

A practical guide to meeting the PEAT 2 Outcomes

This document is designed to assist both training managers and trainees and sets out details of how to get the best out of a traineeship. It gives general information about how to carry out a traineeship but its main focus is on specific activities which would assist in the completion of the traineeship.

Additional information is available on the Society's website in relation to the following:

- [PEAT 2 Outcomes](#) – in particular relating to the positive indicators
- [Fitness and Propriety](#)
- [PQPRs](#)
- [Required CPD](#)
- [Admission as a Solicitor](#)
- [Discharging a traineeship](#)

PEAT comprises PEAT 1 (the Diploma in Professional Legal Practice) and PEAT 2 (the work-based stage; the traineeship). PEAT should be regarded as the whole, with PEAT 1 and PEAT 2 forming two components of that whole. PEAT will facilitate the development of legal skills and will integrate these with legal knowledge and ethical behaviours.

PEAT 1 is the stage of legal education where knowledge, skills, attitudes and values are learned in a simulated environment. PEAT 2 is the stage of legal education where the knowledge, skills, attitudes and values are built upon and honed in a workplace setting.

This means that there are a series of outcomes which apply across PEAT – PEAT 1 Outcomes and PEAT 2 Outcomes.

The PEAT 1 Outcomes comprise both core and mandatory outcomes. The core outcomes are Professionalism, Professional Communication and Professional Ethics and Standards. The mandatory outcomes are the core curriculum of Conveyancing, Private Client, Litigation, Business, Financial and Practice Awareness, and Tax.

The PEAT 2 Outcomes relate to professionalism, professional communication, professional ethics and standards and business, commercial, financial and practice awareness.

Substantive and relevant legal knowledge underpins all of the outcomes.

During the traineeship

PQPRs (PEAT quarterly performance reviews)

PQPRs are based on the PEAT 2 Outcomes, allowing a trainee's performance in the PEAT 2 Outcomes to be measured over the course of two years.

The work-based training, informal reviews, required CPD and each PQPR should be based around assisting the achievement of the PEAT 2 Outcomes by the end of the two years.

PQPRs focus on the development needs of trainees and, from that, should help form the basis of work allocation and required CPD for the upcoming quarter(s).

PQPRs allow for reflection on the previous quarter, including progress on any development needs previously identified, through work allocation and required CPD undertaken since.

It is important to remember that PQPRs should be conducted on the individual's rate of development, and with the view to the trainee being "at the required standard" by the end of the traineeship. Trainees are not required to have achieved competence in any particular PEAT 2 Outcome at any particular stage in the traineeship because each trainee will develop at a different pace.

Both the trainee and training supervisor should prepare for the PQPR by considering:

- the PEAT 2 Outcomes
- how, in the last quarter, the trainee has performed in relation to PEAT 2 Outcomes
- the previous PQPR and whether the development needs that were identified have been achieved or if more work requires to be undertaken
- the PEAT 2 Record
- any informal reviews during the last quarter
- any TCPD that has been undertaken

In addition to the PQPRs, the training manager should ensure that sufficient time is taken for informal review and to monitor the trainee's development. Informal reviews should cover experience, skills, development needs, confidence, stage of training and complexity of work. We **do not** prescribe how often informal reviews should take place and the frequency/necessity will vary from trainee to trainee but the following may be a useful guide :

- **Daily** – hands-on, morning and evening reviews, dealing with any issues
- **Weekly** – planning ahead, reviewing the past week
- **Monthly** – Review of trainee's training record, reflecting on work done, knowledge gained, skills used and any training needs.

Feedback should not be left until the PQPRs but should be a constant feature of the traineeship.

To support this informal feedback, trainees should use their PEAT 2 Record as a tool to help them reflect on and learn from the work – and required CPD – that they have undertaken.

Required CPD

Required CPD is intended to support the trainee's achievement of the PEAT 2 Outcomes.

CPD activities can be identified by the trainee and training manager (either when conducting a PQPR or during the work-based training itself, including at informal reviews). They should assist the development of legal knowledge, skills or ethical behaviour and, ultimately, the achievement of the PEAT 2 Outcomes. The CPD should enhance the practical experience that each trainee obtains during PEAT 2.

