



Regulated Qualification Specification for: SQA Level 6 Diploma in Probate Law and Practice

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1 Introduction

This qualification specification describes the key requirements of the qualification and includes information which will:

- ◆ assist centres to implement, deliver and manage the qualification
- ◆ provide a guide for new staff involved in offering the qualification
- ◆ inform course managers, teaching staff, assessors, internal verifiers, learners, employers and HEIs of the aims and purpose of the qualification
- ◆ provide details of the range of learners the qualification is suitable for, recommended entry requirements and progression opportunities
- ◆ provide details of how the Units in the qualification meet the aims of the qualification
- ◆ provide details of the knowledge, skills and understanding which will be assessed and the method of assessment
- ◆ provide details of the criteria against which learners' levels of attainment will be measured
- ◆ total qualification time

1.1 Objective of the Level 6 Diploma qualification

The main purpose of the Level 6 Diploma qualification is to provide prospective CLC Lawyers with the theoretical and practical understanding of the law and procedures required for eligibility to apply to be licensed, as a Licensed Probate Practitioner, by the Council for Licensed Conveyancers (CLC) to provide probate services to the public.

1.2 Rationale for the qualification

1.2.1 Background to the development

The Council for Licensed Conveyors (CLC) was established in 1985 as a Regulator to license and regulate CLC lawyers and CLC entities in the provision of conveyancing and probate legal services. In 2015 CLC entered a Qualification Partnership Agreement with the Scottish Qualifications Authority (SQA) to allow CLC to concentrate exclusively on its licensing role, with SQA becoming the awarding body responsible for developing, quality assuring and certificating the revised qualifications.

Due to an increase in the demand from the sector for more trained and qualified Legal Technicians and Licensed Practitioners, SQA has worked closely with CLC and its team of subject specialists to create a suite of four new Ofqual regulated Diploma qualifications: the SQA Level 4 and Level 6 Diplomas in Conveyancing Law and Practice and the SQA Level 4 and Level 6 Diplomas in Probate Law and Practice.

Once achieved, the level 6 Diploma in Probate Law and Practice will allow learners to apply for a CLC licence to practise as a Probate Practitioner, when combined with the mandatory hours of practical experience with an employer.

1.2.2 Consultation with stakeholders: meeting employers' needs

The new suite of qualifications has been subject to consultation with employers, CLC delivering centres and CLC subject specialists to ensure it is fit for purpose and meets the current and future needs of the sector served by CLC.

1.2.3 Range of learners the qualification is suitable for

The Level 6 Diploma qualification is suitable for a range of learners, including those with prior qualifications and/or experience recognised by CLC for the purposes of exemption:

- ◆ Prior qualified Level 4 CLC students who are commencing their studies for the Level 6 qualification for the first time. This could include those with a Legal Technician Apprenticeship or who have acquired the appropriate CLC Foundation level courses at Level 4.
- ◆ CLC students who are transitioning into the Level 6 Diploma and who may have exemptions recognised by CLC/SQA, which are published on the SQA website.
- ◆ Those who are already working under the supervision of an Authorised Person in a probate capacity and who have appropriate current work experience to benefit from undertaking the Level 6 Diploma with a view to applying for a CLC Licence to Practise.

1.2.4 Possible employment opportunities for learners who gain this qualification

The Level 6 Diploma qualification is designed to equip learners who aspire to become a CLC Lawyer in the licensed probate practitioner role with the theoretical knowledge and skills to apply that knowledge to a range of given case study scenarios.

1.2.5 Progression opportunities from this qualification

The Level 6 Diploma qualification meets CLC's education and training criteria to become eligible to apply for a licence to practice as a CLC Licensed Probate Practitioner after the designated amount of professional practice.

2 Aims of the Level 6 Diploma qualification

2.1 General aims of the qualification

- 1 To develop the theoretical knowledge and skills of learners who aspire to the role of a CLC Licensed Probate Practitioner. The Level 6 Diploma is a prerequisite for eligibility to apply to be licensed, as a Licensed Probate Practitioner, by the CLC to provide probate services to the public in England and Wales.
- 2 The qualification will provide the learner with the knowledge required to perform, independently, a standard range of processes and procedures when taking instructions for a Will. It will also equip the learner with the knowledge required to take instructions from Executors and Administrators in the administration of a deceased's estate, including the procedure for collecting and distributing the estate assets and calculating and advising on taxation of an estate.
- 3 To acquire an understanding of accounting principles and procedures for Client and Office accounts and the application of the CLC principles in relation thereto, together with an appreciation of basic accounting principles for day-to-day business accounts.
- 4 To develop the knowledge and skills required to adopt a proactive approach to problem solving in a legal context within the scope of responsibility of a CLC Licensed Probate Practitioner

2.2 Specific aims of the qualification

To equip the learner with the required theoretical knowledge of:

- 1 The client presenting themselves for advice on a Will or Codicil and the application of the duty of care.
- 2 The legal requirements for the making of a Will both in terms of testamentary capacity and formalities of execution.
- 3 The types of bequests and legacies typically found in a Will.
- 4 The application of the CLC Professional Conduct and Guidance rules and principles to the will-making client and the client wanting to administer an estate.
- 5 Requirements of registering the death and the measures needed to protect the personal representatives.
- 6 The non-contentious probate rules insofar as they apply to limited Grants and applications to the Probate Registry for searches, caveats, citations and directions.

