



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

Group Award Code: GD3K 48

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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 Family Law at SCQF level 8 which was validated in August 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 Family 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 Family Law is aimed at paralegals working in this specialism in either private practice or voluntary organisations within Scotland.

The PDA was validated in August 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 competency 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 family 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. The aim of the framework is to ensure that paralegals that 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

(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 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, Employment Law and Law Relating to Adults with Incapacity, in addition to Family Law.

2.2 Nature and purpose of the Group Award

The aim of this PDA in Family 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 other areas, eg Citizens Advice. It will also allow paralegals to demonstrate a minimum level of professional competence in order to qualify for registration as a paralegal with the Law Society of Scotland Registered Paralegal Scheme.

Family 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.

Family law work does not lend itself to routine. However, this is an area of work which involves a high level of documentation and the sector has indicated that there are particular areas in which paralegals can be invaluable, such as:

- ◆ Completing Legal Aid applications
- ◆ Drafting a writ (for non-complex divorces)
- ◆ Completing simple divorce procedure forms
- ◆ Preparing a schedule of assets and liabilities
- ◆ Drafting affidavits
- ◆ Writing to register for extracts
- ◆ Serving all court forms (in both defended and undefended cases)
- ◆ Preparing an inventory of documents and first draft of matrimonial property for negotiated settlements
- ◆ Other procedural work

Often work in this specialist legal area has to be carried out to tight deadlines, particularly where a case is in court.

This area of legal work involves 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 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 are often 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, and both the employee and the employer should recognise the appropriate level of responsibility at which the paralegal should be working.

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 must be made aware under the Ethics section of the Unit *Essential Skills for Paralegals*. This Unit provides the underlying skills for those seeking work or working in a legal environment. For this reason, *Essential Skills for Paralegals* should be the first Unit undertaken in the Group Award.

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 that these skills are lacking in new employees and an emphasis has been placed on ensuring the PDA highlights where these skills are demonstrated. A signposting exercise has been carried out to show where the Core Skills are demonstrated within 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 for the recognised Legal Domain of Family Law.

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.

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 family 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.

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.

Their general aims include:

- 1 Develop study and research skills.
- 2 Enable career progression.
- 3 Enable progression within the SCQF.
- 4 Develop and adopt a proactive approach to problem solving.
- 5 Develop Core Skills and transferable skills such as *Communication*.

3.2 General aims of the suite of PDAs

The general aims of this suite of PDAs 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 elements of Scots Law which will equip them for employment where knowledge of law and legal procedures are relevant.
- 3 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.
- 4 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.
- 5 Develop the capacity to respond quickly to challenges posed by changes in the law and business/legal environment.

3.3 Specific aims of this PDA

The specific aims of this PDA are to:

Develop specialist competences required by employers in the family law sector so they can work in the legal sector or within a legal context in a variety of organisations, commercial, public and voluntary. Namely, ensure the candidate has the knowledge and skills to:

- 1 Apply the appropriate documentation and procedures in Sheriff Court divorce actions, civil partnership dissolution, and simplified divorce/civil partnership dissolution procedure.
- 2 Apply the ordinary cause rules from the service of the initial writ until appeal.
- 3 Apply current family law legislation in Scotland to different situations.
- 4 Prepare the necessary documentation for undefended family law court actions.
- 5 Prepare a Separation or Contact Agreement.
- 6 Apply the grounds for divorce and dissolution of civil partnerships.
- 7 Apply the available protections and procedures for cohabitants and those requiring protection from violence.
- 8 Apply the mechanisms for accessing advice and assistance on civil and criminal justice related issues in Scotland.

3.4 Target groups

The award 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 family law.

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 Family Mediation or Social Work, could also benefit from this training.

It is the intention that the PDA in Family Law will assist with meeting 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.

Research for the award has established the importance to employers of the Core Skills of *Communication*, *Working with Others* and *Problem Solving*. To ensure that candidates already have high level skills in reading, writing, talking and listening, the recommended entry profile is *Communication* at SCQF level 6 or equivalent.

It would be beneficial if the candidate had knowledge of the Scottish Legal System and Scots Private Law. This may be evidenced by possession of HN Units F1A7 34 *Scottish Legal System*, F19P 34 *Scots Private Law* and F1A8 35 *Sheriff Court Civil Procedure* or similar qualifications or experience.

When undertaking the PDA, candidates should complete *Family Law: Principles and Court Actions* before *Sheriff Court Procedures for Divorce or Dissolution of Civil Partnerships*.

Candidates who have achieved either the HNC or HND in Legal Services who are not yet employed as paralegals would have some evidence towards the PDA and may be able to complete it with a view to securing a post as a paralegal in Scotland.

