THE LAW SOCIETY OF SCOTLAND

PROFESSIONAL EDUCATION AND TRAINING STAGE 1 – PEAT 1

ACCREDITATION GUIDELINES FOR APPLICANTS

2009

CONTENTS

1. INTRODUCTION

1.1 Guidelines for Applicants

Whereas the Law Society of Scotland (the "Society"), under the Solicitors (Scotland) Act 1980, is responsible for regulating the qualification of persons for entry to the solicitors' profession, the Society has issued this statement to set out the requirements for the accreditation of providers ("Providers") of a Professional Education and Training Stage 1 ('PEAT 1') programme as a qualification, together with other training, for entry to the solicitors' profession.

PEAT 1 will not be recognised for the purposes of entry to the solicitors' profession until academic session 2011/2012, irrespective of the date of accreditation and whether that takes place before commencement of academic session 2010/2011.

This document sets out, for potential applicants ("Applicants") the standards and the accreditation process. It contains the relevant information as regards the context of PEAT 1, the various outcomes for achievement, the accreditation procedures to be applied by the Society, and the monitoring procedures to be performed thereafter. Should any further information be required, please contact in the first instance the Education and Training Policy Department of the Society:

> T: 0131 476 8126/8155/8173
> F: 0131 225 2934
> E: accreditation@lawscot.org.uk

1.2 Glossary

'**2005 Diploma Accreditation Guidelines**' are the guidelines issued by the Society in 2005 to accredit providers of the Diploma in Legal Practice.

'**Admissions Regulations**' are the Admission as a Solicitor (Scotland) Regulations and associated guidelines of the Society which come into force in advance of the commencement of academic session 2011/2012.

'**Annual Report**' is the annual report submitted by Providers.

'**Applicant**' means the organisation(s) or person(s) wishing to apply to the Society for accreditation of PEAT 1.

'**Continuing Professional Development' or 'CPD**' is Continuing Professional Development, under the requirements of the Solicitors (Scotland) (Continuing Professional Development) Regulations 1993 and associated guidelines, and any subsequent regulations and guidelines which may replace them from time to time.

'**Core Outcomes**' means the outcomes to be achieved in the areas of Professionalism, Professional Communication and Professional Ethics and Standards.

The '**Diploma**' is the Diploma in Legal Practice as constituted in the 2005 Diploma Accreditation Guidelines.

'**Education and Training Committee**' is the Education and Training Committee of the Society.

'**Education and Training Policy Department**' is the department of the Society which deals with education and training policy.

'**Entrance Certificate**' is the certificate issued by the Society to a person to allow that person to commence PEAT 2, as referred to in the Admissions Regulations.

'**Electives**' means the elective subjects which individual Providers will choose to run as part of PEAT 1, relating to *legal practice* and/or *legal skills*.

The '**Exempting Scottish LLB Degree**' is the degree as constituted in the 2005 Exempting Scottish LLB Degree Accreditation Guidelines.

The '**2005 Exempting Scottish LLB Degree Accreditation Guidelines**' are the guidelines issued by the Society in 2005 to accredit providers of the Exempting Scottish LLB Degree.

'**Foundation Outcomes**' are the knowledge, skills, attitudes and values for the Foundation Programme and required for entry to the PEAT 1 stage of training.

'**Foundation Programme**' is from the commencement of the 2011/2012 academic year, the stage of legal education in Scotland preceding PEAT 1.

'**Mandatory Outcomes**' means the core curriculum of Conveyancing, Private Client, Litigation, Business, Financial and Practice Awareness, and Tax (the latter to be taught pervasively).

'**Panel**' means the PEAT 1 Accreditation Panel drawn from a pool of representatives from time to time, as further defined in section 4.3.

'**Panel Secretary**' means the representative of the Society's Education and Training Policy Department nominated by the Education and Training Committee to administer the Panel.

'**PCC**' is the Professional Competence Course as defined in the 2005 Diploma Accreditation Guidelines.

'**PEAT 1**' or '**Programme**' means the whole programme of study and performance comprised of the Mandatory Outcomes, Core Outcomes, and Electives.

'**PEAT 2**' is from September 2011 the two year period of work-based training undertaken by all graduates of either the Diploma or PEAT 1, with a Training Organisation.

'**Programme Director**' is a person responsible for the accreditation of PEAT 1 by an Applicant.

'**Provider**' is any organisation(s) or person(s), ultimately accredited under these guidelines to offer PEAT 1.

'**SCQF**' stands for the Scottish Credit and Qualifications Framework.

'**Scottish Exempting Degree'** means an undergraduate degree programme which incorporates the Foundation Outcomes for entry to PEAT 1.

'**Scottish Exempting Degree Accreditation Guidelines**' are the equivalent guidelines to these guidelines, applicable to the Scottish Exempting Degree.

'**Simulation**' means practical application of the law, in cases or transactions which are not undertaken in a live client environment.

'**Trainee Continuing Professional Development' or 'TCPD'** is the programme of continuing professional development for trainee solicitors which will be introduced from September 2011 for completion during PEAT 2.

'**Training Contract'** is prior to September 2011 the two year period of work-based training undertaken by graduates of the Diploma.

'**Training Organisation'** means the firm or other organisation providing or capable of providing the PEAT 2 stage of training.

1.3 PEAT 1 and Prior Arrangements

In order to protect the interest of students who have enrolled on the Diploma prior to the coming into existence of PEAT 1 in academic session 2011/2012, existing recognition of providers offering a Diploma as qualification, together with other training, for entry to the solicitors' profession will continue to be recognised for entry to PEAT 2. This is true in respect of (i) providers of the Diploma accredited under the 2005 Diploma Accreditation Guidelines, and (ii) providers of the Diploma historically recognised but by virtue of the coming into existence of PEAT 1 in academic session 2011/2012 were not required by the Society to be accredited under the 2005 Diploma Accreditation Guidelines (Dundee, Aberdeen, Edinburgh, and GGSL (Strathclyde and Glasgow, whether jointly or separately)). Rules which applied to the validity of the Diploma will continue to apply to graduates of that course.

1.4 Background

1.4.1   PEAT 1 is a compulsory element of the professional training programme for solicitors in Scotland. It was introduced following the work of a Diploma Working Party which commenced in 2004, the results of which were incorporated into the Society's full-scale review of the route to qualification in Scotland between late 2006 and early 2009.

1.4.2   Vocational training is required between the academic stage, of the Foundation Programme, and the workplace environment of PEAT 2, which establishes the knowledge, skills, attitudes and values required for work as a trainee solicitor, and ultimately practice as a solicitor in Scotland.

1.4.3   The Scottish Exempting Degree represents a means by which the Foundation Programme may be achieved. Flexible options for the Scottish Exempting Degree will mean that there will be a wide variation in the forms of study undertaken in the Scottish Exempting Degree. The Scottish Exempting Degree will continue to be, as the Exempting Scottish Law Degree was, a liberal arts degree which also meets the Foundation Outcomes for entry to PEAT 1. PEAT 1 will be a more standardised form of professional education, regardless of the undergraduate study undertaken, in preparation for the work-based period of training as a solicitor, PEAT 2.

1.5 Relationship between the Foundation Programme (Scottish Exempting Degree), PEAT 1, PEAT 2 and Trainee CPD (TCPD)

1.5.1   Whilst the Scottish Exempting Degree can lead to many things, for those who ultimately qualify as solicitors professional education and training does begin on the first day of the Foundation Programme, and end with successful completion of the last cycle of CPD in a practitioner's career. It is essential that everyone involved in the process treats the years of education and training during the Foundation Programme, PEAT 1 and PEAT 2 as a holistic process, in which all elements are designed to contribute to the professional education of solicitors.

1.5.2   The Scottish Exempting Degree comprises Foundation Outcomes. These are divided into three areas:

- knowledge areas covering knowledge and sources of law
- skills including subject-specific skills, general transferable intellectual skills, and key personal skills
- values and attitudes.

1.5.3   For this reason, PEAT 1 should be regarded as a programme that not only builds on the Foundation Programme but specifically enables more effective learning to take place during both PEAT 1 and PEAT 2, through the Core Outcomes and PEAT 2 Outcomes. It is not an academic course but a programme of professional study and performance, with values that are significantly different from those of the Scottish Exempting Degree. It gives students the opportunity to reflect on that learning in a situation where there is the opportunity to learn close to the world of practice through simulation, but free from the implications of live client work.

1.5.4   The Scottish Exempting Degree and PEAT 1 stages may be combined as one course, and one combined application for accreditation submitted to the Society. In this situation these guidelines, and the Scottish Exempting Degree Accreditation Guidelines, require to be met.

1.5.5 PEAT 2 is a 24 month period of in-office training, carried out under the supervision of a Scottish solicitor. It must take place after successful completion of PEAT 1.

1.5.6 TCPD will be undertaken as part of PEAT 2, from 2011 replacing the PCC. Transitional arrangements will apply to trainee solicitors qualifying up to September 2013, during which time the PCC can be deemed to qualify as TCPD. However, the Society invites early applications for accreditation of TCPD from late 2010, and wishes to prioritise its introduction. Separate accreditation guidelines will be issued in relation to TCPD between June and September 2010. TCPD will lead naturally into solicitors' CPD upon qualification.

2. APPLICANTS

2.1 Core Requirements

2.1.1 The Society will recognise an Applicant as a Provider of PEAT 1 if the following requirements are met:

(a) The Society is satisfied that the Applicant meets the criteria set out in this document, and the Appendices to this document.

(b) Specifically, the Programme will be based on the Mandatory Outcomes and Core Outcomes that will be issued by the Education and Training Committee from time to time, and include Electives, within the parameters of this document.

(c) The Programme satisfies external examiners that, in addition to the areas of performance set out in the benchmark standards of the QAA or as set out by any equivalent or successor body, students of that programme of study have achieved the Mandatory and Core Outcomes as set out in Appendix A.

(d) The Programme will comprise predominantly small group tutorials, practical and simulated learning, with a range of assessment methodologies appropriate to a vocational training programme.

(e) Applicants need not have Diploma awarding powers conferred by the Privy Council or with the authority of the Scottish Government. It is also possible for a joint application for a collaborative PEAT 1 to be submitted by a person(s) or organisation(s), for which one application for accreditation is sufficient.

(f) Where Applicants elect to be accredited to run *parts* of PEAT 1 as part of a collaboration (e.g. Electives), all Applicants must seek independent accreditation (information on such collaboration will require to be provided in relevant accreditation applications).

2.1.2   Prior to a formal application for accreditation, Applicants are encouraged to contact the Society for clarification of the meaning of the requirements and standards in this document and its Appendices.

3. PEAT 1 AIMS, STRUCTURE, CONTENT AND RESOURCES

3.1 Aims

3.1.1   PEAT 1 encapsulates core values underpinning Scottish legal education and is intended to:

- Develop the knowledge, skills, attitudes and values learned on the Foundation Programme, through the Mandatory Outcomes, Core Outcomes and Electives.
- Be indicative of a partnership between all those who have an interest in professional legal education and encourage collaboration and effective sharing of resources between them.
- Adopt best practice in the field of professional education and training and take as its core educational concept the benchmark of competence in legal practice whilst promoting excellence
- Assess 'professionalism' at the first of two postgraduate stages, the second being PEAT 2, with such assessment being valid, fair and reliable.
- Facilitate the development of skills and the integration of these with legal knowledge and ethical behaviour.
- Be of a consistent quality across different Providers, fit for its purpose throughout Scotland.
- Be flexible and open to innovation, particularly in models of delivery, methods of teaching and course delivery and the use of ICT.
- Actively ensure consideration of the client's perspective and the development of public and client respect.
- Inspire individuals capable of creativity, being challenging and being challenged on legal thinking, critical thinking, and flexibility.
- Ensure and promote equality and diversity.
- Through all of the above, and particularly through the Core Outcomes, prepare the student fully and properly for starting PEAT 2.

3.1.2   PEAT 1 should be pitched at a level of complexity and sophistication sufficient to engage a student who has either completed the Foundation Programme or is studying on a model incorporating both the Scottish Exempting Degree and PEAT 1 stages.

3.2 Basic Structure

3.2.1   PEAT 1 is taught within 120 SCQF credits, at level 10 or above. Within that, it consists of two sets of outcomes statements, all of which are compulsory, the detail of which can be found in Appendix A to this document:

- **Mandatory Outcomes**: Private Client, Conveyancing, Litigation, Business, Financial and Practice Awareness, and Tax (Tax to be taught pervasively).

  Conveyancing, Private Client, Litigation are reserved areas defined in the Solicitor (Scotland) Act 1980.

- **Core Outcomes**: Professionalism, Professional Communication, Professional Ethics and Standards.

3.2.2   In addition, PEAT 1 consists of Electives. The Electives will be proposed by the Applicant. The Society does not seek to be prescriptive about Electives, but examples might be advanced subjects which build on Mandatory Outcomes (e.g. 'Advanced Litigation'), or entirely new subjects (e.g. based on the local market, or analysis of graduate destinations from that Applicant's organisation). Electives should relate to legal practice and/or legal skills. Applicants should approach the Society in advance of a formal written application for accreditation, if they wish to discuss potential Electives.

3.3 Models of Programme

3.3.1   The following models are appropriate for PEAT 1:

Integration with Scottish Exempting Degree

- The PEAT 1 programme may be integrated with the Scottish Exempting Degree. Any Applicant wishing to offer an integrated course is required to meet the requirements of both the Scottish Exempting Degree Accreditation Guidelines and these guidelines

PEAT 1 only (full time):

- The Programme may be offered as a stand-alone course by a Provider, undertaken on a full-time basis after successful completion of the Foundation Programme.

PEAT 1 only (open/part-time/distance-learning):

- The Programme may be offered as an open/part-time/distance learning course by a Provider. This could be in a variety of open, part-time or distance-learning modes.

- The following three forms of teaching and learning (open, distance, and e-learning) present special challenges and opportunities for both students and Providers. However it is

essential that Providers adhere to sensible and research-proven guidelines for good practice in these modes of teaching and learning. It is expected that Applicants will, in their application, demonstrate that they have followed guidelines for good practice in these areas. Many such sets of guidelines exist. Appendix F lists some of these in the area of e-learning and distance-learning.

The PEAT 1 course will always require to be fully complete before the PEAT 2 stage can be commenced.

3.4 Curriculum structures and Matrix

3.4.1 Curriculum structures

Applicants will be asked to describe their Programme design totalling 120 SCQF credits (at level 10 or above) in detail, this being further explained below:

Mandatory/Core Outcomes: Electives

- Of the 120 SCQF Credits, a balance between courses comprising Mandatory and Core Outcomes, and Electives, must be found.

- The Panel will be looking for a balance which is reasonable and proportionate to what the Society intends to do by introducing Electives as an essential element of PEAT 1. A course incorporating no Electives is not a PEAT 1 course.

- Mandatory/Core Outcomes must be achieved in courses comprising no fewer than 60 SCQF credits. It is unlikely that the Panel will accept an application attaching more than 80 SCQF credits to courses incorporating the Mandatory/Core Outcomes.

- Within a minimum of 60 and a likely maximum of 80 SCQF credits, it will be for each Applicant to propose a curriculum structure, which incorporates the Mandatory Outcomes and Core Outcomes.

- As the Mandatory/Core Outcomes can be entirely achieved within 60 SCQF credits, Applicants will require to demonstrate clearly what is additionally being covered where they propose that between 60 and 80 SCQF credits be attached to courses incorporating the Mandatory/Core Outcomes.

- Electives may comprise up to 60 SCQF credits and it is unlikely the Panel will accept an application attaching fewer than 40 SCQF credits to Electives.

3.4.2 **Matrix**

There are a number of possible methods of Programme design, curriculum structure, and learning and teaching methods. Appendix B is also a set of educational practice guidelines which provide more detail on what it is the Society intends to do by introducing PEAT 1.

Applicants must demonstrate how the proposed Programme is to be delivered through the provision of a matrix which maps the Mandatory and Core Outcomes to the curriculum structure.

In addition, the matrix must be supported by statements in relation to:

(i) learning and teaching methods
(ii) use of resources
(iii) assessment methods (and see Appendices A and B include suggested assessment methods)

This forms part of a wider set of criteria which must be met, as outlined in Appendix C (General Accreditation Standards) and Appendix D (Specific Accreditation Standards, incorporating further guidance on the matrix and supporting statements).

In addition, although a matrix is not required for Electives, Providers must supply information on Electives, including statements in relation to (i) to (iii) above, and as required in Appendices C and D.

4. ACCREDITATION EVENTS, PROCEDURES, AND DOCUMENTS

4.1 Application Procedure

4.1.1. Applicants should give to the Panel Secretary early written intimation of their intention to apply for accreditation and in any case intimate this in writing no later than the end of October preceding the session in which it is intended to offer the course. There is no prescribed format for the early written intimation which must be adopted, although the Panel Secretary must be advised of the name of the contact person within the Applicant's organisation (Programme Director) and the date on which the Applicant hopes to deliver the proposed Programme for the first time. A deadline for receipt by the Panel of the full application will be fixed by mutual agreement. The deadline will normally be at least three months from the date of intimation. It is realistic to expect that the whole process of accreditation may take 6-9 months from the date of early written intimation. An Applicant may not deliver any part of the Programme before accreditation has been granted and, in the case of Programmes which may be accredited in advance of the commencement of academic session 2010/2011, should not be implemented until session 2011/2012, as PEAT 1 will not be recognised until then.

4.1.2. Applicants and Providers must co-operate fully with the Panel not merely on accreditation and monitoring issues, but in all aspects of Programme provision.

4.1.3. Applicants may decide to submit an application for accreditation prior to, or subsequent to, internal validation of the course(s). The approach taken is at the Applicant's own risk and, in the event that a subsequent internal validation requires material changes to the course(s) the Applicant shall be required to contact the Panel Secretary within a reasonable timescale. In that case, the Panel Secretary will reconvene the Panel. All accreditations will be conditional upon successful internal validation.

4.1.4. Where the Applicant is a non-university applicant, equivalent standards in relation to internal validation and scrutiny of the course, prior to formal application for accreditation by the Society, apply. The Society reserves the right to appoint a person with relevant experience, and without any affiliation to the Applicant, the Panel or the Society, to undertake such an exercise prior to the convening of the Panel. The cost of this will be borne by the Applicant, and will be added to the fee relating to the Applicant's accreditation application (see section 4.6.3).

4.2 Application Documentation

4.2.1 As mentioned above, Appendices C, D and J provide details on what is required to be submitted, within the parameters of this document.

4.3 PEAT 1 Accreditation Panel

4.3.1 Membership

The Panel will be comprised of not less than three and not more than four members. The members of the Panel will have such experience as the Education and Training Committee at its sole discretion considers relevant but will include:

- one member of the Society's Council or one of its associated committees
- one solicitor or advocate, with experience of practice
- one academic representative with experience in providing or tutoring on the Diploma in Legal Practice
- one representative with experience in providing a professional education or development programme in another profession or jurisdiction

In some circumstances individuals may be able to bring more than one category of experience to the Panel, it is balancing the experience of the Panel which is of prime importance.

The quorum for all meetings of the Panel will be three members, although it will be competent for a member of the Panel to take part in the accreditation remotely in the event of unexpected circumstances (either by early provision of information for the Panel and reference afterwards, or by conference calling with the Panel itself).

Should any member have any connection to an Applicant whose application is under consideration by the Panel, then that member should declare that interest to the Panel in advance of the Panel's deliberations and take no part in those deliberations or any voting.

At all meetings a representative of the Education and Training Policy Department of the Society will be in attendance and will act as Panel Secretary.

4.3.2 **Confirmation of Panel**

The Applicant will be asked to confirm in writing their acceptance of the proposed composition of the Panel that will consider the application. This is to allow the Applicant the opportunity to respond on issues they may have in relation to the Panel and its composition, the skills and experience represented, conflicts, or any other reasonable cause. If such issues are raised the Education and Training Committee will use reasonable endeavours to ensure such issues are addressed and will attempt to agree a Panel acceptable to the Applicant, but that without prejudice to the Education and Training Committee's discretion referred to in section 4.3.1. The Society notes an application cannot be processed until such time as an appropriate Panel is agreed.

4.3.3 **Powers**

The Panel will have the power to investigate and make recommendations to the Education and Training Committee and the Council of the Society about all aspects of provision of the Programme by the Applicant. The Panel may recommend the:

- Award of Accreditation
- Award of Conditional Accreditation
- Refusal of Accreditation
- Renewal of Accreditation
- Award of Conditional Renewal
- Suspension of Accreditation
- Termination of Accreditation

In the case of 'Award of Accreditation', the Panel will attach standard conditions to all recommendations to accredit which will comprise:

- An obligation on the Provider to notify the Society of material reductions in the resources available to students on PEAT 1.
- Notification of material changes to the curriculum design.
- Notification of changes to external examiners.
- Submission of annual reports by each of the external examiners on the Programme covering the issues identified in Appendix E.

- Submission of an Annual Report, which is to take the form of critical self-review.

In addition:

- At the discretion of the Panel, the Applicant may be invited to attend a meeting with the Panel (please note, however, that the Education and Training Committee may request a meeting to discuss the Programme at any time).

