

Mandatory and Core Outcomes

Notes:

1. Positive Indicators are not exhaustive, and are indicators of student achievement.
2. The Society reserves the right to update the Mandatory and Core Outcomes should that be necessary, and will give Providers sufficient notice of this.

MANDATORY OUTCOMES

1. Business, Financial & Practice Awareness			
	1(i) Business awareness	Positive indicators	Appropriate forms of assessment
	By the end of the programme students should be able to:		
1.	Understand the importance of business ethics to market economies.	<ul style="list-style-type: none"> - Shows an understanding of the cultures of business, the role of ethics and the role of corporate governance. - Can explain basic compliance procedures and corporate risk management. 	
2.	Demonstrate knowledge of the regulatory and fiscal framework, and the main features of the taxation system, within which business is conducted.	<ul style="list-style-type: none"> - Knows and understands basic statutory frameworks, - Can apply these to basic client situations; describe the different methods (debt, equity) by which a client company can raise finance. 	
3.	Show awareness of legal personality and business structures.	<ul style="list-style-type: none"> - Can describe the concept of legal personality and apply it to business structures. 	

		<ul style="list-style-type: none"> - Can describe the advantages and disadvantages of business structures for a client. 	
4.	Understand the key features of incorporated and unincorporated entities, their structure and purpose (including relevant tax features of structures).	<ul style="list-style-type: none"> - Demonstrates awareness of the differences between public and private limited companies. - Is able to identify which type of company may be appropriate for a client. - Understands the differences in administration and regulation between public and private limited companies. - Is aware of the roles of directors and shareholders. - Is aware of relevant aspects of corporation tax, LBTT, capital gains tax, inheritance tax, PAYE, NIC and VAT as they apply to companies. - Demonstrates an awareness of the equivalent matters, relating to sole traders, partnerships, limited liability partnerships and other unincorporated associations, including the tax elements. 	
5.	Appreciate the commercial environment of legal practice, including the market for legal services and the business models legal businesses use.	<ul style="list-style-type: none"> - Can explain concepts such as utilisation, realisation, leverage, price, and profit. - Understands the main sources of revenue for private practice law firms (fixed costs; capped costs; billable hours; legal aid) and devolved taxation. - Has a developing awareness of the nature of the relationship between in-house solicitors and private practice law firms. 	

1. Business, Financial & Practice Awareness			
	1(ii) Financial awareness	Positive indicators	Appropriate forms of assessment
	By the end of the programme students should be able to:		
1.	Understand loan finance.	- Has a basic knowledge of the loan market.	Forms of assessment include simulation of investment activities, profit and loss games, company account tracking activities, multiple choice examinations, client presentations. Where appropriate financial awareness ought to be embedded within other transactions
2.	Analyse and understand a set of company accounts.	- Is able to analyse a set of basic accounts and comment upon them. - Knows to a basic level how the profit and loss account is achieved and what the balance sheet represents.	
3.	Demonstrate an ability to compare sets of accounts by using ratios.	- Understands ratios and their application and can therefore advise clients on the potential of companies.	
4.	Explain the principles of tax as it applies to businesses (including relevant aspects of corporation tax, VAT, PAYE, NIC, LBTT, capital gains tax and inheritance tax).	- Can perform basic tax calculations. - Is aware of need to consider tax consequences and planning opportunities in transactions.	
5.	Understand the purpose of the main areas of financial advice for companies and individuals.	- Has mastered the concepts of budgeting, protection, investment, borrowing and planning.	
6.	Understand the process of giving financial advice to companies and individuals, including the tax elements of this.	- Can identify to a basic level what is involved in the construction of financial advice to clients. - Can advise clients in relation to basic investment decisions, including concepts of	

		<p>risk, advantages/disadvantages, and flexibility.</p> <ul style="list-style-type: none"> - Can identify appropriate taxes, including personal taxes. 	
7.	<p>Explain and discuss the various forms of financial services available for clients, with particular reference to investment, mortgages, insurance and pensions, and the regulation of the provision of financial services, including investment protection, complaints procedures and compensation, including the tax elements of this.</p>	<ul style="list-style-type: none"> - Can explain basic investments to a client. - Can explain simply and clearly the differences between two types of mortgage. - Can explain at least two forms of insurance cover, either personal or commercial. - Can understand how at least two pension arrangements work to a client's advantage/disadvantage. 	

