

REPOSSESSION LITIGATION ACCREDITED PARALEGAL

SCOPE OF ACCREDITED PARALEGALS COMPETENCIES

The paralegal should be able to progress a standard Scottish repossession from Calling Up Notice to Ejection. Specifically, the paralegal should be competent to:

- Demonstrates ability to interpret instructions from clients regarding enforcement of their security
- Can interpret descriptions of standard securities and title plans and identify issues/concerns arising from same
- Undertake background ownership checks including Registered Security and Insolvency Reports
- Demonstrates understanding of legislation governing repossessions
- Understands the acceptable form of statutory Form A
- Enact the Technical Service Requirements of Form A
- Demonstrates an ability to prepare Calling Up notice
- Use professional judgement as to what is good service and understands the impact of Form C being completed
- Demonstrates an understanding of the requirements for voluntary surrender
- Demonstrates an understanding of Entitled Residents and the statutory requirements thereof
- Understands the requirement for statutory notices to local authority housing department 11c at the relevant points
- Collates proof of service of all papers and statutory notices for use of office and any subsequent agent appointed
- Prepare Form 11c to comply with Pre-Action Protocol
- Prepare Summary Application court pack, including supporting documentation to comply with PAR
- Diarise and adhere to court deadlines and advise supervising solicitor(s) and others accordingly
- Communicates confidently with Court staff/clients/Sheriff Officers/Defenders/Solicitors
- Instructs Sheriff Officers on service and is capable of examining and understanding their report
- Understands how to check accuracy of and stages required to enforce Decree
- Understands how to address the issue of tenants in a property scheduled for repossession
- General understanding of possible resolution tools including Mortgage to Rent Scheme. Assisted Voluntary Sales, Capitalisation, Buy to Let etc.

KNOWLEDGE

By the end of the one year period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque in relation to Repossession Litigation should be able to:

Demonstrate knowledge and understanding of:

- the different procedures voluntary processes and standard Scottish Repossessions
- the rights and obligations of the client as pursuer
- the importance of accuracy in repossession proceedings and the impact of any inaccuracies (calling up notices, designation of parties, description of subjects etc)
- understands how Repossession Litigation impacts on the sale of a repossessed property

Demonstrate knowledge of and familiarity with:

- Heritable Securities (Scotland) Act 1894
- Conveyancing and Feudal Reform (Scotland) Act 1970
- Home Owner and Debtor Protection (Scotland) Act 2010
- MCOB Rules surrounding repossession and mortgage arrears (Basic understanding)
- Pre-Designed Styles and Prescribed forms (including Form E and 1; Form 2 and F; Calling Up Notices; Form A; Form 11 C; Form BB; and Section 11 (Notice to Local Authorities))
- Money Laundering Regulations 2007
- Sheriff Court Practice Rules
- Ordinary Cause Rules
- Sheriff Court (Civil Procedures) Scotland Act

Demonstrate understanding of:

- the court rules in relation to procedures, deadlines and timescales for repossession actions
- the structure of the civil court system
- the importance of court deadlines and all deadlines relevant to repossession work
- the use of the firm's in-house database and library system
- the difference between advice and information

Demonstrate an awareness of:

- Knowledge, location and familiarity with relevant firm styles including anti-money laundering and cash procedures
- Different procedures and protocols for dealing with different lenders
- Financial Services Authority Regulation
- Clients based in England and Wales being used to different repossession processes and the importance of being able to explain Scottish procedures.

SKILLS

By the end of the one year period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque in relation to Repossession Litigation should be able to demonstrate:

Technical skills	Accuracy, literacy and numeracy	<ul style="list-style-type: none">• that he/she is able to interpret standard security descriptions and title plans• an understanding of the importance of correct detail and the consequences/risks of carelessness.• attention to detail in his/her work.• that he/she is able to produce accurate work in terms of spelling, presentation and layout, as well as content.• that he/she is able to deal with figures and carry out computations accurately and proficiently, as required.
	Information Technology	<ul style="list-style-type: none">• that he/she is able to use available technology effectively and efficiently• that he/she is able to use computers and word processors appropriately for carrying out and producing his/her work• that he/she is able to use case management systems and maintain electronic files, where appropriate