- The Panel may continue its consideration of an application, pending the receipt of further documentation and information from the Applicant, before making any decision regarding accreditation.

- The Panel is also entitled to attach special conditions.

The Panel Secretary will write to the Programme Director as soon as possible to advise of the Panel's recommendation, and in the case of recommendations of refusal, suspension or termination will give the Panel's reasons. In the case of conditional accreditation, a timescale will be given within which the conditions must be fulfilled.

4.4 Period of Accreditation

4.4.1   Providers will be accredited for four years.

4.4.2   Electives submitted for accreditation following initial accreditation must be intimated as part of the Annual Report, and the Society will aim to put that Elective through an accreditation process prior to the commencement of the next academic session.

4.5 Variation of Period of Accreditation

4.5.1   The Education and Training Committee will streamline the reapplication for accreditation process following the initial accreditation to 31 January in the year after accreditation lapses. In order to manage multiple re-accreditation processes, the Education and Training Committee may vary the period of accreditation.

4.5.2   The first accreditation applies from the date the Society approves the Panel's recommendation to accredit, and the course may run from the next academic session (but no earlier than academic session 2011/2012).

4.6 Accreditation Fees

4.6.1   Applicants are required to pay the following fees upon initial application for accreditation of the Programme:

- £3,000 (plus VAT)

This fee will cover the administration of the Education and Training Committee, or where necessary, the Panel, on a yearly basis considering the introduction of new Electives.

4.6.2   A further annual fee of £250 plus VAT is payable by Providers in the year following accreditation and each year until such time as accreditation ends or a new application for accreditation is submitted. This fee is to cover the costs of visits, processing Annual Reports, dealing with enquiries and variations to accreditation during each year of accreditation.

4.6.3   Where an Applicant is a non-university Applicant, an additional fee relating to the appointment of a relevant person to undertake scrutiny of the course, prior to the convening of the Panel, will apply (see section 4.1.4 above). The Society will provide the Applicant with a reasonable estimate in advance, and the cost will be added to the fees outlined above.

4.6.4   The Society may from time to time vary the accreditation fees.

4.7 Annual Report

4.7.1   The Society wishes to use the first year of accreditation under these guidelines as an evaluation year. On a suitable date in the second semester of session 2011/2012, the Education and Training Committee will authorise either the Panel, or the Panel Secretary, to consider the first year of each Provider's accreditation. The Provider will host the event which is held to (i) feedback on the accreditation and monitoring process in the first year and how it can be improved and (ii) formally propose changes intended to apply to the new course.

4.7.2   Thereafter, submission of subsequent Annual Reports, in the form of a critical self-review, are streamlined for **all** Providers to 31 January in the year following the conclusion of each academic session. If a Provider wishes to alter from that date, application must be made to the Society.

4.7.3   The Annual Report is a critical self-review and will be informed by the Provider's own Programme appraisal processes (and see also Appendix D) and will contain the following sections:

- Summary of annual programme appraisal.
- Details of feedback received from students.
- Copy of monitoring visit report (if applicable).
- Update on alterations to the Programme. Each Provider's Programme may, and should, evolve during the period of

accreditation as a result of feedback received, possible legislative changes and other practical considerations such as changes to Electives offered. In the example of Electives changing completely, the Provider should prepare documentation for that Elective, in the same manner as would have been required had the Elective been proposed as part of the original accreditation.

- Future plans for the Programme. Any material changes to the Programme will require the prior approval of the Society and such approval should be applied for at the time of the Annual Report. The matter will be considered by the Education and Training Committee.
- The Panel Secretary should be contacted when advice is required.

4.7.4   The Society reserves the right to request the attendance of a representative of the Provider to discuss any variances from the standards of accreditation which come to light as a result of an Annual Report or any other means.

4.8 Procedures for Renewal of Accreditation

4.8.1   Every Provider at the end of the third year of accreditation must intimate its intention to apply for renewal of accreditation. Thereafter, every fourth year the Provider must apply for renewal of accreditation. The fee will be notified to Providers in advance of the date the formal intimation in writing is received. The Panel will review the original accreditation, the Annual Reports of the Provider and the reports of any monitoring visits. On the basis of this evidence they will make one of the following recommendations and inform the Provider of the recommendation:

- *Renewal of Accreditation*
  This will be valid for a further four years.

- *Conditional Renewal*
  The Panel may set conditions before renewal of accreditation is granted to a Provider. These will be set out in writing, together with a timescale and deadline for the conditions to be fulfilled by the Provider.

- *Suspension*
  The Panel may suspend the accreditation of a Provider, on the evidence presented to it at renewal. The Panel's reasons will be set out in writing to the Programme Director. The Panel will set conditions for the renewal of accreditation, and deadlines for the conditions to be met.

- *Termination*
  The Society may terminate the accreditation of a Provider, on the evidence presented to it at renewal. The Panel's reasons will be set out in writing to the Programme Director. It should be noted that the Panel may terminate the accreditation of a Provider at any time other than at point of renewal if it considers that there is evidence that:

- Continued accreditation would not be in the best interests of the educational aims of the professional training regime nor the students currently taking the Programme with the Provider; *or*
- The level of tuition or administration or accommodation or any other aspect of the Programme has fallen to an unacceptable standard.

4.9 Appeals against all Panel recommendations

Applicants and Providers may appeal against any recommendation of the Panel which is to do something other than accredit the course. They may do so by writing to the Council of the Society, setting out their grounds of appeal, within 21 days of receipt of the Panel's Report. The matter will then be laid before the Council for their consideration and disposal.

The Admissions Regulations will allow appeals against Council decisions.

5. MONITORING EVENTS, PROCEDURES AND DOCUMENTS

5.1 Purpose of visits

The Society has powers to visit and inspect Programme provision. This could be as part of the original accreditation application, as a matter of course during the years of accreditation, or in response to an issue disclosed in the Annual Report. The purpose of monitoring visits is threefold:

- To verify information given to the Panel regarding accommodation, library and ICT facilities.
- To gain a sense of the quality of the teaching, learning and formative and summative assessment taking place on the Programme.
- To ensure parity of quality in training across the range of Providers.

5.2 Usual notice

The Society must give the Provider four weeks' notice of the visit, and the procedures set out below will operate pre-visit, during, and post-visit. In academic session 2011/2012, this being the first year of PEAT 1 as well as the first year of Programme provision for all Providers, this visit will take place as referred to in section 4.7. Subsequent visits will be at the discretion of the Society.

5.3 Short notice

On cause shown, a representative of the Education and Training Committee will have the power to visit a Provider at shorter notice, in which case the procedures set out below do not apply. This power would be applied by the Society only where there is evidence that there may be a serious and potentially ongoing failure in standards on the Programme, as these have been agreed at accreditation. As referred to above, this could be disclosed by an Annual Report.

5.4 Pre-visit documentation

In addition to the documentation supplied by the Provider during the accreditation, the Society may ask for any other documentation to be supplied prior to the visit, no later than a week prior to the visit.

5.5 Procedure for visiting

5.5.1   *Pre-visit*

At least four weeks before the visit the Society will inform the Provider of its intention to visit. The representative of the Education and Training Committee may either stipulate which teaching session(s) they would like to visit, or arrange this by mutual agreement with the Provider. The Provider must give precise details of the teaching session(s) to be visited, including all relevant teaching or assessment documentation.

5.5.2   *Duration*

The visit should last no more than one day, and may be only a morning or afternoon visit. It is important that the visit is kept as informal as possible. The visit is an opportunity for the representative of the Education and Training Committee to scrutinise educational provision and student achievement; but it is also an opportunity for Providers to bring to the notice of the Society exceptional work by students, or aspects of innovative Programme design and delivery. It is essentially an occasion for dialogue with, as well as oversight by, the Society.

5.5.3   *Activities*

During this time the representative of the Education and Training Committee may:

- Visit a class and, if the class involves face-to-face teaching, sit in on the lecture, tutorial or workshop. They are not expected to interrupt the teaching but to remain as much as possible in the background.
- Talk to students after the class about their experience of the class, as well as their wider experience of the Programme, and review their work. They may request to speak to students on the Programme, without the presence of tutors or Programme Director.
- Discuss with the Programme Director any issues that may have arisen in the course of the visit.

5.5.4   *Post-visit*

The representative of the Education and Training Committee will draw up a report on their visit, a copy of which will be addressed to the Programme Director. The report will specify aspects of Programme provision that:

- Met or exceeded the standards acceptable to the Society.
- Could be improved in some form or other.
- Must be urgently addressed by the Provider. Failure to do so may result in a recommendation that accreditation be suspended or terminated.

5.6 Report to Education and Training Committee

5.6.1   The Education and Training Policy Department will collect quantitative and qualitative data on the various outcomes of all PEAT 1 Programmes. On the basis of this, and because PEAT 1 itself is a new course from academic session 2011/2012, all Providers will receive a visit in the first year, as referred to in section 4.7 and 5.2 above. Thereafter Providers will supply an Annual Report (see section 4.7). Those processes will result in annual recommendations by the Education and Training Policy

Department to the Education and Training Committee regarding the following matters:

- The appraisal mechanisms of the Providers, and whether these give the Society sufficiently full information about the nature and achievement of the Programmes on offer.

- The achievement by the students of the various PEAT 1 outcomes and competence standards, including areas of strength and areas for improvement.

- Content, length, timing and structure of the PEAT 1 Programme currently being offered.

- The maintenance and overall quality of standards in Programme feedback and assessment.

- The continuing appropriateness of the PEAT 1 structure, as well as individual courses.

- The relationship of PEAT 1 to the Foundation Programme, PEAT 2, and TCPD, in order to avoid drift within the Society's overall professional training programme.

- Any other matters that arise from the monitoring of the Programmes that should be brought to the attention of the Education and Training Committee.

Appendix A – Mandatory and Core Outcomes, and draft PEAT 2 Outcomes

Notes:
1. Positive Indicators are not exhaustive, and are indicators of student achievement.

2. The Society reserves the right to update the Mandatory and Core Outcomes should that be necessary, and will give Providers sufficient notice of this. In particular, the PEAT 2 Outcomes are incorporated at the date of issues of these guidelines as draft, and a final version will be substituted in January 2011.

MANDATORY OUTCOMES

1.	**Business, Financial & Practice Awareness**		
	1(i) Business awareness **By the end of the programme students should be able to:**	**Positive indicators**	**Appropriate forms of assessment**
1.	Understand the importance of business ethics to market economies.	Shows an understanding of the cultures of business, the role of ethics and the role of corporate governance; can explain basic compliance procedures and corporate risk management.	
2.	Demonstrate knowledge of the regulatory and fiscal framework, and the main features of the taxation system, within which business is conducted.	Knows and understands basic statutory frameworks; can apply these to basic client situations; describe the different methods (debt, equity) by which a client company can raise finance.	

3.	Show awareness of legal personality and business structures.	Can describe the concept of legal personality and apply it to business structures; can describe the advantages and disadvantages of business structures for a client.	
4.	Understand the key features of incorporated and unincorporated entities, their structure and purpose (including relevant tax features of structures).	Demonstrates awareness of the differences between public and private limited companies; is able to identify which type of company may be appropriate for a client; understands the differences in administration and regulation between public and private limited companies; is aware of the roles of directors and shareholders; is aware of relevant aspects of corporation tax, stamp duty, SDLT, capital gains tax, inheritance tax and VAT as they apply to companies. Demonstrates an awareness of the equivalent matters, relating to sole traders, partnerships, limited liability partnerships and other unincorporated associations, including the tax elements.	
5.	Appreciate the commercial environment of legal practice, including the market for legal services.		

1.	Business, Financial & Practice Awareness		
	1(ii) Financial awareness By the end of the programme students should be able to:	Positive indicators	Appropriate forms of assessment
1.	Demonstrate an understanding of the global economic environment.	Has a basic understanding of the concepts of inflation, interest rate volatility, the effect on the economy of utilities and commodities (e.g. oil and gold prices), and the workings of the stock market.	Forms of assessment include simulation of investment activities, profit & loss games, company account tracking activities, multiple choice examinations, client presentations. Where appropriate financial awareness ought to be embedded within other transactions.
2.	Understand loan finance.	Has a basic knowledge of the loan market.	
3.	Analyse and understand a set of company accounts.	Is able to analyse a set of basic accounts and comment upon them; knows to a basic level how the profit and loss account is achieved and what the balance sheet represents.	
4.	Demonstrate an ability to compare sets of accounts by using ratios.	Understands ratios and their application and can therefore advise clients on the potential of companies.	
5.	Explain the principles of tax as it applies to businesses (including relevant aspects of corporation tax, VAT, stamp duty, SDLT, capital gains tax and inheritance tax).	Can perform basic tax calculations; and is aware of need to consider tax consequences and planning opportunities in transactions.	

6.	Understand the purpose of the main areas of financial advice for companies and individuals.	Has mastered the concepts of budgeting, protection, investment, borrowing and planning.	
7.	Understand the process of giving financial advice to companies and individuals, including the tax elements of this.	Can identify to a basic level what is involved in the construction of financial advice to clients. Can advise clients in relation to basic investment decisions, including concepts of risk, advantages/disadvantages, flexibility, portfolio planning and charging structures. Can identify appropriate taxes, including personal taxes.	
8.	Explain and discuss the various forms of financial services available for clients, with particular reference to investment, mortgages, insurance and pensions, and the regulation of the provision of financial services, including investment protection, complaints procedures and compensation, including the tax elements of this.	Can explain basic investments to a client; can explain simply and clearly the differences between two types of mortgage; can explain at least two forms of insurance cover, either personal or commercial; can understand how at least two pension arrangements work to a client's advantage/disadvantage.	

1.	Business, Financial & Practice Awareness		
	1 (iii) Practice awareness **By the end of the programme students should be able to:**	**Positive indicators**	**Appropriate forms of assessment**
1.	Understand the key features of partnerships and limited liability partnerships as business structures, and alternative business structures (including relevant tax features of structures).	Is aware of the differences between partnerships and limited liability partnerships as business structures; can identify the differences between partnerships and other business structures and advise when a partnership structure may be appropriate; understands the implications of alternative business structures for the delivery of legal services in Scotland and the UK.	Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for providers. Assessment should also be embedded where possible within programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended: 1. Checklist of skills with allocation of marks or standards. 2. Simulated casework research tasks, assessed by tutor. 3. Case file review by tutor. 4. Formation of 'virtual' firms for collaborative working. 5. Portfolio, in which students record progress. 6. Open-book examination. 7. Objective structured case examination. 8. Critical incident review. 9. Transactional assessment.

2.	Understand key provisions of partnership agreements.	Is able to identify key concepts which are appropriate for a partnership agreement; understands commercial reasons for the inclusion or exclusion of provisions; drafts appropriate provisions accurately.	
3.	Demonstrate ability to manage personal workload and to manage effectively a number of concurrent client matters.	Can manage personal workload with no noticeably detrimental effects on others; can switch effectively between different client matters; can communicate effectively on file matters and manage a file.	
4.	Demonstrate an awareness of issues of cultural and socio-economic diversity and disability that may arise within a practice environment.	Can discuss and, where appropriate in simulation, demonstrate awareness of, such issues in legal practice, amongst peers, and in simulation role-play.	
5.	Can manage time and risk capably in legal transactions/matters.	Time on file is managed capably; shows ability to multi-task on concurrent transactions; can plan deadlines, work to them and deal with unexpected work loads. Risk is understood in the context of client care policy, complaints procedure; in simulation risk is analysed and client options evaluated in the context of costs and benefits.	
6.	Comply with all quality standards, risk management, and other policies and processes in place at the course provider; use business systems and resources appropriately.	Use all business systems and processes appropriately and effectively; Is punctual, can be relied on to arrive on time for classes over the course of the working week, submits course work on time, have a positive attitude to the demands of PEAT 1.	

2.	Private Client		
	By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
1.	Understand the Law of Testate Succession and be able to explain the tax implications.	Have a working knowledge of the Succession (Scotland) Act 1964, the Civil Partnership Act 2004 and the Family Law (Scotland) Act 2006; can give basic advice on legal rights; understands the *conditions* and their implication; is aware of the concepts of abatement, ademption, collation. Understands and is able to explain the principles of inheritance tax.	Short and long case; simulation; drafting activities in coursework or in open book examination; 'station' activities; standardized client activities.
2.	Draft testamentary documents and understand the tax implications of such documents.	Can draft a competent will and other related documents. Can explain the tax implications of such documents.	
3.	Understand the Law of Intestate Succession and be able to explain the implications.	Can explain to the surviving spouse/civil partner, the concept and application of prior rights and legal rights; can explain to children and issue the concept and implication of legal rights.	
4.	Draft Intestate documents.	Can identify appropriate executor on intestacy and draft related documents.	
5.	Administer an executry.	Can ingather funds correctly and has a working knowledge of relevant legislation; understands the taxation issues within an executry and is aware of tax planning opportunities; understands key elements of reporting estate to HM Revenue & Customs, can prepare basic final accounts. Understands principles of valuation, and payments of tax due.	

6.	Understand the law on Trusts, their uses and applications, and be able to explain their implications, including tax implications.	Is aware of the prohibitions against liferents, and the rules prohibiting accumulation of income; is aware of the procedure for rectification of a trust. Understands the tax consequences of establishing a trust and ongoing taxation issues.	
7.	Understand the law on incapacity as it applies to the field.	Can draft the appropriate necessary documentation for appointment of an attorney or guardian; is able to advise on options of executing living wills.	
8.	Demonstrate an awareness of investments as they relate to Private Client.	Demonstrates basic understanding of stock market economics and commonly used investment vehicles; can identify which basic forms of investments are relevant to a client's financial and other aims.	
9.	Understand the principles and practice of tax planning as it relates to Private Client.	Has an understanding of legislation and recent cases (e.g. Is aware of the Finance Acts); has a working knowledge of Inheritance tax, capital gains tax and income tax; can draft the appropriate deed in light of the tax consequences. Understands the implications of tax avoidance, and has a knowledge and understanding of anti-avoidance legislation and provisions.	

3.	Conveyancing		
	By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
1.	Understand the process of a conveyancing transaction, including ARTL.	Has developed an understanding of a practical conveyance and will be able to ensure his/her client gets good title.	Forms of assessment may include case file analysis, short and long case assessment, simulation and role play, open book drafting assessment, standardized client activities.
2	Understand the law and practice in relation to missives and to be able to draft missive letters and conclude the contract.	Understands the law of contract relating to heritable property.	
3.	Examine and report on title in relation to both first registration transactions and dealings thereafter.	Can check that the title to the property is good and if not, identify what is missing and how the problem can be solved Writes appropriately to another firm of solicitors making observations on title Can pick up on all problems in a title and can attempt to solve these problems	

| 4. | Draft appropriate documents, including a knowledge of SDLT, capital gains tax and inheritance tax. | Will be able to draft a deed acceptable to the Registers of Scotland, including dispositions, break-off dispositions and dispositions of flats, with particular emphasis on difficult parts such as new particular descriptions, new burdens and deduction of title clauses, and the other main deeds used by conveyances, including standard securities, discharges, and minutes of waiver. Complete the forms required by Registers of Scotland for submission of deeds for registration. Can identify relevant taxes.

Has developed an understanding of a practical conveyance and will get the registration accepted. | |

3.	Conveyancing		
	By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
5.	Understand the implications of the Matrimonial Homes (Family Protection) (Scotland) Act 1981, the Civil Partnership Act 2004 and the Family Law (Scotland) Act 2006 on conveyancing transactions and to be able to draft and revise relevant documentation.	Demonstrates an understanding of basic legislation relevant to practice. Is able to draft the necessary deeds without basic errors.	
6.	Understand what searches are required in the Property and Personal Registers, complete the appropriate forms and to use Registers Direct.	Appreciates the use and function of searches in heritable property transactions.	
7.	Understand and apply the law on execution of deeds.	Updates and expands knowledge of the law and knows how different deeds and different legal personalities require to execute and create a valid deed.	
8.	Appreciate the implications of a secured lender being involved in a conveyancing transaction.	Can identify the problems that arise in relation to secured borrowing and the duties owed to the lender.	
9.	Understand what is required before a transaction can settle and to be able to manage post settlement issues, including the retention of funds, registration dues and fees.	Applies knowledge to a practical situation. Shows ability to manage completion of a complex transaction including liaising with the client, the lender and relevant third parties.	
10.	Understand the law and practice in relation to residential leases, including the relevant statutory forms.	Can draft and revise a basic residential lease.	

| 11. | Understand the law and practice in relation to commercial leases, including relevant documentation such as rent review agreements and licences for works. | Can draft and revise a commercial lease; can effectively review agreements and licenses. | |

4.	Litigation		
	4 (i) Civil Litigation - Court of Session and Sheriff Court By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment for litigation outcomes**
1.	Demonstrate knowledge and understanding of the ways in which civil litigation may be funded.	Is able to identify possible funding bases for given case; can explain the characteristics of each type of funding identified; is able to identify consequences for client of each type of funding. Can identify principles applied in making awards of expenses. Is able to explain what amounts to success in a speculative action; is able to identify the circumstances in which the client's interests (or desires) may diverge from those of the lawyer(s); is able to explain the nature of that conflict and how it may be resolved.	Assessment could include a blend of knowledge and skills assessment, with students moving from one 'station' to the next, or by another form of simulated activity. Where possible litigation knowledge and professional communication skills should be integrated – for example in drafting skills. However procedural knowledge may also be tested by multiple choice and short answer questions. Simulations could take place in real courts, with professionals involved as much as possible. Interdisciplinary assessments may also take place, where PEAT 1 students are assessed on their ability to act in a case where another discipline is represented by other students.
2.	Demonstrate knowledge and understanding of the concepts of specification and relevancy in civil procedure.	Is able to explain the nature of relevancy; is able to draft pleadings which are essentially relevant; is able to draft pleadings which are sufficiently specific to give fair notice of the client's case.	