1. Business, Financial & Practice Awareness			
	1 (iii) Practice awareness By the end of the programme students should be able to:	Positive indicators	Appropriate forms of assessment
1.	Understand the key features of partnerships and limited liability partnerships as business structures, and alternative business structures (including relevant tax features of structures).	<ul style="list-style-type: none"> - Is aware of the differences between partnerships and limited liability partnerships as business structures. - Can identify the differences between partnerships and other business structures and advise when a partnership structure may be appropriate. - Understands the implications of alternative business structures for the delivery of legal services in Scotland and the UK. 	<p>Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for providers. Assessment should also be embedded where possible within programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended:</p> <ol style="list-style-type: none"> 1. Checklist of skills with allocation of marks or standards. 2. Simulated casework research tasks, assessed by tutor. 3. Case file review by tutor. 4. Formation of 'virtual' firms for collaborative working. 5. Portfolio, in which students record progress. 6. Open-book examination. 7. Objective structured case examination. 8. Critical incident review. 9. Transactional assessment.
2.	Understand key provisions of partnership agreements.	<ul style="list-style-type: none"> - Is able to identify key concepts which are appropriate for a partnership agreement. - Understands commercial reasons for the inclusion or exclusion of provisions. - Drafts appropriate provisions accurately. 	
3.	Demonstrate ability to manage personal workload and to manage effectively a number of concurrent client matters.	<ul style="list-style-type: none"> - Can manage personal workload with no noticeably detrimental effects on others. - Can switch effectively between different client matters; can 	

		communicate effectively on file matters and manage a file.	
4.	Demonstrates an awareness of issues of equality, diversity and inclusion that may arise within the practice environment with references to the protected characteristics.	<ul style="list-style-type: none"> - Can discuss and, where appropriate in simulation, demonstrate awareness of, such issues in legal practice, amongst peers, and in simulation role-play. 	
5.	Can manage time and risk capably in legal transactions/matters.	<ul style="list-style-type: none"> - Time on file is managed capably; shows ability to multi-task on concurrent transactions. - Can plan deadlines, work to them and deal with unexpected work loads. - Risk is understood in the context of client care policy, complaints procedure. - In simulation risk is analysed and client options evaluated in the context of costs and benefits. 	
6.	Comply with all quality standards, risk management, and other policies and processes in place at the course provider; use business systems and resources appropriately.	<ul style="list-style-type: none"> - Use all business systems and processes appropriately and effectively. - Is punctual, can be relied on to arrive on time for classes over the course of the working week, submits course work on time, have a positive attitude to the demands of PEAT 1. 	

7	Demonstrates an understanding of how technology is changing the legal profession	<ul style="list-style-type: none">- Can explain how technology is changing legal businesses.- Can explain the progression of a legal matter from start to finish and identify how technology may impact upon the delivery of that matter- Has a developing awareness of how the use of technology can augment legal advice.	
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2. Private Client			
	By the end of the programme students should be able to:	Positive indicators	Appropriate forms of assessment
1.	Understand the Law of Testate Succession and be able to explain the tax implications.	<ul style="list-style-type: none"> - Have a working knowledge of relevant legislation. - Can give basic advice on legal rights, understands the conditions and their implication. - Is aware of the concepts of abatement, ademption and collation. - Understands and is able to explain the principles of inheritance tax. 	Short and long case; simulation; drafting activities in coursework or in open book examination; 'station' activities; standardised client activities.
2.	Draft testamentary documents and understand the tax implications of such documents.	<ul style="list-style-type: none"> - Can draft a competent will and other related documents. - Can explain the tax implications of such documents. 	
3.	Understand the Law of Intestate Succession and be able to explain the implications.	<ul style="list-style-type: none"> - Can explain to the surviving spouse/civil partner, the concept and application of prior rights and legal rights; can explain to children and issue the concept and implication of legal rights. - Can explain to the surviving cohabitant the right of a cohabitant to apply for a discretionary amount on intestacy. 	
4.	Draft Intestate documents.	<ul style="list-style-type: none"> - Can identify appropriate executor on intestacy and draft related documents. 	

