

**The Law Society of Scotland**



**Professional Competence Course**

**Guidelines for Applicants**

August 2004

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# 1. Introduction

## 1.1.

This document sets out for potential providers of all or part of the PCC the relevant information as regards the course content, structure of the course, the accreditation procedures to be applied by the Law Society of Scotland, and the monitoring procedures to be performed thereafter. Should any further information be required, please contact in the first instance the Education and Training Department of the Society:

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## 1.2. Background

1.2.1. The Professional Competence Course (PCC) is a compulsory element of the professional training regime for trainee solicitors in Scotland. It was introduced for a number of reasons. It was recognised that:

- a number of aspects of training were best dealt with after trainees had had some practical office experience
- there was a variation in the quantity and quality of training given to trainees in their traineeships
- it was necessary to have a course that dealt, to a more advanced level than the Diploma, with a number of generic subjects and skills, most of which would be assessed during the traineeship by the Test of Professional Competence (TPC). See 1.3.3 for more information about the TPC.

## 1.3. Relationship of PCC to Diploma, traineeship and Test of Professional Competence (TPC)

1.3.1. The training regime begins on the first day of the Diploma, and ends with successful completion of the TPC. It is essential that everyone involved in the process treats these three years of training as a holistic process, in which all elements are designed to contribute to the professional education of trainees.

1.3.2. For this reason, the PCC should be regarded as a course that develops trainee learning further than the Diploma, and enhances the learning that takes place during traineeship. It gives trainees the opportunity to reflect on that learning in a situation where they can work collaboratively with other trainees.

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- 1.3.3. The TPC, which comprises a series of logbooks and performance reviews to be completed by trainees and their trainers, is designed to ensure that the outcomes of the whole of the training contract are met. The TPC relates to trainees' experience of work for their training employers. Both models of PCC delivery (in-house and external), and the learning outcomes and competences within the Course are designed to help trainees work more effectively for their training employers.
- 1.3.4. The PCC has been constructed so as to enhance trainee learning in professional knowledge and skills. It is not an academic course. The PCC is aimed at supporting the entire traineeship process, including the TPC. In this sense, the Course is really the start of CPD and lifelong learning, and should be regarded in that respect.

## **1.4. Terminology**

- 1.4.1. In this set of Guidelines the term '*Course*' refers to the whole PCC, *ie* the core curriculum and the electives.
- 1.4.2. The term '*Panel*' refers to the PCC Accreditation and Monitoring Panel.
- 1.4.3. The term '*applicant*' refers to the organisation or persons wishing to apply to the Panel for accreditation of either the PCC core curriculum or electives, or both.
- 1.4.4. The term '*training employer*' refers to the firm or other organisation where a trainee is undertaking his or her traineeship.

## **2. COURSE APPLICANTS**

### **2.1.**

Any persons or institutions may become providers of the PCC, so long as they obtain accreditation by the Law Society of Scotland as to their fitness to deliver the Course, and maintain their accreditation. Fitness to deliver the Course will be decided on an applicant's adherence to the guidelines and procedures for accreditation set out below.

### **2.2.**

Applicants can elect to be accredited as either in-house Course providers or external providers. Where collaboration is planned between providers on Course design, the applicants must elect which form of accreditation they will seek for their Course.

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## **3. COURSE STRUCTURE & CONTENT**

### **3.1. Aims**

3.1.1. The aims of the PCC are to:

- develop the knowledge and skills learned on the Diploma and in first stages of traineeship
- enhance trainees' knowledge of key areas of current legal practice
- enable a deeper understanding of the ethics, values and attitudes of the Scottish legal profession
- facilitate the development of legal skills and the integration of these with legal knowledge and ethical behaviour.

3.1.2. The Course should be pitched at a level of complexity and sophistication sufficient to engage a trainee who has completed between six and eighteen months of training. It is not appropriate for the PCC to repeat trainees' Diploma experience, or for material more appropriate to experienced practitioners or partners to be included within the PCC.

### **3.2. Basic structure of the Course**

3.2.1. The PCC consists of two sets of modules:

- core curriculum modules - 36 hours of class contact time (see 3.4.4.)
- elective modules - 18 hours of class contact time (see 3.4.4.)

3.2.2. The core curriculum is compulsory for all trainees. All core modules are defined by learning outcomes and competence standards that build upon students' experience within the Diploma, and which deal with important practice issues generic to all trainees' experience of legal practice.

3.2.3. All trainees must complete a minimum of 18 hours of elective modules. Topics and learning outcomes are not prescribed by the Society and each provider of the PCC has the opportunity to design their own electives, all of which will require accreditation. Each elective module should last a minimum of 6 hours (see 3.5.).

3.2.4. A trainee may take the core curriculum only from a single provider, and may not choose elements of it from different providers. Trainees and their employers may opt to choose different electives from different providers, but (for reasons that are outlined below) the design and implementation of the core curriculum must normally be under the direction of one provider, except as permitted by the absence policy at appendix C.

3.2.5. Teaching days should be no more than 8 hours, including breaks. Any extension to these hours would have to be justified and approved by the Panel. This time excludes preparation, assignments and coursework undertaken when the tutor is not present (see 3.4.4).

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### **3.3. Models of Course design**

3.3.1. Applicants will be asked to choose one of two designs for any single Course:

*3.3.2. External provider PCC design*

This will be taken up primarily by applicants who are not employers of trainees, and the following conditions will apply:

- the external provider core curriculum should be delivered as a single Course block.
- the core modules should be integrated as far as possible across the curriculum, and applicants should take account of trainees' prior experience in traineeships in their design of the Course classes and materials.
- organisations applying to be external providers should provide a course timetable to demonstrate that an appropriate number of hours are devoted to training according to the guidelines set out below, and that the competence statements are being met by the trainees.

