



CPD Requirements and Guidance for Accredited Paralegals

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Executive Summary

- The minimum number of hours of Continuing Professional Development for Accredited Paralegals, and Trainee Accredited Paralegals, is **10 hours per annum**.
- The range of activities recognised for CPD for Accredited Paralegals is deliberately wide-ranging. The focus is on relevance, continuing competence, enhancement of skills and compliance with the Society's conduct and service standards for Accredited Paralegals.
- As well as traditional methods like attending course, the following activities could be counted for CPD purposes: structured coaching, online training, distance learning and private study.
- Accredited Paralegals will be required to upload their CPD on the Society website each year to demonstrate that they have (i) identified their learning needs (ii) planned CPD activity to address those needs (iii) undertaken relevant CPD (iv) evaluated the CPD activity, what was learnt and how the lessons of the CPD activity can be put into practice.

For the sake of space, this document refers to the requirements of Accredited Paralegals. All requirements regarding CPD which an Accredited Paralegal needs to meet over the course of a year also apply to Trainee Accredited Paralegals.

1. Background

1.1 What is Continuing Professional Development?

Continuing Professional Development (CPD) is any training or learning activity which is designed to improve an individual's professional knowledge, understanding and skills. CPD supports the identification of individual development needs and improves professional practice.

1.2 Why is Continuing Professional Development essential?

It is a fundamental part of being a professional to undertake CPD. Along with 'on the job learning', CPD helps to ensure competence over the course of a career.

To become an Accredited Paralegal, an individual must undertake formal education and on the job training. Accredited Paralegals are well aware that legislation, regulatory requirements, working methods and technology all develop quickly.

It is imperative that Accredited Paralegals are familiar with relevant regulatory requirements, the Standards of the Accredited Paralegal Scheme as well as developments that affect their area(s) of practice.

Whilst it is acknowledged that a certain amount of learning can be achieved 'on the job', it is widely recognised that regular formal education and training is necessary to supplement and enhance such learning.

Further, the requirements of being an Accredited Paralegal often include skills and knowledge that are not often formally taught in legal education and training e.g. certain ethical behaviours and client care skills, which may become relevant to Accredited Paralegals during their working lives

Undertaking CPD is an essential activity to ensure that Accredited Paralegals' all round skills and knowledge are up to date.

1.3 Why introduce planning, recording and justifying?

The Society's approach to CPD aims to ensure that learning and development remains relevant to individual members at all stages of their career. Development needs will change over the course of an Accredited Paralegal's career.

Individual Accredited Paralegals are responsible for identifying and planning their own CPD although this will often be done in consultation

With their supervising solicitor(s). There are no prescribed learning activities and nor is there a prescribed way to plan CPD.

The activities that Accredited Paralegals choose must help maintain or develop such knowledge or skills as are relevant to their current careers or likely future careers.

The CPD requirements outlined below have been designed to achieve the following objectives:

Help Accredited Paralegals identify areas of development which are relevant and support their careers.

Assure the public that those working for solicitors are meeting high standards of development and approach their work in a responsible and ethical manner.

Ensure a transparent and measurable approach to CPD.

Provide Accredited Paralegals with a practical and flexible approach to professional development (e.g. planning is important but should not only be done at the beginning of the year. As development needs change or situations develop, it is absolutely competent to change your development plan).

Planning is a mandatory requirement of the new CPD regulations. Please also see section 2.4 below.

1.4 Key benefits of Continuing Professional Development for Accredited Paralegals

Those who take a planned approach to skills development tend to move up the career ladder more quickly and in a direction of their choosing. Planning CPD in advance means that it is more likely to be relevant to an Accredited Paralegal's working life and area of practice.

A record of CPD can provide evidence of competence – to draw upon for reviews, promotions, interviews and, when necessary, regulatory requirements.

Holding a commitment to CPD is an important part of being an Accredited Paralegal. CPD allows the Society, and the Accredited Paralegals themselves, to demonstrate that all members of the Scheme are competent, keeping their knowledge and skills up-to-date and are working in the public interest.

CPD should provide Accredited Paralegals with knowledge, skills, attitudes and values that they need to have to perform effectively and competently in their role and to meet the expectations placed on them by their employers, colleagues and clients.