Required CPD can be identified both proactively and reactively. For example, the trainee could complete CPD prior to commencing a seat in a particular area of the law or CPD could be identified to give trainee further assistance in a particular skill such as negotiation, as a result of a development need identified in a PQPR.

Over the course of the two years of PEAT 2, all trainees require to undertake a minimum of 60 hours of required CPD:

- between months 9 and 15 of a traineeship, all trainees will require to undertake the Mandatory Ethics Course. This is the only mandatory element of required CPD and must be of at least 4 hours training
- a minimum of 40 hours of the minimum 60 hours must come from an authorised provider of trainee CPD.
- a minimum of 30 hours of required CPD should normally have been undertaken by month 15 of the traineeship.

All required CPD **must**:

- Support the achievement of the PEAT 2 Outcomes
- Must be pitched at the appropriate level for trainees
- Must be able to be verified (e.g. via an attendance sheet)
- Relevant to the individual trainee's development needs

Please note that the sitting in training and advocacy course required for admission during the first year of the traineeship cannot count as required CPD.

Reading and other forms of private study cannot count as either authorised or non-authorised required CPD.

Support available

We provide a dedicated help and support service specifically aimed at trainees and their training managers.

You can contact us to discuss any issue you might have with your traineeship on a confidential or anonymous basis. An experienced member of staff will be able to offer you guidance, advice and assistance should you need help in dealing with issues or difficulties affecting your traineeship.

We aim to assist you whether you are seeking formal intervention or simply looking to discuss the issue without formal action being taken. We have helped many trainees who have not wished to identify themselves or their employer but we are unable to intervene directly if not made aware of the name of the individual, firm or organisation.

Our Admissions Sub-committee has the power to intervene in training contracts if, after investigation, it is thought necessary.

Katie Wood, Head of Admissions, is the contact for any trainee who is looking for help, support or advice on their traineeship. She can refer individual cases to the committee if appropriate.

The PEAT 2 Outcomes

This information below has been created to support the training manager and trainee supervisors in providing opportunities to trainees to enable them to meet the PEAT 2 Outcomes. We have made suggestions under each outcome about activities and required CPD which could support the meeting of the outcome.

The majority of the outcomes can be met during the usual working practices and general training which will naturally occur throughout the traineeship.

These is a separate [PEAT 2 Outcomes](#) document which details the positive indicators.

PROFESSIONALISM

Professionalism lies at the heart of PEAT. Practising law should not only be about legal knowledge and skills but also about values, attitudes, behaviours and conduct. These may be capable of being described but they are difficult to acquire out of context or in the classroom. Trainees should observe the behaviour of their supervisors, partners and other professional staff.

Activities which might assist the achievement of this outcome:

- Updating and improving their knowledge of the law
- Discussing law and legal knowledge with experienced practitioners;
- Observing experienced practitioners or work-shadowing;
- Working on larger cases or transactions as part of a team
- Running smaller transactions under close supervision
- Reading and understanding the Society's [Standards of both conduct and service](#) for solicitors
- Reading journals, legal magazines

A key element of this outcome is '*Updates and expands knowledge of the law and legal practice in areas of expertise without prompting*'. Training managers should bear this in mind throughout the traineeship.

Examples of required CPD which might support the achievement of this outcome

- Workshops offered by regulatory bodies
- Any activity which focuses on updating and expanding knowledge of the law, legal practice and legal procedure
- Client Care Workshops
- Equality and Diversity training
- Time management training

PROFESSIONAL COMMUNICATION

Successful solicitors not only have excellent legal knowledge but also highly developed legal and communication skills which include advocacy, interviewing, team-working, negotiation and providing legal advice.