*3.3.3. In-house provider PCC design*

Employers of trainees may wish to offer a PCC for their trainees, in which case the following conditions will apply:

- the core curriculum should be closely adapted to the work that trainees are carrying out for the training employer. The core need not be delivered in a single block, but may be distributed throughout the first 18 months of traineeship, and linked directly to the work that trainees are carrying out in their seats. Methods of PCC module distribution within trainees' work patterns and the rationales for these should be clearly demonstrated in the documentation submitted to the Law Society.
- in-house providers may not offer the core curriculum to trainees from other training employers. An in-house provider who wishes to offer any part of the course to trainees other than those it employs must first obtain accreditation as an external provider.
- organisations applying to be in-house providers should provide a course timetable to demonstrate that an appropriate number of hours are devoted to training according to the guidelines set out below, and that the competence statements are being met by their trainees.

### **3.4. Core curriculum**

3.4.1. The table on the next page gives an outline of the nine modules that comprise the core, the competence statements for each, and number of hours of tuition that should be devoted to each module.

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Table 1: Competence Statements

	Module	Competence Statements: by the end of the course trainees will be better able to:	Hours
1.	<b>Personal organisation &amp; time management</b>	<ul style="list-style-type: none"> <li>a. Balance competing demands arising from handling a number of transactions and/or clients</li> <li>b. Meet deadlines</li> <li>c. Understand models of time recording &amp; billing</li> <li>d. Understand types of fee arrangements</li> </ul>	3
2.	<b>Practical ethics</b>	<ul style="list-style-type: none"> <li>a. Identify and adhere to the rules of professional conduct and ethical requirements in day-to-day practice in relation to: <ul style="list-style-type: none"> <li>i. Handling clients' money</li> <li>ii. Conflict of interest</li> <li>iii. Confidentiality</li> <li>iv. Adequacy of service/negligence issues</li> </ul> </li> <li>b. Understand the function of a risk management policy within a firm</li> <li>c. Identify how risk management strategies can be applied to the work of a trainee.</li> </ul>	6
3.	<b>IT &amp; the legal office</b>	<ul style="list-style-type: none"> <li>a. Use IT deemed appropriate in the legal office for particular types of work</li> <li>b. Understand models of ICT in use in different legal practices</li> </ul>	3
4.	<b>Client care</b>	<ul style="list-style-type: none"> <li>a. Observe and interpret complex legal situations and determine strategy</li> <li>b. Consider the needs, expectations and social and professional context of the recipient of communication</li> <li>c. Determine on form of communication to be used (conversation, letter, memo, phone, fax, email) and timing</li> <li>d. Assess tone, register and structure of own communications</li> <li>e. Use oral or written discourse appropriate to client, witness(es), other members of the legal profession and members of other professions</li> </ul>	3
5.	<b>Financial &amp; commercial awareness</b>	<ul style="list-style-type: none"> <li>a. Demonstrate an understanding of basic accounting principles relevant to the practice in which the training is based</li> <li>b. Demonstrate an understanding of the form and content of the accounts of different trading enterprises</li> <li>c. Interpret simple accounting information</li> </ul>	3

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	<b>Module</b>	<b>Competence statements: by the end of the course trainees will be better able to:</b>	<b>Hours</b>
<b>6.</b>	<b>Drafting</b>	<ul style="list-style-type: none"><li>a. Draft a well-organised and factually relevant document</li><li>b. Ensure that relevant legal and factual issues are addressed in the document</li><li>c. Articulate within the document relevant arguments and/or identify options</li><li>d. Use the appropriate form/style</li><li>e. Demonstrate that appropriate use of precedents have been made</li><li>f. Exercise the appropriate standard of care</li></ul>	5
<b>7.</b>	<b>Writing</b>	<ul style="list-style-type: none"><li>a. Consider the needs, expectations and social and professional context of the recipient</li><li>b. Prepare correspondence and reports to clients in clear and plain language</li><li>c. Assess tone, register and structure of own communications</li><li>d. Gather, organise and present evidence in writing</li></ul>	3
<b>8.</b>	<b>Negotiation</b>	<ul style="list-style-type: none"><li>a. Identify &amp; analyse the facts and key legal issues in any dispute</li><li>b. Assess the bargaining position of the client and party in dispute</li><li>c. Plan appropriate strategies</li><li>d. Identify strategy and tactics likely to be used by the other party</li></ul>	5
<b>9.</b>	<b>Interviewing</b>	<ul style="list-style-type: none"><li>a. Assess tone, register and structure of own communications</li><li>b. Ascertain the nature of a client's wishes/problems</li><li>c. Identify the legal issues arising from the above</li><li>d. Use appropriate questioning skills orally</li><li>e. Confirm instructions</li><li>f. Advise clients of proposed plans</li><li>g. Gather, organise and present evidence orally</li><li>h. Create &amp; maintain a sense of confidence &amp; trust</li></ul>	5

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3.4.2. *Assumed Knowledge and Skills from Diploma in Legal Practice*

Appendix D contains a statement of the aims and learning outcomes of the Diploma subjects. Providers of the Diploma achieve these aims and learning outcomes through a range of means of delivery, so the experiences of Diploma students will vary.

3.4.3. *Module names*

Applicants applying to be in-house providers may adapt the names of the core modules to fit their own training regimes, but not the core competence statements.

3.4.4. *Tuition hours*

The number of hours in Table 1 refer to that period of time in which trainees will be working with tutors in face-to-face tuition. The hours do not include the following undertaken when the tutor is not present:

- preparation for in-class activities
- assignment drafting
- coursework

The number of hours attaching to each module may not be reduced, though they may be distributed throughout the course timetable.