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 *Essential Skills for Paralegals*, either by registering for the new Unit or by Accreditation of Prior Learning (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 Family 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
Legal Aid in Scotland	FW32 35	8	8	1
Family Law: Principles and Court Actions	FW2R 35	16	8	2
Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships	FW2T 35	8	8	1

5.2 Conditions of the Group Award

The PDA in Family 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 of all PDAs	General aims of this suite of PDAs	Specific aims of this PDA
Essential Skills for Paralegals	1, 2, 3, 4, 5	1, 2, 3, 4, 5	
Legal Aid in Scotland	1, 2, 3, 4, 5	1, 2, 3, 4, 5	8
Family Law: Principles and Court Actions	1, 2, 3, 4, 5	1, 2, 3, 4, 5	3, 4, 5, 7
Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships	1, 2, 3, 4, 5	1, 2, 3, 4, 5	1, 2, 6

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 development

The PDA in Family Law will provide candidates with opportunities to develop 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 has established the importance to employers of Core Skills in *Communication*, *Working with Others* and *Problem Solving*. To ensure that candidates already have high level skills in reading, writing, talking and listening, the recommended entry profile is Communication at SCQF level 6. The award will enhance 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 ability to retrieve, apply and communicate complex information in the most effective and appropriate style and format for purpose is an aspect of competence.

Unit support notes emphasise the need for confidentiality, sensitivity and understanding in dealings with people in the typical, stressful situations associated with work in family law. The client focus in practical tasks requires an awareness of skills in *Working with Others*; the potential impact of written, verbal and non-verbal communication is stressed. Case studies presented for analysis will be designed to emphasise methods for dealing with conflicts of interest and negotiating positive Outcomes. Candidates may further enhance interpersonal skills in role-play scenarios. Opportunities for evidencing competence in oral communication may also be provided by supplementary questioning, sampling, or the option of oral explanation.

All elements of the Core Skill of *Problem Solving* — Critical Thinking, Planning, Organising, Reviewing and Evaluating — are naturally developed as candidates analyse fictitious case studies, identify situations where specific principles apply, and manage tasks involved in appropriate actions. Acting within the limitations of the paralegal role they have to suggest solutions to a potential client, apply procedures and draft necessary documents. 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.

Although not specifically identified by employers, skills in *Numeracy* and *Information and Communication Technology (ICT)* are essential to work in the Legal Domain. The auditing and presenting of data relating to assets or unresolved financial issues must be efficient and accurate. Guidance for clients on verification of financial eligibility for advice and assistance also requires understanding and attention to detail in documentation. *ICT* is used routinely to retrieve current information from specialist law web sites. Templates of styles of legal correspondence commonly used in the various stages of legal actions support the requirement for accuracy and attention to detail. Candidates will develop effective and secure electronic systems of recording, coding and storing draft materials.