PROFESSIONAL RELATIONSHIPS AND TEAM WORKING:

Activities which might assist the achievement of this outcome:

- Induction
- Peer Review
- PEAT 2 Quarterly Performance Reviews and other feedback
- Group work
- Work shadowing
- Observation of superiors
- Logging information in the 'PEAT 2 Record' area of the Law Society of Scotland website
- Reading journals, magazines and other legal texts

Examples of required CPD which might support the achievement of this outcome:

- Time management training
- Equality and diversity training
- Any required CPD which uses team-work or role-play activities

COMMUNICATION WITH CLIENTS

Trainees should understand the need to develop their communication skills so that they can present both verbally and in writing in a way that achieves its purpose and is appropriate in terms of tone and content.

Trainees should be trained to communicate clearly and effectively with clients. Information should be comprehensive and, where necessary, confirmed in writing using clear and simple language. This is linked to the client care obligations incumbent upon all solicitors.

Activities which might assist the achievement of this outcome:

- Drafting letters, notes and memos
- Reporting to clients, colleagues and others
- Note taking and minute taking in meetings
- Dictating notes and letters
- Planning work

Examples of required CPD which might support the achievement of this outcome:

- Client Care Workshops
- Communication skills courses
- Presentation skills courses
- Work and Case management workshops

PROVIDE LEGAL ADVICE TO CLIENTS

The knowledge necessary to provide legal advice to clients will differ from trainee to trainee and within each training unit whether the traineeship is carried out in house or in a firm.

Activities which might assist the achievement of this outcome:

- Updating and improving their knowledge of the law, legal practice and legal procedure
- Discussing law and legal knowledge with experienced practitioners
- Observing experienced practitioners or work-shadowing
- Working on larger cases or transactions as part of a team
- Running straightforward transactions under close supervision

Examples of required CPD which might support the achievement of this outcome:

- Any required CPD which focuses on updating and improving knowledge of the relevant law
- Practice Area Specific Training Event
- Client Care Workshops
- Problem-Solving Workshops
- Role-play activities

LEGAL RESEARCH

Trainees should learn to find solutions by investigating the factual and legal issues, analysing problems and communicating the results of their research.

Activities which might assist the achievement of this outcome:

- Updating and improving their knowledge of the law
- Discussing law and legal knowledge with experienced practitioners
- Researching specific legal issues and factual, historical or commercial matters
- Any work that makes use of traditional and computerised research tools and sources, business information and other relevant sources

Examples of required CPD activities which might support the achievement of this outcome:

- WestLaw or LexisNexis Training event
- Library or research skills updates

INTERVIEWING

Trainees should understand the importance of identifying client's goals along with the need to take clear instructions. The purpose of an interview should be explained to the trainee and their performance during the interview should be reviewed afterwards.

Activities which might assist the achievement of this outcome:

- Observing interviews by training solicitors
- Taking notes of meetings and interviews (both face-to-face and over the phone)
- Preparing a checklist of issues that need to be dealt with prior to the interview taking place (and recognising what action needs to be taken subsequent to the interview)
- Where relevant to the area of practice, attending police station interviews.
- Conducting interviews with clients, experts, witnesses and others (with supervision)
- Updating and improving their knowledge of the law (This should be continuous throughout PEAT 2 in all seats).

- Discussing law and legal knowledge (including interview techniques) with experienced practitioners;

Examples of required CPD which might support the achievement of this outcome:

- Interviewing skills workshop (including mock interviews)

NEGOTIATION

Trainees should have exposure to the processes involved in negotiations relating to both contentious and non-contentious work. They should understand the importance to the client of reaching agreement or resolving a dispute.

Trainees could be given opportunities to observe negotiations conducted by experienced practitioners or conduct negotiations under close supervision. They should be thoroughly debriefed after conducting a negotiation.

Where relevant to their area of practice, trainees may become familiar with contentious work and should gain a thorough knowledge of the skills and practices of resolving disputes (including alternative dispute resolution) in a way that is fair, cost-effective and timeous for their clients.

Training managers and supervisors should explain how the work that the trainee undertakes fits into the strategies pursued in a case and into the context of litigation as a whole.