3.4.5. In their application documentation applicants should show the total time that trainees would spend in preparing, learning and giving and receiving feedback on the PCC.

3.4.6. Applicants may wish to design distance-learning or resource-based open learning modules in their core curriculum. In these and similar methods of teaching and learning, the elements of preparation, assignment drafting and coursework are more difficult to separate from tuition hours. Applicants should therefore estimate how many hours in total trainees should spend on particular modules.

## **3.5. Electives**

3.5.1. In addition to the core curriculum above, trainees must undertake elective modules. The aim of this part of the PCC is to enable trainees and their employers to choose elements of training that are directly relevant to work that the trainees have done, or are just about to do, in the office. Electives thus enable the PCC to cater for the high degree of specialisation within traineeships.

3.5.2. Trainees must undertake at least 18 hours of elective learning. These hours refer to face-to-face tuition, and do not include trainees' preparation time, nor the completion of assignments or coursework undertaken when the tutor is not present. Where electives are designed as open or distance-learning, resource-based learning or e-learning, the applicant must indicate how many hours would comprise appropriate tuition, supervision or communication. The choice of appropriate electives will be decided upon jointly by training employer

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and trainee. Trainees will not be limited to obtaining all their elective training from one provider: they may choose electives from a variety of providers.

- 3.5.3. Applicants may offer as many elective modules as they wish. The minimum length of any single elective shall be six hours.
- 3.5.4. Teaching days should be no more than 8 hours, including breaks. Any extension to these hours would have to be justified and approved by the Panel. This time excludes preparation, assignments and coursework undertaken when the tutor is not present (see 3.4.4).
- 3.5.5. There is no prescribed set of topics for the electives; but applicants are given the following guidelines:
  - applicants are encouraged to develop modules which cater for a wide range of specialisms
  - applicants may develop elective modules that deal in more depth with the topics dealt with in the core curriculum.
- 3.5.6. There are no prescribed learning outcome or competence standards for electives. Applicants will write these according to the content and design of the elective. They will be submitted to the Panel for accreditation along with the rest of the documentation for the elective.

### **3.6. Curriculum structures**

- 3.6.1. There are a number of different methods of curriculum design and teaching methods that applicants should demonstrate they will implement in the core curriculum of the PCC:
  - 3.6.2. *Streaming by experience (applicants applying to be external providers only)*

Trainees will come to external providers with a wide variety of training experience. This variation means that it is difficult to design a generic course that is relevant to all trainees, unless trainees are 'streamed' into groups based on broadly similar areas of traineeship, or some other factor (eg, areas of law). Applicants applying to be external providers will require to demonstrate that they are taking account of this issue.
  - 3.6.3. *Integrated modules (both models)*

Learning is much improved if modules are treated less as isolated units and more as parts of a whole Course. This can be achieved in a number of ways:

    - applicants applying to be in-house providers can integrate delivery of the modules with the work that trainees carry out in their various seats
    - where modules are designed to be offered by an external provider, there should be:
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- integration of knowledge and skills as far as possible within modules
- integration of scenarios and materials as far as possible across modules.

*3.6.4. Collaborative learning (both models)*

Applicants to be either in-house or external providers should ensure that there is a high level of collaborative learning among trainees on the Course – in tasks to be carried out, in feedback activities, in workshops and in tutorials.

*3.6.5. Reflective learning (both models)*

If trainees are to develop habits of lifelong learning it is essential that during their traineeship they are encouraged to reflect upon their developing understanding of the world of legal practice. Applicants to be either in-house or external providers should be able to demonstrate that they are facilitating reflection on the Course, not merely in formal feedback and peer feedback, but in self-reflection. Applicants (particularly in-house) may want to consider linking this with trainee logbooks.

*3.6.6. Pervasive elements (both models)*

Where appropriate, applicants must seek to embed three pervasive elements in the core curriculum:

- use of ITC, for example use of practice-based applications; use of web-based teaching and learning; use of IT for communication purposes
- ethical requirements of day-to-day legal practice
- problem-solving - as regards this element, the following five principles and skills are a useful guide:
  - problem definition
  - fact investigation
  - legal issue identification and assessment
  - advice and decision-making
  - planning and implementation.

*3.6.7. Case-study approach to learning (both models)*

Applicants must adopt, where possible, a case-study approach to teaching and learning. This will help ensure, for external providers, that the materials approach the complexity of office practice, and minimise the number of new scenarios that trainees will encounter on the Course; while for in-house providers it will help to consolidate the links between work-place learning and the PCC curriculum outcomes.

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### **3.7. Open, distance and e-learning guidelines**

3.7.1. These three forms of teaching and learning present special challenges and opportunities for both trainees and providers. However it is essential that applicants 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 course documentation, demonstrate that they have followed guidelines for good practice in these areas. Many such sets of guidelines exist. In Appendix A are listed some of these in the area of e-learning and distance learning.

### **3.8. Accommodation**

3.8.1 Both in-house and external applicants require to demonstrate that the Course is delivered in appropriate teaching accommodation. This will include provision of:

- facilities for disabled
- teaching furniture eg whiteboards, flipcharts, OHPs, data projectors
- library materials: primary law, practitioner texts, secondary texts, journals, etc.
- AV equipment
- computer provision appropriate to use of ICT on the Course, and to the numbers of trainees taking the core curriculum and electives.

### **3.9. Administration**

3.9.1. Applicants will be required to provide evidence in their application that appropriate personnel and procedures are in place for the administration of the PCC in three areas:

3.9.2. *General administration*

This will apply to those seeking accreditation for either the core curriculum or electives or both. It includes:

- list of qualified administrative and teaching staff
- accreditation documentation
- records of staff training
- Course appraisal procedures. These should include:
  - qualitative feedback from trainees as well as staff *via* questionnaires or feedback sessions on all aspects of the Course provision
  - lists of action plans for improvement of the Course
  - records of improvement implementation.

