

Rationale for the development of the Professional Development Award in Will Drafting

This award has been designed to fill the void in qualifications for paralegals already employed in will drafting and working with adults with an incapacity and also for paralegals already employed in this field who wish to undertake CPD. It is also designed as a qualification for anyone aiming to achieve the role of a specialist paralegal in will drafting.

The aim of this award is to develop the competencies required by employers to allow individuals to undertake specialist paralegal support roles within the legal profession, or in a legal context within a variety of businesses, public sector or financial organisations.

Achievement of this particular award, will give an individual the competences to carry out the role of a paralegal in will drafting and working with adults with incapacity within a legal environment and allow registration with the Law Society of Scotland.

The structure of the PDA in Will Drafting consists of the following units:

F1B1 35 - Legal Research Techniques

This Unit is designed to provide candidates with the specialist research skills required to locate and retrieve legal information from the main sources of law through effective research, analyse the information retrieved and to explain the purpose of effective legal research.

F1A3 34 - Legal Secretarial Practice

This Unit is designed to provide candidates with an understanding of the role and function of a legal secretary and/or a paralegal in Scotland, to equip them with the knowledge to explain the laws of confidentiality applicable in a legal environment, and equip the candidate with the skills to prepare legal documentation.

F50D 35 - Legal and Ethical Issues

This Unit is designed to provide candidates with an understanding of the sources, composition and procedures involved in the Scottish Legal System. It also provides an understanding of the role of the Law Society and of the money laundering regulations.

F51W 35 – Executory Law and Practice

This Unit is designed to provide the candidate with the knowledge required to administer a straightforward executory estate. It will equip the candidate with the necessary skills to enable them to process and ingather funds in an executory estate up to the point where the funds are available for accounting and distribution.

New Unit - Law relating to Adults with Incapacity

This Unit is designed to provide candidates with an understanding of legislation and legal procedures relating to Adults with Incapacity and the function of the Office of the Public Guardian in such legislation. Candidates will also be able to prepare as a power of attorney and a guardianship account

New Unit - Will Drafting

On completion of this Unit, Candidates will be able to draft various types of Will, both simplified and complex, in accordance with clients' instructions, taking into account current legal requirements. They will also be able to advise clients of various factors to be taken into account when drafting the Will according to the clients' circumstances.