5.	Administer an executry.	<ul style="list-style-type: none"> - Can ingather funds correctly and has a working knowledge of relevant legislation. - Understands the taxation issues within an executry and is aware of tax planning opportunities. - Understands key elements of reporting estate to HM Revenue & Customs, can prepare basic final accounts. - Understands principles of valuation, and payments of tax due. 	
6.	Understand the law on Trusts, their uses and applications, and be able to explain their implications, including tax implications.	<ul style="list-style-type: none"> - Understands the different types of trusts, their uses and applications. - Understands the tax consequences of establishing a trust and ongoing taxation issues. 	

7.	Understand the law on incapacity	<ul style="list-style-type: none"> - Can draft the appropriate necessary documentation for appointment of an attorney or guardian; is able to advise on options of executing living wills. - Understands the various types of Power of Attorney; taking instructions for the preparation of a Power of Attorney; obtaining information to prepare a suitable draft. - Understands and can explain an advanced direction. - Have an understanding of the Certification and Registration processes. - Understands the alternative options (i.e. intervention and guardianship). 	
8.	Understand the principles and practice of tax planning as it relates to Private Client in relation to the preparation of wills and deed of variation.	<ul style="list-style-type: none"> - Has an understanding of legislation and recent cases (e.g. Is aware of the Finance Acts). - Has a working knowledge of Inheritance tax, capital gains tax and income tax; can draft the appropriate deed in light of the tax consequences. - Understands the implications of tax avoidance. 	
9.	Has a developing awareness of the importance of technology in relation to private clients including online filing,		

	online personal tax accounts and the process of making tax digital.		
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3. Conveyancing			
	By the end of the programme students should be able to:	Positive indicators	Appropriate forms of assessment
1.	Understand the process of a conveyancing transaction.	- Has developed an understanding of a practical conveyance and will be able to ensure their client gets good title.	Forms of assessment may include case file analysis, short and long case assessment, simulation and role play, open book drafting assessment, standardized client activities.
2	Understand the law and practice in relation to missives and to be able to draft missive letters and conclude the contract.	- Understands the law of contract relating to heritable property.	
3.	Examine and report on title in relation to both first registration transactions and dealings thereafter.	- Can check that the title to the property is good and if not, identify what is missing and how the problem can be solved. - Writes appropriately to another firm of solicitors making observations on title. - Can pick up on all problems in a title and can attempt to solve these problems.	

4.	Draft appropriate documents, including a knowledge of LBTT, capital gains tax and inheritance tax.	<ul style="list-style-type: none">- Will be able to draft a deed acceptable to the Registers of Scotland, including dispositions, and the other main deeds used by conveyances, including standard securities, discharges.- Understands relevant taxation provisions.- Has developed an understanding of a practical conveyance and will get the registration accepted.	
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3. Conveyancing			
	By the end of the programme students should be able to:	Positive indicators	Appropriate forms of assessment
5.	Understand the implications of family law legislation on conveyancing transactions and to be able to draft and revise relevant documentation.	- Demonstrates an understanding of basic legislation relevant to practice. Is able to draft the necessary deeds without basic errors.	Forms of assessment may include case file analysis, short and long case assessment, simulation and role play, open book drafting assessment, standardized client activities.
6.	Understand what searches are required in the Property and Personal Registers, complete the appropriate forms and to use ScotLIS.	- Appreciates the use and function of searches in heritable property transactions.	
7.	Understand and apply the law on execution of deeds.	- Updates and expands knowledge of the law and knows how different deeds and different legal personalities require to execute and create a valid deed.	
8.	Appreciate the implications of a secured lender being involved in a conveyancing transaction.	- Can identify the problems that arise in relation to secured borrowing and the duties owed to the lender.	
9.	Understand what is required before a transaction can settle and to be able to manage post settlement issues, including the retention of funds, registration dues and fees.	- Applies knowledge to a practical situation. - Shows ability to manage completion of a complex transaction including liaising with the client, the lender and relevant third parties.	

