



Arrangements for:
**Professional Development Award
(PDA) in Law and Practice Relating to
Adults with Incapacity**
at SCQF level 8

Group Award Code: GD3L 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 Law and Practice Relating to Adults with Incapacity 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 Law and Practice Relating to Adults with Incapacity 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 Law and Practice Relating to Adults with Incapacity is aimed at paralegals working in this specialism whether in private practice, Local Authority legal teams, voluntary organisations or social work departments.

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 employees 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 law and practice relating to adults with incapacity.

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 competencies for their specialist area of legal practice. To date, there are competencies 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. However, at this time no application has been made to the Law Society for a domain to be registered for Law Relating to Adults with Incapacity but it is anticipated that this may follow shortly due to the increase in the number of people working in this area, particularly in the public sector. The provision of a nationally recognised qualification in law and practice relating to adults with incapacity will highlight this specialist area of work and provide paralegals currently working in the area with the means to progress their career by demonstrating their CPD.

(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 competencies 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 now overseen the development of the suite of PDAs covering Commercial Conveyancing and Leasing, Family Law, and Employment Law, in addition to Law and Practice Relating to Adults with Incapacity.

2.2 Nature and purpose of the Group Award

The aim of this PDA in Law and Practice Relating to Adults with Incapacity 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 voluntary organisations, Local Authority legal teams and social work departments. 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.

It has become apparent in recent times that the increase in the number of people with Alzheimer's or Dementia is something which is likely to continue in the future. This is borne out by figures published by Government agencies. The input from the legal sector, both private and public, has increased as more applications require to be made for Powers of Attorney (POA) or Guardianship Orders in order to safeguard family members or, in the case of Local Authorities, those without family to take care of them. The work involved can cover both welfare and financial matters.

Powers of Attorney are initiated by a client before the client is incapacitated in any way mentally. It is becoming commonplace for POA to be prepared as part of planning for the future and a POA can avoid the need for application of a Guardianship order.

Private Sector

In larger legal firms the operation of a POA or Guardianship is dealt with by the Private Client Department whereas the Guardianship application comes under the remit of the Court Department.

However, it is important to note that in the high street legal firms all of this is dealt with by the paralegal or solicitor dealing with the client, therefore a broad training is required to include a basic understanding of the alternative mechanisms provided for in the Adults with Incapacity (Scotland) Act 2000.

Public Sector

The focus in the public sector is on the duty of the Local Authority to protect the adult, compared to the private sector where instructions are given by family members or friends. The Social Work (Scotland) Act 1968 imposes a duty of care on Local Authorities to promote social welfare.

Law and practice relating to adults with incapacity will often be part of a wider multi-agency investigation in terms of the Adult Support and Protection (Scotland) Act 2007, and often instructions to the legal team come from the social work department who have identified a need for protection.

As well as more general duties, there are also specific duties in terms of ss 53 and 57 of the Adults with Incapacity Act (Scotland) 2000 Act. There is a duty on a Local Authority to ensure safeguarding the financial and welfare needs of an adult where no one else is willing to do so. The Local Authority generally does not act as a financial guardian but more as a welfare guardian where the Chief Social Work Officer is appointed. However, there is a duty to appoint a financial guardian if necessary.

Although the duties to advise and report to clients are different, support still requires to be given to those fellow professionals who are taking care of the adult, eg social workers and housing officials.

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:

- ◆ Assisting with the preparatory work for guardianship orders
- ◆ Preparation of an inventory and management plan
- ◆ Completing an application to access funds on behalf of an adult who has been deemed incapacitated
- ◆ Obtaining authority powers to buy and sell property
- ◆ Preparing Guardianship Accounts
- ◆ Preparing Discharge Application Forms
- ◆ Preparing applications to Renew, Discharge or Recall of Guardianship

The public sector, in particular, has found that more resource is required in this specialist area of legal work. Public sector legal teams are under increasing pressure and, due to budget constraints, are unable to recruit additional solicitors and therefore welcome the assistance of well trained support staff.

Within this area of work, there is direct contact with clients and other parties. Often the paralegal can provide a contact for clients in this case. However paralegals are not expected to give clients advice without consultation with a supervising solicitor. Misinformation can have damaging consequences; therefore, as agreed with the consultation groups, the Units all 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.

Understandably, clients can be in stressful situations involving family members 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 can be made aware of under the Ethics section of the Unit *Essential Skills for Paralegals*.

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.

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 has shown 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 being demonstrated. A signposting exercise has been carried out to show where the 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 Law and Practice Relating to Adults with Incapacity 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 2010/2011.

The consultation made it clear that there was a demand for a separate PDA to cover the specialist legal work involved in dealing with adults with incapacity in both the private and public sectors. It was established that this was a growth area in both sectors and that there was very little difference in the work involved in each sector, therefore a PDA in Law and Practice Relating to Adults with Incapacity could be written to cover both sectors.