	Office Equipment	<ul style="list-style-type: none"> • that he/she is able to use office equipment such as voicemail, photocopier, fax competently and effectively. • that he/she is able to use the telephone effectively to communicate with clients and others, and to carry out legal business on the telephone efficiently.
	Office Systems and Procedures	<ul style="list-style-type: none"> • that he/she is able to use office business systems and resources appropriately and effectively, whether paper-based or computerised, including employing organisation's forms and precedents. • compliance with office procedures, including time recording. • compliance with all quality standards, and other policies and processes of employer organisation.
Organisational Skills	Personal Management	<ul style="list-style-type: none"> • That he/she is able: <ul style="list-style-type: none"> - to keep court diary and diarise appearances - to interpret instructions • That he/she understands the crucial importance of timescales and deadlines in repossession work • an understanding of the importance of time-limits and of the risks of breaching time-limits. • that he/she is able to exercise effective judgement in respect of realistic timescales for completion of tasks and delivery of objectives, and manage his/her own time effectively. • that he/she is able to manage his/her personal workload, including managing a number of concurrent matters effectively so as to meet all objectives, priorities and deadlines in each matter

		<ul style="list-style-type: none"> • that he/she is able to use paper-based and/or electronic diaries and electronic task management systems to plan time and work effectively. • that he/she only accepts work which he/she feels competent to undertake. • that he/she is clear as to the work and responsibilities delegated to him/her by the Supervising Solicitor, and understands the limits in relation to that role • that he/she recognises the requirement to keep his/her Supervising Solicitor fully informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and that he/she does so. • that he/she recognises that it is paramount to raise concerns/issues relating to completion of tasks and meeting of deadlines with his/her Supervising Solicitor at the earliest opportunity, and that he/she does so. • that he/she recognises when it is necessary to seek support and/or advice from his/her Supervising Solicitor, when it is necessary or required to refer an issue in its entirety to the Supervising Solicitor, and that he/she does so. • that he/she recognises where a transaction is non-standard or includes non standard elements, and refers this to his/her supervising solicitor • that he/she passes on messages promptly and undertakes communications/ action arising from telephone calls, meetings or client interviews.
	File Management	<ul style="list-style-type: none"> • good file management practices in terms of: <ul style="list-style-type: none"> - opening new files - filing documents and correspondence as appropriate - keeping filing up to date - taking and filing accurate notes of telephone calls and meetings - closing file when completed or instructed to close file • that he/she is able to lodge documents or applications in the correct form, at the correct place and at the correct time
Communication Skills	Generally	<ul style="list-style-type: none"> • that he/she is able to communicate effectively with those with whom he/she needs to work, particularly the Supervising Solicitor, and with clients, the other side, relevant bodies and authorities, as appropriate, including:

		<ul style="list-style-type: none"> - identifying different communication options and selecting the communication form which is appropriate to the particular situation and/or client. - producing communications which meet client or Supervising Solicitor instructions, and which are fit for purpose. <ul style="list-style-type: none"> • confidence and assurance in his/her dealings with people, whether in person or over the telephone.
	Face to face Communication	<ul style="list-style-type: none"> • that he/she is able to communicate effectively in face-to-face situations, can listen and check understanding. • that he/she is able to communicate effectively by telephone, including: <ul style="list-style-type: none"> - using appropriate telephone answering and handling techniques - using a good telephone manner which is efficient and polite - being able to establish the content and nature of telephone calls from the caller, whether or not a client
	Written Communication	<ul style="list-style-type: none"> • that he/she is able to communicate effectively in writing: <ul style="list-style-type: none"> - using clear language, correct spelling and appropriate grammar, syntax and punctuation - demonstrating attention to detail - adopting a style appropriate to the recipient
	Electronic Communication	<ul style="list-style-type: none"> • that he/she is able to use electronic communications effectively and appropriately, including: <ul style="list-style-type: none"> - understanding and using proper business and professional etiquette within an electronic environment - understanding the difference between letters and e-mails and when the latter are appropriate - properly managing e-communications to avoid risk, including archiving e-mails safely and accurately.