10.	Understand the law and practice in relation to residential leases, including the relevant statutory forms.	<ul style="list-style-type: none"> - Can draft and revise a basic residential lease. - Understands the main provisions of the Private Residential Tenancy. 	
11.	Understand the law and practice in relation to commercial leases, including relevant documentation such as rent review agreements and licences for works.	<ul style="list-style-type: none"> - Can draft and revise a commercial lease. - Can effectively review agreements and licenses. 	
12.	Has a developing awareness of the digital services of Registers of Scotland and is aware of technology developments affecting the conveyancing process.		

4. Litigation			
	4 (i) Civil Litigation - Court of Session and Sheriff Court	Positive indicators	Appropriate forms of assessment for litigation outcomes
	By the end of the programme students should be able to:		
1.	Demonstrate knowledge and understanding of the institutions, structure and personnel of the Scottish civil justice system; the technology used in the civil justice system; the hierarchy of the courts; the principal grounds of jurisdiction; the competence of the respective courts; and the rights of appeal applying to different actions and forms of procedure.	<ul style="list-style-type: none"> - Can identify the key elements in the Scottish civil justice system. - Is aware of the technology currently in use in civil court actions. - Understands the different courts and the significant factors dictating the choice of court and appropriate procedures. - Is aware of the rights of appeal from different court decisions and has an understanding of the main procedural steps in an appeal. 	<p>There could be three elements to the assessment of the litigation outcomes.</p> <ol style="list-style-type: none"> 1. Procedural knowledge 2. Writing/drafting skills 3. Oral presentation skills <p>Procedural knowledge can be assessed by formal examination involving problem based questions and/or multiple choice questions. It could also be assessed by continuous assessment with numerous short questions over the duration of the programme.</p>
2.	Demonstrate knowledge and understanding of the different ways in which litigation can be funded; the relationship between judicial and extra judicial expenses; and the basic principles governing the liability for judicial expenses.	<ul style="list-style-type: none"> - Is able to identify the alternative means of funding litigation. - Is able to explain the financial implications of the different forms of funding for litigants. - Can identify the principles applied by the courts in making an award of judicial expenses and the implications for litigants. - Can identify the commercial consequences of findings of liability for judicial expenses and the impact 	<p>Where possible procedural knowledge and professional skills should be integrated.</p> <p>Where possible writing and drafting skills should be integrated (e.g. could involve students drafting court writs or other documents and being assessed on their competence).</p> <p>Simulations could take place in real courts, with professionals involved as much as</p>

		on the choice of forum and form of dispute resolution.	possible. Interdisciplinary assessments may also take place, where PEAT 1 students are assessed on their ability to act in a case where another discipline is represented by other students.
3.	Demonstrate knowledge and understanding of the procedural rules for actions at first instance in the Sheriff court comprising (a) Simple Procedure (b) Ordinary Action (c) Commercial Action (d) Personal Injury action and (e) Summary Applications	<ul style="list-style-type: none"> - Is able to explain the procedural steps in the different forms of action available in the sheriff court. - Is aware of the court rules and Practice Notes applicable to different actions and has a basic knowledge and understanding of the practice in relation to different forms of procedure. 	
4.	Demonstrate knowledge and critical understanding of the basic principles and conventions of written pleadings applicable to all forms of procedure competent in the sheriff court including the concepts of relevancy and specification of written pleadings.	<ul style="list-style-type: none"> - Can explain the concepts of relevancy and specification in formal written pleadings. - Understands the styles, forms, rules and conventions applying to the written expression of a case and defence. - Is able to draft basic pleadings in any of the forms of procedure available in the sheriff court. - Is aware of the process of adjusting pleadings with a view to focusing the matters in dispute in any litigation. - Is aware of the significance and procedural implications of pleas in law in certain forms of procedure. 	
5.	Demonstrate an awareness of the different forms of procedure competent in the Court of Session including the	<ul style="list-style-type: none"> - Is aware of the main incidental procedures applying in the different forms of litigation at first instance. 	