Activities which might assist the achievement of this outcome:

- Attending tribunal hearings or meetings dealing with other forms of dispute resolution
- Observing proceedings
- Assisting solicitors with the preparation of cases
- Observing negotiations conducted by experienced practitioners
- Conducting negotiations with close supervision
- Discussing law and legal knowledge (including negotiation techniques) with experienced practitioners

Examples of required CPD which might support the achievement of this outcome:

- Negotiation skills training (including mock negotiations)
- Mediation skills training
- Workshops on different forms of dispute resolution

WRITING AND DRAFTING

Overview

Trainees should recognise the importance of, and be able to produce, documents that are clear, precise and achieve their purpose.

The complexity of trainees' work should be increased incrementally, and they should be given opportunities to amend drafts of documents and to practice using standard forms and precedents.

It is important that amendments made by training solicitors are thoroughly explained to the trainee.

Activities which might assist the achievement of this outcome:

Writing and drafting all types of legal document:

- Letters, notes and memos
- Witness statements and affidavits
- Corporate resolutions
- Wills and trust deeds
- Statements of case
- Transfer or property documents
- Leases
- Instructions to counsel
- Contracts
- Pleadings
- Helping to prepare cases before trial

Examples of TCPD activities which might support the achievement of this outcome:

- Drafting Skills workshop
- Instructing advocates session
- Instructing expert witnesses

USE OF TECHNOLOGY

Trainees should understand the importance of working effectively. They must develop the skills required to manage time and resources effectively and understand how technology can assist their work.

Activities which might assist the achievement of this outcome:

- Use of planning tools to schedule work
- Using email, word-processing, scheduling and organisational systems appropriately
- Use of a file management system including opening and closing files
- Working with support staff
- Taking part in meetings via telephone or video conference

Examples of required CPD which might support the achievement of this Outcome:

- Any CPD focused on IT training

ADVOCACY

The Society understands that not all trainees will appear in court during their traineeship. With this in mind advocacy should only be considered where relevant to a trainee's area of practice.

If a trainee is being admitted between months three and 12 of their traineeship, they must complete a compulsory advocacy course. This cannot count towards the required CPD that they must complete during their traineeship. Additional information about admission is available on [our website](#).

Activities which might assist the achievement of this outcome:

- attending court with a solicitor(s) to observe cases, bail applications, pleas in mitigation; and observing examination, cross-examination and re-examination in court
- observing proceedings in family cases, industrial tribunals, planning tribunals, mental health tribunals or other tribunals or other forms of dispute resolution
- Sitting with, and observing, Counsel in any court including the High Court and the Court of Session
- In first year of PEAT 2, appearing as an 'authorised lay representative in a Small Claim or Summary Cause'
- Appearing in court (once admitted and in possession of a restricted practising certificate)

Examples of required CPD which might support the achievement of this outcome:

- Advocacy workshops
- Public speaking skills workshop
- Cross-Examination skills workshop
- Moots and other Mock Court activities

PRESENTATION

It may also be useful to consider the Advocacy and Communications with Clients outcomes when assessing achievement of this outcome.

Activities which might assist the achievement of this outcome:

- Becoming involved in presentations for clients or in preparing or delivering in-house training
- Observing experienced practitioners
- Conducting interviews and negotiations
- Representing clients in court or tribunals

Examples of required CPD which might support the achievement of this outcome:

- Public speaking skills training (including opportunities to speak in public)
- Client Care Workshops
- Moots
- Presentation skills training

PROFESSIONAL ETHICS AND STANDARDS

Trainees should not attempt to resolve ethical issues, they should refer any ethical issue to their training manager or supervisor. It is crucial that trainees can identify the ethical issue in the first place and know the correct course of action for different ethical issues.