3.9.3. Appendix B sets out in more detail the minimum areas of feedback upon which records should be kept.

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#### 3.9.4. *Core curriculum*

##### *Trainee entry documentation:*

- for applicants to be in-house providers, evidence that the Course is being linked to the work and other training that trainees are given during their traineeship
- for applicants to be external providers, evidence that they have liaised with training employers over the prior work experience of trainees on their traineeship, and that this experience is integrated as far as possible within the curriculum structure of the PCC
- for providers of both models, evidence that there is communication with trainees before the Course begins of the content, structure and expectations of the Course.

3.9.5. *Attendance on the Course:* attendance records for each of the classes on the Course; compliance with the Society's policy on trainee absence from the PCC (see Appendix C); certificates of satisfactory completion of the Course; liaison with the Society's Education and Training Department over records of Course completion.

3.9.6. *Formative feedback:* trainee evaluation results, communication of results to firms.

#### 3.9.7. *Electives*

Record of trainee attendance at electives and satisfactory completion, in accordance with the Society's policy on absence at appendix C.

### **3.10. Annual report**

3.10.1. At the end of the first full 12 months (following the date of the letter advising of accreditation approval) a provider will send an Annual Report to the Panel, in the form of a critical self-review. If the provider wishes to extend past the one-year accreditation they must apply to the Panel for permission.

3.10.2. Submission of subsequent annual reports are streamlined for **all** providers to the first of 2 dates following the anniversary of the original accreditation approval – 31 January or 31 August. If a provider wishes to alter from the first available date, application must be made to the Panel.

3.10.3. The Report will be informed by the provider's own course appraisal processes and will contain the following sections:

- Summary of Annual Course appraisal
  - Details of all feedback received from courses attendees
  - Copy of monitoring visit report (if applicable)
  - Update on alterations to the Course. Each provider's PCC may, and should, evolve during the period of accreditation as a result of feedback received, possible legislative changes and other
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practical considerations. As long as alterations to the course are not significant eg, the total class contact time is not reduced to below the prescribed minimum, or there is no departure from the prescribed competence statements, they do not require the prior approval of the Panel. However, such alterations must be reported to the Panel in the annual report.

- Future plans for the Course. Any significant changes to the course will require the prior approval of the Panel and such approval should be applied for at the time of the annual report.
- The Secretary of the Panel should be contacted should advice be required.

### **3.11. Materials Production**

- 3.11.1. Each provider will be responsible for provision of Course materials to trainees and tutors. These include text books, Course 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 multimedia materials. The content of the materials should be drawn up to meet the needs of the Course and the trainees. All materials should be produced to an appropriate standard of design, and applicants should give six copies of **all** materials to the Panel as part of their accreditation documentation.

### **3.12. Trainee Assessment on PCC**

- 3.12.1. There will be no summative assessment of trainees on the PCC. Instead, trainees should be given formative feedback on their progress during the course, particularly in the skills modules. It is not necessary for providers to record this feedback, but trainees should be encouraged to do so, and to use it in the work they carry out for their training employers. Those employers whose trainees attend a PCC taught by an external provider will wish for feedback on trainees' performance; and external providers should create feedback mechanisms to provide this.

### **3.13. Staff structures & class ratios**

- 3.13.1. An applicant must nominate at least one person who will be the Director of the PCC, and to whom correspondence with the Panel and the Law Society in general is addressed.
- 3.13.2. Applicants must ensure that they have appropriate staff to teach and administer the Course. All teaching staff must have **either** sufficient legal practice experience relevant to the modules they will teach and sufficient experience as effective deliverers of skills based training, **or**
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be trainers of appropriate standing and sufficient experience relevant to the modules they will teach.

- 3.13.3. Where staff have had insufficient or no prior experience as trainers, they should be given appropriate training by the applicant before they are permitted to teach on the Course. Information about the nature and content of this training must be submitted to the Panel for approval, as part of the application for accreditation. Where applicants are in doubt as to the suitability of tutors they should contact the Panel for advice.
- 3.13.4. In small-group teaching on the core curriculum and in elective modules there should be an appropriate staff:trainee 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 trainees in tutorials should not exceed 1:12, and in skills workshops the ratio should be considerably less than this, except as permitted by the absence policy at appendix C. Where classes exceed this ratio, the applicant should include in accreditation documentation an explanation of the circumstances of this decision.
- 3.13.5. Organisations applying to be external providers must ensure that the number of any group of trainees taking the PCC at any one time in a single Course does not exceed 24, except as permitted by the absence policy at appendix C.

### **3.14. PCC Fee**

- 3.14.1. There is no fixed fee structure for the PCC.

### **3.15. Timing of PCC**

- 3.15.1. Trainees should normally undertake the PCC during the period 6-18 months after beginning their traineeships. Exceptionally, where an applicant (typically, an in-house provider) considers that it would be more appropriate for trainees to take parts of the core or elective curriculum earlier, then an earlier Course timing may be permitted. However in these circumstances an applicant must offer sound educational reasons for holding an earlier PCC. All trainee PCC requirements must be completed by the point 18 months after the traineeship start date, except as permitted by the absence policy at appendix C.
  - 3.15.2. Trainees may attend electives either before or after they take the core curriculum.
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## **4. ACCREDITATION EVENTS, PROCEDURES, DOCUMENTS**

### **4.1. Application procedure**

- 4.1.1. Applicants should give, to the Secretary of the Panel, early written intimation of their intention to apply for accreditation. There is no prescribed format which must be adopted, although the Secretary must be advised of the name of the contact person within the applicant's organisation and the approximate date on which the applicant hopes to deliver the proposed course 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 will take 9-12 months from the date of intimation. An applicant may not deliver any part of the PCC before accreditation has been granted.
- 4.1.2. Applicants must co-operate fully with the Panel not merely on accreditation and monitoring issues, but in all aspects of Course provision.