	differences between ordinary actions and Petitions.	<ul style="list-style-type: none"> - Understands the circumstances in which they might be invoked. - Is aware of the way in which litigants make motions and how motions will be dealt with administratively and judicially. - Is able to prepare a submission for a motion or opposition thereto. 	
6.	Demonstrate knowledge and understanding of the common forms of incidental procedures found in civil court actions, and the circumstances in which they would be appropriate.	<ul style="list-style-type: none"> - Is aware of how an action would proceed to a determinative hearing by way of an Options Hearing or otherwise. - Understand the basic function of a Rule 22.1 Note in an ordinary action. - Is aware of the different procedural mechanisms for resolving a case judicially; has a basic knowledge of the procedure in a debate or similar hearing. - Has a basic knowledge of the procedure in a proof or PBA. - Understands how a litigant prepares for a hearing of evidence in a case. - Is aware of the rules and practices regarding witnesses and productions for a proof. 	
7.	Demonstrate knowledge and understanding of the hearings in the sheriff court that would lead to the determination of an action – debates,	<ul style="list-style-type: none"> - Is aware of how an action would proceed to a determinative hearing by way of an Options Hearing or otherwise. 	

	proofs, proofs before answer - and the procedure at such hearings.	<ul style="list-style-type: none"> - Understand the basic function of a Rule 22.1 Note in an ordinary action. - Is aware of the different procedural mechanisms for resolving a case judicially. - Has a basic knowledge of the procedure in a debate or similar hearing. - Has a basic knowledge of the procedure in a proof or PBA. - Understands how a litigant prepares for a hearing of evidence in a case. - Is aware of the rules and practices regarding witnesses and productions for a proof. 	
8.	Demonstrate knowledge and understanding of the ways in which evidence can be presented or agreed in civil actions.	<ul style="list-style-type: none"> - Is aware of the ways in which a court will be justified in making findings in fact. - Understands the significance of admissions in pleadings. - Is aware of ways in which evidence can be agreed, including Notices to Admit and Joint Minutes of admissions. - Appreciates the need to prove facts which are not agreed or admitted. 	
9.	Demonstrate an awareness of how court actions might be settled extra judicially and the issues which might arise in these circumstances.	<ul style="list-style-type: none"> - Is aware of the reasons why parties might settle a litigation and the factors that come into play. 	

		<ul style="list-style-type: none"> - Is aware of the ways in which a party might settle a case and the procedures open to them to do so. - Understands the commercial implications of settlement in the context of a litigation and the drivers that promote settlement. 	
10.	Demonstrate an awareness of the commercial implications of the management of litigation by parties and the impact of the development of judicial case management.	<ul style="list-style-type: none"> - Is aware of the cost of litigation as a means of resolving disputes compared to other dispute resolution mechanisms. - Is able to identify alternative mechanisms and assess their suitability for client needs and intentions. - Is aware of the way in which litigation might be conducted economically and how the cost of an action will increase depending upon the procedure followed and the conduct of a litigation by parties. - Is aware of the economic implications of judicial case management of a litigation. 	

4. Litigation			
	4 (ii) Criminal - High Court and Sheriff Court – Stage 1 By the end of the programme students should be able to:	Positive indicators	Appropriate forms of assessment
1.	Demonstrate knowledge and understanding of the operation of the Criminal Legal Aid scheme – both as to advice and as to representation.	<ul style="list-style-type: none"> - Is able to explain the difference between advice and assistance, and legal aid for representation. - Is able to describe the circumstances in which criminal advice and assistance is available. - Is able to explain the process of granting advice and assistance; is able to describe the circumstances in which criminal legal aid is available. - Is able to describe the process of granting legal aid. - Understands the right to legal aid assistance in the police station. 	<p>There could be three elements to the assessment of the litigation outcomes.</p> <ol style="list-style-type: none"> 1. Procedural knowledge 2. Writing/drafting skills 3. Oral presentation skills <p>Procedural knowledge can be assessed by formal examination involving problem based questions and/or multiple choice questions. It could also be assessed by continuous assessment with numerous short questions over the duration of the programme.</p>