5.5 Progression and relationship to other awards

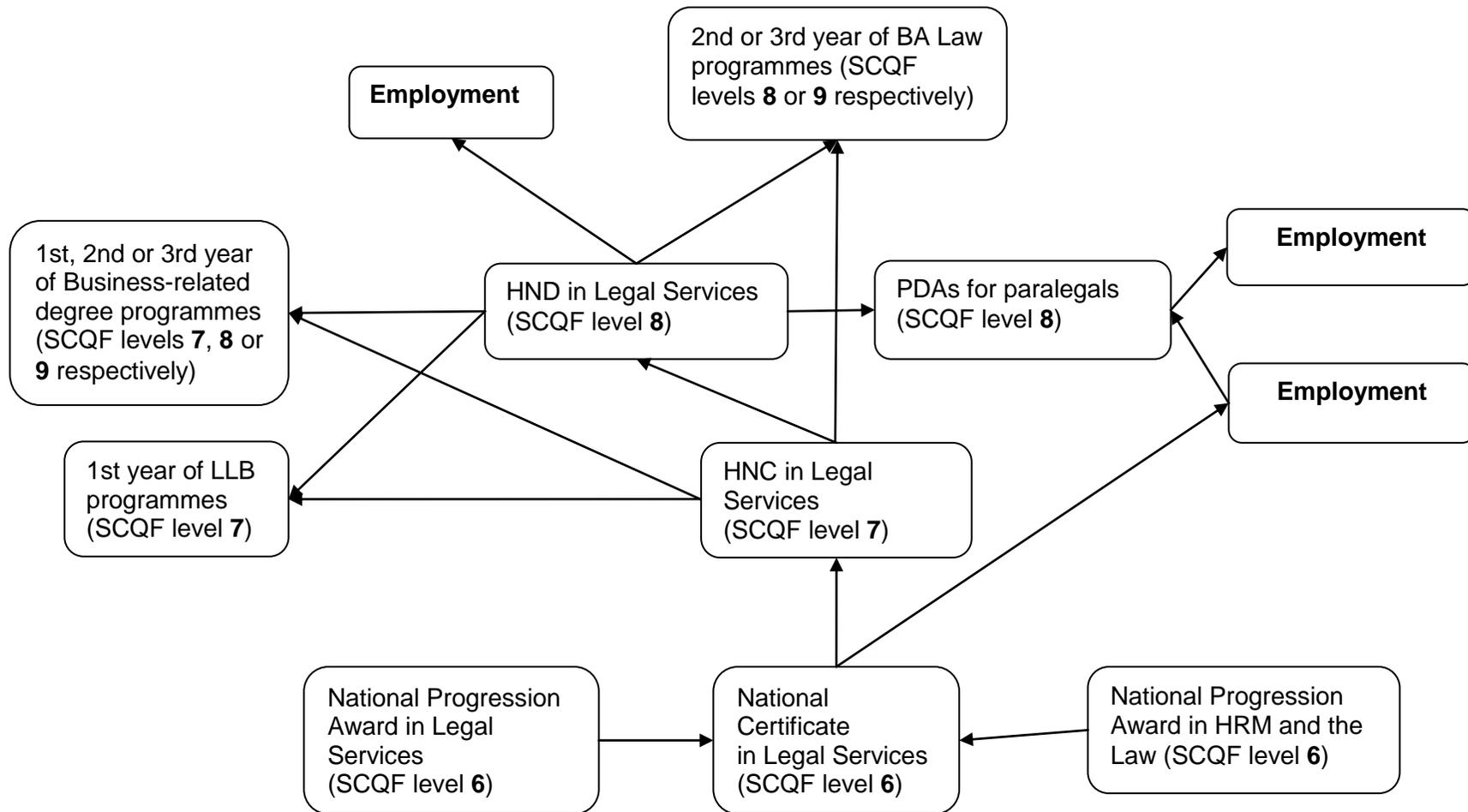
Possible pathways and progression routes are outlined below.

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



5.5 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 involved in Family Mediation or Social Work, could also benefit from this training.

It is the intention that the PDA in Family Law will assist with meeting the training requirements for this cross section of the legal sector.

5.6 Mapping to the Law Society of Scotland paralegal competences

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 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 Family Law Domain Standards

<p style="text-align: center;">KNOWLEDGE</p> <p><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></p>	Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
<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. 	<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>Demonstrate knowledge and understanding of:</p> <ul style="list-style-type: none"> ◆ the different procedures for divorce ◆ the rights and obligations of the client as either pursuer or defender ◆ the steps involved in simplified divorces and undefended divorces including grounds for divorce and awareness of parental rights and responsibilities ◆ divorce paperwork ◆ civil partnerships ◆ drafting productions, affidavits and inventories ◆ the procedures for Child Welfare Hearings ◆ drafting initial writs ◆ understand how Family law interacts with other areas of law and practice and knows when to refer matters (eg Wills, Trust and Executries; Domestic Conveyancing; and tax) 	<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>

KNOWLEDGE (cont)	Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
<p>Demonstrate an awareness of:</p> <ul style="list-style-type: none"> ◆ knowledge of alternative methods of dispute resolution (eg mediation, arbitration, collaborative law, etc) ◆ Legal Aid procedures and requirements including the procedure for emergency legal aid in competent actions ◆ Parental rights and responsibilities ◆ Code of Conduct for Civil and Family Law Solicitors 	<p>— — — —</p>	<p>— ✓ — —</p>	<p>✓ ✓ ✓ ✓</p>	<p>— ✓ ✓ ✓</p>

SKILLS			Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
<i>By the end of the one year period as a 'Trainee Registered Paralegal', a paralegal eligible to qualify for Registered Paralegal status in relation to Family Law 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. ◆ undertake CSA Calculations. ◆ understand RPI and inflation. 	✓ ✓ ✓ — —	✓ ✓ ✓ — —	✓ ✓ ✓ ✓ ✓	✓ ✓ ✓ ✓ ✓
	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. 	✓ ✓	✓ ✓	✓ ✓	✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
		<ul style="list-style-type: none"> ◆ that he/she is able to use case management systems and maintain electronic files, where appropriate. ◆ where necessary, that he/she is able to use the Scottish Legal Aid Board on-line system. 	<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. 	<ul style="list-style-type: none"> ✓ ✓ 			