### **4.2. Application documentation**

- 4.2.1. This is detailed in appendix E.
  - 4.2.2. Up to six copies of the entire application and all supporting materials will be required. One copy must be sent to the Panel secretary, and one copy to each of the Panel members who will consider the application. The Panel secretary will provide the names and addresses of the appropriate Panel members.
  - 4.2.3. The applicant will be asked to confirm in writing their acceptance of the makeup of the Panel which will consider the application.
  - 4.2.4. On subsequent application, applicants require to submit:
    - Review of course appraisals
    - Record of alterations to any aspect of Course provision as this has been described in the original application.
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### 4.3. PCC Accreditation & Monitoring Panel

#### 4.3.1. *Membership*

The Panel will consist of not less than four members. The members of the Panel will have such experience as the Education & Training Committee in its sole opinion considers relevant but will include:

- at least one member of the Education & Training Committee
- at least one solicitor entitled to practise in Scotland and who currently employs at least one trainee
- at least one representative of a PCC provider.

The quorum for all meetings of the Panel, except monitoring visits (see 5.5.2), will be three members. Should any member have any connection to an institution seeking accreditation and 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 member of the executive of the Education and Training Department of the Law Society will be in attendance and will act as secretary.

#### 4.3.2. *Powers*

The Panel will have the power to investigate and make recommendations to the Education & Training Committee of the Law Society of Scotland about all aspects of PCC provision. 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

Recommendations of refusal, suspension or termination will also require the approval of the Council of the Society.

The Secretary of the Panel will write to the Course Director as soon as possible to advise of the Panel's decision, 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.

- #### 4.3.3.
- At the discretion of the Panel, the applicant may be invited to attend a meeting with the Panel.
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- 4.3.4. 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.

#### **4.4. Period of accreditation**

- 4.4.1. Applicants will be accredited for one year in the first instance. Upon renewal after one year, they will be accredited to offer a PCC for a period of three years from the date of renewal of accreditation.
- 4.4.2. Electives submitted following initial accreditation will fall into the same 3 year cycle as the providers' core course, following the initial year.

#### **4.5. Variation of period of accreditation**

- 4.5.1. The Panel streamlines the reapplication for accreditation process following the first one-year reaccreditation by introducing 2 reapplication submission dates - 31 January or 31 August. In order to achieve this aim the Panel may vary the period of accreditation.
- 4.5.2. The first year accreditation applies from the date of the letter advising of accreditation approval. If the provider wishes to extend past the one-year accreditation they must apply to the Panel for permission.

#### **4.6. Accreditation Fees**

- 4.6.1. Currently applicants are required to pay the following fees upon initial application for accreditation
- Core curriculum: £500 (plus VAT)
  - Electives: £100 (plus VAT) per elective
- 4.6.2. On the occasion of each subsequent renewal a single re-accreditation fee for the core *plus* electives will be required, currently £500 (plus VAT).
- 4.6.3. The Panel may from time to time vary the levels of accreditation fees.

#### **4.7. Procedures for renewal of accreditation**

- 4.7.1. Every provider must intimate its intention to apply for renewal of accreditation at least three months before the end of the first year. Thereafter, every third year the provider must apply for renewal of accreditation, again providing three months notice of its intention to do so the date they will be submitting their application - either 31 January or 31 August in line with the date for the annual report - following the anniversary of the original accreditation approval. The Panel will
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review the Accreditation Report, the Annual Reports of the provider and the Monitoring Reports. On the basis of this evidence they will make one of the following recommendations and inform the provider of the recommendation:

*4.7.2. Renewal of accreditation*

This will be valid for a further three years.

*4.7.3. 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.

*4.7.4. Suspension*

4.7.4.1. 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 Course Director.

4.7.4.2. The Panel will set conditions for the renewal of accreditation, and deadlines for the conditions to be met.

*4.7.5. Termination*

4.7.5.1. The Panel 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 Course Director.

4.7.5.2. 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 trainees currently taking the Course with the provider;  
*or*
- the level of tuition or administration or accommodation or any other aspect of the Course has fallen to an unacceptable standard.

## **4.8. Appeals against Panel decisions**

4.8.1. Providers may appeal against any decision of the Panel. They may do so by writing to the Council of the Law Society of Scotland, 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.

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## **5. MONITORING EVENTS, PROCEDURES AND DOCUMENTS**

### **5.1.**

The Panel has powers to visit and inspect Course provision of the PCC. The purpose of monitoring visits is threefold:

- to verify information given to the Panel regarding accommodation, library and ITC facilities
- to gain a sense of the quality of the teaching, learning and formative and summative assessment taking place on the provider's Course.
- to ensure parity of quality in training across the range of providers.

### **5.2.**

The Panel will visit a provider once during the first year of Course provision. Subsequent visits will be at the discretion of the Panel. The Panel must give the provider four weeks' notice of the visit, and the procedures set out below will operate pre-, during, and post-visit.

### **5.3.**

On cause shown, the Panel 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 Panel only where there is evidence that there may be a serious and potentially ongoing failure in standards on the Course, as these have been agreed at accreditation.

## **5.4. Pre-visit documentation**

5.4.1. In addition to the documentation supplied by the provider, the Panel 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 Panel will inform the provider of its intention to visit. The Panel may either stipulate which class they would like to visit, or arrange this by mutual agreement with the provider. The provider must give precise details of the class 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

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informal as possible. The visit is an opportunity for the Panel to scrutinise educational provision and trainee achievement; but it is also an opportunity for providers to bring to the notice of the Panel exceptional work by trainees, or aspects of innovative Course design and delivery. It is essentially an occasion for dialogue with, as well as oversight by, the Panel.