Inter-personal Skills		<ul style="list-style-type: none"> • that he/she is able to develop and maintain effective working relationships with clients, colleagues (in particular the Supervising Solicitor) and others to achieve goals and to identify and resolve problems. • that he/she is able to work effectively as part of a team including: <ul style="list-style-type: none"> - working co-operatively and willingly with others in own and other's teams - communicating effectively with those with whom the paralegal needs to work - knowing when to ask for support from, or to offer support to, other team members • knowing when to refer issues or ask for guidance from Supervising Solicitor
Practice Skills	Research	<ul style="list-style-type: none"> • understand statutory legislation regarding repossession & tenancy rights in a repossession context • that he/she knows where to look for and find information required to carry out his/her work. • that he/she is able to use key primary (eg Acts, Regulations etc) and secondary (eg key text and reference books) sources
	Interviewing	<ul style="list-style-type: none"> • That he or she is able to: engage professionally with all parties to a repossession action • that he/she is able to conduct a client-centered interview effectively, including: <ul style="list-style-type: none"> - preparing for the interview appropriately - listening and eliciting required legal, personal and factual information, and full instructions from client - recording all relevant factual, legal, procedural and evidential matters arising in relation to the client's matter in a file note for future reference

Writing and drafting

- that he/she is able to write letters or reports appropriate for the recipient or audience and which achieve their purpose, including:
 - communicating clearly, concisely and unambiguously and appropriately with clients, solicitors, non-solicitors and others
 - tailoring style of communication to suit the purpose of the communication and the needs of different clients and other recipients
 - producing communications which meet client or Supervising Solicitor instructions following internal protocols, conventions and using required styles and/or precedents.
- that he/she is able to draft documents which are:
 - well-organised
 - valid in terms of content and form
 - use correct legal terminology
 - address relevant legal and factual issues accurately
 - ensuring documents are validly executed and registered in relevant registers, where necessary
- that he/she is able to use precedent documents and styles by:
 - identifying the appropriate precedent document or style required
 - adapting the precedent document or style to the particular context
 - understanding when non-standard variations may be needed and referring to Supervising Solicitor.
- that he/she is able to complete prescribed forms accurately
- that he/she is able to produce or prepare other required documentation which is:
 - accurate
 - well-organised
 - appropriate
- that he or she is able to write and draft :
 - Calling Up Notice, sec 11c notice, Form 11c (par)
 - Court Forms

		<ul style="list-style-type: none"> - The ability to use pre-designed styles -
(if required for specific domain)	Negotiation	<ul style="list-style-type: none"> • Understand that there may be solutions other than repossession, discuss with a borrower what their financial situation is to see if there are any areas that funds may be released from to address arrears
(if required for specific domain)	Advocacy	<ul style="list-style-type: none"> • That he/she is able to: <ul style="list-style-type: none"> - Instruct Sheriff Officers - Instruct Court Agents - Provide information to borrowers as to where to get advice and urge them to seek independent legal advice - Dealing with difficult and/or vulnerable Defenders
<p>VALUES AND ATTITUDES</p> <p>By the end of the period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque should demonstrate they:</p>		
Legal and Ethical Issues		
Attitudes		<ul style="list-style-type: none"> • understands and complies with the Standards, and refers to the Standards of Conduct and Service for Scottish Solicitors • adheres to rules issued by the Society in respect of completion of ten hours of Accredited Paralegal CPD per annum by way of qualifying activities recognised for solicitors' CPD.
Focus	Professional	<ul style="list-style-type: none"> • That he/she is aware of jurisdictional differences and the impact such differences may have on matters • the difference between advice and information that he/she is able to explain to the client the likely cost of pursuing a court action and the merits of exploring alternative extra judicial resolutions

		<ul style="list-style-type: none"> • understands that responsibility for legal work undertaken rests with the Supervising Solicitor, including in relation to execution and signing of documentation • only accepts work which they feel competent to undertake. • is clear as to the work and responsibilities delegated to them by the Supervising Solicitor, and understands the limits in relation to that role. • recognises the requirement to keep his/her Supervising Solicitor fully informed on a regular basis, the Supervising Solicitor having a responsibility to supervise matters, and does so. • recognises it is paramount to raise concerns/issues relating to completion of tasks and meeting of deadlines with his/her Supervising Solicitor at the earliest opportunity, and does so. • recognises when it is necessary to seek support and/or advice from Supervising Solicitor when required or refers an issue in its entirety to the Supervising Solicitor, and does so. • recognises where a transaction is non-standard or includes non standard elements and refers to Supervising Solicitor. • updates Supervising Solicitor, client, court or others as appropriate, by conveying the appropriate information to the appropriate person. • engages with continuing professional and personal development, including: <ul style="list-style-type: none"> - being aware of the importance to self-assess, reflect and develop personally and professionally - assessing/identifying where development is required - evaluating strengths and weaknesses of own skills and knowledge, and working
	Client	<ul style="list-style-type: none"> • understands and adheres to good practice in carrying out the work he/she is instructed to do.