CPD can add to the knowledge, skills, attitudes and values that Accredited Paralegals already have. There is always a need to learn and develop – age, seniority, expertise and unemployment are not barriers to undertaking CPD.

The public is increasingly better informed about areas of law and consumer rights. One consequence of this trend is that they expect a more professional and knowledgeable approach from those working in solicitors' offices.

1.5 CPD, The Society and The Solicitors (Scotland) Act

The Solicitors (Scotland) Act 1980 outlines the roles of the Law Society of Scotland:

2) The object of the Society shall include the promotion of – (a) the interests of the solicitors' profession in Scotland; and (b) the interests of the public in relation to that profession.

The Accredited Paralegal Scheme, of which CPD is a fundamental part, has a key role in both of these objectives. It is important that the public has faith in the solicitors' profession and has faith in those who work for the solicitors' profession.

A robust CPD regime for Accredited Paralegals is a communication of high professional standards to the public.

2. The CPD requirements (from 1st September 2011)

2.1 Hours, Requirements, Exemptions and Waivers

2.1.1 The CPD year for all Accredited Paralegals starts from 1st February in any given year through to 31st January of the following year

2.1.2 All Accredited Paralegals, including Trainee Accredited Paralegals, are required to undertake:

A minimum of 10 hours of relevant CPD per year

This includes Accredited Paralegals who are accredited in more than one area of practice. It is up to those Accredited Paralegals, in discussion with their supervising solicitors, to ensure that they undertake relevant CPD to their areas of practice.

2.1.3 There are no formal exemptions from the CPD requirements although Accredited Paralegals can appeal to the Accredited Paralegal Standing Committee of the Society for exemptions from CPD.

2.1.4 The following waivers do apply:

- Accredited Paralegals suffering long-term illness for ten weeks or more in respect of the same illness in any practice year may reduce their CPD requirement in proportion to the number of weeks worked during the practice year, rounded up to the nearest complete hour. To calculate the required number of hours divide the number of weeks worked by 5.2 and round up to the nearest whole number e.g. Accredited Paralegals who work between 37 and 39 weeks in a practice year will require to undertake 8 hours CPD that year.
- Accredited Paralegals on maternity/adoption leave may reduce their CPD requirement in proportion to the number of weeks worked in the practice year rounded up to the nearest complete hour in accordance to the formula above.

2.2 **Make-up of minimum hours**

A minimum of 5 hours of CPD must be **verifiable**. By verifiable, the Society means that the CPD activity should meet the following criteria:

- (i) Have educational aims and objectives relevant to your development;
- (ii) Have clearly anticipated outcomes (e.g. what do you expect to learn from attending the course)
- (iii) Have quality controls (e.g. you should be given the opportunity to give feedback or ask questions).
- (iv) Be verifiable (e.g. able to be evidenced).

A maximum of five hours of private study can be claimed by Accredited Paralegals towards their minimum 10 hours of Continuing Professional Development. (See section 2.4)

2.3 Verifiable CPD

Verifiable CPD is any activity where Accredited Paralegals can provide evidence that the learning was relevant to their development and can prove took place.

Whether or not a CPD activity has quality controls or whether Accredited Paralegals will receive documentary evidence of their participation in the activity are both matters of fact. Either there is an opportunity to give feedback or there is not. Either documentary evidence is provided, or it is not.

Whether the activity has educational aims and objectives relevant to an Accredited Paralegal's development and whether the activity has clearly anticipated outcomes are matters which Accredited Paralegals must satisfy themselves using their professional judgement.

Recording Verifiable CPD

Accredited Paralegals must get and keep documentary evidence proving that they participated in a CPD activity for it to count towards their minimum 5 hours of verifiable CPD. The evidence should come from the activity organiser and should show the number of hours that the activity entailed (NB: This must not include breaks).

Detailed information on what the Society means by quality controls and what constitutes verifiable CPD can be found in Figure 1 which spans pages 8, 9 and 10. Information on random sampling and verifiable CPD can be found in section 4.

Figure 1: Background information on Verifiable CPD

As outlined in Section 2.2, Verifiable CPD **must** meet four criteria (i) have educational aims and objectives relevant to your development (ii) have clearly anticipated outcomes (iii) have quality controls (iv) be verifiable.