5.5.3. For the purposes of monitoring visits the panel is quorate at two members.

5.5.4. During this time the Panel may:

- visit a class and, if the class involves face-to-face teaching, sit in on the lecture, tutorial or workshop. Panel members are not expected to interrupt the teaching, but to remain as much as possible in the background.
- talk to trainees after the class about their experience of the class, as well as their wider experience of the Course, and review their work. The Panel may request to speak to all trainees on the Course, without the presence of tutors or Course Director.
- discuss with the Director of the Course any issues that may have arisen in the course of the visit.

5.5.5. *Post-visit*

The Panel will draw up a report on their visit, a copy of which will be addressed to the Course Director. In the report the Panel will specify aspects of Course provision that:

- met or exceeded the standards acceptable to the Panel
- 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 & Training Committee**

5.6.1. The Panel will collect quantitative and qualitative data on the educational outcomes of all PCCs offered by providers. On the basis of this, and to avoid the problems of curriculum drift, the Panel will make annual recommendations to the Education & Training Committee regarding the following matters:

- the appraisal mechanisms of the providers, and whether these give the Panel sufficiently full information about the nature and achievement of the Courses on offer
  - the achievement by the trainees of the PCC learning outcomes and competence standards, including areas of strength and areas for improvement
  - content, length, timing and structure of the PCCs currently being offered
  - fee structures of the PCCs currently being offered
-

- the maintenance and overall quality of standards in PCC trainee feedback and assessment
  - the continuing appropriateness of the PCC structure, as well as individual modules and learning outcomes
  - the relationship of PCC to Diploma, traineeship and TPC, in order to avoid drift within the professional training regime
  - any other matters that arise from the monitoring of the Courses that the Panel would wish to bring to the attention of the Education & Training Committee.
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## **Appendix A: Distance-Learning and E-Learning Guidelines**

Distance- and e-learning methods involve the delivery of materials at a distance to trainees. They also involve the construction of sophisticated supervision and communication with trainees, 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/public/dlg/contents.htm>

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## **Appendix B: Minimum Areas of Course Appraisal**

The following are minimum areas of feedback upon which the Panel would require each applicant to collect information on each Course offered, and for each elective:

1. Clarity of module aims, learning outcomes
2. Effectiveness of Course administration, including communication with trainees before and during the Course
3. Relevance of class activities to the purpose of the Course
4. Quality of learning in tutorials and workshops
5. Effectiveness of the Course in helping trainees deal with clients and other professionals
6. Increase in trainees' understanding of the law and skilled abilities
7. Repetition of material and topics from Diploma or traineeship
8. Preparation and organisation of teaching
9. Effectiveness of class content and delivery
10. Pace of teaching
11. Quality of tutor feedback
12. Quality of materials

Course appraisal data should be preserved for at least three years. Applicants are encouraged to collate feedback chronologically so as to track progress from year to year. The results of the appraisals will inform the applicant's annual report to the Panel.

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

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## Appendix C: Policy on Absence

1. PCC absence will be reckoned in terms of modules rather than days.
2. Each PCC provider will be responsible for confirming to trainees and to the Education and Training Department of the Law Society of Scotland that trainees have completed modules to the satisfaction of the provider.
3. If the provider cannot confirm this, it will be responsible for advising the trainee and the Education and Training Department of the 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.**
4. The trainee will be responsible for making arrangements to repeat modules as required.
5. In cases of absence, the provider may only consider a trainee to have completed a module satisfactorily if the part or parts of the module missed did not substantially reduce the learning and involvement of the trainee during the module and if the absence was for a genuine and good cause. The same principle will apply in relation to whole modules. Circumstances which may be considered to be a good cause could include:
  - A. Certified medical absence
  - B. Unforeseen personal circumstancesPressure of business will not normally be considered to be a good cause.
6. PCC providers will be permitted to exceed the usual maximum number of 24 trainees on a course in order to accommodate a trainee or trainees who are required to repeat particular module(s), but not if all modules are being repeated.
7. Trainees will be permitted to repeat modules, including core modules, at a different provider or providers.
8. Trainees will be permitted to repeat particular module(s) later than the usual deadline of 18 months after the beginning of their traineeships.

### *Notes:*

- When reporting completion or non-completion to the Society, PCC 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 trainee, the employer and the PCC provider.
  - PCC providers are asked to supply a copy of the Policy on Absence to each trainee who books a place on a course.
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## **Appendix D: Diploma in Legal Practice Aims & Learning Outcomes**

### **Conveyancing**

#### **Aim:**

To develop knowledge and understanding of basic domestic and commercial conveyancing transactions including the purchase, sale and leasing of residential and commercial properties.

#### **Learning Objectives:**

By the end of the course students should be able to:

- understand the mechanics of a straightforward purchase and sale transaction of a domestic property, including the importance of missives, the documentation required to be drafted to complete the conveyance and the responsibilities undertaken by the selling and purchasing solicitors.
- understand the formalities required in revising a commercial lease, and drafting the appropriate documents.
- understand how to create assured and short-assured tenancies, to draft the appropriate documentation, and the role which any lender to a landlord would have, and
- explain and discuss the practice rules, money laundering and accounts rules applicable to conveyancing transactions and the practice management and client care implications of conveyancing, including letters of obligation and accounting to the client.

### **Civil Court Practice**

#### **Aim:**

To develop skills in relation to the conduct, funding and resolution of civil litigation.