2.	<p>Demonstrate knowledge and understanding of the obligations on a solicitor in relation to Legal Aid both generally, and with particular reference to a change of agency in a criminal case.</p>	<ul style="list-style-type: none"> - Is able to identify circumstances where legal aid may be available. - Asks appropriate questions of client. - Is able to explain advice and assistance, and full legal aid to client. - Is able to explain the role of client contribution, if appropriate. - Is able to explain circumstances in which legal aid may be withdrawn. - Refers to the Society's rules and guidance on changes of agency. 	<p>Where possible procedural knowledge and professional skills should be integrated.</p> <p>Where possible writing and drafting skills should be integrated (e.g. could involve students drafting court writs or other documents and being assessed on their competence).</p> <p>Simulations could take place in real courts, with professionals involved as much as possible. Interdisciplinary assessments may also take place, where PEAT 1</p>
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3.	<p>Demonstrate knowledge and understanding of the procedural sequence of events in summary and solemn procedure in the Sheriff Court and in the High Court.</p>	<ul style="list-style-type: none"> - Is able to describe the steps in a summary complaint and in a case on indictment. - Is able to describe the steps in the correct order. - Is able to explain the points at which there may be a range of procedural options. - Is able to explain the respective roles of the parties and the Court in progressing an action. - Is able to explain the statutory bases of the sheriff court's jurisdiction. - Is able to explain the statutory and common law bases of the High Court's jurisdiction. - Is able to describe the procedural rules both in the abstract and with reference to particular fact situations. - Is able to distinguish between the various substantive hearings in the procedural life of both a summary complaint and a trial on indictment. 	<p>students are assessed on their ability to act in a case where another discipline is represented by other students.</p>
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4. Litigation			
	4 (iii) Criminal - High Court and Sheriff Court – Stage 2 By the end of the programme students should be able to:	Positive indicators	Appropriate forms of assessment
1.	Demonstrate the ability to conduct incidental motions and intermediate diet in a summary complaint.	<ul style="list-style-type: none"> - Employs factual evidence and appropriate legal content at appropriate junctures during submission. - Structure of submission is clear and cogent; adheres to client or supervisor instructions. - Can relate client objectives to decision-maker at appropriate juncture in submissions. - Can respond appropriately to points raised by decision-maker or opponent about these. 	<p>There could be three elements to the assessment of the litigation outcomes.</p> <ol style="list-style-type: none"> 1. Procedural knowledge 2. Writing/drafting skills 3. Oral presentation skills <p>Procedural knowledge can be assessed by formal examination involving problem based questions and/or multiple choice questions. It could also be assessed by continuous assessment with numerous short questions over the duration of the programme.</p>
2.	Demonstrate the knowledge and understanding as to how a straightforward summary trial is conducted.	<ul style="list-style-type: none"> - Forms a theory of the case. - Is aware of the relevancy of particular facts and legal principles, including case and/or statutory citations. - Recognises appropriate form of questions which are relevant to case theory and appropriate advocacy techniques. 	<p>Where possible procedural knowledge and professional skills should be integrated.</p> <p>Where possible writing and drafting skills should be integrated (e.g. could involve students drafting court writs or other</p>

3.	Demonstrate the ability to make a plea in mitigation in a straightforward summary complaint.	<ul style="list-style-type: none"> - Employs factual and legal evidence at appropriate junctures during submission. - Structure of submission is clear and cogent; adheres to client or supervisor instructions. - Can relate client objectives to decision-maker at appropriate juncture in submissions. - Can respond appropriately to points raised by decision-maker or opponent about these. 	<p>documents and being assessed on their competence).</p> <p>Simulations could take place in real courts, with professionals involved as much as possible. Interdisciplinary assessments may also take place, where PEAT 1 students are assessed on their ability to act in a case where another discipline is represented by other students.</p>
4.	Demonstrate knowledge and understanding of the appeal procedures which are open to an accused person following conviction and sentence.	<ul style="list-style-type: none"> - Is able to describe procedures by which appeal may be taken. - Is able to explain the circumstances in which each is appropriate. - Is able to describe procedural steps. - Is able to describe remedies available to appellate court. 	