- 7 The remedies to deal with problems and issues arising during an administration.
- 8 The circumstances when succession takes place independently of a Will or the rules of succession.
- 9 The potential claims for reasonable financial provision under the Inheritance (Provision for Families and Dependants) Act 1975 (as amended).
- 10 The rules relating to an insolvent estate.
- 11 Client Account entries and the application of the CLC Accounts Code.
- 12 The preparation of Completion Statements.
- 13 The system of Practice Accounting Records, including Office account entries, the trial balance.
- 14 The banking system and Bank reconciliation statements.
- 15 Year-end accounts including account concepts, adjustments and analysis and cash flow forecasting.
- 16 The taxation implications of an estate (Income Tax, Inheritance Tax and Capital Gains Tax).

3 Recommended entry requirements

It is recommended the learner has achieved the necessary CLC Level 4 Foundation courses, or equivalent qualifications and/or experience, or the Probate Legal Technician Apprenticeship.

4 Qualification structure

To achieve the qualification, learners must complete three mandatory Units as shown below:

Qualification title	SQA Level 6 Diploma in Probate Law and Practice	
Qualification Level	SQA level 6	
Credit value (TQT/10)	43	
TQT	430	
Guided learning hours (GLH)	211	
Mandatory credits/credit value	43	

SQA code	Regulator code	Title	Level	Credits	GLH
HG1A 86	J/615/0673	Wills, Succession and Grants of Representation	6	14	68
HG1C 86	K/615/0679	Administration of Estates	6	14	68
HG1D 86	D/615/0680	Managing Client and Office Accounts (Probate)	6	15	75

5 Transitional Arrangements

Current CLC Level 6 students who have not yet achieved all required subjects for a CLC award will be able to register for the SQA Level 6 Diploma and to achieve full credit towards the relevant SQA Units using the CLC courses they have already passed. These transitional arrangements will ensure that current CLC students are not disadvantaged, and will take effect from 1 September 2016.

Further details about the transitional arrangements, are available on SQA's webpages.

<https://www.sqa.org.uk/sqa/77128.html>

6 Mapping of Units to the aims of the qualification

Unit code	Unit title	General aims met	Specific aims met
HG1A 86	Wills, Succession and Grants of Representation	1, 2, 4	1, 2, 3, 4, 6, 8, 16
HG1C 86	Administration of Estates	1, 4	4, 5, 6, 7, 9, 10, 16
HG1D 86	Managing Client and Office Accounts (Probate)	1, 3, 4	11, 12, 13, 14, 15, 16

7 Guidance on approaches to delivery and assessment

The emphasis should be on an interactive delivery of the qualification. Students should be encouraged to apply relevant law and principles to practical and professional situations that they are likely to experience and may have to deal with in their current or prospective employment.

Scenarios should be presented to the student which reflect the experiences that are likely to occur in professional practice.

Whilst there is a great deal of technical detail that the student must master to achieve this qualification, it is important that this is presented as the 'tools of the trade.' There is no merit in assessing the rules and principles in isolation and the emphasis throughout should be on the application of these in problem solving and providing competent and useful advice.

It is recommended that ongoing formative assessment of the unit content is carried out on a regular basis to facilitate satisfactory learner progression towards achieving the qualification.

7.1 Sequence of delivery

It is recommended that the 'Grants of Representation' Unit be completed first before the 'Administration of Estates' Unit as the learning acquired from the former will inform an understanding of the latter.

The 'Managing Client and Office Accounts (Probate)' Unit may be completed at any stage of the qualification.

7.2 Assessment schedule

Unit	Assessment				
	Learning Outcome 1	Learning Outcome 2	Learning Outcome 3	Learning Outcome 4	Learning Outcome 5
Wills, Succession and Grants of Representation	Learner response to a pre-seen case study scenario(s) covering learning Outcomes 1 and 4	Learner response to a pre-seen case study scenario. Draft of a corrective and supporting Affidavit.	Learner response to a pre-seen case study scenario.	Assessment is integrated with Learning Outcome 1.	N/A
Administration of Estates	Learner response to a case study scenario — assessment is integrated with Learning Outcomes 2 and 4.	Assessment is integrated with Learning Outcomes 1 and 4.	Preparation of estate accounts and the accounting and distribution of the estate — assessment is integrated with Learning Outcome 5. Completion of an IHT400 form and calculation of Capital Gains Tax.	Assessment is integrated with Learning Outcomes 1 and 2.	Preparation of estate accounts and the accounting and distribution of the estate — assessment is integrated with Learning Outcome 3. Completion of an IHT400 form and the calculation of Capital Gains Tax.

