

WILLS AND EXECUTRIES ACCREDITED PARALEGAL

SCOPE OF ACCREDITED PARALEGALS COMPETENCE

The paralegal should be able to prepare a will and related documentation for a testator, and to progress the administration of an estate, acting for the executor/s and/or beneficiary/ies, from taking client's initial instructions through to completion of the will or completion of the administration, including simple Inheritance Tax calculations and preparation of Executry Account, as appropriate.

Specifically, the paralegal should be competent to:

- interview and correspond with the client
- correspond and liaise with other parties, relevant bodies and authorities, as required
- advise client on procedural aspects of making a valid will
- advise client on procedural aspects of administering an estate, whether testate or intestate
- draft a will or codicil in accordance with the client's instructions
- prepare and file documentation required for the administration of an estate, including court documentation, required, and Executry Accounts
- make simple Inheritance Tax calculations

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 Wills and Executries should be able to:

Demonstrate knowledge and understanding of:

- the process of drafting and executing a valid will or codicil
- the rights and obligations of the testator
- the information which is required from a client when taking instructions for preparation of a will or codicil
- the range of will styles and in what circumstances each style would be appropriate
- the requirements for valid execution of a will or codicil
- the steps involved in administering an estate, whether testate or intestate
- the rights and obligations of executor, beneficiary and other claimants in respect of an estate, whether testate or intestate
- the information required in order to carry out the administration of an estate, whether testate or intestate, including preparation of the inventory of the estate
- the documentation and evidence required to be submitted to obtain eg appointment of executor the procedure depending on

- whether the estate is testate or intestate, including court procedure
- the court and other deadlines and timescales for the particular type of administration

Demonstrate knowledge and familiarity with:

- the Requirements of Writing Act 1995
- Succession Scotland Act 1964 and specifically rights under intestacy
- Family Law (Scotland) Act 2006 as far as it relates to the succession rights of cohabitants.
- principles of relevant taxation regimes, including Income Tax, Land and Buildings Transaction Tax, Capital Gains Tax, and inheritance tax

Demonstrate understanding of:

- the importance of accuracy in correctly designing individuals in a will
- the importance of having a will signed and witnessed correctly.
- the necessity for wills to be drafted promptly.
- the importance of providing accurate information to the court and Revenue Scotland.

Demonstrate awareness of:

- Inheritance Tax Planning

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 Wills and Executries should be able to demonstrate:

Technical skills

Accuracy, literacy and numeracy

- that he/she is able to complete an Executry Account and to prepare distribution calculations.
- that he/she is able to prepare calculations of inheritance rights under intestacy i.e. Prior and Legal Rights.
- 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

		<p>and layout, as well as content.</p> <ul style="list-style-type: none"> 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"> 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,

		<p>and manage his/her own time effectively.</p> <ul style="list-style-type: none"> • 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 • 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.
	<p>File Management</p>	<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. • 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

		<ul style="list-style-type: none"> - 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"> • 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/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 • that he/she is able to take full instructions to enable preparation of appropriate draft wills and codicils • that he/she is able to take full and accurate details of an Executry estate.

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/she is able to:
 - prepare appropriate draft wills and codicils
 - prepare Petition for appointment of Executor Dative (if appropriate)

		- complete forms C1. C5 and a simple IHT400, as appropriate
(if required for specific domain)	Negotiation	
(if required for specific domain)	Advocacy	
VALUES AND ATTITUDES		
By the end of the period as a Trainee Accredited Paralegal, a paralegal eligible to qualify for the Accredited Paralegal Marque should demonstrate they:		
Legal and Ethical Issues		<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 Registered Paralegal CPD per annum by way of qualifying activities recognised for solicitors' CPD.
Attitudes		<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

		<p>Solicitor, and does so.</p> <ul style="list-style-type: none"> • 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
Focus	Professional	<ul style="list-style-type: none"> • understands and adheres to good practice in carrying out the work he/she is instructed to do.
	Client	<ul style="list-style-type: none"> • works in a client-centered way and manages client service well, including: <ul style="list-style-type: none"> - being aware of the differences in acting for different types of client - communicating effectively with clients, following the terms of engagement that have been agreed with the client keeps client informed of progress on a regular basis - informs Supervising Solicitor of any client complaint immediately that it arises - regularly updating Supervising Solicitor on work being done for clients • manages client expectations • is able to advise the client on the legal consequences of the client's instructions