CORE OUTCOMES

PROFESSIONALISM	
Throughout the PEAT 1 programme the student should understand the importance of:	Methods of assessment
<p><u>PROFESSIONALISM</u> <u>The interests of justice and democracy in society</u> <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Displays an interest in the workings of justice in society. - Has an awareness of ethical legal practice. - Has an awareness of the regulatory framework of professional practice. - Has an appreciation and can analyse the importance of the concept of the solicitor as an officer of the court. - Has an understanding of the importance of the legal profession working for the public good e.g. pro bono, public legal aid, corporate social responsibility etc. <p><u>Effective and competent legal services on behalf of a client</u> <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Updates and expands knowledge of the law, knowledge of legal practice, client-centred practice and management of client service. - Pays careful attention to standard of detail in legal work. - Awareness of current Society client care requirements. <p><u>Continuing professional education and personal development</u> <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Is aware of own strengths and weaknesses and forms plans to develop character, values, knowledge and skills throughout the course. - Reflects on experiences and mistakes in order to improve future performance. <p><u>Equality & Diversity</u> <i>Positive Indicators:</i></p>	<p>Best assessed longitudinally throughout the Programme, by more than one assessor, and in more than one assessment, so that a variety of views are obtained under different conditions. Forms of assessment could include:</p> <ol style="list-style-type: none"> 1. Client-based long case. 2. Case file review of simulated client file. 3. Portfolio – Self-assessment. 4. Log book/activity log/confidential file. 5. Critical incident review. 6. Peer-review. 7. Transactional Assessment. 8. Tutor Reports.

- Shows an awareness of the responsibilities incumbent on the Law Society of Scotland, the Scottish legal profession and the Scottish solicitor.
- Aware of the responsibilities incumbent on a Scottish solicitor in respect of equality and diversity.
- **Shows an awareness of, and can analyse, the current issues relating to equality, diversity and inclusion in the Scottish legal profession.**

Trust, respect and personal integrity

Positive Indicators:

- Is honest with others on the course.
- Treats colleagues, tutors, administrative staff and others with civility and respect.

PROFESSIONAL COMMUNICATION	
By the end of the PEAT 1 programme the student will have performed effectively in simulated environment to:	Methods of assessment
<p>PROFESSIONAL RELATIONSHIPS AND TEAM WORKING: Adapt personal style to develop professional relationships <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Is aware of how personal character, emotion and social relations impact on professional relationships. - Can adapt character to suit professional situations (eg in negotiation). <p>Listen, give and receive feedback and respond perceptively to others <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Neither asks questions nor makes comments until speaker has finished. - Can summarise accurately what the speaker has said without embellishment or omission. Can comment positively and with perception on the performance of others in the group. - Respects the viewpoint of others. - Can accept and act upon feedback from others to improve professional practice. <p>Understand the basic dynamics of groupwork <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Understands own personal style and strengths. - Makes effort to understand others' styles and their contribution to group dynamics. - Can communicate this understanding and discuss it with others in a group. - Can understand the collective competences of a professional group. <p>Act as a group member <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Takes personal responsibility for professional tasks. - Can liaise with others over tasks. - Can share task information, learning and knowledge. - Can recognise positive group dynamics and encourage these. - Is aware of negative group dynamics and can avoid them. 	<p>Best assessed longitudinally throughout the Programme, by more than one assessor, and in more than one assessment, so that a variety of views are obtained under different conditions. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments.</p> <p>Forms of assessment could include:</p> <ol style="list-style-type: none"> 1. Client-based long case. 2. Case file review of simulated client file. 3. Portfolio – Self-assessment and peer-assessment. 4. Log book/activity log/confidential file. 5. Critical incident review. 6. Peer-review on collaborative work 7. Collaborative activities that provide the ground for assessment.

Lead a group effectively

Positive Indicators:

- Motivates the professional group.
- Organises delegation of tasks.
- Plays to group strengths.
- Is aware of collective competences of the group and maximises these.
- Is aware of risks of groupwork and manages group functions to minimise these.

Appraises and develops their skill at forming and maintaining professional relationships

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement in practice throughout the span of the programme.

TRANSACTIONAL RESEARCH:

Gather information relevant to a matter

Positive Indicators:

- Can obtain factual information and methodically record the varieties of information and their sources (paper document, oral, electronic) for future analysis.
- Can plan work to research deadlines.

Analyse and prioritise factual issues

Positive Indicators:

- Can identify gaps, ambiguities and contradictions in information.
- Knows how to find further or better information.
- Can prioritise legally important facts.

Apply legal analysis to fact patterns

Positive Indicators:

- Is aware of the legal context surrounding facts.

Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for Providers. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended:

1. Checklist of skills with allocation of marks or standards.
2. Simulated casework research tasks, assessed by tutor.
3. Case file review by tutor.
4. Portfolio, in which students record progress.
5. Open-book examination.