Unit	Assessment				
	Learning Outcome 1	Learning Outcome 2	Learning Outcome 3	Learning Outcome 4	Learning Outcome 5
Managing Client and Office Accounts (Probate)	Recording of financial transactions using the double-entry book-keeping system.	Using an excerpt from a Trial Balance, learner to produce a simple Profit and Loss account, Balance sheet, an appropriation account and recording of transactions from the office current bank accounts. Short answer questions.	Production of a bank reconciliation statement and a cashflow statement. Short answer questions.	N/A	N/A

7.3 Assessment Support Materials

Support materials for the assessment of this qualification are available on SQA's secure website. Please contact customer@sqa.org.uk to arrange access.

7.4 Recognition of Prior Learning

SQA recognises that learners gain knowledge and skills acquired through formal, non-formal and informal learning contexts.

In some instances, a full qualification may be achieved through the recognition of prior learning. However, it is unlikely that a learner would have the appropriate prior learning and experience to meet all the requirements of a full qualification.

The recognition of prior learning may **not** be used as a method of assessing in the following types of Units and assessments:

- ◆ integrative assessment Units
- ◆ certain types of assessment instruments where the standard may be compromised by not using the same assessment method outlined in the Unit
- ◆ where there is an existing requirement for a license to practice
- ◆ where there are specific Health and Safety requirements
- ◆ where there are regulatory, professional or other statutory requirements
- ◆ where otherwise specified in an Assessment Strategy/Assessment Principles

More information and guidance on the *Recognition of Prior Learning* (RPL) may be found on our website www.sqa.org.uk.

7.5 Resource requirements

Centres must ensure that they have the appropriate resources available in order to effectively deliver and assess this qualification.

8 Comparable qualifications

CILEx Level 6 Unit 21 'Probate Practice' and CILEx Level 6 Unit 14 'Law of Wills and Succession'.

9 General information for centres

9.1 Equality and inclusion

This qualification and all associated support materials have been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners will be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence. Further advice can be found on our website: www.sqa.org.uk/assessmentarrangements

9.2 Internal and external verification

Where appropriate, assessments used within this/these qualification(s) must 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 Internal Verification: A Guide for Centres offering SQA Qualifications
http://www.sqa.org.uk/files_ccc/InternalVerificationGuideforSQAcentres.pdf

9.3 Glossary of terms

National Qualification Frameworks (NQF): Frameworks provide the language for describing learning opportunities and therefore makes relationships between qualifications clearer. It clarifies entry and exit points, routes for progression within and across education and training sectors and in some cases, across countries. This helps learners plan their progress and minimise duplication of learning.

NQFs that apply to Regulated qualifications in England, Wales and Northern Ireland are below:

- ◆ **RQF — Regulated Qualifications Framework.** A descriptive framework which contains qualifications regulated in England and Northern Ireland.
- ◆ **CQFW — Credit and Qualification Framework in Wales.** A credit based framework for qualifications regulated in Wales.

Levels: The frameworks in England, Wales and Northern Ireland cover eight levels of learning. The level of a Unit or qualification denotes the complexity of learning. As a comparison, GCSEs (grade A*–C) are Level 2, A Levels are Level 3, and a PhD is Level 8.

Guided Learning Hours (GLH): indicates the notional number of hours of directly taught or supervised learning and assessment typically needed, for a learner to achieve the qualification. This figure could be part of or wholly Total Qualification Time.

Total Qualification Time (TQT): indicates the total notional number of hours the typical learner will take to achieve a qualification. This includes GLH and all other types of learning and assessment that is not directly supervised by a teacher, tutor or equivalent person. TQT might be made up wholly of all other types of learning and assessment and not feature GLH.

Credits: Credit is used to quantify Learning Outcomes from TQT values and give them a value or currency. They are a way of showing how much time it takes, on average, to complete and achieve a qualification or learning programme. One credit point represents 10 TQT hours. In some instances it may be possible to transfer credit to other learning programmes to ensure that a learner does not have to repeat any learning they have already undertaken.

Award/Certificate/Diploma: The size of the qualification can be quickly identified by the inclusion of Award, Certificate or Diploma in the title — indicating the amount of TQT it contains. There are three sizes of qualification:

Awards (up to 120 hours)
Certificates (121 to 369 hours)
Diplomas (370 hours or more)

National Occupational Standards (NOS): A Standard is a set of statements that describe the standards of performance and knowledge that are expected of a competent individual in a certain job role. NOS are developed with industry input. They are used in lots of different ways — including for the development of qualifications.

Qualification Specification: Each qualification must have a published specification, providing all the details required for a customer to know why they should offer or take the qualification and the benefits of doing so. What a specification should contain is detailed by the Regulator Conditions (Ofqual).

Trailblazers: Trailblazer groups, made up of employers in a specific sector, are phasing in new Standards and assessment plans for Apprenticeship programmes in England only. These new Standards will gradually replace the use of NOS in English Apprenticeships over the next two years.