4.	Litigation		
	4 (ii) Civil Litigation - Court of Session By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
1.	Demonstrate knowledge and understanding of jurisdiction and the procedural sequence of events in an ordinary action.	Is able to explain the statutory and common law bases of the court's jurisdiction. Is able to describe the steps in an ordinary action; is able to describe the steps in the correct order; is able to explain the points at which there may be a range of procedural options; is able to explain the respective roles of the parties and the Court in progressing an action; is able to locate the text of Practice Notes and to explain their relevance; is able to explain when Convention rights may bear on the process. Shows knowledge and understanding of the means by which actions are resolved short of proof and the procedure arising on settlement; understands purpose and use of caveats.	
2.	Demonstrate knowledge and understanding of the different kinds of process competent in the Court of Session, and the operation of Offices of Court.	Is able to explain that a summons is appropriate in an action to vindicate a right; is able to explain that a petition is appropriate where statute requires it or where the applicant is seeking the assistance of the court. Is able to describe the divisions and work of the Offices of Court.	

4.	Litigation		
	4 (iii) Civil - Sheriff Court By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
1.	Demonstrate knowledge and understanding of the different kinds of actions competent in the Sheriff Court.	Is able to describe and distinguish between Ordinary, Summary Cause, Small claim and Summary Application actions, the procedural limits for each and have an understanding of when each would be appropriate.	
2.	Demonstrate knowledge and understanding of the jurisdictional requirements of Sheriff Court actions, including appeals to Sheriff-Principal and Court of Session.	Is able to identify geographical, contractual, privative and other jurisdictional requirements, as well as practical reasons why a particular court should be chosen. Is able to describe procedures by which appeal may be taken; is able to explain the circumstances in which each is appropriate.	

4.	Litigation		
	4 (iv) Settlement By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
1.	Demonstrate an understanding of the issues which arise in the settlement of litigation.	Can explain and discuss how actions are settled. Is able to identify relevant taxes.	

4.	Litigation		
	4 (v) Criminal - High Court and Sheriff Court – Stage 1 By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
1.	Demonstrate knowledge and understanding of the operation of the Criminal Legal Aid scheme – both as to advice and as to representation.	Is able to explain the difference between advice and assistance, and legal aid for representation; is able to describe the circumstances in which criminal advice and assistance is available; is able to explain the process of granting advice and assistance; is able to describe the circumstances in which criminal legal aid is available; is able to describe the process of granting legal aid.	
2.	Demonstrate knowledge and understanding of the obligations on a solicitor in relation to Legal Aid both generally, and with particular reference to a change of agency in a criminal case.	Is able to identify circumstances where legal aid may be available; asks appropriate questions of client; is able to explain advice and assistance, and full legal aid to client; is able to explain the role of client contribution, if appropriate; is able to explain circumstances in which legal aid may be withdrawn. Refers to the Society's rules and guidance on changes of agency.	

| 3. | Demonstrate knowledge and understanding of the procedural sequence of events in summary and solemn procedure in the Sheriff Court and in the High Court. | Is able to describe the steps in a summary complaint and in a case on indictment; is able to describe the steps in the correct order; is able to explain the points at which there may be a range of procedural options; is able to explain the respective roles of the parties and the Court in progressing an action. Is able to explain the statutory bases of the sheriff court's jurisdiction; is able to explain the statutory and common law bases of the High Court's jurisdiction; is able to describe the procedural rules both in the abstract and with reference to particular fact situations; is able to distinguish between the various substantive hearings in the procedural life of both a summary complaint and a trial on indictment. | |

4.	Litigation		
	4 (vi) Criminal - High Court and Sheriff Court – Stage 2 By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
1.	Demonstrate the ability to conduct incidental motions and intermediate diet in a summary complaint.	Deploys factual and legal evidence at appropriate junctures during submission; structure of submission is clear and cogent; adheres to client or supervisor instructions; can relate client objectives to decision-maker at appropriate juncture in submissions; can respond appropriately to points raised by decision-maker or opponent about these. Deploys factual and legal evidence at appropriate junctures during submission; structure of submission is clear and cogent; adheres to client or supervisor instructions; can relate client objectives to decision-maker at appropriate juncture in submissions.	
2.	Demonstrate the knowledge and understanding as to how a straightforward summary trial is conducted.	Forms a theory of the case; is aware of the relevancy of particular facts and legal principles, including case and/or statutory citations; recognises appropriate form of questions which are relevant to case theory and appropriate advocacy techniques.	

3.	Demonstrate the ability to make a plea in mitigation in a straightforward summary complaint.	Deploys factual and legal evidence at appropriate junctures during submission; structure of submission is clear and cogent; adheres to client or supervisor instructions; can relate client objectives to decision-maker at appropriate juncture in submissions; can respond appropriately to points raised by decision-maker or opponent about these.	
4.	Demonstrate knowledge and understanding of the appeal procedures which are open to an accused person following conviction and sentence.	Is able to describe procedures by which appeal may be taken; is able to explain the circumstances in which each is appropriate; is able to describe procedural steps; is able to describe remedies available to appellate court.	

CORE OUTCOMES

PROFESSIONALISM	
Throughout the PEAT 1 programme the student should understand the importance of:	**Methods of assessment**

PROFESSIONALISM
 	
The interests of justice and democracy in society
 	
Positive Indicators:
 	
   - Displays an interest in the workings of justice in society.
 	
   - Has an ethical awareness of legal practice, and a developing sense of the regulatory framework of professional ethics.
 	
Effective and competent legal services on behalf of a client
 	
Positive Indicators:
 	
   - Updates and expands knowledge of the law, knowledge of legal practice, client-centred practice and management of client service.
 	
   - Pays careful attention to standard of detail in legal work.
 	
   - Evaluates own client care.
 	
   - Appraises new forms of client care and adopts improvements.
 	
   - Acts quickly to protect clients and the public from risk.
	Best assessed longitudinally throughout the Programme, by more than one assessor, and in more than one assessment, so that a variety of views are obtained under different conditions.
	
	Forms of assessment could include:
	
	1. Client-based long case.
	
	2. Case file review of simulated client file.
	
	3. Portfolio – Self-assessment.
	
	4. Log book/activity log/confidential file.
	
	5. Critical incident review.
	
	6. Peer-review.
	
	7. Transactional Assessment.
	
	8. Tutor Reports.

Continuing professional education and personal development

Positive Indicators:

- Is aware of own strengths and weaknesses and forms plans to develop character, values, knowledge and skills throughout the course.

- Reflects on experiences and mistakes in order to improve future performance.

Diversity and public service

Positive Indicators:

- Shows an awareness of the responsibilities incumbent on the Law Society of Scotland, the Scottish legal profession and the Scottish solicitor in respect of equality and diversity.

- Assists in the training of new lawyers through peer learning and training of undergraduate students or other groups in society.

Trust, respect and personal integrity

Positive Indicators:

- Is honest with others on the course.

- Treats colleagues, tutors, administrative staff and others with civility and respect.

PROFESSIONAL COMMUNICATION	
By the end of the PEAT 1 programme the student will have performed effectively in simulated environment to:	**Methods of assessment**

PROFESSIONAL RELATIONSHIPS AND TEAM WORKING:
 	
Adapt personal style to develop professional relationships:
 	
Positive Indicators:
 	
    - Is aware of how personal character, emotion and social relations form professional relations.
 	
    - Can adapt character to suit social situations (eg in negotiation).
 	
Listen, give and receive feedback and respond perceptively to others:
 	
Positive Indicators:
 	
    - Neither asks questions nor makes comments until speaker has finished.
 	
    - Can summarise accurately what the speaker has said without embellishment or omission. Can comment positively and with perception on the performance of others in the group.
 	
    - Respects the viewpoint of others.
 	
    - Can accept and act upon feedback from others to improve professional practice.
	Best assessed longitudinally throughout the Programme, by more than one assessor, and in more than one assessment, so that a variety of views are obtained under different conditions.
	
	Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments.
	
	Forms of assessment could include:
	
	1. Client-based long case.
	
	2. Case file review of simulated client file.
	
	3. Portfolio – Self-assessment and peer-assessment.
	
	4. Log book/activity log/confidential file.
	
	5. Critical incident review.
	
	6. Peer-review on collaborative work
	
	7. Collaborative activities that provide the ground for assessment.

Understand the basic dynamics of groupwork:

Positive Indicators:

- Understands own personal style and strengths.

- Makes effort to understand others' styles and their contribution to group dynamics.

- Can communicate this understanding and discuss it with others in a group.

- Can understand the collective competences of a professional group.

Act as a group member:

Positive Indicators:

- Takes personal responsibility for professional tasks.

- Can liaise with others over tasks.

- Can share task information, learning and knowledge.

- Can recognise positive group dynamics and encourage these.

- Is aware of negative group dynamics and can avoid them.

Lead a group effectively:

Positive Indicators:

- Motivates the professional group.

- Organises delegation of tasks.

- Plays to group strengths.

- Is aware of collective competences of the group and maximises these.

- Is aware of risks of groupwork and manages group functions to minimise these.

Appraises and develops their skill at forming and maintaining professional relationships:

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.

- Demonstrates improvement in practice throughout the span of the programme.

TRANSACTIONAL RESEARCH:	Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for Providers. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended:
Gather information relevant to a matter	
Positive Indicators:	
- Can obtain factual information and methodically record the varieties of information and their sources (paper document, oral, electronic) for future analysis.	
- Can plan work to research deadlines.	1. Checklist of skills with allocation of marks or standards.
Analyse and prioritise factual issues	2. Simulated casework research tasks, assessed by tutor.
Positive Indicators:	
- Can identify gaps, ambiguities and contradictions in information.	3. Case file review by tutor.
- Knows how to find further or better information.	4. Portfolio, in which students record progress.
- Can prioritise legally important facts.	
Apply legal analysis to fact patterns	5. Open-book examination.
Positive Indicators:	6. Objective structure case examination.
- Is aware of the legal context surrounding facts.	7. Critical incident review
- Can deduce legal guidelines and rules from relevant facts.	
- Can identify and prioritise legal issues raised by facts.	
- Can determine which rules are clear and which require further legal or factual research.	

Use appropriate legal research instruments, both paper and electronic

Positive Indicators:

- Locates and uses cases and legislation, standard practitioner texts, periodical literature and the like, using research tools such as digests, citators and electronic tools such as WestLaw and Lexis Nexis.

- Keeps a precise research record.

- Can identify key research terms.

- Knows how to plan a research strategy.

Update legal information

Positive Indicators:

- Uses appropriate updating instruments, both paper-based and electronic to check information currency.

Interpret statutes

Positive Indicators:

- Can identify legislative provisions appropriate to the advice being considered.

- Identify and cite correct sections and schedules.

- Can interpret provisions within a legislative framework according to task instructions.

- Can apply and use it in drafting advice.

Providing clear and relevant advice
 	
 Positive Indicators:
 	
     - Can communicate advice that is relevant to the task.
 	
     - Uses appropriate channel of communication (letter, report, phone call, email or other appropriate method) in a form relevant to the audience and context, and does so clearly, concisely, and in appropriate and correct English.
 	
 Develop techniques for appraising and developing their own transactional research procedures
 	
 Positive Indicators:
 	
     - Modifies own practice in the context of feedback from tutors and peers.
 	
     - Demonstrates improvement in practice throughout the span of the programme.	

INTERVIEWING:
 	
 Introduce and conclude an interview effectively
 	
 Positive Indicators:
 	
     - Has prepared for the interview.
 	
     - Meets and greets the client.
 	
     - Explains the structure of the interview.
 	
     - Demonstrates a courteous attitude to the client.
 	
     - Draws the interview to a graceful close.
	Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for the Providers. Assessment should also be embedded where possible within programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended:
	
	   1. Checklist of skills with allocation of marks or standards.
	
	   2. Simulated interview, using either actors or trained standardised

Conduct a client-centred interview

Positive Indicators:

- Encourages the client to explain concerns.

- Can identify the client's goals, and help the client define priorities among the goals.

- Can confirm his/her understanding of the client's concerns.

- Uses listening techniques.

- Obtains the client's full instructions.

Use appropriate questioning techniques

Positive Indicators:

- Uses open and closed questions where appropriate.

- Can focus on a fact pattern without losing sight of the whole.

Determine what information is required from client

Positive Indicators:

- Elicits necessary information from the client.

- Can identify what further information is required, both factual and legal.

- Can identify where that information may be found.

clients (SCs), and assessed either by tutor or by SCs or both. Performances should be videotaped or otherwise stored as record of student work.

3. Video essay or report (where students and staff may comment upon performance in video).

4. Portfolio, in which students record progress.

Record the matter timeously and accurately

Positive Indicators:

- Records all factual, legal, procedural and evidential matters at the appropriate time.

- Notes legal research to be carried out.

- Notes possible courses of action.

- Confirms client action in retainer letter or precognition or other document.

Advise the client

Positive Indicators:

- Assists the client to come to a decision regarding the best course of action, taking into account costs, benefits and risks.

- Can advise on both legal and non-legal courses of action.

- Can advise on a course of action (or give persuasive reasons for absence of advice).

- Can construct a feasible timescale for future action.

Deal with appropriate professional and ethical issues during and after the interview

Positive Indicators:

- Identifies conflicts of interest and other ethical dilemmas.

- Can identify unethical modes of action and deal appropriately with these.

Develop techniques for appraising and developing their own interviewing style *Positive Indicators:* - Modifies own practice in the context of feedback from tutors and peers. - Demonstrates improvement throughout the span of the programme.	
NEGOTIATION **Understand different approaches to the theory of legal negotiation including facilitated negotiation** *Positive Indicators:* - Can explain the differences between at least cooperative, problem-solving, and adversarial negotiation, and the effects of each approach in practice. - Can demonstrate differences between models in action. - Can demonstrate an understating of the rules of mediation. **Communicate with a client throughout a negotiation** *Positive Indicators:* - Is aware of, and remains within, boundaries of action plan agreed with client. - Takes instruction from and advises the client. - Negotiates aims with a client. - Has a clear sense of remit.	Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for the Providers. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended: 1. Checklist of skills with allocation of marks or standards. 2. Simulated negotiation, assessed by tutor. Performances should be videotaped or otherwise stored as a record of student work. 3. Video essay or report (where students and staff may comment upon performance in video). 4. Portfolio, in which students record progress.

Plan a negotiation

Positive Indicators:

- Identifies factual and legal issues.

- Understands client's objectives and can prioritise these.

- Can discern strengths and weaknesses in a matter including BATNA.

- Develops a plan of action based on rational assessment of objectives, strengths and weaknesses.

Select strategies to conduct a negotiation

Positive Indicators:

- Choose strategies that will achieve client objectives.

- Can modify strategies flexibly.

- Can create a structure that allows negotiation to take place in a coherent manner.

- Is persuasive.

- Uses legal logic to further the client's case.

- Responds to offers and makes concessions appropriately.

Negotiate according to the practice and conventions of at least one area of law

Positive Indicators:

- Demonstrates an awareness of practitioner conventions and situated negotiation practice e.g. sale of house or personal injury transaction.

- Knows and can use relevant procedural and substantive law to achieve client objectives.

Negotiate ethically

Positive Indicators:

- Identifies and deals with conflicts.

- Treats client, legal agents and others with truthfulness, respect and civility.

- Records strategy and results in accurate and timeous notes to file.

- Is aware of different approaches to structuring a deal.

- Deals with pecuniary matters honestly and promptly.

Develop techniques for appraising and developing their own negotiating style

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.

- Demonstrates improvement in practice throughout the span of the programme.

WRITING AND DRAFTING:	Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for the Providers. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended:
Write letters or reports that achieve their purpose	
Positive Indicators:	
- Ensures the documents achieve client goals.	
- Performs according to client, supervisor or tutor instructions.	1. Checklist of skills with allocation of marks or standards.
- Seeks information.	2. Simulated writing and drafting coursework tasks, assessed by tutor.
- Communicates only relevant information.	
- Relates structurally to other documents or advice – all of this in an effective manner as regards purpose of communication.	3. Case file review by tutor.
Write documents that are structured according to convention and audience requirements	4. Portfolio, in which students record progress.
Positive Indicators:	5. Open-book drafting examination.
- Follows models (eg in use of addresses, date, salutation, heading style etc)	
- Demonstrates awareness of audience requirements as to form of communication (letter, email, phone).	
- Displays legal literacy.	
- Understands detail of information will vary.	
- Prioritises information.	
- Times communications appropriately.	
- Is aware of sensitivity of content.	

Draft well-organised and factually accurate documents

Positive Indicators:

- Uses correct spelling and appropriate grammar, syntax and punctuation.

- Writing is fluent and reader-friendly.

- Lexical choice is appropriate to genre and audience.

- Ensures relevant legal and factual issues are addressed.

- Can articulate argument and identify options.

- Exercises the appropriate standard of care.

Demonstrate use of a precedent bank of styles to progress a transaction

Positive Indicators:

- Uses the appropriate form or style.

- Can adapt a style to a particular context, bearing in mind substantive and procedural legal context, audience, possible future audiences and possible litigation context.

Organise the transactional context of writing

Positive Indicators:

- Can organise a transactional file.

- Creates, drafts and files documents within an ordered hierarchy, and to a time limit.

- Provides own commentary upon formal and informal writings within a file where appropriate (eg notes to file).

Develop techniques for appraising and developing their own writing and drafting styles

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.

- Demonstrates improvement in practice throughout the span of the programme.

USE OF TECHNOLOGY:	Assessment by performance is essential in this skill. It should be in as realistic a situation as feasible for Providers. Assessment should also be embedded where possible within Programme modules of projects, rather than in stand-alone assessments. The following forms of assessment are recommended:
Use telephony effectively to communicate with client and others	
Positive Indicators:	
- Can use telephone technology efficiently to carry out legal business	1. Check-list of skills with allocation of marks or standards.
- Can deal with and note complex legal matters during a call and report on these thereafter.	2. Simulated casework research tasks, assessed by tutor.
- Can recognise passive, aggressive and assertive callers and respond appropriately.	3. Case file review by tutor.
- Can handle complaints.	4. Portfolio, in which students record progress..
- Remains calm, flexible and professional.	5. Short answer questions.
Communicate electronically with clients and others	6. Objective structured case examination.
Positive Indicators:	7. Critical incident review.
- Can use email format efficiently (clear subject line, use of signature file, appropriate timing of email).	
- Understands and uses proper business and professional etiquette within an electronic environment.	
- Understands risk management of e-communications.	
- Can use technological aids to plan time on task.	
- Archives mail safely and accurately.	
- Can use other forms of e-communication where appropriate eg client internet access, website form, blog, IM, wiki.	

Can use electronic drafting tools to create legal documents

Positive Indicators:

- Can adapt use of word processors to draft appropriate.

- Uses electronic bank of styles effectively.

- Can use elements of a case management system.

- Can use electronic dictation to a basic level.

- Is aware of technologies such as speech-to-text.

Understand how technology is used in at least three areas of legal practice in Scotland, including the administration of justice in courts and elsewhere

Positive Indicators:

- Knows and can explain how technology affects current legal practice in Scotland in three areas of legal practice (eg document assembly, case management, practice management systems, use of e-communications).

- Can discuss direction of future trends in legal office technology.

Develop techniques for appraising and developing their skill at forming and maintaining communicational skills using technological tools

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.

- Demonstrates improvement in practice throughout the span of the programme.

ADVOCACY: **Plan a coherent and persuasive submission** *Positive Indicators:* - Gathers relevant facts and legal principles, including case and/or statutory citations. - Forms a theory of the case. - Structures speech or submission. **Present a submission using legal authorities and relevant facts within a cogent structure** *Positive Indicators:* - Deploys factual and legal evidence at appropriate junctures during submission. - Structure of submission is clear and cogent. - Adheres to client or supervisor instructions. - Can relate client objectives to decision-maker at appropriate juncture in submissions. - Can respond appropriately to points raised by decision-maker or opponent.	Assessment by performance is essential in this skill. It should be in as realistic a situation as feasible for Providers. Assessment should also be embedded where possible within Programme modules of projects, rather than in stand-alone assessments. The following forms of assessment are recommended: 1. Checklist of skills with allocation of marks or standards. 2. Simulated advocacy, assessed by tutor. Performances should be videotaped or otherwise stored as a record of student work. 3. Video essay or report (where students comment upon performance in video). 4. Portfolio, in which students record progress.