Accredited Paralegals should use their own judgement as to whether or not CPD activity is relevant to their development and has clear outcomes. The table below gives some examples of how CPD can be verified and what constitutes as a quality control. It should be noted that these are non-exhaustive

Type of activity	Verification might include:	Quality controls might include:
Attending external courses, lectures, seminars or conferences (e.g. those run by professional bodies or commercial providers)	<ul style="list-style-type: none"> - An attendance sheet - A certificate 	<ul style="list-style-type: none"> - A feedback sheet or similar questionnaire - An opportunity to ask questions or give comments during or after the courses - Further relevant reading matter handed out on the day
Internal briefings, seminars, lectures, courses or updates (e.g. those run within a firm)	<ul style="list-style-type: none"> - An attendance sheet - A certificate 	<ul style="list-style-type: none"> - A feedback sheet or similar questionnaire - An opportunity to ask questions or give comments during or after the courses - Further relevant reading matter handed out on the day
Designing or writing a presentation (for the first time only for each presentation)	<ul style="list-style-type: none"> - A letter of confirmation from the provider of the presentation - A copy of the programme - A copy of the presentation - An attendance sheet including speakers 	<ul style="list-style-type: none"> - Ensuring the opportunity for questions or feedback. - Handing out a feedback sheet to participants (and acting, where necessary, upon that feedback).
Lecturing or tutoring at an academic institution	<ul style="list-style-type: none"> - A letter of confirmation from the academic institution - A copy of the lecture notes 	<ul style="list-style-type: none"> - Ensuring the opportunity for questions or feedback. - Handing out a feedback sheet to participants (and acting, where necessary, upon that

		feedback).
Delivering training	<ul style="list-style-type: none"> - A copy of the programme - An attendance sheet including speakers' names 	<ul style="list-style-type: none"> - Ensuring the opportunity for questions or feedback. - Handing out a feedback sheet to participants (and acting, where necessary, upon that feedback).
<p>One-to-one coaching sessions and/or mentoring.</p> <p><i>NB: Such CPD can only be claimed by the participant being coached/mentored</i></p>	<p>These sessions should have written aims and objectives. Such sessions should have a clear outcome and be documented.</p> <ul style="list-style-type: none"> - The written aims and objectives of the coaching and mentoring. - Any follow-up work. - Any written analysis of the session(s) by the coach or participant. 	<p>These sessions should be built around feedback and interaction.</p>
Using e-learning or other online learning	<ul style="list-style-type: none"> - A certificate - Documentary evidence that the course has been undertaken - Results from a multiple choice 	<ul style="list-style-type: none"> - Multiple choice test at the end of the e-learning session - Virtual learning environments (VLE) where participants can discuss matters
Distance Learning	<ul style="list-style-type: none"> - A certificate - Documentary evidence that the course has been undertaken - Results from examinations of 	<ul style="list-style-type: none"> - Examinations or coursework - Virtual learning environment (VLE) where participants can discuss matters.

Studying for an academic, legal or professional qualification	<ul style="list-style-type: none"> - A qualification (and certification thereof) - Documentary evidence of undertaking the course 	<ul style="list-style-type: none"> - Examinations or coursework - Lectures which allow feedback/questions - Virtual learning environments
Role Play Activities or participation in organised discussion forums	<ul style="list-style-type: none"> - A certificate - An attendance sheet 	<ul style="list-style-type: none"> - A feedback sheet or similar questionnaire - An opportunity to ask questions or give comments during or after the courses - Further relevant reading matter handed out on the day

2.4 Private Study

All CPD must be relevant to an individual Accredited Paralegal's development needs.

The Society recognises that some CPD activity might not meet the criteria for Verifiable CPD. Such CPD might include:

- Reading relevant reports, journals or legal papers
- General reading of professional magazines (e.g. The Journal or Scots Law Times)
- Non-structured coaching or mentoring sessions
- Writing on law e.g. law books, journals, publications for clients, clients own publication, newspapers and magazines²
- Research which relates to legal topics or has relevance to the practice/organization which results in some form of written document, precedent, memorandum etc.

Up to 5 hours of Private Study may be claimed by Accredited Paralegals towards their minimum 10 hours of Continuing Professional Development.

Private study must be recorded and justified in the same way as verifiable CPD.