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
	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. 	✓ ✓	✓ ✓	✓ ✓	✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
		<ul style="list-style-type: none"> ◆ 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. ◆ 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. 	<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>

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
		<ul style="list-style-type: none"> ◆ 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. ◆ 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. 	✓	✓	✓	✓
			✓	✓	✓	✓
			✓	✓	✓	✓
			✓	✓	✓	✓

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
		<ul style="list-style-type: none"> — 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: <ul style="list-style-type: none"> — Instruct Counsel if and when appropriate — Instruct expert witnesses if and when appropriate — Communicate with children 	<p style="text-align: center;">✓ ✓</p>	<p style="text-align: center;">✓ ✓</p>	<p style="text-align: center;">✓ ✓</p>	<p style="text-align: center;">✓ ✓</p>
	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 	<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	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
		<ul style="list-style-type: none"> — being able to establish the content and nature of telephone calls from the caller, whether or not a client 				
	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 	✓	✓	✓	✓
	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. 	✓	✓	✓	✓

SKILLS (cont)		Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
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 ◆ that he/she understands the importance of not becoming emotionally involved with Family Law cases. 	<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	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
Practical 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 is able to: <ul style="list-style-type: none"> — research a locality (eg local schools, nurseries, and other such amenities) 	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓
	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 	✓	—	✓	✓

SKILLS (cont)		Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
	<ul style="list-style-type: none"> ◆ that he/she is able to: <ul style="list-style-type: none"> — interview children if appropriate — deal with distressed or angry people ◆ that he/she has good listening skills and can identify when a client is not forthcoming with all necessary information. 	✓ ✓	— —	✓ ✓	✓ ✓
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	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships	
		<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. 	✓	✓	✓	✓

SKILLS (cont)		Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships	
		<ul style="list-style-type: none"> ◆ 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 write and draft: <ul style="list-style-type: none"> — Court Forms — Writs — F Forms (F26, F15, F23, F20) — Prepare and lodge Inventory of Productions — Motions and Oppositions thereto — Taking Precognitions/Statements from clients and witnesses in support of court action ◆ that he/she is able to use pre-designed styles. ◆ that he/she is aware of: <ul style="list-style-type: none"> — the importance of tone in writing particularly in relation to an unrepresented spouse. 	<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> <p style="text-align: center;">✓</p>

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
(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 Family Law cases 	✓	—	✓	✓
	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 	—	—	✓	✓

		SKILLS (cont)	Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
		<ul style="list-style-type: none"> — using effective speaking skills — demonstrating an understanding of the relevant rules, ethics and conventions governing advocacy 				

VALUES AND ATTITUDES			Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
<i>By the end of the one year period as a 'Trainee Registered Paralegal', a paralegal eligible to qualify for Registered Paralegal status in relation to Family Law should be able to:</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. 	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓

VALUES AND ATTITUDES			Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships
		<ul style="list-style-type: none"> ◆ 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. ◆ 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. 	<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>

VALUES AND ATTITUDES (cont)		Essential Skills for Paralegals	Legal Aid in Scotland	Family Law: Principles and Court Actions	Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships	
		<ul style="list-style-type: none"> ◆ 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 	<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>

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/D 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 on-line 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 *Essential Skills for Paralegals*
- 2 FW32 35 *Legal Aid in Scotland*
- 3 FW2R 35 *Family Law: Principles and Court Actions*
- 4 FW2T 35 *Sheriff Court Procedure for Divorce and Dissolution of Civil Partnerships*

Where practical, assessment is holistic, that is, the whole of the Unit can be assessed in an integrated task. This is an efficient approach which reflects the demands of the workplace and reduces the burden of assessment for the candidate. There are also opportunities for integrative assessment whereby evidence can be gathered to meet some of the Evidence Requirements across Units. The undernoted grid illustrates some of the possibilities for this award.

Sheriff Court Procedure for Divorce and Dissolution of Civil Partnerships	Family Law: Principles and Court Actions
Outcome 2	Outcome 6
Outcome 3	Outcome 4

At this level 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 PDA in Family Law will provide candidates with opportunities to develop relevant components of Core Skills to and beyond the maximum level currently recognised — SCQF level 6.

The client focus in practical tasks will require an awareness of skills in *Working with Others*; the potential impact of written, verbal and non-verbal communication should be stressed. Case studies presented for analysis should be designed to emphasise methods for dealing with conflicts of interest and negotiating positive Outcomes. Candidates could be given opportunities to further enhance interpersonal skills through role-play scenarios. Opportunities for evidencing competence in oral communication could also be provided by supplementary questioning, sampling, or the option of oral explanation.