Use documentation in preparation for, and during, a submission

Positive Indicators:

- Makes use of fact-based documents (eg affidavits).

- Uses relevant extracts from documentation to affirm own case or answer points raised by decision-maker or opponent.

Use effective communication skills

Positive Indicators:

- Communicates clearly and at a pace which is understandable.

- Does not distract from presentation with gestures.

- Displays confidence in own improving performance.

- Makes smooth transitions between topics.

Demonstrate an understanding of the ethics and conventions of advocacy in the Court of Session, Sheriff Court and tribunals

Positive Indicators:

- Can demonstrate in performance duties to the Court, to client and to opponent.

- Shows an awareness of conventions including forms of address, forms of language appropriate to the submission, format of submission and social structure of event.

Develop techniques for appraising and developing their own advocacy skills
 	
Positive Indicators:
 	
    -   Modifies own practice in the context of feedback from tutors and peers.
 	
    - Demonstrates improvement in practice throughout the span of the programme.	

PROFESSIONAL ETHICS AND STANDARDS

The Society's Standards of Conduct and Service –
http://www.lawscot.org.uk/Members_Information/Standards - apply to all qualified
solicitors. The statements contained in this document have been drafted in line
with those statements. From time to time these Outcomes and this document may
be amended, in line with the evolution of the Society's Standards work.

By the end of the PEAT 1 programme a student will have performed effectively in a simulated environment to:	Methods of assessment
REGULATORY FRAMEWORK AND PROFESSIONAL STANDARDS: **Understand the role of the Law Society of Scotland generally and the role it and other regulatory bodies have in relation to the Profession. Maintains an awareness of the various functions of the Law Society of Scotland including representation and regulation** *Positive Indicators:* - Knows the history and developing culture of both the Law Society and regulation of legal services, both within Scotland and internationally. - Displays an awareness of the regulations applying to the provision of legal services to the client. - Appreciates the difference between conduct and service issues and negligence. - Understands the extent of the non-regulatory role of the Society.	Ethics summative assessments should, where possible, be integrated with other subjects. A test of framework knowledge could be carried out, eg with multiple choice items; but the most meaningful assessment of ethical practice in PEAT 1 will be in case-study, simulation, role-play or clinic.

Demonstrate knowledge of appropriate standards of compliance with the Accounts Rules and the Standards of Conduct and Service for Scottish solicitors laid down by the Law Society of Scotland from time to time.

Positive Indicators:

- Awareness of the Master Policy and other types of insurance required of solicitors in Scotland.

- Displays knowledge of the Accounts Rules as they relate to various areas of practice.

- Displays an awareness of the role of the Guarantee Fund.

- Knows the details of the Standards of Conduct and Service for Scottish Solicitors.

Analyse the concept of independence of the legal profession

Positive Indicators:

- Can analyse the value of independence of the profession within society.

- Can demonstrate its mechanisms, drivers, blockers.

- Displays knowledge of how independence affects different sectors of the legal profession culturally, economically, socially.

DUTIES TO THE COURT:

Understand the professional obligations of a solicitor to the Court

Positive Indicators:

- Is aware of and acts within the bounds of the relevant practice rules.

- Maintains a constant awareness of the duty to the Court.

- Identifies a potential breach of the practice rules and is able to act to prevent the breach from arising.

- Is aware of and acts in accordance with the differing obligations arising when appearing and instructing.

Resolve a breach of the duty to the Court

Positive Indicators:

- Understands the options available where the duty has been breached.

- Correctly identifies an appropriate solution to the breach.

- Selects an appropriate method of communicating with the client or the Court (as appropriate).

DUTIES TO THE PROFESSION **Understand the professional obligations of a practitioner to other members of the profession** *Positive Indicators:* - Demonstrates awareness of the duty to other members of the profession. - Acts honestly, civilly and with integrity. - Respects the opinions and views of others.	
THE CLIENT-SOLICITOR RELATIONSHIP **Identify client and client context** *Positive Indicators:* - Is sensitive to how the situation of clients affects client care. - Is aware of statutory requirements, eg Money Laundering Regulations and their impact on the client relationship. - Demonstrates an awareness of diversity and equality issues in relation to clients and their affairs.	

Act in the best interests of your clients

Positive Indicators:

- Can identify the best interests of a client in a matter.

- Can plan action in order to act in these interests.

- Acts in those best interests.

Take proper instructions

Positive Indicators:

- Clearly identifies the client.

- Can separate client from other interested parties.

- Can listen for and summarise instructions.

- Can distinguish basic difference between giving advice and seeking instruction.

- Can identify when instructions require clarified.

- Can identify basic conflicts in forms of instruction.

Identify and plan to achieve client goals and objectives/Understands and practises good client care principles

Positive Indicators:

- Can carry out effective fact analysis, take account of commercial considerations where appropriate, advise on options, consequences and potential costs of actions.

- Is aware of and acts according to professional rules that apply in a given situation, eg Standards of Conduct and Service, retainer letter, terms & conditions, etc.

- Gives objective advice to a client. Shows a basic ability to act professionally towards the client and to third-party professionals.

Carry out duties with competence , diligence, and appropriate skills

Positive Indicators:

- Is aware of standards of competent actings.

- Can implement such standards with diligence and regard for client best interests.

Implement duties on withdrawal from acting

Positive Indicators:

- Knows why withdrawal is required.

- Knows how to put into effect an acceptable plan of action to withdraw from acting.

Appraise and analyse their own developing practice in the context of the ethical framework of the practice of law in Scotland *Positive Indicators:* - Modifies own knowledge and practice in the context of feedback from tutors and peers. - Demonstrates improvement in and knowledge of, ethical practice throughout the span of the programme.	
CONFLICT OF INTEREST: **Understand the professional obligations of a solicitor to avoid conflicts of interest** *Positive Indicators:* - Is aware of and remains within the boundaries set by practice rules. - Demonstrates an awareness of the impact of a conflict of interest to a client and to the solicitor. **Identify instances of conflicts of interest** *Positive Indicators:* - Identifies conflict scenarios (both actual and which might reasonably arise). - Is able to apply the practice rules correctly. - Is aware of the possibility of a conflict of interest arising.	

Prevent a potential conflict from arising
 	
Positive Indicators:
 	
    - Is aware of methods of preventing conflicts of interest from arising.
 	
    - Understands the importance of conflict checks before instructions are accepted.
 	
    - Understands that it is important to review progress of a transaction to ensure no conflict has subsequently arisen or might reasonably arise.
 	
Resolve a conflict of interest
 	
Positive Indicators:
 	
    - Understands the options available in a conflict situation.
 	
    - Correctly identifies an appropriate solution to the conflict.
 	
    - Selects an appropriate method of communicating with the client.
 	
Disclosure of personal interest
 	
Positive Indicators:
 	
    - Understands the importance of disclosing any personal interest in the course of a case/file/transaction.	

CONFIDENTIALITY:	
Understand the professional obligations of client confidentiality	
Positive Indicators:	
- Appreciates the limits imposed on a practitioner by the relevant practice rules.	
- Understands the duty of confidentiality to a client and is aware of the differing nature of duties to different clients.	
- Acts at all times in accordance with the duty of confidentiality.	
Determine an appropriate course of action where conflict between a solicitor's duty of confidentiality and other professional duties is identified	
Positive Indicators:	
- Proposes an appropriate course of action where a conflict arises.	
- Communicates an actual or potential breach of confidentiality to clients appropriately.	
- Demonstrates awareness of the consequences of breaching the duty of confidentiality.	

DRAFT PEAT 2 OUTCOMES

AREA OF COMPETENCE: PROFESSIONALISM
By the end of PEAT 2 a qualifying solicitor will demonstrate a commitment to:

PROFESSIONALISM:

- **The interests of justice, democracy and the role of the legal profession in society.**

    - Demonstrates an interest in the workings of justice in society.

    - Understands the regulatory framework of the Law Society of Scotland in all its respects.

- **Delivering effective and competent legal services on behalf of a client/employer/the public (as appropriate).**

    - Updates and expands knowledge of the law and legal practice in areas of expertise without prompting.

    - Practises in a client centred way and manages client service well. Displays good attention to detail in legal work.

    - Evaluates and improves on care of clients.

    - Can identify where clients and the public need to be protected from risk and acts quickly.

    - Meets the Standards of Conduct and Service for Scottish solicitors.

- **Ensuring their own continued professional development**

  - Takes part in, reflects on and implements what is learned from Trainee CPD in the workplace.

  - Reflects on experiences and mistakes in order to improve future performance.

  - Welcomes and deals with new ideas and methods, and challenges things which do not work.

  - Evaluates accurately the strengths and weaknesses of his or her own professional skills and knowledge and is proactive in setting learning targets.

  - Ensures Trainee CPD and personal developments is treated as a priority by setting and meeting goals to develop the knowledge and skills requires for areas of expertise.

  - Adheres to rules issued by the Law Society of Scotland in respect of Trainee CPD.

- **Promoting Equality and Diversity in the workplace and in the profession**

  - Understands the responsibilities incumbent on the Law Society of Scotland, the Scottish legal profession and the Scottish solicitor in respect of equality and diversity.

  - Can identify issues of culture, disability and diversity and respond appropriately and effectively to these issues in dealings with clients, colleagues and others from a range of social, economic and ethnic backgrounds..

- **Being trustworthy, acting with honesty and integrity at all times and showing respect to clients, colleagues and others**

  - Treats all clients, colleagues (solicitors, paralegals and all other support staff) and others with courtesy and respect.

  - Acts with honesty and integrity at all times.

  - At all times conducts self in a professional manner inspiring trust and confidence of clients, colleagues and others.

AREA OF COMPETENCE: PROFESSIONAL COMMUNICATION

By the end of PEAT 2 a qualifying solicitor will in be able to:

PROFESSIONAL RELATIONSHIPS AND TEAM WORKING:

- **Develop and maintain professional relationships**

    - Develops and maintains professional relationships with clients, colleagues and others.

    - Helps generate an open, friendly work environment through demonstrating respect for others and through supportive, professional and polite behaviour at all times.

- **Work positively with others**

    - Respects the viewpoints of others.

    - Can accurately summarise what a speaker has said for the purposes of accurate file notes.

    - Can provide constructive criticism and receive constructive criticism, and remain positive in that process.

    - Shows awareness of the impact of his or her actions on others and on the objectives of his or her employing organisation.

- **Work effectively as part of a team**

    - Works cooperatively and willingly with others in own and other's teams.

    - Communicates effectively across all levels using appropriate means of communication.

    - Recognises personal and professional strengths and weaknesses of self and others.

    - Knows when to ask for support from, or to offer support to, other team members.

    - Completes tasks allocated to him or her without prompting and within required timescales.

- Effectively delegates to support staff, and supervises tasks where appropriate.

- Exercises sound judgement as to when to refer issues outside own competency level to someone more senior.

- Takes responsibility for identifying, sharing and resolving issues and honouring commitments.

- Raises any concerns/issues relating to completion of tasks and delivery of objectives with team.

- Can represent the team with confidence.

- Shares knowledge.

- Understands and adheres to good practice in project and matter management.

- Avoids negative group dynamics, through positive approach.

COMMUNICATIONS WITH CLIENTS:

- **Communicate effectively with clients**

    - Agrees on the means and frequency of communication with the client.

    - Issues letters of engagement or the equivalent explaining and defining the service to be carried out, who is responsible and the costs and fees associated with the service.

    - Outlines the complaints procedure.

    - Regularly updates clients on the status of matters.

    - Communicates in a way which the client understands and which shows understanding of the client's objectives.

    - Makes sure that the client has all relevant information in a format that is clear and understandable to the client.

    - Communicates with the client at an appropriate time detailing all money relating to the client's matter which is handled by him or her.

- **Provide legal advice to clients**

    - Identifies the relevant law and legal implications associated with an issue.

    - Applies effectively knowledge and understanding of the law to factual and legal issues that are relevant to a client's needs, objectives and priorities.

    - Gives clear legal advice to clients based on a clear understanding of the facts and legal implications arising from those facts.

    - Assists the client to come to a decision regarding the best course of action, taking into account costs, benefits and risks.

    - Understands problems and identifies solutions.

    - Takes appropriate steps to inform clients of key issues including relevant facts, progress towards their objectives, and costs.

    - Manages client expectations about likely outcomes.

LEGAL RESEARCH:

- **Competently undertake legal research**

  - Uses research tools appropriately (cases, legislation, texts, periodicals/digests, citators and electronic tools Westlaw and Lexis Nexis.

  - Interprets statutes and cases to assist client, applying to client problem.

  - Effectively researches all sources, sufficiently far in advance to assist client, and records data for subsequent analysis.

  - Knows how to update information and check accuracy.

  - Analyses and prioritises factual issues.

  - Identifies gaps, ambiguities and contradictions in information.

  - Is confident in the correctness of facts ascertained.

  - Identifies and prioritises legal issues raised by facts.

  - Keeps a precise research record.

  - Evaluates his or her performance in research and has displayed improvement in such evaluation to the point of qualification.

INTERVIEWING:

- **Conduct a client-centred interview**

    - Prepares for the interview appropriately.

    - Adopts a strategy for interview prior to its commencement.

    - Explains structure of interview including producing an agenda if appropriate.

    - Encourages the client to explain concerns.

    - Can identify the client's goals, and help the client define priorities among the goals.

    - Questions effectively through the use of open and close questions.

    - Is generally able to listen and elicit required legal and factual information, and full instruction, from client with ease.

    - Can focus on a fact pattern without losing sight of the whole.

    - Confirms his/her understanding of the client's concerns and summarises the outcomes and action points of the interview before drawing the interview to a graceful close.

    - Is courteous to client throughout.

    - Evaluates own performance in interviewing to ensure progress.

- **Records matter timeously, accurately and in appropriate format**

    - Records all relevant factual, legal, procedural and evidential matters at the appropriate time and in appropriate format.

    - Notes legal research to be carried out.

    - Notes possible and actual courses of action.

    - Confirms client action and own action in retainer letter or precognition or other document.

- Informs supervising colleagues of actions and timescales.

- Records file note for internal future reference.

NEGOTIATION

- **Take part in a negotiation**

  - Understands the theory of different approaches to negotiation, including facilitated negotiation.

  - Prepares for negotiation, developing a plan of action based on the factual and legal issues, an assessment of the client's objectives, strengths and weaknesses of the case.

  - Negotiates according to the situation and matter in hand (cooperative, problem solving, or adversarial as appropriate) and takes client instructions throughout negotiation, staying within agreed instruction and remit, or seeking instruction where is unclear.

  - Leads negotiation strategically, responds to offers and makes concessions, and remains flexible.

  - Negotiates according to the practice and conventions of his or her areas of practice.

  - Develops own negotiating techniques and can reflect on their success, or otherwise, in the context of a transaction.

  - Demonstrates an understanding of the rules of mediation.

WRITING AND DRAFTING:

- **Write letters or reports appropriate for audience and which achieve their purpose**

  - Knows how to distil complex legal information into clear, concise and unambiguous communications suitable for clients, fellow professionals who are non-solicitors, and others.

  - Tailors his or her style of communication to suit the purpose of the communication and the needs of different clients and other recipients.

  - Produces communications which meet client or supervising solicitor instructions and which are fit for purpose.

- **Follow internal protocols, convention and audience requirements**

  - Follows models preferred by employer organisation (e.g. in use of addresses, date, salutation, heading style, etc).

  - Selects appropriate forms of communication according to message being conveyed (letter, email, phone).

  - Knows what detail different clients require.

  - Prioritises the information being communicated appropriately.

  - Times communications carefully.

  - Is sensitive to the implications of communications to clients.

- **Produce well-organised and factually accurate and valid documents**

  - Uses correct spelling and appropriate grammar, syntax and punctuation.

  - Writing is fluent and reader-friendly.

  - Lexical choice is appropriate to genre and audience.

  - Ensures relevant legal and factual issues are addressed.

  - Can articulate argument and identify options.

- Ensures legal documents, and legal advice are clear and free from ambiguity.

- Exercises the appropriate standard of care.

- Ensures all documents are validly executed and where appropriate, registered in relevant registers.

- **Use precedent bank and drafts bespoke documents as appropriate.**

  - Where appropriate uses the appropriate form or style of document.

  - Can adapt a style to a particular context, bearing in mind substantive and procedural legal context, audience, possible future audiences and possible litigation context.

  - Drafts bespoke documents and contracts where this is appropriate.

- **Evaluate own performance in writing and drafting.**

  - Evaluates his or her writing skills and has displayed improvement in writing and drafting style to the point of qualification.

USE OF TECHNOLOGY:

- **Use telephony effectively to communicate with clients and others**

  - Can use telephone technology efficiently to carry out legal business on the telephone, and report on that thereafter.

  - Can recognise passive, aggressive and assertive callers and respond appropriately (remaining calm, flexible and professional) whilst maintaining professionalism.

  - Can handle complaints in accordance with relevant complaints processes whilst maintaining professionalism.

  - Remains calm, flexible and professional where callers are assertive, aggressive or demanding.

- **Use electronic communications effectively in the provision of legal services taking care to protect client confidentiality**

  - Can use email format efficiently (clear subject line, use of signature file, appropriate timing of email).

  - Understands and uses proper business and professional etiquette within an electronic environment.

  - Understands the difference between letters and emails and when the latter are most appropriate.

  - Avoids risk by properly managing e-communications and takes care to protect client confidential information.

  - Can use technological aids such as electronic diaries and electronic tasks to plan time on task.

  - Archives mail safely and accurately and uses relevant employer matter references to assist accurate filing.

  - Can use other forms of e-communication where appropriate e.g. client internet access, website form, blog, IM, wiki.

- **Use computers and associated technology to expedite progress in matters and work for client.**

  - Uses available technology effectively and efficiently in the provision of legal services to clients taking care to protect client confidential information.

  - Uses computers and word processors to draft appropriately.

  - Uses electronic bank of styles effectively.

- Uses case management systems and maintains electronic files where appropriate.

- Archives versions of documents in electronic folders or case management systems as appropriate.

- Checks changes to electronic documents using electronic comparison software where appropriate.

- Can use electronic dictation to a basic level

ADVOCACY:

- **Where relevant to his or her area of practice, to advocate a case on behalf of a client effectively and efficiently and exercise solicitors' rights of audience in accordance with relevant rules and procedure.**

- **Where relevant to his or her area of practice, demonstrate competence in practice in the PEAT 1 Advocacy Outcomes.**

PRESENTATION:

- **Communicate effectively with the ability to present on a matter to clients, colleagues or others**

    - Confidently contributes to group discussions.

    - Instigates, arranges and leads meetings on own matters.

    - Is able to answer confidently when questioned by supervising colleagues or clients.

    - Is articulate.

    - Maintains good eye contact.

    - Displays no distracting gestures.

    - Displays confidence in own improving performance.

    - Makes smooth transitions between topics.

    - Can summarise the content of a discussion to convey key points.

    - Thoroughly prepares the content of a presentation.

    - Is up to date on the law and facts applicable to the presentation.

    - Ensures that all presentations are clear and understandable to clients, colleagues or others.

    - Allows for questions and is able to answer questions.

    - Prepares suitable accompanying documentation for a presentation.

AREA OF COMPETENCE: PROFESSIONAL ETHICS AND STANDARDS

The Society's Standards of Conduct and Service - www.lawscot.or.uk/standards - apply to the 'Day 1' newly qualified solicitor. The statements contained in this document, which apply to the trainee approaching qualification, or in other words the 'qualifying solicitor', have been drafted in line with those statements.   From time to time these Outcomes and this document may be amended, in line with the evolution of the Society's Standards work.

By the end of PEAT 2 a qualifying solicitor will in be able to:

REGULATORY FRAMEWORK AND PROFESSIONAL STANDARDS:

- **Understand the role of the Law Society of Scotland generally and the role it and other regulatory bodies have in relation to the profession in Scotland**

  - Maintains an awareness of the various functions of the Law Society of Scotland including representation and regulation.

  - Understands the complaints regime in Scotland (service complaints dealt with the SLCC, conduct complaints dealt with by the Society).

  - Understands and adheres to the regulations applying to the provision of legal services to the client.

  - Appreciates the difference between conduct and service issues and negligence.

- **Adhere to the Standards of Conduct and Service for Scottish Solicitors laid down by the Law Society of Scotland from time to time.**

  - Awareness of the Master Policy and other types of insurance required of solicitors in Scotland.

  - Displays knowledge of, and compliance with, the Accounts Rules as they relate to his or her areas of practice.

  - Displays an awareness of the role of the Guarantee Fund.

  - Adheres to the Standards of Conduct and Service for Scottish Solicitors laid down by the Law Society of Scotland.

- **Give independent advice free from external influences or personal interests which are consistent with the Standards of Conduct for Scottish Solicitors**

  - Understands when an external influence or personal interests would give rise to an unacceptable lack of independence.

DUTIES TO THE COURT:

- **Where relevant to his or her areas of practice, exhibit the professional obligations of a solicitor to the Court.**

  - Behaves with respect towards the court and states the law and the facts honestly and accurately.

  - Understands the duty to the court to ensure that those who give evidence only give truthful and honest statements which they can accurately remember.

