes that case management discussions, pre-hearing reviews and full merits hearings may produce.

Within Outcome 1 you will develop the knowledge and skills to draft pleadings on behalf of a claimant or a respondent. You will be able to analyse a set of facts to identify potential claims/grounds of resistance and you will be equipped with the tools to present a case on behalf of a client under the direction of a supervising solicitor.

Within Outcome 2 you will explore the reasons why the vast majority of cases settle rather than go to a contested hearing. At the end of this outcome you will be able to give your client an estimation of the value of the claim they are bringing/resisting and also explain to them the other risks to which they might be exposing themselves by carrying on with the litigation.

Outcome 3 will give you an understanding of the working of the employment tribunal. By exploring the role of the various types of hearings, you will better understand the process of litigation. This, in turn, will give you the tools to be able to explain to others (your clients) exactly what is going on at any given point in the process.

Outcome 4 will teach you the various steps involved in preparing a case to be heard by an employment tribunal.

The four Units will largely be assessed through case studies together with a set of restricted response questions or multiple choice questions and you will be expected to apply your knowledge of the law to the facts of the case in order to give advice to your client. You will be expected to show clear reasoning in your case studies with reference to the applicable legal principles. All advice in 'real life' situations will be given under the direction of a supervising solicitor. 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.

You will have opportunities to develop the Core Skill of *Problem Solving* — Critical Thinking, Planning, Organising, *Reviewing* and *Evaluating* — through your analysis of fictitious case studies, identifying remedies available and, under the supervision of a solicitor, completing tasks relating to the application of employment law. You will assess contractual status, the potential value of claims and the component elements of compensation available before you draft contracts and agreements that are fit for purpose. Cases may be complex and an overview of current legal/statutory requirements will be required as you will need to identify potential strengths and weaknesses in a case, note any flaws in procedure applied and advise on remedies that may be available to concerned parties.

There will be opportunities to develop the Core Skill of *Communication* as you will be required to build and maintain effective written and oral communication with a range of others, including the supervising solicitor, clients and colleagues. You will be required to produce documents that are legally compliant, accurate and comprehensive. Identifying different communication options and selecting the language and format appropriate to the particular situation and/or client will be essential. Recognition of factors affecting and maximising success in communicating with people, including methods for negotiating positive outcomes and overcoming potential barriers will be an element of competence.

There could be opportunities to develop the Core Skill of *Numeracy* when accurately assessing information on timescales, any anticipated financial losses and potential compensation awards. Critical analysis of current events that illustrate the results of case law can provide formative opportunities to calculate and present financial data in an appropriate format with the required attention to detail.

You could develop the Core Skill of *Working with Others* through developing your knowledge and understanding of both interpersonal and contractual aspects of employer/employee relationships; recognition of mutuality of obligation and control; analysing reasons and methods for negotiating and documenting the nature and scope of goals, roles and responsibilities in interactions; and through practical interaction with a range of others in a college environment.

The Core Skill of *Information and Communication Technology (ICT)* could be developed when undertaking complex background searches and investigations by identifying, accessing and using appropriate sites, registers and databases.

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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<p>Communication</p> <ul style="list-style-type: none"> ◆ Read, understand and evaluate complex written communication ◆ Produce well-structured, accurate written communication on complex topics ◆ Produce and respond to oral communication on a complex topic <p><i>Searches conducted in a variety of situations typical of those in the paralegal specialism; analysis and evaluation of complex information from specialist law sources, registers and databases. Researching, evaluating and applying relevant complex data as laid down and governed by the Law Society of Scotland and other statutory bodies. Drafting information on complex topics with attention to accuracy and detail, using professional formats in documents which meet instructions, are fit for purpose and use clear language, correct spelling and appropriate grammar, syntax and punctuation. Oral reporting options to explain information; questioning by the tutor. Understanding of the conduct of various types of tribunals and hearings. On-going discussion of complex employment-related issues.</i></p>
<p>Problem Solving</p> <ul style="list-style-type: none"> ◆ Analyse a complex situation or issue ◆ Plan, organise and complete a complex task ◆ Review and evaluate a complex problem solving activity <p><i>Analysing and devising solutions in a range of fictitious situations typical of those encountered in the paralegal specialism. Identification and application of relevant legal/statutory requirements and all other factors affecting outcomes. Following procedures under required level of supervision to generate and maintain required records to professional standards within available resources/timescales. Checking drafts for accuracy and detail; review and evaluation to ensure that solutions selected are valid and adhere to limitations of the paralegal role.</i></p>
<p>Working with Others</p> <ul style="list-style-type: none"> ◆ In complex interactions, work with others co-operatively on an activity and/or activities ◆ Review work with others in a co-operative activity and/or activities <p><i>Knowledge and understanding of both interpersonal and contractual aspects of employer/employee relationships; recognition of mutuality of obligation and control. Analysing reasons and methods for negotiating and documenting the nature and scope of goals, roles and responsibilities in interactions. Analysis and review of practical solutions suggested in fictitious case studies. Practical interaction with a range of others in a college environment.</i></p>
<p>Information and Communication Technology (ICT)</p> <ul style="list-style-type: none"> ◆ Use ICT independently to carry out complex searches across a range of tasks ◆ Use ICT independently to carry out a range of processing tasks <p><i>Undertaking complex background searches and investigations by identifying, accessing and using appropriate sites, registers and databases. Competent use of technology underpins collation and effective presentation of materials in most appropriate format and style. Effective management, organisation and efficient storage of records.</i></p>
<p>Numeracy</p> <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 <p><i>Accurate interpretation of essential data. Presentation of data on value and breakdown of claims in appropriate formats. Overview of financial issues affecting employment. Knowledge of factors that parties are encouraged to consider in terms of settlement. Terms of compensation.</i></p>