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

The general points made which are worth highlighting relevant to all the PDAs in the paralegal suite were:

- ◆ 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 law and practice relating to adults with incapacity).
- ◆ 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

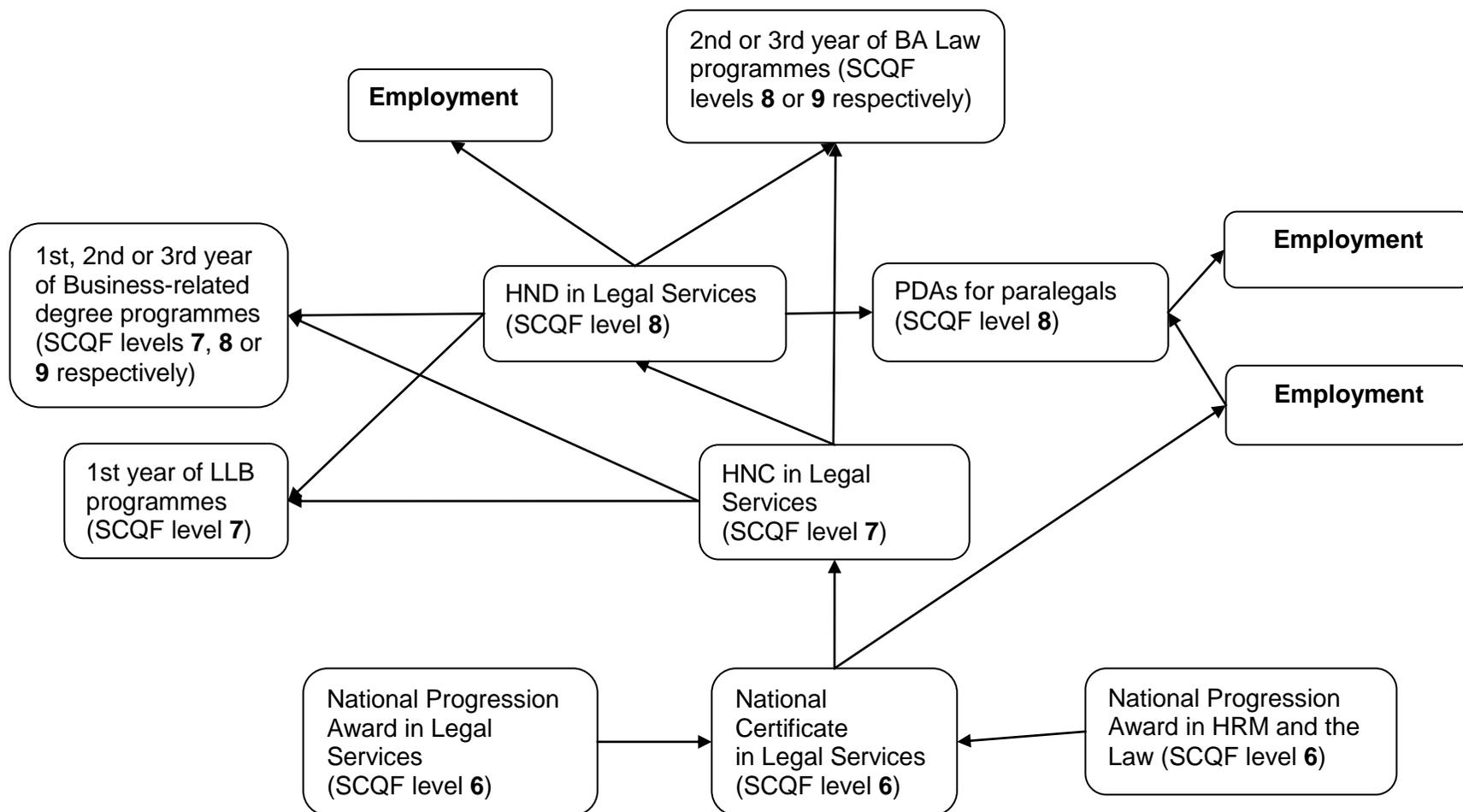
Possible pathways and progression routes are outlined below

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

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.

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 an 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 competencies required by employers in the adults with incapacity 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 main sources of legislation in relation to adults with incapacity.
- 2 Prepare a Power of Attorney.
- 3 Apply the procedure for the Access to Funds Scheme.
- 4 Prepare a Summary Application for a Guardianship Order.
- 5 Explain the responsibilities of the Guardian or Intervener in relation to the incapacitated adult's financial and welfare affairs.
- 6 Apply the mechanisms for accessing advice and assistance on civil 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 may have general qualifications such as an LLB, BA Law or HND they have no qualification to formally recognise their specialist knowledge in law and practice relating to adults with incapacity.