  - Treats those who give evidence with the appropriate respect and courtesy.

  - In questioning a person in court who is representing his or himself without a solicitors, cooperates with the court in allowing that person to state their case.

  - Responds to letters, emails and telephone calls from the courts within the appropriate timescale.

- **Where relevant to his or her areas of practice, resolve a breach of the duty to the Court**

  - Understands the options available where the duty has been breached.

  - Correctly identifies an appropriate solution to the breach.

  - Selects an appropriate method of communicating with the client or the Court (as appropriate).

DUTIES TO THE PROFESSION:

- **Treat other solicitors with respect and in a manner consistent with persons who have mutual trust and confidence in each other.**

  - Acts with other solicitors in a manner consistent with persons having mutual trust and confidence in each other.

  - Does not knowingly mislead other solicitors or, where they have given their word, go back on it.

  - Only communicates with a person believed to the client of another solicitor in accordance with the Standards of Conduct for Solicitors laid down by the Law Society of Scotland.

  - Responds to letters, emails and telephone calls within an appropriate or agreed timescale.

  - Treats other solicitors with politeness and respect taking into account diversity and rules of non-discrimination.

  - Understands that it is against the law for anyone, including solicitors, to discriminate because of race, sex, marital status, disability, sexuality, religion and belief or age and that this applies to all their professional dealings with clients, employees or other lawyers.

  - Negotiates ethically, treating all those involved with truthfulness, honesty and civility.

THE CLIENT-SOLICITOR RELATIONSHIP

- **Comply with all rules, regulations and any internal processes of his or her employer organisation to client identification and client and matter acceptance**

  - Is sensitive to how the situation of clients affects client care.

  - Is aware of statutory requirements, e.g. Money Laundering Regulations and their impact on the client relationship.

  - Demonstrates an awareness of diversity and equality issues in relation to clients and their affairs.

  - Complies with all rules, regulations and any internal processes of his or her employer organisation relating to client identification and client and matter acceptance.

- **Act in the best interest of his or her client**

  - Acts in the client's best interest by identifying the client's objectives and best interests in a matter and representing the same.

  - Balances this duty with the duties he or she has to others such as the courts and others in the legal profession and his or her duty to remain independent.

  - Where there is a conflict between the client's wishes and his or her other duties, identify an appropriate solution to the conflict in compliance with the Standards of Conduct for Solicitors laid own by the Law Society of Scotland.

- **Act only on the instructions of the client**

  - Can identify that they have their client's permission to act, and, if not, are confident that they are merely progressing routine work for which it is impossible or impractical to get the client's permission.

  - Understands that they may be required to act in response to an instruction from a court with authority on the matter.

  - Understands that work must not be done which is illegal or contrary to solicitors' professional standards other than advising on the law and implications of suggested courses of action.

  - Understands that working for a client does not equal support for the client's political, social or moral views or activities.

- **Adopt strategies to achieve client goals and practise good client care.**

  - Can carry out effective fact analysis, take account of commercial considerations and what the client is trying to achieve in the context in which they are seeking advice, advise on options, consequences and potential costs of actions.

  - Suggests courses of action which optimise results for client even if not legally the most obvious route.

  - Is aware of and acts according to professional rules that apply in a given situation, e.g. Standards of Conduct, retainer letter, terms & conditions, etc.

  - Gives objective advice to a client. At all times acts professionally towards the client and to third-party professionals.

- **Act competently on behalf of client**

  - Maintains the relevant legal knowledge and skill to provide a competent and professional service in all areas of his or her practice.

  - Is thorough and prepared.

  - Ensures that those to whom work is delegated are properly supervised.

  - Understands the principle of only agreeing to work for client and carry out work if the nature and complexity of the work is something which they have the appropriate level of professional skills to do.

  - Ensures that they maintain their competence through continuing professional development.

- **Act diligently on behalf of client**

  - Delivers on commitments.

  - Maintains and reviews systems of work, ensures there are prompt and transparent fee arrangements.

  - Responds to letters, emails and telephone calls within an appropriate or agreed timescale.

  - Only agrees to act where work can be done within a reasonable timescale and with adequate service to the client.

- Ensures fees to be charged are promptly notified to client and that a clear explanation and breakdown is provided.

- Ensures that where there is variation in fees previously discussed that this is explained.

- Promptly responds to clarification sought by the client.

▪ **Withdraw from acting if appropriate**

- Understands that solicitors must have good reason to stop working for a client.

- Informs the client of the reason when work is stopped.

- Gives client reasonable notice that they will no longer work for them and that they should seek another source of legal advice.

▪ **Evaluate the relationship with clients.**

- Regularly looks at ways to improve their relationship with clients.

CONFLICT OF INTEREST:

▪ **Deal with conflict situations, both legal and commercial**

- Is aware of and remains within the boundaries set by practice rules and the Standards of Conduct for Solicitors.

- Demonstrates an awareness of the impact of a conflict of interest to a client, to the solicitor and to the business of his or her employer organisation.

- Understands the difference between legal conflicts (i.e. a conflict of interests under practice rules and the Standards of Conduct for Solicitors) and commercial conflicts.

▪ **Anticipate conflicts of interest and acts appropriately**

- Is aware of the possibility of a conflict of interest arising and the implications of that.

- Identifies conflict scenarios (both actual and which might reasonably arise) and refers to supervising colleagues.

- Able to apply the practice rules and the Standards of Conduct for Solicitors correctly.

▪ **Prevent a potential conflict from arising**

- Ensures conflict checks are undertaken before instructions are accepted.

- Reviews progress of a transaction to ensure no conflict has subsequently arisen or might reasonably arise.

▪ **Resolve a conflict of interest**

- Understands the options available in a conflict situation.

- Correctly identifies an appropriate solution to the conflict.

- Selects an appropriate method of communicating with the client when conflict is identified.

- Even where conflict is only a potential conflict acts carefully and with the full knowledge and agreement of all relevant clients.

▪ **Identify and disclose a personal interest**

- Notifies the client of any personal interest he or she has in a matter, allowing the client to decide whether or not they should continue to act in the transaction.

- Declines to act and advises client to seek another solicitor when the personal interest is so significant it would affect the independence of the solicitor's advice.

- Discloses to clients information about payments received for referring clients to others such as mortgage brokers.

- In particular in relation to the drafting of wills does not write a will where they, or anyone close to them such as a spouse or business partner, would benefit from the will.

- Appreciates that exceptions exist for his/her own spouse, or when only a token is left to the solicitor but understands that the general rule is to advise the client to use another firm of solicitors.

CONFIDENTIALITY:

- **Respect the confidentiality of clients and matters**

  - Adheres to all practice rules and Standards of Conduct relating to client confidentiality; knows that the client, Parliament or court can override this duty.

  - Knows that confidentiality does not apply if a client informs them that they intend to commit a crime.

  - Understands that a client can consent to the disclosure of confidential information.

- **Deal appropriately with situations where there is a conflict between the duty of confidentiality and other professional duties**

  - Proposes an appropriate course of action where a conflict arises.

  - Communicates an actual or potential breach of confidentiality to clients appropriately.

  - Demonstrates awareness of the consequences of breaching the duty of confidentiality.

AREA OF COMPETENCE: BUSINESS, COMMERCIAL, FINANCIAL AND PRACTICE AWARNESS

By the end of PEAT 2 a qualifying solicitor will be able to:

BUSINESS, COMMERCIAL AND FINANCIAL AWARENESS

- **Demonstrate an understanding of the external business context of his or her work**

  - Demonstrates an understanding of the financial, commercial, personal and other priorities and constraints of clients in respect of each matter in which he or she is engaged and shapes advice accordingly.

  - Identifies the risks, costs and benefits of alternative courses of action in relation to business decisions and shapes advice accordingly.

- **Understand the regulatory and fiscal frameworks relevant to the work he or she conducts on behalf of a client –**

  - Demonstrates an understanding of the potential tax implications of matters on which he or she is working (eg VAT, SDLT, IHT, Income Tax, CGT) and, where appropriate, provides advice or liaises with supervising colleagues or external experts on that.

  - Understands the regulatory and fiscal frameworks relevant to the work which he or she conducts on behalf of a client.

PRACTICE AWARNESS AND WORK MANAGEMENT

- **Demonstrate an understanding of the internal business context of his or her work**

  - Demonstrates an awareness and understanding of the business model of his or her employer organisation.

  - Demonstrates an understanding of the business objectives of his or her employer organisation and the role which he or she plays in achieving those objectives.

  - Demonstrates an understanding of budgeting, cost control, time management, WIP management, matter management and billing.

- **Understand the key features of partnerships and limited liability partnerships, and alternative business structures.**

  - Understands the differences between partnerships and limited liability partnerships, as business structures for the provision of legal services.

  - Is aware of the implications of alternative business structures delivering legal services in Scotland and the UK.

- **Demonstrate ability to manage personal workload and to manage effectively a number of concurrent client matters**

  - Manages personal workload with no noticeably detrimental effects on others.

  - Manages a number of tasks concurrently so as to meet all objectives, priorities and deadlines relating to those tasks.

  - Can switch effectively between different client matters.

- **Can manage time and risk capably in legal transactions/matters**

  - Exercises effective judgement regarding the effective use of his or her time.

  - Exercises effective judgement in respect of realistic timescales for completion of tasks and delivery of objectives.

  - Can plan deadlines, work to them and deal with unexpected work loads.

  - Understands risk in the context of client care policy and any complaints procedure of his or her employer organisations.

- Seeks support or advice from other colleagues or experts when aware that expert knowledge and skills (beyond his or her knowledge and skills) are required.

- **Comply with all quality standards, risk management , HR and other policies and processes of his or her employer organisation; use business systems and resources appropriately**

  - Complies with all quality standards, risk management, HR and other policies and processes of his or her employer to ensure the organisation's regulatory obligations and business objectives are met.

  - Use all business systems and processes appropriately and effectively.

  - Is punctual, can be relied on to arrive for work over the course of the working week, has a positive attitude to the demands of the office and is suitably dressed according to the rules of the office.

  - Record accurately his or her work to a level of detail appropriate to the work and the employer organisation.

- **Adopt good file management practices**

  - Can open a new file.

  - Files emails, documents and versions of documents in the course of a matter in date order.

  - Maintains correspondence and paper files as appropriate.

  - Keeps filing up to date during transaction.

  - Takes accurate file notes of telephone exchanges and meetings and ensures these are documented in the file.

  - Closes matter and associated file at the end of engagement.

APPENDIX B – Educational Practice Guidelines[1]

INTRODUCTION

These guidelines summarise what it is the Society intends to do by introducing PEAT 1, and provides suggested approaches to learning, teaching and assessment in PEAT 1. They are derived from global best practice in professional education, in professional legal education, and from the Society's consultation process on the future of legal education and training, held in three stages between late 2006 and early 2009 ('the Consultation').

Throughout this document, PEAT 1 and 2 programmes are likely to be described together, because both programmes are really two parts of the same whole. Where PEAT 1 is a programme of study and performance that introduces students to the complexities of legal practice and prepares them for traineeship, PEAT 2 is a second programme that also involves performance and study, this time predominantly in an office setting.

PEAT 1 remains what the Diploma in Legal Practice was always intended to be, namely a bridging course between academic study and professional practice. Comments in the 2003 Westwood Report (2003), the Diploma Conference (2004) and the Consultation pointed out that both Diploma and PCC could be significantly improved in the ways that they prepared students and trainees for practice. The Diploma also needed to improve in the methods it used to bridge back to the academic stage: students felt that they were leaving behind intellectual study, instead of carrying that with them into traineeship and beyond.

The main resulting changes are:

(i)   a strong emphasis on integration between PEAT1 and PEAT 2 stages.

(ii)   the introduction of Core Outcomes which relate to PEAT 1 and link to PEAT 2 Outcomes, in the areas of professionalism, professional communication, and professional ethics and standards - bringing with them the overriding theme of professionalism in legal practice which must be commenced in PEAT 1 and reinforced in PEAT 2.

(iii)   the introduction of up to half of PEAT 1 (60 SCQF credits) being dedicated to the teaching of Electives. As indicated in these guidelines, it is unlikely that a Programme will receive accreditation with fewer than 40 SCQF credits being dedicated to the teaching of Electives.

The design of PEAT 2 has been improved in a similar way. There is now a set of outcomes for the programme where none existed before (the PCC had outcomes, but not the traineeship itself); legal service providers who are also Training Organisations will require to train to at least a threshold standard; the quality of training will be monitored and there is, through the introduction of TCPD, significantly more training flexibility built into the system for trainees and legal service providers than exists at present with the PCC.

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[1] The Society acknowledges and is grateful for the work of Professor Paul Maharg, in developing Appendix B during his time as a member of the Education and Training Committee.

The Core Outcomes which apply to PEAT 1 and link with PEAT 2 Outcomes comprise a description of the:

- **skill or action** learners should be able to perform by the end of programmes of study
- **knowledge** they will possess; and
- **attitudes & values** they will learn more about, and practice on the programmes.

The Core Outcomes also contain:

- the **standard** to which they should be performed, often expressed with
- any relevant **conditions** to the performance
- a brief indication of the **assessment method/performance indicator**.

In addition to **Core Outcomes**, there are **Mandatory Outcomes**, which are relevant only to PEAT 1. The Mandatory Outcomes contain the reserved areas of practice and one other, namely Business, Financial & Practice Awareness. Tax law is also mandatory and should be taught pervasively.

OVERVIEW OF CORE AND MANDATORY OUTCOMES

CORE OUTCOMES
1.   Professionalism
2.   Professional Communication
2 (i)   Professional relationships and team working
2 (ii)   Transactional research
2 (iii) Interviewing
2 (iv)   Negotiation
2 (v)   Writing and Drafting
2 (vi)   Use of technology
2 (vii) Advocacy
3.   Professional Ethics and Standards*
3 (i)   Regulatory framework and professional standards
3 (ii)   Duties to the Court
3 (iii) Duties to the profession
3 (iv)   The client-solicitor relationship
3 (v)   Conflict of interest
3 (vi)   Confidentiality

***Note also that the outcomes and standards for Professional Ethics and Standards have been drafted in line with the Society's Standards of Conduct for Scottish Solicitors, which have been in place since 1 January 2009. The Society reserves the right to issue new versions as it sees fit, in line with amendments to solicitors' Standards. Notice will be given to providers in this case, as referred to in Appendix A.**

MANDATORY OUTCOMES (PEAT 1 only)**
4.   Business, Financial & Practice Awareness***
4 (i)   Business awareness
4 (ii)   Financial awareness
4 (iii) Practice awareness
5.   Private Client
6.   Conveyancing
7.   Litigation
7 (i)   Civil Litigation - Court of Session and Sheriff Court
7 (ii)   Civil Litigation - Court of Session
7 (iii) Civil - Sheriff Court
7 (iv)   Criminal - High Court and Sheriff Court – Stage 1
7 (v)   Criminal - High Court and Sheriff Court – Stage 2

***Note that Tax Law requires to be taught pervasively across the Mandatory Outcomes. In addition, as regards EU and Human Rights (HR) legislation and their effects on legal practice, it is assumed that students will understand the implications of such legislation as regards areas of practice studied in PEAT 1; and that such implications will form part of the resources to be made available to students. These include such matters as relevance of Convention rights, relevant EU and HR case law, whether parties may bring proceedings and under which conditions, and the range of remedies a party may invoke.**

*** In addition, it is considered appropriate to carry forward certain elements of the Mandatory Outcome in Business, Financial and Practice Awareness to PEAT 2. There is a section in the Draft PEAT 2 Outcomes (Appendix A) on this, entitled 'Business, Financial, Commercial and Practice Awareness' but the linkage with PEAT 1 is not applicable in the same way as in the areas of 'Professionalism, Professional Communication and Professional Ethics and Standards'.

CURRICULUM DESIGN AND OUTCOMES

The Mandatory/Core Outcomes, described in Appendix A, provide a sound basis for a contemporary professional education environment, **one that is flexible for providers while capable of ensuring good practice and quality of standards across providers.**

The key features that define the PEAT 1 (and PEAT 2) programmes are as follows:

1. The PEAT 1 curriculum consists of **Core Outcomes, Mandatory Outcomes and Electives.**

2. The **Core Outcomes** are in the areas of Professionalism, Professional Communication, and Professional Ethics and Standards. These apply to PEAT 2 also, with the additional area of 'Business, Financial, Commercial, and Practice Awareness'.

3. The **Mandatory Outcomes are in the areas of** Business, Financial and Practice Awareness, Litigation, Private Client, Conveyancing, with the latter three being the statutory reserved areas of practice. Tax must also be taught within PEAT 1, not as a stand-alone subject but pervasively across the curriculum. This is specific to PEAT 1 only. The Mandatory/Core Outcomes must be achieved not fewer than 60 credits, and no more than 80 credits, as explained in section 3.4.1 of these Guidelines.

4. Both **Mandatory and Core Outcomes are** contained in Appendix A. These ensure that in terms of course content, there is a minimum standard which the Society can be assured applies across all providers of PEAT 1. However, they are not prescriptive and are not intended to drive curriculum design. Curriculum may cover the stated outcomes in more depth, as referred to in section 3.4.1 of these Guidelines.

5. The design model should be **holistic and spiral**. Learners should return to knowledge or skills at successively higher levels of understanding and processing, and in different contexts, not only between PEAT 1 and PEAT 2, but within PEAT 1 and PEAT 2, leading into Continuing Professional Development for solicitors.

6. Where possible, PEAT 1 **assessments will integrate knowledge, skills and attitudes and values,** and in this regard providers should be innovative in their educational practice, following best practice in other jurisdictions and other professions.

7. **PEAT 2 follows PEAT 1.** It lasts for 24 months full-time or an equivalent period part-time. During this period trainees will undertake 60 hours of TCPD. TCPD is intended to link both back to the PEAT 1 stage, and forward to solicitors' CPD. A student is required to have successfully completed PEAT 1 before the Society will allow progression to the PEAT 2 stage. What links PEAT 1 and PEAT 2 are the Core Outcomes and PEAT 2 Outcomes.

8. Mandatory/Core Outcomes, and PEAT 2 Outcomes, should be used by training designers as **design guides to performance,** and by students and trainees as guides to capable performance. Performance thus becomes a benchmark of competence. However, checklists, competences and outcomes lists can only determine general adequate performance. The Programme design, and Providers (and providers of PEAT 2) operating within it, should **encourage students' and trainees' individual voices and interests**, and the development of **personal responsibility** for engaging with legal practice, with ethics and justice, and undertaking continuing legal education and training. It should be noted that these guidelines should be read as a benchmark rather than as a target.

9. Simulation and the practical application of law should be one of the guiding principles of curricula design in PEAT 1. Content authors in PEAT 1 should design tasks that trainees would be expected to carry out in practice, and all aspects of the curricula should support this. In PEAT 2, trainees will carry out such tasks in actuality, and/or engage in even more realistic simulations of such tasks.

FLEXIBILITY OF DELIVERY

PEAT 1 has been designed so that the programmes of study and performance are highly flexible. PEAT 1 can be integrated into the Scottish Exempting Degree, or PEAT 1 can be hosted as a stand-alone programme (either full-time or part-time, and potentially through distance learning).

PROGRAMME: CORE OUTCOMES

The Core Outcomes consist of the three sets of outcomes – 'professionalism, professional communication, and professional ethics and standards'.

- Professional Ethics and Standards
  This outcome is to be taught as a discrete unit of regulatory rules, on its own or as part of another unit of study. It should also feed into other courses or as part of integrative case-studies, as a pervasive subject throughout PEAT 1, as it will be pervasive through PEAT 2.

- Professionalism; Professional Communication;
  These should not be separated from legal content but taught in as integrated fashion as far as possible. They could be developed in a foundation course should this be thought appropriate, or be integrated with the courses comprising mandatory outcomes, as they will be integrated during PEAT 2.

PROGRAMME: MANDATORY OUTCOMES

Once again, integration is key to success. The four sets should, as far as possible, be integrated in at least part of the coursework, so that students work as much as possible with simulations of the situations that they may encounter as trainees and as solicitors. The total hours of the outcome sets should be planned in detail, namely teaching hours, preparation time, coursework hours, assessment preparation time, tutorial/workshop preparation hours. This exercise will inform the matrix and supporting statements, which Applicants are asked to submit as part of their application for accreditation and as referred to in section 3.4.2 and Appendix D.

REFLECTION

The Society recommends the introduction of structures which will allow reflection of achievement of the Core and Mandatory outcomes over the course of PEAT 1. This will assist with bridging the gap between PEAT 1 and PEAT 2, since the trainee will also be reflecting on progress through mechanisms imposed by the Society as an essential component of PEAT 2.

A sample teaching and coursework scaffold is set out below:

Module	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6
Ethics						
Core Outcomes						
Mandatory Outcomes						
Preparation						
Coursework						
Case study		Case study 1		Case study 2		Case study 3
Assessment						

Sample Core teaching, learning & assessment matrix, weeks 1-6, semester 1

In this example (and please note that this is merely an example) the Mandatory Outcomes would each be taught. However there would be considerable individual preparation to be done by students for workshops & tutorials. Where there are classes, they **could** be linked to either 'surgery' forms of learning, where students would seek more information on the tasks or information they had been given, or feedback classes, where they would seek a variety of forms of feedback, either from peers or tutors or both. Every second week there could be a relatively complex case study, increasing in complexity, which drew together the themes of the previous two weeks' learning in a problem-solving case study. The case study could then be discussed in the following week's tutorials, and would feed into the assessment in, for example, week six. Assessment could be of knowledge or skills, or both, and would take any form deemed appropriate by the Provider.

