



THE LAW SOCIETY OF SCOTLAND

PROFESSIONAL EDUCATION AND TRAINING STAGE 1 – PEAT 1

ACCREDITATION GUIDELINES FOR APPLICANTS

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.

CORE OUTCOMES

PROFESSIONALISM	
Throughout the PEAT 1 programme the student should understand the importance of:	Methods of assessment
<p>PROFESSIONALISM</p> <p>The interests of justice and democracy in society</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - 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. <p>Effective and competent legal services on behalf of a client</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - 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. 	<p>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.</p> <p>Forms of assessment could include:</p> <ol style="list-style-type: none"> 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 ETHICS AND STANDARDS

The Society's [Standards of Conduct and Service](http://www.lawscot.org.uk/Members_Information/Standards) = 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).

<p>DUTIES TO THE PROFESSION</p> <p>Understand the professional obligations of a practitioner to other members of the profession</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Demonstrates awareness of the duty to other members of the profession. - Acts honestly, civilly and with integrity. - Respects the opinions and views of others. 	
<p>THE CLIENT-SOLICITOR RELATIONSHIP</p> <p>Identify client and client context</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - 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 acting.
- 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.

<p>Appraise and analyse their own developing practice in the context of the ethical framework of the practice of law in Scotland</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - 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. 	
<p>CONFLICT OF INTEREST:</p> <p>Understand the professional obligations of a solicitor to avoid conflicts of interest</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - 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. <p>Identify instances of conflicts of interest</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - 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.