All elements of the Core Skill of *Problem Solving* — Critical Thinking, Planning, Organising, Reviewing and Evaluating — should be naturally developed as candidates analyse fictitious case studies, identify situations where specific principles apply, and manage tasks involved in appropriate actions. Acting within the limitations of the paralegal role they should suggest solutions to a potential client, apply procedures and draft necessary documents. Although candidates should work independently to complete practical tasks there should be on-going discussion of case studies with opportunities to review and evaluate best practice in approaches.

Although not specifically identified by employers, skills in *Numeracy* and *Information and Communication Technology (ICT)* are essential to work in the Legal Domain. The auditing and presenting of data relating to assets or unresolved financial issues must be efficient and accurate. Guidance for clients on verification of financial eligibility for advice and assistance will require understanding and attention to detail in documentation. *ICT* should be used routinely to retrieve current information from specialist law web sites. Templates of styles of legal correspondence commonly used in the various stages of legal actions should support the requirement for accuracy and attention to detail. Candidates should develop effective and secure electronic systems of recording, coding and storing draft materials.

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 PDA in Family Law at SCQF level 8 is to recognise your continuing professional development as a paralegal in this area, and 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 Family Law at SCQF level 8 is made up of four mandatory Units:

- 1 FT5R 35 *Essential Skills for Paralegals*
- 2 FW32 35 *Legal Aid in Scotland*
- 3 FW2R 35 *Family Law: Principles and Court Actions*
- 4 FW2T 35 *Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships*

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.

Family Law: Principles and Court Actions is a 2 credit Unit designed to provide you with an understanding of the principles of family law in Scotland relating to marriage, civil partnerships, divorce and dissolution of civil partnerships, and children. You will cover the legislation in Scotland relating to marriage, civil partnerships and cohabitants and you will develop the knowledge to explain the rights and responsibilities of parents, including unmarried fathers, to their children, the rights of children, together with the grounds required for a divorce or dissolution of a civil partnership and how the Matrimonial Homes (Family Protection) (Scotland) Act 1981, the Family Law (Scotland) Act 1985, the Family Law (Scotland) Act 2006 and the Children (Scotland) Act 1995 apply.

The Unit *Sheriff Court Procedures for Divorce and Dissolution of Civil Partnerships* is designed to introduce you to the basic concepts of raising an action for divorce in the Sheriff Court in Scotland. You will become familiar with the jurisdiction of the Sheriff Court in relation to divorce and civil partnership dissolution actions; the procedures and the documentation which are used by the Sheriff Court in ordinary divorce actions, civil partnership dissolutions and simplified divorce procedures; and how ordinary divorce/civil partnership dissolution actions are commenced and appealed.

You will have to demonstrate that you can select the appropriate Sheriff Court at which the action should be heard. You should be able to state the types of measures that the court thinks most appropriate to apply in the circumstances of a particular divorce action.

Within the *Legal Aid in Scotland* Unit you will learn about how legal aid works in Scotland, the work of the Scottish Legal Aid Board and the process of applying for legal aid.

The Units are likely to be assessed using a range of case studies and structured or multiple choice type questions. Candidates should be able to identify situations where specific principles apply, explain how they apply and suggest solutions to a potential client in a given situation. 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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<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 are 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 current Family Law legislation in Scotland. 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. Role-play and oral reporting options; supplementary questioning by the tutor. On-going discussion of best practice in complex Family Law case studies.</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>Applying the main sources of current legislation in relation to divorce and separation. Analysing and devising solutions in a range of fictitious situations typical of those encountered in the paralegal specialism. Identification and consideration of matters of finance, property and child welfare. Following procedures to provide essential advice within the limitations of the paralegal role. Applications, Schedules of Matrimonial Property, Actions for Contact, Inventories and records must meet professional standards and be produced within available resources/timescales. Review and evaluation will ensure that solutions selected are valid, detailed and technically accurate.</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 legal aspects of rights and responsibilities in issues of contact, protection and financial matters. Analysing sensitive personal issues and conflicts of interest with the aim of negotiating, agreeing and documenting the nature and scope of goals, roles and responsibilities in the best interests of all involved parties. Practical co-operative interactions in role-play and co-operative activities with a range of others in a college/workplace environment. Group evaluation of practical solutions in case studies to determine best practice.</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 of legal information. 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>Overview of legal issues affecting access to and control of mutual funds and property. Accurate audit, interpretation and presentation of essential financial information on fair division of assets, maintenance issues and pension sharing. Accurate and detailed completion of applications for access to funds and grants of legal aid. Account and record keeping in a prescribed style/format.</i></p>