TCPD

TCPD will replace the PCC from September 2011, although until September 2013 the PCC will be deemed to be TCPD for trainees qualifying up to September 2013. That said, the Society strongly encourages the introduction of Trainee CPD as early as possible after September 2011.

Separate accreditation guidelines on TCPD will be available from September 2010. How TCPD links with the Core Outcomes for PEAT 1 and PEAT 2 Outcomes, will be of particular interest to Providers.

THE SPIRAL CURRICULUM: PEAT 1 AND 2

All skills and knowledge development should take place according to the principles of a spiral curriculum. Below is a graphical model of such principles, which provide a sound basis for a contemporary professional education environment, one that is flexible for Providers while ensuring good practice and a high quality of standards, yet allowing local innovation.
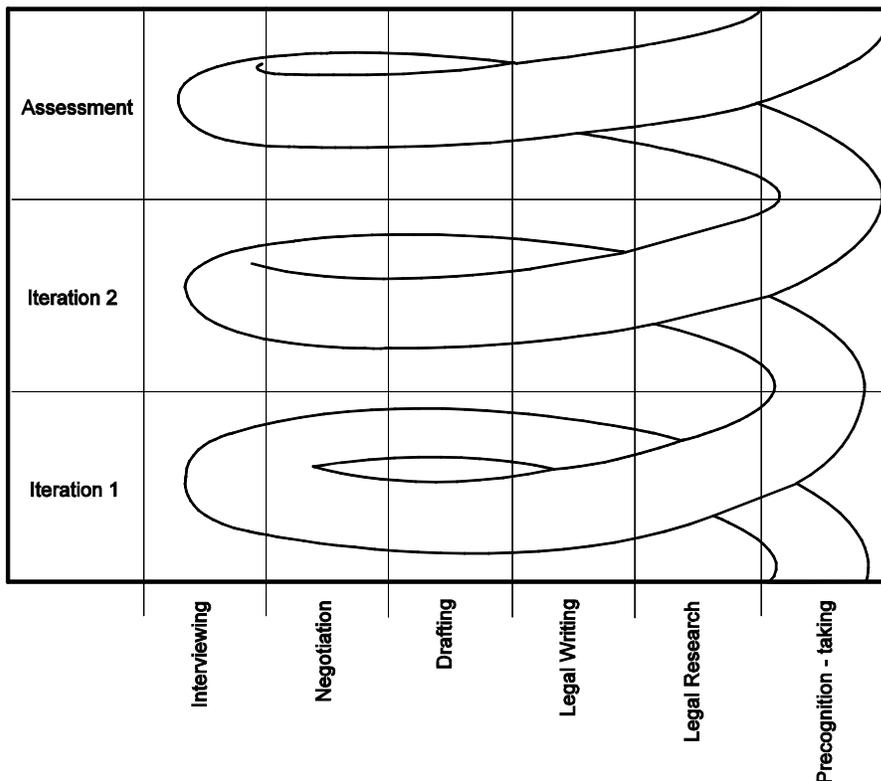
Skills spirals (note this is an illustrative diagram only, and is not based directly on the Core Outcomes).

The spiral metaphor is a useful way of envisaging the Programme because it allows for a number of passes through the material to be learned, at higher or more sophisticated or complex levels of knowledge or attainment. This is crucial for the development of skills. It also allows different skills to be taught at the same time in an overlapping learning process. If we take the example of interviewing skills, and following a basic cycle of *tell-show-do- review*, students could be given multimedia resources and then workshops where they practise the models of the skills they have been shown. At a later date they could then go through the same cycle of *tell-show-do* and the same skills set but at a higher level of sophistication – this time, the interviews could include a second interview with the same client, instead of another initial interview with a new client. At the end of this process students could be assessed by videotaped unseen client scenario. Or students could interview standardized clients in the first cycle, receive feedback, and then be assessed by standardized clients in their final assessment. Once again, these are examples only.

This example demonstrates how a spiral curriculum can operate in the development of skills. It provides a model for all Providers within which to set up scenarios, teach by simulation and role play, and give feedback. Together with appropriate resources and tutor training, approaches such as this should significantly raise the standard of skills coaching and learning. Moreover it is a model of learning that can be both client-centred and justice-centred as well as learner-centred. It is also a model which by its nature encourages an innovative and interactive approach to learning.

The spiral curriculum is also amenable to integrative teaching and assessment. It is possible, for example, for a case study to be based on the 'triple-jump' assessment used in problem-based learning medical programmes. There, a student is given a case-history of a patient. At this first stage, the student presents an analysis of the case-history to assessors. Stage two consists of diagnosis: the patient (either actor or standardized patient) presents with a complaint. The student demonstrates analytical and clinical skills, as well as those of patient care and management. Stage three consists of prognosis: the likely projectory of the complaint, given the patient's case-history, together with supporting evidence.

This 'triple-jump' integration could easily be adapted to professional legal training, and built into a spiral curriculum. For instance, in Business Awareness a business client, who has used the firm before for commercial purposes, comes to the firm with a problem or business opportunity. Stage one would involve an interview, for which students would require to carry out preparatory reading and research based on the client's case-file. Stage two, *post*-interview, would involve problem-solving analysis and legal research. Stage three may involve negotiation or advocacy, or both; and at any of the stages there could be writing or drafting tasks built into the integration. The case-study could be used for learning purposes only, or for assessment, or for both.

In PEAT 2 the spiral applies across the seats that trainees train within, where they learn more about professionalism and professional communication as they move closer towards qualification and the test of 'qualifying solicitor', which is the test articulated in the PEAT 2 Outcomes. It also applies within a seat: trainees develop capability within an area of law as they learn the outlines of transactions common to that area, the ways of communicating with clients and with other professionals, the management of risk, client-based services and profit.

What we have with the spiral programme, then, is a significant move away from a design where each subject is taught in a series of what are effectively watertight containers, and where there is little if any deep integration between sets of outcomes, to a learning design where there is much more integrated learning.

PROFESSIONALISM: PEAT 1 AND PEAT 2

It is not sufficient that we outline *what* skills or knowledge components are going to be the focus of PEAT 1, or *how* they will be taught and learned within the Programme we also need to consider the moral and ethical context of the Programme. Instruction without moral context implicitly teaches students the 'hired gun' model of legal practice; and many commentators have pointed out the dangers of this approach to skills learning.[2] As Ronald Barnett has pointed out,

> A higher education designed around skills is no higher education. It is the substitution of technique for insight; of strategic reason for communicative reason; and of behaviour for wisdom.[3]

The Society requires to define the value-context within which it wishes for skills to be learned. At the outset, there are a number of key issues to be addressed. We can refine these as the following statements:

1. *Knowledge and skills must be taught within the value system of the profession*. Values such as integrity, industry, service and duty, wisdom, compassion, accountability and responsibility, all of which underpin professional relationships and activities – these values are part of the essential context of knowledge and skills, and must be acknowledged as such.

2. *Knowledge and skills are part of professional behaviour*, and professional behaviour can never be taught in classroom activities alone. Indeed this is, or it is the intention that it should have been, at the heart of the PCC. It requires the presence of practitioners, and often the setting of the office or the court in order to complete the process. Even in office and court, however, the process of learning professional behaviour is not only taught overtly – it is caught in trainees' observations of practitioners at work, in conversation, and at leisure. At PEAT 2, this should happen frequently and as a matter of course. Similarly, on PEAT 1 professional behaviour can be 'caught' in the interstices of the Programme. It is in this sense that the 'hidden curriculum' and the 'null curriculum' of PEAT 1 are useful concepts – that is to say, the unintentional lessons that students learn from a curriculum, and what is unofficially labelled as irrelevant or unimportant by its absence in a curriculum.[4] Law students learn professional behaviours by

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[2] See for example Toddington, S. (1996) The emperor's new skills: The academy, the profession and the idea of legal education. In P.B.H. Birks, ed., *What are Law Schools For? Pressing Problems in the Law*, vol 2, Oxford University Press, Oxford. The problem of course is inherent in any professional programme – see Stenhouse, L. (1983) *Authority, Education, Emancipation* Heinemann, London. See also Maharg, P. (2007) *Transforming Legal Education: Learning and Teaching the Law in the Early Twenty-first Century,* Ashgate Publishing, particularly chapter four, '"By the end of this module…": the intimate dimensions of ethical education', pp.99-118. See also the extensive recent literature on professionalism – for example Sullivan, W.M., Colby, A., Wegner, J.W., Bond, L., Shulman, L.S. (2007) *Educating Lawyers: Preparation for the Profession of Law*, Stanford, Jossey-Bass, The Carnegie Foundation for the Advancement of Teaching; Stuckey, R., and Others (2007) *Best Practices for Legal Education: A Vision and a Road Map* University of South Carolina School of Law, Clinical Legal Education Association.
[3] Barnett, R. (1994) The Limits of Competence: Knowledge, Higher Education and Society, Milton Keynes, Open University Press, 61
[4] Jackson, P. (1968) *Life in Classrooms*. New York, Holt, Rinehart, and Winston, 353; Eisner, E.W. (1985) *The Educational Imagination: On the Design and Evaluation of School Programs*, New York, Macmillan.

observing and imitating peers, tutors, and other role-models, not just in the classroom but in hallways, cafeterias, and elevators. This is true also of training in law offices. As the literature suggests, the process of learning professional skills can be greatly enhanced by active engagement with professional issues in the classroom and in simulations where models of behaviour can be discussed to bring out the issues involved.

3. There is a substantial *difference between skills teaching and skills learning*. What even the best teacher teaches may not be what a student learns from a teaching event. Any approach to skills education must start from this fundamental point, and teachers should be vigilant about their own practice in this regard. Teaching in skills at level 10 of the SCQF framework should more often take the form of coaching rather than direct instruction.[5]

4. *The Society supports best practice in PEAT 1 Programmes being developed and shared among all*. There will be a considerable body of existing practice at providers who have historically provided the Diploma, in training firms and elsewhere that needs to be taken account of in the development of professionalism, knowledge and skills for the future. The Diploma course directors, for instance, have a body of design experience and knowledge in their tutor base. The tutors will have experience of teaching and communicating with students; and they will probably have taught with a high degree of autonomy in their classes.

5. *Quality of education: 'good, fast, cheap – choose two'*. So goes the engineering saying, pointing out the common sense relationship between these qualities. Providers are encouraged to become more innovative in their design of teaching and learning, whilst bearing in mind the cost implications of a course which is required for entry to the Scottish solicitors' profession.

6. *Student perceptions of their skills-development*. It is fair to say that many students believe that they are reasonably well-skilled when they graduate, and this is true of many (though not all) of them as regards academic skills. However it is also true that the great majority of them will not have undertaken intensive skills training, or used professional resources to help them learn the professional practice of law. They need to develop new perceptions of training and education, of legal skills, and their own changing identities if they are to learn effectively from PEAT 1 and PEAT 2. Just as a culture change will be required to be facilitated among teaching staff, so too will it be required among students.

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[5] See for example Wolf, F.M., Turner, E.V. (1989) Congruence between student and instructor perceptions of clinical teaching in paediatrics. *Medical Education*, 23, 2, 161-7

If PEAT 1 really is to be a 'bridge' course, then the foundations of that bridge to professionalism are professionalism, professional ethics and standards, and professional communication - which are the Core Outcomes of PEAT 1, and further developed in PEAT 2 through the PEAT 2 Outcomes . The work-based learning should declare to trainees and others that ethics is regarded as critical to professional practice by the Society, and that effective communication is a critical part of the ethical dimension of professionality. Other professions recognise this – see for example the work of Hickson and others in medical education and ethics.[6] It also is proof that professionalism is held as a key educational quality by the Society – and again, there is good evidence that other professions have the same perspective[7]. As regards communications outcomes, two points should be noted:

1. The list should be treated as a definition of the minimum or threshold experience that students should have on PEAT 1. In other words, students should have the opportunity to practise every minor domain on this list at least once, and preferably twice or more, with feedback. Providers should be encouraged to innovate imaginatively and go beyond the threshold skill set, ideally in the form of a spiral curriculum described above. Such skills will of course be developed in training situations within PEAT 2 as well.

2. Because there is a difference between skills teaching and skills learning, the outcomes list should not be regarded as prescriptive of the skill set for a capable trainee. **Students themselves should be encouraged to develop beyond the skill set**. In this regard, the Society supports providers using portfolio learning in order to enable students to chart their progress in a variety of skills. This portfolio can link to the undergraduate personal development file, and the forms of work-based assessment that trainees are required to undertake as part of PEAT 2. As a result such a portfolio should really be focused not so much on skills, nor the fundamental values of ethics and communications alone, but also on the student's own developing sense of professionalism.

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[6] See Hickson, G.B. *et al*. (1992) Factors that prompted families to file medical malpractice claims following perinatal injuries, *Journal of the American Medical Association*, 267, 1359-63. The medical educational literature is considerable. See also Frank, V. *et al* (2000) A survey of physician training programmes and communication skills for malpractice prevention, *Journal of Law, Medicine and Ethics*, 3. As Frank *et al* point out, 'patients who feel ignored, deserted, or who suspect that there is a `cover up' by the medical profession, may be more inclined to sue. Failure to understand the patient and family's perspective and devaluing their point of view have also been identified as common triggers for lawsuits.'

[7] See for instance in medical education, Brownell, A.K.W. and Côté, L. (2001) Senior residents' views on the meaning of professionalism, and how they learn about it, *Academic Medicine*, 76(7), pp. 734–7; Ginsburg, S., and Stern, D. (2004) The professionalism movement: behaviors are the key to progress, *The American Journal of Bioethics*, 4(2), pp. 14–1; Ginsburg, S., Regehr, G., Hatala, R., McNaughton, N., Frohna, A., Hodges, B., Lingard, L. and Stern, D. (2000) Context, conflict, and resolution: a new conceptual framework for evaluating professionalism, *Academic Medicine*, 75(10 Supplement), pp. S6–11. Papadakis, M.A., Loeser, H. and Healy, K. (2004a) Early detection and evaluation of professionalism deficiencies in medical students, *Academic Medicine*, 76(11), pp. 1100–6; Papadakis, M.A., Hodgson, C.S., Teherani, A.P.D. and Kohatsu, N.D. (2004b) Unprofessional behavior in medical school is associated with subsequent disciplinary action by a state medical board, *Academic Medicine*, 79(3), pp. 244–79. See also Breger, M.L., Calabrese, G.M. and Hughes, T.A. (2004) Teaching professionalism in context: insights from students, clients, adversaries and judges, *South Carolina Law Review*, 55, pp. 303–47.

GOOD PRACTICE

The development of professionalism in a programme of study is never an easy task. Where Diploma courses already exist and are being altered in preparation for the arrival of PEAT 1 in 2011, those responsible for the change in teaching, training and assessment need to consider the following, in order to successfully alter content and method:

- the ways in which the teaching environment and the available resources can be used to structure student activity

- types of teaching, training and learning, and how the mix of learning styles contributes to knowledge acquisition and professional development

- how tasks and transactions are interleaved and integrated with each other

- the acquisition and development by students of the shared set of terms, external representations that provide a common ground for communication and shared understanding between trainees and training firms, and between client and solicitor.

There is extensive literature on this in medical education. In a series of experiments on the role of biomedical knowledge in clinical reasoning, for instance, Boshuizen and Schmidt have shown that experts acquire a robust knowledge base that integrates situated and general knowledge.[8] Knowledge integration is an active process that involves articulating a global framework (the biomedical knowledge, for instance), reflecting on situated experiences (individual cases as they are encountered), and actively making connections between situated knowledge and the global framework.

This is also true of the legal domain. A solicitor in private practice will see something in the order of many thousands of cases in a working life. Through the experience of casework, he or she gains an extensive stock of what might be termed mental schemas and performance knowledge. Solicitors know this implicitly. When presented with a set of facts within their area of practice they are able quite quickly to invoke a schema and can test this initial schema against the evidence.[9] Lesgold suggests that, in the process of becoming an expert, a trainee acquires fragments of automatized procedure that gradually become integrated into extended sequences that guide performance. These sequences can be formed quite slowly from practice through the composition of fragments of activity, but the process can be made much more efficient if students are taught the procedures explicitly, as a list of steps towards problem identification and solution, and taught also to begin the process of case pattern recognition. These two forms of learning can bring trainees to a practical knowledge of a transaction much more efficiently if learning is carried out *via* simulation and transaction. In this respect what is true of biomedicine and radiology and many other professional domains is equally true of legal practice.

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[8] Boshuizen, H. P. A. and Schmidt, H. G. (1992) On the Role of Biomedical Knowledge in Clinical Reasoning by Experts, Intermediates and Novices. *Cognitive Science*, 16, 153-184.
[9] See for instance the data collected regarding the practice of radiologists, in Lesgold, A., Glaser, R., Rubinson, H., Klopfer, D., Feltovich, P. and Wang, Y. (1989) Expertise in a Complex Skill: Diagnosing X-ray Pictures. In M. Chi, R. Glaser and M. Farr (eds.) *The Nature of Expertise*. Hillsdale, New Jersey: Lawrence Erlbaum.

There is much literature about which methods are effective for which skills and in which teaching environments and stages of learning.[10] Whatever method is used, it ought to be highly experiential and include elements such as role-plays, case studies, simulations, structured interviews, prompted recall, detailed analysis of achievements and performance problems in skill practice and the like.

Great benefit can be derived from intensive coaching sessions at any stage in PEAT 1 and PEAT 2, where such sessions focus on feedback and review. It is also the case that development in professionalism is greatly enhanced if skills are embedded across the curriculum in realistic transactions. Much of the medical literature on clinical skills emphasises the importance of immediate feedback, of opportunities for practice following review, and of practice within different contexts.[11] Local course providers are therefore best placed to know where to embed skills within their courses, given their knowledge of their tutors, and other conditions pertaining to the course. However there is always a tension between local innovation and standards across the jurisdiction.[12] As stated above, the problem can be resolved if jurisdiction-wide standards exist as threshold or minimum standards, and best practice is shared among providers.
Below are four approaches to the development of knowledge, skills and professionalism in the curriculum that are examples of good practice. One again, these are examples only:

- ***Cognitive 'tell-show-do-review' structures of learning***
  The original concept of tell-show-do-review belongs to the domain of cognitive psychology and is used extensively in dental education and paediatric education, and in the legal domain it has been used in fields as diverse as judicial education and court management for tribal court judges.[13] It involves moving through each of the skills in cycles, on a highly cognitive model of syllabus design. Thus, in teaching the skills of interviewing, there might be a lecture/demonstration of the legal context, with comment, description, parable. Next, students could be shown examples of actual legal interviews, or simulations, on video or digitised video within a multimedia environment that stimulates them to think about issues

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[10] See for example Taverner, D. et al, (2000). Comparison of methods for teaching clinical skills in assessing and managing drug seeking patients, Medical Education, 34, 4, 285 – 291. See also Eaton, D.M., Cottrell, D. (1999) Structured teaching methods enhance skill acquisition but not problem-solving abilities: an evaluation of the silent run throughs. Medical Education, 33, 1, 19-23. As they point out there is some evidence to support the hypothesis that different teaching techniques may be more effective for improving different elements of skills learning. In particular, a highly structured technique involving breaking complex tasks down into smaller components and utilizing an internal 'commentary' may be an effective way of teaching the sequential motor components of complex clinical skills.

[11] See for example Kneebone, R. *et al* (2002)An innovative model for teaching and learning clinical procedures, *Medical Education*, 36, 7, 628-34;

[12] In a wider context this is precisely what medical education is setting out to achieve. The work of the Institute for International Medical Education is crucial in this regard (www.iime.org). See for instance Wojtczak A. & Schwarz, M.R. (2001) International standards in medical education: what they are, and do we need them?, paper presented at the AMEE Conference, 2-5 September, Berlin, Germany; World Federation For Medical Education Task Force (2000) Defining international standards in basic medical education. Report of a Working Party, Copenhagen 1999, *Medical Education,* 34(8), pp. 665-675; World Health Organization/Education Commission For Foreign Medical Graduates (1995) Towards a global consensus on quality medical education: serving the needs of population and individuals, Proceedings of the 1994 WHO/ ECFMG Consultation in Geneva, Switzerland, *Academic Medicine,* 70(7), Suppl.