#### **Learning Objectives:**

By the end of the course, students should be able to:

- interview and advise clients in relation to straightforward or relatively straightforward problems
  - take basic precognitions
  - draft basic pleadings
  - demonstrate a practical working knowledge of the rules of civil procedure in the sheriff court
  - explain and discuss the different ways in which civil litigation may be funded
  - explain and discuss what is involved in the concept of judicial expenses, and taxations
  - explain and discuss how actions are settled, including the role played by negotiation
  - conduct a basic negotiation and
  - explain and discuss the rules of professional ethics and conduct applicable to civil litigation and dispute resolution
-

### **Criminal Court Practice**

**Aim:**

To develop skills in relation to criminal advocacy and procedure.

**Learning Objectives:**

By the end of the course students should be able to:

- understand summary criminal procedure
- identify issues of competency, relevancy, and other preliminary matters in connection with summary criminal complaints
- explain and discuss what is involved in preparing for a summary criminal trial, and how such a trial is conducted
- demonstrate an understanding of the nature of criminal advocacy, including the ethical considerations applicable to it
- explain and discuss the rules of professional practice applicable to criminal advocacy, including registration for the provision of criminal legal assistance
- demonstrate an awareness of the different appellate procedures applicable to summary criminal procedure, and the sentencing powers available to the summary criminal courts, and
- understand the basics of solemn procedure and appeals

### **Financial Services and Accountancy**

**Aim:**

To develop knowledge and understanding of (a) the provision and regulation of financial services and (b) the information contained in accounts.

**Learning objectives:**

By the end of the course, students should be able to:

- explain and discuss the various forms of financial services available for clients, the regulation of the provision of financial services, including investment protection, complaints procedures, and compensation
  - advise clients in relation to basic investment decisions, including concepts of risk, advantages/disadvantages, flexibility, portfolio planning and charging structures
  - explain and discuss the taxation implications in relation to investments, and the general economic environment and context against which advice should be considered
  - explain, discuss and problem solve typical ethical difficulties arising in everyday provision of financial services
  - understand basic accounting concepts, the form and content of the annual accounts of trading enterprises, and the workings of a standard accounting system
  - interpret simple accounting information and
  - give basic advice to the different users of accounts, having regard to their particular interest in such accounts
-

## **Practice Management**

### **Aim:**

To develop knowledge and understanding of practice management skills required in professional practice, including financial and accounting issues associated with the running of a law practice.

### **Learning Objectives:**

By the end of the course, students should be able to:

- identify and understand the issues involved in the concepts of client care, risk management, time management, file management and case load management
- identify and understand the role played by information technology in a legal practice
- identify and understand the role of a trainee in a legal office in relation to its partners, employees, clients, and outside agencies with which it deals and
- demonstrate a basic understanding of the accounts rules, cash room procedures, the money laundering regulations, credit control, outlays on behalf of clients, charging fees to clients, and arrangements for payment of fees and outlays.

## **Private Client**

### **Aim:**

To develop the practical skills of taking instructions, preparing wills, administering executries, trusts and curatories.

### **Learning objectives:**

By the end of the course, students should be able to:

- take instructions from a client for the preparation of a will
  - advise the client on basic matters including the giving of simple tax planning advice
  - draft a suitable will for a client avoiding legal pitfalls and taking account of the tax implications
  - investigate the estate and prepare the inventory of a simple estate, calculate inheritance tax on death and lifetime gifts, make over the estate to the beneficiaries, produce an account of the executor's intromissions with the funds in the estate, demonstrate an awareness of the implications of income tax and capital gains tax on the executries and beneficiaries, and demonstrate an ability to ascertain those entitled to prior rights, legal rights and the free estate under the law of intestacy
  - draft a deed appropriate to the various types of inter vivos and mortis causa trusts, taking account of the tax implications of each and
  - prepare basic trust accounts
-

## **Professional Ethics**

### **Aim:**

To develop knowledge and understanding of the ethical principles governing the conduct of lawyers in Scotland enabling the identification of ethical problems as they arise in everyday legal practice.

### **Learning objectives:**

By the end of the course, students should be able to:

- explain and discuss the systems, practice rules and voluntary codes which regulate the legal profession in Scotland
- explain and discuss the concepts of risk management, negligence, incompetence, inadequate professional service and misconduct; conflict of interest; client care in the context of the professional obligations of a solicitor to a client; the duties of a solicitor to the court and to professional colleagues; professional responsibilities in society; methods of dealing with ethical problems; and
- explain, discuss and problem solve typical ethical difficulties arising in everyday legal practice.

## **Public Administration**

### **Aim:**

To develop skills in relation to public administration and an understanding of the role of the in-house solicitor in public service.

### **Learning objectives:**

By the end of the course, students should be able to:

- demonstrate an understanding of the role and structure of public sector bodies and how their activities impact on the business community and the general public
- possess a working knowledge of the procedures involved in the administration and regulation of public meetings, the implementation of decisions and the respective roles of elected members and officers
- understand the range of specialist activities required of public sector solicitors and their role as independent advisors to public sector bodies and
- advise on issues of vires and principles such as accountability and value for money which are relevant to public service.

In more detail, the content of the course contains the following:

- Principles of public administration; roles of central local government; operational framework of a local authority; law of meetings; local authority finance; elections; the role of the Scottish parliament; and the impact of the Human Rights Act 1998.
  - Local authority legal services including district courts, licensing boards, CCTV, statutory conveyancing and CPOs, Children's Hearings, environmental protection, housing, planning and building control, roads, and social work.
  - Functions of statutory bodies including NHS, local enterprise companies, solicitors from the Secretary of State for Scotland, Crown Office and Procurator Fiscal service, Scottish Law Commission, and quangos.
-

## **Company and Commercial**

### **Aim:**

To develop skills relating to the formation, management and administration of private companies and the transactions and procedures typically undertaken in the context of their corporate activities.