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 Local Authority legal teams and social work teams would also benefit from this training.

It is the intention that the PDA in Law Relating to Adults with Incapacity will meet the training requirements for this cross section of the legal sector.

4 Recommended access to the Group Award

Access to this PDA will ultimately be at the discretion of the delivering centre. However, candidates are expected in the main to be in employment as paralegals, either as a trainee or a more experienced paralegal in this or another legal specialism. Candidates would normally be expected to have competence in *Communication* at SCQF level 6 or equivalent. It would be beneficial, however, if the candidate had knowledge of the Scottish Legal System. This may be evidenced by possession of HN Unit F1A7 34 *Scottish Legal System* or 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 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 Law and Practice Relating to Adults with Incapacity at SCQF level 8 consists of three mandatory Units with a total of 32 SCQF credit points. The structure is illustrated below:

Unit title	Code	SCQF credit points	SCQF level	SQA credit value
Essential Skills for Paralegals	FT5R 35	8	8	1
Legal Aid in Scotland	FW32 35	8	8	1
Law and Practice Relating to Adults with Incapacity	FT6H 35	16	8	2

5.2 Conditions of the Group Award

The PDA in Law and Practice Relating to Adults with Incapacity at SCQF level 8 will be awarded to candidates who achieve the three mandatory Units totalling 32 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	1, 2, 3, 4, 5	
Legal Aid in Scotland	1, 2	1, 2, 3, 4, 5	6
Law and Practice Relating to Adults with Incapacity	1, 2	1, 2, 3, 4, 5	1, 2, 3, 4, 5

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 Law and Practice Relating to Adults with Incapacity 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 the Core Skills in *Communication* and *Working with Others*. 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.

The impact of written, verbal and non-verbal communication techniques in interactions with others is emphasised in Unit support notes. There is a client focus in the practical tasks of the award; case studies presented for analysis will be designed to emphasise the importance of *Working with Others*. Candidates will also develop their own interpersonal skills by explaining, describing and listening in the formative discussion of contextualised case studies which focus on the needs of incapacitated adults and those seeking protection for the future. 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 and consider various welfare, financial and property matters relating to adults believed to have a mental health difficulty and those seeking protection for the future. They apply concepts to identify and manage appropriate actions. An understanding of the legal perspectives surrounding incapacity will involve appreciation of the limitations of the paralegal role. 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.

Numeracy skills are essential to audit, interpret and present accurate financial data relating to issues of access to funds and legal aid. *Information and Communication Technology (ICT)* is used to retrieve and present a range of complex data, with attention to security being routine. Effective electronic systems of recording, coding and storing materials support necessary accuracy and attention to detail.

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 working in Local Authority legal teams and social work departments, would also benefit from this training.

It is the intention that the PDA in Law and Practice Relating to Adults with Incapacity will meet all the training requirements for this cross section of the legal sector.

5.6 Mapping to the Law Society of Scotland paralegal competences

At present, no application has been made to the Law Society of Scotland for this subject domain. 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 Units cover the necessary knowledge requirements in the general competencies but not all of the specific criteria in the general practical competences. For example, 'Understanding and using proper business and professional etiquette within an electronic environment' is part of the conduct of a paralegal covered in the *Essential Skills for Paralegals* Unit, and knowledge evidence for this will be obtained, rather than product evidence which is required in the Law Society of Scotland competences.

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

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

Mapping of Law Society of Scotland Law and Practice Relating to Adults with Incapacity Domain Standards

SUMMARY OF KNOWLEDGE, SKILLS, VALUES AND ATTITUDES			Essential Skills for Paralegals	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
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	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
VALUES AND ATTITUDES	Legal and ethical values			
	Attitude/s			
	Focus:	<ul style="list-style-type: none"> ◆ Professional ◆ Client 	<ul style="list-style-type: none"> ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓

KNOWLEDGE			Essential Skills for Paralegals	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
<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. 			✓ ✓	✓ ✓	✓ ✓
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	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
	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. 	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓	✓ ✓ ✓ ✓
	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. 	✓ ✓ ✓	✓ ✓ ✓	✓ ✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
	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	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
		<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. ◆ that he/she recognises where a transaction is non-standard or includes non standard elements, and refers this to his/her supervising solicitor. 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ ✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
		<ul style="list-style-type: none"> ◆ 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. 	<ul style="list-style-type: none"> ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓
	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. 	<ul style="list-style-type: none"> ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
		<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 <p>◆ additional or specific verbal communication skills relevant to the particular Legal Domain.</p>	✓	✓	✓
	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 <p>◆ additional or specific written communication skills relevant to the particular Legal Domain.</p>	✓	✓	✓
	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. <p>◆ additional or specific electronic communication skills relevant to the particular Legal Domain.</p>	✓	✓	✓

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
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>
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>