[13] See for paediatric and dental health example (the literature is considerable), Freeman, R. (1998) Tell-show-do: reducing anticipatory anxiety in emergency paediatric dental patients, *International Journal of Health Promotion and Education*, 36, 87-102. See also Brigman, G, Molina, B. (1999), Developing social interest and enhancing school success skills: a service learning approach, *The Journal of Individual Psychology*, 55:3. For cognitive educational approaches and judicial education, see Armytage, L. (1996) *Education Judges: Towards a New Model of Continuing Judicial Learning,* Kluwer International, Den Haag, 121-3; 125-7. For the reference to court management for tribal court judges, see The National Judicial College courses at http://www.judges.org/

and model their thinking and behaviour.[14] Students would then put into practice what they had learned about good practice in workshops. They would be given feedback on their own practice, and if necessary they could be referred back to the 'show' stage. The 'do' and 'review' stages could then be repeated.[15] The heuristic works well because students have the opportunity to observe and reflect on expert demonstration (and with multimedia, they can do this as often as they want); they then practice under the eye of an expert who can give feedback on how well the student's attempt at interviewing matched the expert's expectation of student performance.

This is an example of simple, applied cognitive theory that can work powerfully when used with students to introduce them to complex areas of skills. It can be adapted to higher skills levels, where often there is a requirement for discussion of skills and integration with legal knowledge and problems.

- *Mastery learning*

  Mastery learning is usually associated with learning that is individualised and frequently self-paced. In self-paced learning, the student moves at his or her own pace through the requisite learning, which may involve reading, writing, listening to lectures, participating in classes, creating, problem-solving, or whatever-until the objectives are mastered, with periodic assessments along the way, some of them self -administered, to measure progress, detect weaknesses, prescribe strengthening exercises, and finally to certify mastery. There are three key elements in the development of mastery learning environments:

  1. the stipulation of clear, comprehensive, and measurable learning objectives
  2. assessment instruments that can test for mastery and be part of the teaching-learning process for students who have not yet sufficiently mastered the material
  3. the capacity of the system to move the learner on to new and appropriate learning objectives after a particular set has been realised.

  Self-paced mastery learning is clearly more appropriate for any learning that requires either rote memorisation or the performance of an easily described and performed skill. Higher level learning – complex syntheses of concepts or complex problem-solving in authentic human situations – is far more difficult to stipulate, assess, and package for self-pacing.

  On PEAT 1, mastery learning could be used in the basic learning of knowledge. It would also be useful in subjects such as Business Awareness, where students are encountering concepts at a fairly basic level, and need to have a general awareness of how the respective domains operate, rather than striving for higher knowledge of the field.

  In both basic and higher skills, and in what one might term 'awareness' topics, the potential of individualised, self-paced instruction has been greatly enhanced in the last few decades with the introduction of information and communications

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[14] For an assessment of video (as opposed to the more sophisticated multimedia environments) and personal teaching, see Mir, M.A. *et al* (1984), Comparison between videotape and personal teaching as methods of communicating clinical skills to medical students, *British Medical Journal*, 289 (6436), 31-4. As they point out, 'Videotaped demonstrations can be as effective as personal teaching of clinical methods, and video should be developed as a medium for first line clinical teaching.'

[15] For more detail on the use of multimedia at the 'show' stage, see Maharg, P (2001) Legal skills and multimedia: enhancing student learning, at
http://www.bileta.ac.uk/Document%20Library/1/Multimedia%20-%20Enhancing%20Student%20Learning.pdf

technology. Technology does not guarantee learning of course; but coupled with changes in pedagogy, economies of scale, and a shift to self-paced mastery learning, technology can make greater learning productivity possible on PEAT 1.

- *Technology-based learning, teaching and assessment*
  Information and communications technology (ICT) can be used in many forms to improve skills-based teaching and learning. Professional legal skills can be enhanced in many ways by the introduction of multimedia and web-based initiatives.[16] Such initiatives, though often capital-intensive, can be a financially-efficient, productive and popular form of learning when effective.[17] The most successful examples of IT are often carefully designed pieces of software aimed at fulfilling a particular educational function.[18] They can be used in either of the two forms of teaching cited above, as enhancements for student learning. They can also be used to transform traditional teaching, as in the metamorphosis of lectures into video or audio learning environments.[19] Web-based simulations of legal office environments and transactions are useful ways for students to learn a range of practitioner skills.[20] Learning management systems such as BlackBoard and MOODLE can be used to enhance flexibility of learning.[21] Assessment based on sophisticated objective question approaches can be used to assess students' knowledge of legal procedure and substantive law.

- *Collaborative learning*
  Students learn not only from texts, images, tutors and others. They also learn from, and with, each other. Collaboration greatly helps the process of knowledge consolidation and skills learning, so long as students are able to give constructive feedback to each other, and are aware of how best to work in groups to achieve goals. Surprisingly little extended group work has taken place in the Foundation in the past, and there is an opportunity to develop this on PEAT 1 in preparation for the 'gearing' that trainees encounter in PEAT 2.

- *Work-based training – training the trainer*
  Work-based training can take so many different forms that it is almost impossible to summarise them as categories. However it is clear from current best practice that the provision of effective work-based training requires the involvement of personnel within the legal service provider who have an understanding of learning and training methods. Training the trainer will be a key element of improved training in PEAT 2.

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[16] For a review of hypermedia, for instance, see Dillon, A. & Gabbard, R. (2001) Hypermedia as an educational technology: a review of the quantitative research literature on learner comprehension, control and style, *Review of Educational Research*

[17] For an example of the many resources available to medical HE institutions, see generally http://www.ltsn-01.ac.uk/resources/best_practice/search_all
For a resource list for legal education, see http://www.ukcle.ac.uk/resources/index.html

[18] One of the most elegant and useful papers on how to create useful ICT applications is Draper, S. (1998) Niche-based success in CAL, *Computers and Education*, vol.30, pp.5-8.

[19] See McKellar, P. & Maharg, P. (2004) Virtual learning environments in action, at http://www.ukcle.ac.uk/interact/lili/2004/papers/maharg.html

[20] See Maharg, P. (2001) 'Negotiating the Web: Legal Skills Learning in a Virtual Community', *International Review of Law Computers & Technology*, 15, 3, special edition, 'Web-based Teaching, Learning & Assessment in Law', edited Maharg, P., 345-361; Maharg, P., Paliwala, A. (2002) 'Negotiating the Learning Process with Electronic Resources', in *Effective Learning and Teaching in Law*, edited Burridge, R. *et al.*, Kogan Page, 81-104; Maharg, P., Muntjewerff, A. (2003) 'Through a Screen, Darkly: Electronic Legal Education in Europe', *The Law Teacher,* 'Legal Education in Europe', 36, 3, 2002, 307-332

[21] See for instance the substantial resources on the Joint Information Systems Committee (JISC) website at http://www.jisc.ac.uk/whatwedo/programmes/programme_buildmle_hefe/project_mle_activity.aspx

SUGGESTED MODES OF ASSESSMENT

Appendix A also includes suggested forms of assessment.

Professional competence is a multi-dimensional concept, and it is unlikely that a single approach to assessment will be adequate in the assessment of professional skills, knowledge and attitudes. Under these accreditation procedures, **Providers are responsible for adoption and implementation of assessment procedures, based upon the Mandatory and Core Outcomes, and in relation to Electives also.** Within the context of a professional education and training programme, it is essential that assessments are part of the aims of the programme and its learning outcomes, and are fair, valid, reliable and feasible assessments of professional learning and teaching.[22]

It is of course a counsel of perfection to insist upon these four criteria. Nevertheless it ought to be part of a Provider's task to question if and where appropriate to ensure that assessment conforms as closely as possible to these four criteria. For this reason reliability, fairness, validity and feasibility are key concerns for the Society, and are described in more detail below.

Once again, professionalism is a key concept here. Assessments of student performance should take into account the professionalism outcomes set out by the Society, and should include qualities such as integrity and the distinctive habits of mind that define the domain of practitioners. In this sense, the assessments should be based upon the values inherent in the profession's moral and social ecology. In previous years, it is fair to say that professional capability have been assessed largely in terms of cognitive capacities. Professionalism, however, is a more complex concept, and requires a wide range of assessments to give a valid and reliable sense of professional competence.

Assessment of professional competence is a complex and fast-evolving field. In other professional educational fields there is a recognition that appropriate assessment requires innovative and imaginative thinking.[23] At the same time, it is the case that all forms of assessment are limited in the data they give assessors. This is true of assessment in professional legal education too.

In general terms the:

- *content* of assessment should be as close to actual practice as possible
- *form* of assessment should be as close to actual practice as possible
- *consequences* of assessment should matter to students. These should be high-stakes assessment: students should not progress if they fail skills or knowledge assessment of the basic learning outcomes of the twin pillars of communications and professionalism and should be required where appropriate to pass all assessment to qualify beyond PEAT 1.

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[22] See for instance Bone, A. (1999) *Ensuring Successful Assessment*, National Centre for Legal Education, University of Warwick, http://www.ukcle.ac.uk/resources/assessment/bone.pdf
[23] See for example the forms of assessment advocated in the many fields of medical education – http://www.scottishdoctor.org , ACGME assessment guidelines at http://www.acgme.org/outcome/assess/assHome.asp, and in particular http://www.acgme.org/Outcome/assess/Toolbox.pdf, and private institutions such as Tufts Health Care Institute, http://thci.org/Default.asp

Assessment practices are a statement of institutional and professional practice. It may be the case that the Diploma in its previous guise focused more heavily on knowledge-learning than the learning of skills and professionalism, and that the Society was not prescriptive on what was intended. However, the link between PEAT 1 and PEAT 2 from 2011 makes it very clear that PEAT 1 and 2 are to be regarded as two component parts of one whole, and that therefore assessment must reflect that. The culture of assessment needs to be that both staff and students have confidence in assessment instruments that measure improvement in professionalism and skills. In this respect we can learn a lot from the assessment procedures of other professions such as medicine, and construct our own versions of assessments of legal professionalism, skill and knowledge. But if assessments of professionalism are to become predictive of ability, then careful thought needs to go into their construction so that, as high-stakes assessment, they are valid and fair.

Inevitably this leads us to consider the reason why an assessment is being held. Contrary to the ranking system in undergraduate education, PEAT 1 providers should be much more concerned in the professional education programme with competence in professionalism and the demonstration of performance of ethical values. This is a major shift in culture and emphasis, not only for students but for staff as well.

Professional skills assessment can combine the following to give a profile of a student's developing professionality:

- Peer evaluation[24]
- Performance evaluations by practitioners[25]
- Standardised client evaluations[26]
- Real client comments
- Self-perception and reflection[27]

Use of a combination of these approaches will ensure reliable and valid instruments for ensuring competence in skills.

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[24] For instance by calibrated peer review (http://cpr.molsci.ucla.edu/) or self- and peer-assessment evaluation criteria supported by learning resources – see Barton, K., Westwood, F. (2006) From student to trainee practitioner – a study of team working as a learning experience, *Web Journal of Current Legal Issues*, 3, http://webjcli.ncl.ac.uk/2006/issue3/barton-westwood3.html. See also the useful peer assessment form at https://engineering.purdue.edu/CATME/BARSform.doc

[25] For example objective structured video examination, in Humphries GM, Kaney S. (2000) The Objective Structured Video Exam for assessment of communication skills. *Medical Education,* 34, 939-45

[26] See for instance Chalabian, J., Dunnington, G., (1997) Standardized patients: a new method to assess the clinical skills of physicians, *Best Practice in Benchmarking Healthcare*, 2, 4, 174-7; Barton, K., Cunningham, Jones, C.G., Maharg, P. (2006) Valuing what clients think: standardized clients and the assessment of communicative competence, *Clinical Law Review,* 13, 1, 1-60, New York University Press

[27] For example in professional portfolios – either paper portfolios or *e*-portfolios.

SPIRAL LEARNING AND ASSESSMENT

Most models of outcomes education take a linear approach to learning, where students move from simple to more complex tasks. There is a place for such learning, particularly in the early stages of the 'performative' skills of interviewing, negotiation and advocacy. Nevertheless, simple-to-complex models of outcomes education do not represent well the multi-layered quality of professional learning in this context. In a three-year programme of study such as PEAT 1 & 2, involving a number of different modes of study, assessment and work-place learning, it is appropriate to consider how outcomes will be developed across the range of learning environments, activities and tasks. As we have already seen, the curriculum can be envisaged as an ascending spiral, in which learning tasks are encountered in more realistic environments, and in more contextual complexity through time. This requires that general levels of performance should be set for the Programme as the initial course of the new programme, and indicated for other areas of the Programme. The levels are in part set by the outcomes, but the standards appropriate to the outcomes will be the subject of monitoring by the Society to ensure that considerable variation does not occur over the range of providers. This is catered for in the first instance by the monitoring visits which the Society can undertake, particularly the mandatory visit during year 1 of PEAT 1 - academic session 2011/2012.

For a spiral curriculum to operate effectively, it is essential that the curriculum is viewed holistically. There needs to be integration of one learning environment with another so that students and trainees appreciate the professional training programme as a coherent, challenging and rewarding educational experience. Providers are therefore encouraged to reflect on what might be for them the best method of approach to a competence, bearing in mind local expertise and strengths.

GENERAL ASSESSMENT PRINCIPLES

The following eight general principles apply:

1. ***Assessment must be valid***

   Assessment must be valid according to the Mandatory and Core Outcomes, and outcomes set for Electives by Providers. A variety of evidence is probably the best method of ensuring validity of assessment. Validity can be best tested by including the profession in the design of the assessment. This can be done by the use of external examiners, or by the formative evaluation of assessment by practitioners prior to use of assessment with students.

2. ***Assessment must be reliable***

   Assessment ought to produce reliable data about student knowledge and skill. Reliability can be tested by a number of methods – the use of statistical co-efficients, the use of observers, the monitoring of inter-rater reliabilities, and test > re-test reliability of candidates' abilities or knowledge are some of them.

3. ***Assessment must be fair***

   Assessments ought to be constructed so that they are fair to all candidates. Where appropriate, for instance, fresh scenarios should be constructed so that there is no unfair advantage in first approach to an assessment.

4. ***Assessment must be feasible***

   All the above three qualities must be viewed in the light of what is feasible or practicable for a PEAT 1 provider to arrange as regards assessment. There is little point in highly complex assessments which may well achieve high reliability

if performed well, but which are performed poorly because they are too complex to achieve their results.

5. ***Assessment ought to be aligned with the various outcomes of the Programme***
The student and trainee learning experience lies at the heart of the new Programme, and teaching and resources should be aligned to ensure that this experience is meaningful, challenging and relevant. Learning should be both individual- and group-based. It should involve use of a variety of learning resources, and providers should ensure that student learning is aligned to assessment. Learning activities should be imaginatively designed, well-resourced and should support student learning. **It is the duty of the Providers to state how their assessment programme helps students to achieve the various outcomes of the course.**

6. ***Learning outcomes and assessment objectives should be embedded in the key tasks to be undertaken in any module.***
It is not feasible to assess every item of knowledge, skill or attitude on a Programme, and therefore a Provider will require to identify those task objectives which are representative of the more general learning outcomes, and structure assessment around these. Providers are, however, expected to assess all Professionalism outcomes.

7. ***Assessment should include multiple assessment points and observations***
Professionalism is multi-dimensional, and assessment practice should reflect this. Formative feedback should be given to students throughout PEAT 1; and where feasible, assessments should give both staff and students data that will show a line of improvement or failure to meet the various outcomes of the Programme. Pre-specified standards of performance should be available to staff, students, external examiners and the Society. In particular, such standards should indicate the criteria under which borderline pass or fail performance is judged.

8. ***Assessment should support the values of the professional community.***
Assessment should not be a repetition of the culture and values of the Foundation stage, but should engender reflection on, and be an analysis of, the culture, values and attitudes of the legal profession.

FORMS OF ASSESSMENT

In more detail below is set out a number of approaches to assessment practice that Providers may want to consider, with comment on their appropriateness (note that the categories are by no means exhaustive and Appendix A includes additional suggestions on assessment techniques)

1. ***Closed book examinations***

    These forms of assessment are often practised in undergraduate courses. While they undoubtedly encourage knowledge memorisation and application of principle, they can also develop habits of uncritical memorisation of legal principle. It is unlikely that they will be appropriate to the professional stage of legal education where, in relation to the Core Outcomes, a wider range of professional skills, knowledge and attitudes should be the focus of the course.

2. ***Open book and case-based examinations***

    These assessments mimic some of the features of professional practice, and therefore are more fitting assessments of the various outcomes to be taught on PEAT 1. Examples of assessment types include:

    - short-answer questions (which assess information recall)
    - constructed answer questions (which test application levels as well as content knowledge)[28]
    - modified essay questions (which test problem identification and decision- making skills)
    - extended matching items (which test application of knowledge within an extended case-based system of assessment, and which is often employed in a context of multiple-choice questions).[29]
    - objective structured long examination record (a 10 item analytical record of the traditional long case in medical education)[30]

3. ***Coursework assessment***

    This can take the form of specific pieces of work that are submitted during the course of the PEAT 1 programme, and can include the following:

    - case histories
    - case assignments (for example, simulated interview, followed by a letter on action, thus assessing interviewing and drafting skills in the same scenario)
    - simulated client records, either paper or electronic or both.
    - video essay or report (where students comment upon performance in video)
    - project assessment
    - 360-degree evaluation instrument (ratings completed by supervisors, tutors, peers, mentees, standardized clients)
    - Objective Structured Clinical Evaluation (OSCE) using standardized clients
    - diagnostic thinking inventory

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[28] See http://www.edteck.com/dbq/testing/const_resp.htm

[29] See Wood, E.J. (2003) What are extended matching sets questions? *Bioscience Education*, 1,1, 7-15, at http://www.bioscience.heacademy.ac.uk/journal/vol1/beej-1-2.htm

[30] See for instance Troncon, L.E.A., Dantas, R.O., Figueiredo, J.F.C., *et al* (2000) A standardized, structured long-case examination of clinical competence of senior medical students, *Medical Teacher*, 22, 4, 380-85, at http://www.otago.ac.nz/wsmhs/academic/gp/Curriculum%20Development/Troncon2000.pdf

- presentations
- critical incident reports
- educational mentoring and appraisal
- workbook, log or portfolio
- creation of checklists
- transactional learning
- reflective learning projects[31]

4. Collaborative assessment

Some forms of assessment actively promote collaboration between students; and this is certainly a practice to be encouraged. While all students concerned in a collaborative assessment may agree that all have contributed to the work, it is useful to have a more objective measure of this, in addition.

LINK TO PEAT 2 AND PEAT 2 ASSESSMENT

In the final section of these guidelines, the Society considers it essential to explain the nature of assessment of PEAT 2 for Providers. It is during PEAT 2 that training organisations will inherit the assessment of the trainee's performance in the areas of 'professionalism, professional communication and professional ethics and standards', through the PEAT 2 Outcomes. The Training Organisation will rely on achievement of Core Outcomes in assessing what it is that the 'Day 1' trainee is capable of, and use PEAT 2 Outcomes as the basis of assessment of the 'qualifying solicitor'.

Prior to the introduction of PEAT 2, the traineeship was assessed by quarterly reviews and logs. In PEAT 2, assessment with be through a portfolio and regular reviews. Policies on PEAT 2 assessment (and monitoring of training) will be final by early 2011, and achievement of the PEAT 2 Outcomes will be a shared responsibility between trainee and training organisation, the PEAT 2 Outcomes being the basis for PEAT 2 assessment.

The PCC, previously undertaken during months 6 and 18 of the traineeship, was not assessed, and therefore assessment was almost entirely work-based. This focus on work-based assessment is essential, but it the PCC has been discontinued in favour TCPD from September 2011 (although the PCC will be 'deemed' to be TCPD for trainees qualifying up to September 2013, the Society encourages the introduction of TCPD from 2011). TCPD rules will be available from September 2010, and these educational practice guidelines will be updated when they are available.

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[31] See Morin, L., Howells, L. (2003) The reflective judgment project, *Clinical Law Review*, 9, 623-54

APPENDIX C – General Accreditation Standards

The Panel will take cognisance of a range of factors including those specified generally in this document and in the following Appendix D - Specific Accreditation Standards.

Furthermore, in forming their recommendation the following standards will inform the decision- making, therefore Applicants are encouraged to treat the following as a check-list in terms of the statement required as part of the application, also referred to in Appendix J which includes a draft application form:

C.1   *Clarity* of information.
C.2   *Specificity* of information, in relation to what is requested.
C.3   *Detail* – adequate on which to form an opinion.
C.4   *Coverage* – that all issues are addressed.
C.5   Awareness of the ***state-of-the-art*** in relation to education, teaching, learning, methods, assessment, technology, resources needs, etc.
C.6   Evidence of ***commitment to <u>the teaching</u>*** of legal skills and the associated resource implications.
C.7   Evidence of ***commitment to research <u>and/or development</u>*** which informs the Mandatory and Core Outcomes for PEAT 1 which are required by The Society
C.8   Evidence of ***leadership and a clear vision***, mission, and objectives in relation to the delivery of legal education
C.9   Awareness of the ***needs and requirements of the legal profession*** in relation to legal education
C.10   Evidence of ***Quality Assurance activity, reviews and inspections, or their equivalent where the Applicant is not a university*** - this will be persuasive in the decision making process. However, it should be noted that the role of the Society is accreditation of PEAT 1, a part of the pathway to qualification as a solicitor. Consequently the emphasis will be on the role of the Provider in preparing the students for subsequent stages of training and for the profession, not simply on general academic standing. Therefore, this document is separate to, and comes from a different perspective from, academic accreditation.