REGULATORY FRAMEWORK AND PROFESSIONAL STANDARDS

Activities which might assist the achievement of this outcome:

- Discussing ethical and regulatory issues with experienced practitioners
- Reading and understanding the [Standards of both conduct and service](#) for solicitors

Examples of required CPD which might support the achievement of this outcome:

The only mandatory required CPD for all trainees is to undertake a minimum of four hours of Ethics from an Authorised Provider. This course will not cover all of the Professional Ethics and Standards Outcomes, it focuses on confidentiality, conflict of interest and anti-money laundering and the Proceeds of Crime Act

Other TCPD which could be appropriate include:

- Any TCPD that covers the role of the regulatory bodies as they relate to the profession in Scotland
- Any TCPD that deals with risk management

DUTIES TO THE COURT

Activities which might assist the achievement of this outcome:

- Discussing ethical issues with experienced practitioners
- Observing experienced practitioners
- Reading relevant legal texts

Examples of TCPD activities which might support the achievement of this outcome:

- Any CPD that covers the Duties to the Court

DUTIES TO THE PROFESSION

Activities which might assist the achievement of this outcome:

- Discussing ethical issues with experienced practitioners
- Observing experienced practitioners
- Reading relevant legal texts.

Examples of required CPD which might support the achievement of this outcome:

- CPD that covers the Duties to the Profession

THE CLIENT-SOLICITOR RELATIONSHIP

Activities which might assist the achievement of this outcome:

- Discussing ethical issues (including anti-money laundering and The Client-Solicitor Relationship) with experienced practitioners
- Observing experienced practitioners
- Reading relevant legal texts

Examples of required CPD which might support the achievement of this outcome:

- Attending a risk management event
- Attending an anti-money laundering event

CONFLICT OF INTEREST

Activities which might assist the achievement of this outcome:

- Discussing ethical issues (including conflict of interest) with experienced practitioners
- Observing experienced practitioners
- Reading relevant legal texts

Examples of required CPD which might support the achievement of this outcome:

- Ethics training which includes conflict of interest

CONFIDENTIALITY

Activities which might assist the achievement of this outcome:

- Discussing ethical issues with experienced practitioners
- Observing experienced practitioners
- Reading relevant legal texts

Examples of required CPD which might support the achievement of this outcome:

- Ethics training which includes confidentiality

BUSINESS, COMMERCIAL, FINANCIAL AND PRACTICE AWARENESS

Business, Commercial, Financial and Practice Awareness is a crucial part of being a solicitor. Understanding the business context of their work is of fundamental importance to a trainee solicitor as is an understanding of the regulatory and fiscal frameworks that he or she operates in.

Activities which might assist the achievement of this outcome:

- Discussing law, legal knowledge, management matters and the external business environment with experienced practitioners
- Observing experienced practitioners or work-shadowing
- Working on larger cases or transactions as part of a team
- Running smaller transactions under close supervision
- Feedback from PEAT 2 Quarterly Performance Reviews
- Reading relevant legal and business texts
- Secondments to business clients

Examples of required CPD which might support the achievement of this outcome:

- Any CPD activity which focuses on update and expanding knowledge of the law and legal practice including seminars on tax, management skills, the economic climate
- Workshops by the regulatory bodies of Scotland
- Workshops by organisations such as Chambers of Commerce or other business bodies
- Financial and Business skills training
- Any training that covers the rules of professional conduct relating to financial and accounting matters, including money laundering and mortgage fraud.
- Any accountancy-based courses (Business Accounting, Trust Accounts, Stock Exchange Matters, Tax Updates)

PRACTICE AWARENESS AND WORK MANAGEMENT

To develop these skills, trainees could work on larger cases or transactions as members of a team or run transactions themselves under close supervision.

The importance of keeping clients regularly informed of a matter and the client care procedures outlined in the Practice Rules and Solicitors Standards should be emphasised to trainees. Further, the organisation's client care policies and risk management policies should be explained to the trainees (including when and how a trainee should deal with risk issues).

Activities which might assist the achievement of this outcome:

- Producing a schedule for a case/transaction which is broken up – where appropriate – into phases
 - Use of a file management system
 - Planning out phase of work to include time, cost and risk management
 - Keeping accurate records and attendance notes
 - Effectively managing files
 - Regularly and fully reporting back to clients
 - Discussing risk management and client care procedures with experienced practitioners
 - Co-ordinating teams to review progress

Examples of required CPD which might support the achievement of this outcome:

- Time management training
- Any training that deal with matters of ethics, professional conduct, risk management training and client care
- File management training/File management system training
- Business skills training (e.g. budgeting etc)