(NB: Although an upper limit of 5 hours of Private study may be claimed towards CPD hours, the Society strongly recommends that Accredited Paralegals undertake as much relevant reading as they feel necessary to help ensure their competence):

2.5 Planning, Recording and Justifying

The online system allows members of the Accredited Paralegal scheme to record, and reflect upon, their CPD activity.

However, they will be expected, upon demand, to be able to produce equivalent documentation.

Planning

2.5.1 Accredited Paralegals will be required to plan their annual Continuing Professional Development each time they renew their membership of the scheme.

² Topics might include: law; law practice; practice management; legal procedure; issues arising from transactions, clients and client-care, markets, and industries.

The Society is not prescriptive about how Accredited Paralegals plan their CPD. For instance, The Society realises that it is possible to identify training needs at renewal but that it might not be possible to identify exact courses at that stage.

Planning should take into account the Accredited Paralegal's learning needs and the sorts of activities that he or she intends to undertake to meet those needs (e.g. Anti-Money Laundering Training; An update of legal knowledge, Skills training etc) rather than focus unduly on exact activities on specific dates.

- 2.5.2 Planning is not just an activity that takes place at the beginning of the Practice Year but something that should take place throughout the year as development needs arise or change.

For example, a change to legislation midway through the year may mean that a development need arises.

- 2.5.3 Any Accredited Paralegal chosen within the 5% random sample will have their plan, record and justifications examined. They will also be asked to forward to the Society any documentary evidence of their CPD activity.

- 2.5.4 Guidance and information on how to plan CPD is available on the Society's website.

Recording and Justifying

- 2.5.5 Accredited Paralegals are required to record all CPD that they undertake in a practice year (including any hours over the minimum 10 hours and any non-verifiable CPD).

- 2.5.6 Accredited Paralegals are expected to complete the record of CPD accurately.

- 2.5.7 The member portal on the Society's website allows Accredited Paralegals to record CPD activity that they have undertaken.

- 2.5.8 The member portal on the Society's website allows Accredited Paralegals to reflect upon and justify their CPD activity when recording their CPD.

2.6 CPD Regulations for Part-Time Accredited Paralegals

The requirements are not reduced for Accredited Paralegals working part-time.

2.7 Double Training Relief

Accredited Paralegals who require to undertake compulsory training other than by reason of the CPD regulations may count such training as part of the requirement for CPD in that particular year. The following are some examples (NB: This is not an exhaustive list):

- If an Accredited Paralegal undertakes CPD for another body (e.g. STEP, SPA or SOLAS) which is relevant to their work as an Accredited Paralegal these CPD hours can be counted.

3. Regulations

3.1 The General Competencies set out that all Accredited Paralegals must adhere to rules issued by the Society in respect of ten hours of Accredited Paralegal CPD per annum by way of qualifying activities recognised for solicitors' CPD.

3.2 Continuing Professional Development means relevant education and study by an Accredited Paralegal to develop his or her professional knowledge, skills, attitudes and values.

This means education, training and development in:

- i. Specific update on law, legal knowledge or legal procedure
- ii. Management and organisation
- iii. Professional skills (e.g. communication skills)
- iv. Client Care
- v. Ethics, attitudes and values (including anti-money laundering)
- vi. Risk Management
- vii. Commercial awareness
- viii. Any area designed to improve an individual's ability to operate properly and effectively as an Accredited Paralegal.

It is important that all Accredited Paralegals can demonstrate why the CPD hours that they undertake are **relevant** to their professional development.

The planning of CPD at the beginning of (and throughout) the CPD year will help ensure that CPD undertaken is **relevant** to an Accredited Paralegal's needs

The Society wants Accredited Paralegals to have as much control and responsibility as possible over their own development. The Society also understands that different people learn in different ways.

4. Monitoring, Enforcement and Non-Compliance

- 4.1 The Society will study in detail a random sample of Accredited Paralegals CPD records per annum to check that the minimum number hours of CPD have been properly completed and that all other requirements have been met.

The sample size will be a minimum of 5%. The Society also reserves the right to use risk-based sampling when necessary.

- 4.2 If selected in the sample, the Society will ask for an Accredited Paralegal's training plan, record and justifications. The Society will also ask for any documentary evidence of CPD activity to be sent to the Society.