Failure in one or more of these general standards, as applied to the 'specific standards' should not necessarily prevent the accreditation, or the continuation of the accreditation, of a particular organisation. However, where the Panel agree there is a pattern of these 'general standards' not being met across one of more of the specific standards then it is likely that accreditation may require the submission of further documents, a visit, be conditional, or that it may be refused; dependent on the seriousness and frequency of the failings.

The Panel can waive, for a set period or for the whole period of accreditation, any standard, criteria, or condition contained within this document. The Panel will only do so where an Applicant has provided detailed information as to why the relevant criteria is not being/to be met along with an educationally justifiable alternative, solution, or substitute.

APPENDIX D – Specific Accreditation Standards

The Panel will take cognisance of a range of factors including those specified generally in this document and in the preceding Appendix C - General Accreditation Standards.

Furthermore, in forming their recommendation the following standards will inform the decision-making. **Applicants are encouraged to treat the following as a check-list in terms of the statement required as part of the application, referred to in Appendix J which includes a draft application form:**

D.1 General

The Society shall consider performance over the following range of standards, attributing appropriate degrees of importance to each of them in recognition that different Applicants may have different qualities and strengths. The Society is not being prescriptive and the provision of a matrix is required from Applicants. The Society shall award accreditation if performance against that range of standards is considered to be acceptable. Failure in one or more of these 'specific standards', as interpreted in light of the 'general standards', should not necessarily prevent the accreditation, or the continuation of the accreditation, of an Applicant. However, where the Panel agrees there is a pattern of these 'specific standards' not being met then it is likely that accreditation may require the submission of further documents, a visit, be conditional, or that it may be refused; dependent on the seriousness and frequency of the failings.

D.2 Curriculum structures and matrix

Section 3.4.1 requires Applicants to describe the Programme design in detail. Section 3.4.2 details what is required of the matrix.

Supporting statements are required in relation to:

(i)   learning and teaching methods
(ii) use of resources
(iii) assessment methods (and see Appendices A and B include suggested assessment methods)

In relation to learning and teaching methods, provision of materials in relation to courses or modules for the purposes of accreditation should include module descriptors, details of any pre-Programme preparatory work, and two versions should be submitted – those submitted to students, those submitted to staff. Tutor materials should additionally include detailed tutor notes which refer to the Mandatory and Core Outcomes and Electives, clear instructions on what must be covered to achieve the objectives of that class, and ultimately that subject. Applicants must also provide a statement on the ways in which students are given formative feedback on their progress, which is appropriate to a professional programme of study.

In relation to resources, Providers will be individually responsible for provision of Programme materials to students and tutors. These include text books, Programme handbooks, lecture, workshop and tutorial materials, self-assessment schedules, observational and peer-assessment schedules, open or distance learning materials, web-based teaching and learning, video, audio and IT and multimedia materials. The content of the materials should be drawn up to meet the needs of the Programme.

Applicants should also demonstrate (i) how individual course assessments will be aggregated/combined (i.e. will all individual assessments need to be passed to pass the course), (ii) A general statement on how the marks from the courses will be

aggregated/combined into the overall mark for the Programme, and (ii) an indication of at what stage in the timetable assessments for each course are likely to take place.

D.3 Minimum Areas of Programme Appraisal, and Student Feedback

The following are minimum areas of feedback upon which the Panel would require each Applicant (or Provider, where at application stage it is not possible to collect the relevant information) to collect information on each Programme offered, and for each Elective. This is likely to be captured at accreditation, but because PEAT 1 is a new course, also captured during the year 1 visit:

1. Effectiveness of matrix-based approach to the Programme.
2. Effectives of split between Mandatory/Core Outcomes, and Electives, including effectiveness of Elective offering.
3. Effectiveness of Programme administration, including communication with students before and during the Programme
4. Relevance of class or workgroup activities to the purpose of the Programme
5. Quality of learning in tutorials, workshops and other forms of educational events
6. Preparation and organisation of teaching and teaching resources
7. Effectiveness of class content and delivery
8. Pace of teaching
9. Quality of tutor feedback
10. Quality of materials
11. Lists of action plans for improvement of the Programme, specifically review of Electives and proposed new Electives.
12. Records of improvement implementation.
13. Repetition of material and topics from Foundation Programme
14. Effectiveness of the Programme in the Core Outcomes specifically, in preparing students for entry to PEAT 2.

There should be provision for assessment and feedback from students and internal quality assurance mechanisms should be adequate and appropriate for the aims and objectives of PEAT 1 and its individual outcomes.

Programme appraisal data should be preserved for the duration of the Accreditation. The results of the appraisals will inform the Provider's Annual Report to the Panel.

The Panel may ask students to complete a questionnaire based on the above and/or discuss the above or other matters with students during a monitoring visit.

D.4 Randomly Selected Examples of Student Work

The Provider will be required to provide, at the year one meeting, assessed work of students who have completed PEAT 1 along with the relevant instructions and assessment details. The Society will build this into its annual reporting to the Education and Training Committee, as referred to in section 4.7 above.

D.5 Staff

D.5.1 *Programme Director*
Applicants and Providers must nominate at least one person who will be the Programme Director, and to whom correspondence with the Panel and the Society in general is addressed.

D.5.2 Staff *Qualifications*

Applicants and Providers must ensure that they have appropriate staff to teach and administer the Programme. All teaching staff must have **either** sufficient legal practice experience or practical experience relevant to the modules or courses they will teach and sufficient experience as effective deliverers of skills based training **or** be trainers of appropriate standing and sufficient experience, relevant to the modules they will teach. CVs should be submitted which specifically identify information relevant to staff/tutor ability to deliver PEAT 1. In the case of tutors who are solicitors, these persons should be able to demonstrate being compliant with the CPD requirements of the Society.

All those involved in advising students about course options, careers and the route to qualification must use official, up-to-date information which has been approved by the Society, where that is provided.

Details of criminal convictions/bankruptcy or sequestration orders/sanctions imposed by the Society, the Scottish Legal Complaints Commission, or the Scottish Solicitors Discipline Tribunal on a solicitor qualified member of staff require to be disclosed in the accreditation application.

D.5.3 *Staff Development*

Where a staff member has had insufficient or no prior experience as a trainer, they should be given appropriate training by the Applicant or Provider before they are permitted to teach on the Programme. Information about the nature and content of this training must be submitted to the Panel for approval, as part of the application for accreditation, incorporating the tutor training records. Where Applicants or Providers are in doubt as to the suitability of tutors they should contact the Society for advice. Tutor training is likely to include:

- Skills teaching
- Small group teaching
- Assessment
- Equal Opportunities and Diversity
- Pastoral duties

D.5.4 *Staff Ratio and Student Ratio*

In small-group teaching on courses comprising the Mandatory/Core Outcomes, and Electives, there should be an appropriate staff: student ratio. This is difficult to standardise, given the many forms of small-group teaching that are possible; but as a general rule the ratio of staff to students in tutorials should not exceed 1:12. Where classes exceed this ratio, the Applicant should include in accreditation documentation an explanation of the circumstances of this decision. Any ratio is acceptable in large group teaching.

D.6 Teaching Accommodation & Support

Applicants are required to demonstrate that the Programme will be delivered in appropriate teaching and learning accommodation which assist the achievement of the Outcomes on this practical, skills based course, and how the teaching year is structured. This may include provision of:

- Accessible facilities
- Teaching furniture e.g. whiteboards, flipcharts, OHPs, data projectors
- Library materials: primary law, practitioner texts, secondary texts, journals, electronic sources (Westlaw, Lexis Nexis) etc.
- AV equipment
- Computer provision appropriate to use of ICT on the Programme per what is required by the Core Outcomes, and to the number of students.
- Appropriate administrative support in relation to organising a complicated timetable

On the structure of the year, particularly as this will vary across Providers because of variances in Electives, a timetable must be presented showing the week-by-week structure of the teaching year. It is understood that this may continue to evolve as the start date approaches however a clear and reasonably indicative timetable must be presented.

D.7 Student access to resources and ICT

Students should have appropriate access to law cases and periodicals to support student achievement. The Applicant should be in possession of adequate or better library resources. Applicants are required to demonstrate how their holdings and facilities in the library, both paper and electronic, support the achievement of the Mandatory/Core Outcomes, and the proposed Electives.

The appropriate use of information and communications technology, including computer based learning and Internet, is expected. There should be a sufficient ratio of students to computers to allow the aims and objectives of each module to be fully realised using the Provider's facilities. In addition, the Core Outcomes specify achievement in use of technologies, and this should be recognised in the use of ICT on the Programme.

D.8 Student Information

The following information in relation to students is required by the Society, throughout the period of accreditation:

- Providers must use best endeavours to ensure that student permission is sought to allow it to supply student information to the Society. In relation to students who give this permission, a provider will supply an Excel file at the start of semester 1 which contains students' first names, family names, and email address.

- Where student councils and student law societies are present at a Provider, the contact details for the office bearers must be passed on to the Society within 4 weeks of the commencement of semester 1.

- The Society has its own voluntary methods of communicating with students. However, in the event that the Society considers that it is critical to contact students directly through the Provider, the Society will give a minimum of one week's notice before sending emails to students. **The Society will limit such communications to critical information.**

- Providers require to collaborate with the Society on marketing the Society's visits to students, including their importance (particularly the regulatory visit in relation to 'fit and proper' issues).

- Providers should notify the Society of careers events taking place throughout the year, so that the Society may support the marketing of those events.

- Providers must be willing to have staff provide standardised references, where a graduate of PEAT 1 applies to the Society for an Entrance Certificate and requires a reference.

- Providers must be able to provide attendance records for each of the classes on the Programme.

- Provides must be able to provide PEAT 1 pass results to the Society's Registrar's Department, the day after the board of examiners meets.

In terms of entry to and graduation from PEAT 1, in order to be able to provide students with appropriate careers information on the variety offerings within the PEAT 1 programme across Scotland:

- All Providers must, on a yearly basis, enter into discussions with the Society in relation to a fair and transparent protocol for entry to PEAT 1, which includes an appeal process for Applicants, so that agreed guidance based on it may be shared to all prospective applicants to PEAT 1.

- It will normally be construed as a breach of accreditation if a Provider accepts a student without having achieved all of the Foundation Outcomes. Providers should liaise with Foundation Programme providers to ensure that student achievement of the Foundation Outcomes is clear, before offering places on PEAT 1.

- Whilst there is no fixed fee structure for PEAT 1, Providers are expected to provide high-quality professional education, and all stakeholders in the professional legal educational programme should recognise that this requires a commensurate level of fee structure, it is appropriate that Applicants and Providers should

provide details of the PEAT 1 fee in the original application, plus the Annual Reports which follow.

D.9 Diversity and Equal Opportunities

The Society has responsibilities in relation to equality and diversity under the relevant legislation, covering its public and regulatory functions, its operation as a qualifications body and as a membership organisation. As part of its commitment to meeting the requirements of this body of legislation the Society needs to be assured that issues of Diversity are taken into all decision making and policy setting. Applicants are, therefore, required to provide information on Equal Opportunities and Diversity within their organisation, faculty, and department.

This information should include:

- Equal Opportunities statement of the Provider.
- Details of schemes and arrangements for promoting access
- Details of arrangements, accessibility and support services for people with a range of disabilities.
- A statement of work undertaken to ensure that assessment methodologies and teaching methods do not discriminate.
- Information on how discrimination, diversity, good relations and cultural understanding can be taught pervasively through the curriculum, this also being included in the Core Outcomes.
- Information on the diversity of students, insofar as it is available.

APPENDIX E – External Examining System

Each Provider must appoint external examiners covering all of the Programme's Mandatory and Core Outcomes, and Electives, and ensure these examiners report annually.

The PEAT 1 External Examining system is aligned with the QAA *Code of Practice, Section 4 – External Examining*[32] issued in September 2004, the Scottish Credit and Qualifications Framework, and the statutory functions of the Law Society of Scotland in matters of the education and training of solicitors.

Function of the external examiner system on PEAT 1 Programmes:

1. The primary purposes of the external examiner system are:

   - whether the professional standards by the Provider are appropriate
   - the extent to which the Provider's assessment processes are rigorous, ensure equity of treatment for students and have been fairly conducted within institutional regulations and guidance (this being informed by reviewing actual assessed work)
   - the standards of student performance in the Programme which they have been appointed to examine

   Through their reports the External Examiners assist the Society in:

   - the comparison of professional standards and student achievement across Providers.
   - the identification and dissemination of good practice.

Duties of an External Examiner:

These are varied and contained in the QAA Code of Practice. Of specific interest to the Society are to:

   - notify the Provider of any suspected cases of cheating, collusion or plagiarism in students' work and assist in the investigation of suspected cases as necessary.
   - ensure that the standard of any award which is recommended by the board of examiners, of which they are a member, is comparable to the standard of similar awards in other PEAT 1 courses of which they have experience.

Where PEAT 1 is provided by a Provider which is not a university, it is expected that these requirements will be met.

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[32] A link is provided to Section 4 from this document. If a hard copy of this document is being referred to, it can be found at http://www.qaa.ac.uk/academicinfrastructure/codeofpractice/section4/cop_external.pdf

Criteria for the appointment of external examiners

An external examiner to a PEAT 1 programme should be a recognised and experienced practitioner within the legal profession or an academic or tutor with experience of delivering/tutoring on the Programme, or Diploma.Where they do not possess such experience the Applicant should be prepared to justify the appointment on the basis of other skills and experience.

External examiners should be appointed to cover the whole range of components within a Programme. The list of examiners should be forwarded to the Society.

External examiner feedback

After final meetings of boards of examiners, each external examiner is required to submit their findings, together with a written substantive report, to Providers. Copies of these reports should be submitted electronically to the Society, as part of the Annual Report.

Checklist of documentation to be made available to external examiners

- Mandatory and Core Outcomes, and Appendix B, together with the matrix and supporting statements.
- These guidelines.
- Student Programme handbook, including detailed module information.

APPENDIX F – Distance Learning and E-Learning Guidelines

Distance- and e-learning methods involve the delivery of materials at a distance to students. They also involve the construction of sophisticated supervision and communication with students, so that teaching and learning are integrated most effectively. The following sets of guidelines outline many aspects of best practice in distance- and e-learning, and we would strongly advise any Provider wishing to offer modules on this basis to consider them as indicative of the criteria that the Panel would apply to the modules.

http://www.futured.com/pdf/CanREGs%20Eng.pdf

http://www.qaa.ac.uk/academicinfrastructure/codeofpractice/section2/

http://www.jisc.ac.uk/publications.aspx

http://www.educause.edu/SuccessfulLearning/6796

APPENDIX G – POLICY ON ABSENCE

As PEAT 1 is a vocational Programme with a focus on professionalism, the following policy on absence will apply:

1. Each Provider will be responsible for confirming to students and to the Registrar's Department of the Society that students have completed modules to the satisfaction of the Provider.

2. If the Provider cannot confirm this, it will be responsible for advising the student and the Registrar's Department of Society of which module(s) have not been completed satisfactorily. **Such module(s) must be repeated, and satisfactory completion of the repeated module(s) must be confirmed by the Provider.**

3. The student will be responsible for making arrangements to repeat modules as required.

4. In cases of absence, the Provider may only consider a student to have completed a module or course satisfactorily if the part or parts of the module or course missed did not substantially reduce the learning and involvement of the trainee during the module.

5. Students will be permitted to repeat modules, including core modules, at a different Provider or Providers.

> *Notes:*
>
> - When reporting completion or non-completion to the Society, Providers must use the standard documentation provided by the Society.
> - Issues relating to the payment of fees for modules not completed and/or to be repeated are to be resolved between the student and the Provider.
> - Providers are asked to supply a copy of the Policy on Absence to each student who books a place on a Programme.

APPENDIX H – Reporting System on Professional Lapses

A tutor who has concerns about a student's professionalism on the Programme should inform the head, or Director, of the Programme. They should in turn investigate and if there is evidence of deficiency in professional development as defined in the Core Outcomes under professionalism, they should meet with the student to open a Professionalism Evaluation Form. The meeting should identify the lapse, a remediation programme, and be agreed by both student and head/Director of the Programme, with student signing at the end of the interview. The form will be copied to the Society. A follow-up form will be completed by the head/Director of the Programme, detailing whether improvement has been significant (see over for form).[33]

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[33] Note that this Evaluation Form has been adapted from the work of Dr Maxine Papadakis, University of California at San Francisco Medical School. Permission has been obtained for its adaptation and use.

PROFESSIONALISM EVALUATION FORM: INITIAL MEETING

Student name: _____
Head/Director of Programme: _____
Date: _____

The student has exhibited one or more of the following behaviours that need improvement to meet expected standards of professional lawyering. The student needs further education or assistance with the following: (circle number & letter)

1. **Reliability and responsibility**
   a. Learning how to complete assigned tasks
   b. Misrepresents or falsifies actions and/or information, or plagiarises
   c. Does not complete essential responsibilities by the prescribed deadline

2. **Self-improvement and adaptability**
   a. Does not accept constructive feedback
   b. Demonstrates arrogance
   c. Is abusive or critical in times of stress

3. **Relationships with students, faculty, staff and clients**
   a. Does not relate well to fellow students in a learning environment
   b. Inadequately establishes rapport with clients or standardized clients
   c. Does not respect professional boundaries in interactions with administrative faculty or staff.

4. **Upholding the statement of Professional Outcomes**

Appropriate Plan of Action:

_____
_____
_____
_____
_____

This evaluation has been discussed with my head/Director of the Programme.

_____   _____
Student signature   Date

My comments are:

_____
_____
_____
_____
_____

PROFESSIONALISM EVALUATION FORM: FOLLOW UP MEETING

Student name: _____
Head/Director of the Programme: _____
Date: _____

The student's behaviour has improved/worsened in the following areas: (circle number & letter)

1. **Reliability and responsibility**
   a. Learning how to complete assigned tasks
   b. Misrepresents or falsifies
   c. Does not complete essential responsibilities by the prescribed deadline

2. **Self-Improvement and adaptability**
   a. Does not accept constructive feedback
   b. Demonstrates arrogance
   c. Is abusive or critical in times of stress

3. **Relationships with students, faculty, staff and clients**
   a. Does not relate well to fellow students in a learning environment
   b. Inadequately establishes rapport with clients or standardised clients
   c. Does not respect professional boundaries in interactions with administrative faculty or staff

4. **Upholding the statement of Professional Outcomes**

Appropriate Plan of Action:

_____
_____
_____
_____
_____
_____

This follow-up evaluation has been discussed with my head/Director of the Programme.

_____   _____
Student signature   Date

My comments are:
_____
_____
_____
_____
_____
_____

Appendix J - Application Form for Accreditation

This application form must be completed by an Applicant. Six digital copies of the entire application and all supporting materials are required, where possible. The copies must be sent to the Panel Secretary who will distribute them to the Panel and retain a copy. Where paper copies are the only thing available, the Applicant should highlight clearly which elements of the application are being provided on paper, providing six copies to the Panel Secretary.

The Panel Secretary and the members of the Panel must receive the application and all documentation at least two weeks before the meeting at which the application will be considered. The Panel Secretary will advise the Applicant of the date of the meeting as soon as possible after the Applicant has made written intimation of its intention to apply for accreditation as required in paragraph 4.1

Section A

Organisation
Name: _____   Address: _____   _____   _____

Contact names
Applicants require to nominate a Programme Director. Please attach a brief CV together with a brief statement as to this person's suitability for the post.   Name of Programme Director: _____   Is the Applicant a university? If not, please provide details of the persons(s) or organisation(s) applying for accreditation: _____   _____   _____   Position within organisation: _____   Telephone: _____   Email address: _____

Name of head of/Director of PEAT 1 (if not Programme Director):

_____

Telephone:

Email address: _____

Name of administrative contact: _____

Position within organisation: _____

Telephone: _____

Email address: _____

Has the proposed PEAT 1 course been through a validation process internal to your organisation?

_____

When does the organisation propose to run the Programme for the first time? Please give approximate date.

_____

How many places will be available on the Programme?

_____

Do you plan to offer entry to the Programme on more than one occasion during the year? If so, please give details.

_____

_____

Current provision of legal education & training
Please provide details of your existing provision of legal education and training, and planned provision from academic session 2011/2012:

_____

_____

_____

Form of Programme delivery

How will the organisation offer the Programme? (Please tick relevant boxes below.)

Integrated with Scottish Exempting Degree
PEAT 1 only (full time)   ☐
PEAT 1 only (part time/distance learning)   ☐
                                                                ☐

Please note that if the Applicant has ticked more than one box above it should provide separate details for each category of programme provision.

Statement

Applicants should submit a statement which satisfies the requirements of these guidelines, particularly following the checklists in Appendices C and D (Accreditation Standards – General and Specific).

Application Fee

£3,000 plus VAT (or in the case of non-University Applicant, another figure, according to section 4.6.3)

Please make cheques payable to The Law Society of Scotland

Authorising signatures:

Programme Director: _____

Head of/Director of Programme (if not Programme Director):

                                             _____

Please note: any change in the above details must be intimated to the Law Society of Scotland.