SKILLS (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
	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. 	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	—	—
	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	Law and Practice Relating to Adults with Incapacity
		<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. 	<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			Essential Skills for Paralegals	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity	
<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. ◆ 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. 	✓	✓	✓	
			✓	✓	✓	
				✓	✓	✓
				✓	✓	✓
				✓	✓	✓

VALUES and ATTITUDES (cont)			Essential Skills for Paralegals	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
		<ul style="list-style-type: none"> ◆ 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	Legal Aid in Scotland	Law and Practice Relating to Adults with Incapacity
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"> ✓ ✓
	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"> ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓ 	<ul style="list-style-type: none"> ✓ ✓ ✓ ✓ ✓

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 competencies 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 of 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 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 information under discussion will additionally allow practical opportunities for candidates to practise 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 FT6H 35 *Law and Practice Relating to Adults with Incapacity*

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 PDA in Law and Practice Relating to Adults with Incapacity will provide candidates with opportunities to develop relevant components of Core Skills to and beyond the maximum level currently recognised — SCQF level 6.

There is a client focus in the practical tasks of the award; case studies presented for analysis should be designed to emphasise the importance of *Working with Others*. Candidates should develop their own interpersonal skills by explaining, describing and listening in the formative discussion of contextualised case studies which focus on the needs of incapacitated adults and those seeking protection for the future. 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 and consider various welfare, financial and property matters relating to adults believed to have a mental health difficulty and those seeking protection for the future. They apply concepts to identify and manage appropriate actions. An understanding of the legal perspectives surrounding incapacity will involve appreciation of the limitations of the paralegal role. Although candidates could 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 and solutions.

Numeracy skills are essential to audit, interpret and present accurate financial data relating to issues of access to funds and legal aid. *Information and Communication Technology (ICT)* should be used to retrieve and present a range of complex data, with attention to security being routine. Effective electronic systems of recording, coding and storing materials will support necessary accuracy and attention to detail.

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 Law and Practice Relating to Adults with Incapacity 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.

This field of work is not necessarily about working with clients that are incapacitated, as Powers of Attorney are initiated by a client before the client is incapacitated. It is becoming commonplace for POA to be prepared as part of planning for the future and a POA can avoid an application for Guardianship at a future date.

The PDA in Law and Practice Relating to Adults with Incapacity at SCQF level 8 is made up of three mandatory Units:

- FT5R 35 *Essential Skills for Paralegals*
- FW32 35 *Legal Aid in Scotland*
- FT6H 35 *Law and Practice Relating to Adults with Incapacity*

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 required to identify the main sources of law and enable location, retrieval and analysis of legal information from these sources through effective research. This would 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.

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 Unit *Law and Practice Relating to Adults with Incapacity* will provide you with an understanding of the law relating to adults with incapacity and the function of the Office of the Public Guardian in such legislation.

Within this Unit you will have to: apply the main sources of legislation in relation to adults with incapacity, which will involve you dealing with a scenario or set of scenarios involving an adult believed to have a mental health difficulty and providing suitable advice to the person who approaches you about that individual's welfare; prepare an appropriate Power of Attorney and associated Registration Form; prepare a report to a client with an elderly parent or other adult on the Access to Funds Scheme (in doing so, you will be required to explain who can be appointed as Withdrawer, explain how the Scheme will work in practice and detail the information required and the charges involved); complete a Guardianship Account using the style prescribed by the Office of the Public Guardian.

Within this Unit you will learn about:

- ◆ Continuing Powers of Attorney
- ◆ Welfare Powers of Attorney
- ◆ Capacity
- ◆ Office of the Public Guardian
- ◆ Types of Guardianship Orders
- ◆ Court process
- ◆ Current legislation regarding Guardianship Orders
- ◆ Evidence required for ascertaining incapacity
- ◆ Access to Funds Scheme
- ◆ Appointment as Withdrawer
- ◆ Office of the Public Guardian style of account.
- ◆ Code of Practice for Guardians.

The three 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.

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

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

<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 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. On-going discussion of best practice in complex 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 adults with incapacity. 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, health and welfare. Following procedures to provide essential advice and adhere to limitations of the paralegal role. Applications, registers and records must meet professional standards and be produced within available resources/timescales. Review and evaluation to 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 responsibilities of the Guardian or Intervener in relation to financial and welfare affairs of incapacitated persons. Analysing reasons and methods for negotiating, agreeing and documenting the nature and scope of goals, roles and responsibilities in personal and legal interactions. Review of practical solutions in fictitious case studies. Practical interaction in co-operative activities with a range of others in a college/workplace 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>Overview of legal issues affecting access to and control of funds and property. Accurate interpretation and presentation of essential financial information. Accurate and detailed completion of applications for access to funds, grants of legal aid, paying accounts, compliance audits. Account keeping in a style/format prescribed by the Office of the Public Guardian.</i></p>