### **Learning objectives:**

By the end of the course, students should be able to:

- accept instructions from a client in connection with the incorporation of a company
  - prepare and draft appropriate documentation in connection with the incorporation of a company, including basic articles of association
  - explain and discuss the procedures for the issue and transfer of shares
  - give basic advice to a client on the choice of business medium
  - advise on the more commonly encountered duties and responsibilities of directors and secretaries
  - advise on procedures in connection with the convening and conduct of both directors' and members' meetings and drafting of appropriate documentation
  - deal with and understand ongoing company secretarial administration including in relation to maintenance of statutory registers and annual returns
  - carry out company searches and provide appropriate information in accordance with clients' instructions
  - understand the distinction between asset and share purchase and sales, and common form warranties
  - draft basic disclosure letters
  - understand basic corporate lending
  - draft basic company forms, revisions of subscription agreements and of instruments of alteration
  - advise shareholder clients in relation to minority rights and remedies
  - understand the reasons for and procedures involved in a company own share buy back and
  - advise directors whose company encounters financial difficulties
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## Appendix E: Application Form for Accreditation

### Application for Accreditation of the Professional Competence Course (PCC)

This application form must be completed by any persons or organisations wishing to provide a PCC. Applicants may apply to offer either the core curriculum or electives, or both. The completed application and all supporting documentation plus the accreditation fee should be sent to the Secretary of the PCC Accreditation Panel at the Law Society of Scotland. A further five copies of the application and all supporting documentation should be prepared, one copy being sent to each of the Panel members. The Secretary will provide the names and addresses of the Panel members who will consider the application.

The 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 Secretary of the Panel 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Legal Post: \_\_\_\_\_

**Contact names**

PCC applicant organisations require to nominate a Course Director. Please attach a brief CV together with a brief statement as to this person's suitability for the post.

Name of Course Director: \_\_\_\_\_

Position within organisation: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_

Name of administrative contact: \_\_\_\_\_

Position within organisation: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email address: \_\_\_\_\_

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

\_\_\_\_\_

How many places will be available on the course?

\_\_\_\_\_

On how many occasions during a year does the organisation propose to run the PCC? Please give dates.

\_\_\_\_\_

\_\_\_\_\_

**Current provision of legal education & training**

Does the organisation currently offer:

LLB

BA

Diploma in Legal Practice

CPD

Other training (please describe briefly below)

**Form of PCC delivery**

How will the organisation offer the PCC? (Please tick below.)

In-house (to own trainees only)

External (to all trainees)

Consortium (to trainees of specific organisations)

Other (please describe below)

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

**Curriculum**

Which parts of the curriculum does the organisation propose to offer?

Core only

Electives only

Core and electives

**Application Fee**

**Core:** £500 plus vat:

**Electives:** £100 each plus vat:

**Total:**

Please make cheques payable to The Law Society of Scotland

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

## Section B

The organisation is required to supply information regarding aspects of PCC provision. Six copies of the application and all supporting documents and materials are required. One copy must be sent with the accreditation fee to the PCC Panel Secretary, and one copy to each of the Panel members. The Secretary will provide the names and addresses of the Panel members who will consider the application.

Applicants should provide documentation in the following areas:

### Course administration

Provide a statement (no more than 2 pages) outlining how the organisation will administer the PCC, bearing in mind the criteria listed at paragraph 3.9 in the Guidelines.

### Course evaluation

Please provide a statement (no more than 2 pages) outlining how the organisation will evaluate the PCC, bearing in mind the criteria listed at Appendix B in the Guidelines.

Applicants must demonstrate that their PCC complies with the Guidelines. The following information must be submitted with this application form:

**Core curriculum:** two complete sets of materials for each core module, one addressed to trainees, one to tutors.

Trainee materials must include:

- module descriptor
- outline of each session within the module
- materials to be used in each session
- timetable, showing the time and place of each session within the module
- details of any pre-course preparatory work

Tutor materials must include all trainee materials **plus:**

- detailed tutor notes for each session within the module, to include:
  - clear instruction as to the key points which must be covered, to ensure that the competence statements for the module will be met
  - organisation
  - timings
  - copies of resources to be used in each session, eg powerpoint slides, audio or video tapes, links to the WWW (the URL must be provided, with any required logins and passwords), and any other materials to be provided to trainees during sessions
  - identification of the tutor(s) who may teach the module
-

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**Electives:** two complete sets of materials for each elective module, one addressed to trainees, one to tutors.

Trainee materials must include:

- module descriptor
- learning outcomes
- outline of each session within the module
- materials to be used in each session
- timetable, showing the time and place of each session within the module
- details of any pre-course preparatory work

Tutor materials must include all trainee materials **plus**:

- detailed tutor notes for each session within the module, to include:
- learning outcomes
- clear instruction as to the key points which must be covered, to ensure that the aims of the module will be met
- organisation
- timings
- copies of resources to be used in each session, eg powerpoint slides, audio or video tapes, links to the WWW (the URL must be provided, with any required logins and passwords), and any other materials to be provided to trainees during sessions
- identification of the tutor(s) who may teach the module

Should any of the above items not be available for the Panel, the applicant should append an explanation of why this is so.

### **Tutor information**

Information regarding tutors should be presented as CVs. Tutor CVs need not be included in trainee materials and will remain confidential to Panel members.

Applicants should give evidence that all Course tutors:

- have legal practice experience relevant to the module(s) they will teach, **and either**
- are experienced tutors **or**
- have attended tutor training or similar courses within the last three years

Information should also be presented as to:

- the capability of tutors or facilitators on the Course, either through observation and personal experience of the tutor, or peer feedback
  - the practical experience of tutors within an area of law, or within a teaching specialism
  - the module(s) to be taught by each tutor
-