- Can identify and prioritise legal issues raised by facts.
- Can apply legal principles to relevant facts.
- Can determine which rules are clear and which require further legal or factual research.

Use appropriate legal research resources, both paper and electronic

Positive Indicators:

- Locates and uses cases and legislation, standard practitioner texts, periodical literature, using research tools such as digests, citators and electronic tools such as WestLaw and Lexis Nexis.
- Keeps a precise research record.
- Can identify key research terms.
- Knows how to plan a research strategy.

Update legal information

Positive Indicators:

- Uses appropriate updating instruments, both paper-based and electronic to check information currency.

Interpret statutes

Positive Indicators:

- Can identify legislative provisions appropriate to the advice being considered.
- Identify and cite correct sections and schedules.
- Can interpret provisions within a legislative framework according to task instructions.
- Can apply and use it in drafting advice.

Providing clear and relevant advice

Positive Indicators:

- Can communicate advice that is relevant to the task.
- Uses appropriate channel of communication in a form relevant to the audience and context, and does so clearly, concisely, and in appropriate and correct English.

6. Objective structure case examination.
7. Critical incident review

<p>Develop techniques for appraising and developing their own transactional research procedures</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Modifies own practice in the context of feedback from tutors and peers. - Demonstrates improvement in practice throughout the span of the programme. 	
<p>INTERVIEWING:</p> <p>Introduce and conclude an interview effectively</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Has prepared for the interview. - Meets and greets the client. - Explains the structure of the interview. - Demonstrates a courteous attitude to the client. - Draws the interview to an appropriate close. <p>Conduct a client-centred interview</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Encourages the client to explain concerns. - Can identify the client's goals, and help the client define priorities among the goals. - Can confirm their understanding of the client's concerns. - Uses listening techniques. - Obtains the client's full instructions. <p>Use appropriate questioning techniques</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Uses open and closed questions where appropriate. - Can focus on a fact pattern without losing sight of the whole. <p>Determine what information is required from client</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Elicits necessary information from the client. - Can identify what further information is required, both factual and legal. - Can identify where that information may be found. 	<p>Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for the Providers. Assessment should also be embedded where possible within programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended:</p> <ol style="list-style-type: none"> 1. Checklist of skills with allocation of marks or standards. 2. Simulated interview, using either actors or trained standardised clients (SCs), and assessed either by tutor or by SCs or both. Performances should be digitally recorded or otherwise stored as record of student work. 3. Video essay or report (where students and staff may comment upon performance in video). 4. Portfolio, in which students record progress.

Record the matter timeously and accurately

Positive Indicators:

- Records all factual, legal, procedural and evidential matters at the appropriate time.
- Notes legal research to be carried out.
- Notes possible courses of action.
- Confirms client action in retainer letter or precognition or other document.

Advise the client

Positive Indicators:

- Assists the client to come to a decision regarding the best course of action, taking into account costs, benefits and risks.
- Can advise on both legal and non-legal courses of action.
- Can advise on a course of action (or give persuasive reasons for absence of advice).
- Can construct a feasible timescale for future action.

Deal with appropriate professional and ethical issues during and after the interview

Positive Indicators:

- Identifies conflicts of interest and other ethical dilemmas.
- Can identify unethical modes of action and deal appropriately with these.

Reflect on their own interviewing style and scope for improvement

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement throughout the span of the programme.

NEGOTIATION

Understand different approaches to the theory of legal negotiation including facilitated negotiation

Positive Indicators:

- Can explain the different styles of negotiation.
- Can understand the role of mediation.

Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for the Providers. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-

Communicate with a client throughout a negotiation*Positive Indicators:*

- Is aware of, and remains within, boundaries of action plan agreed with client.
- Takes instruction from and advises the client.
- Negotiates aims with a client.
- Has a clear sense of remit.

Plan a negotiation*Positive Indicators:*

- Identifies factual and legal issues.
- Understands client's objectives and can prioritise these.
- Can discern strengths and weaknesses in a matter including BATNA.
- Develops a plan of action based on rational assessment of objectives, strengths and weaknesses.

Select strategies to conduct a negotiation*Positive Indicators:*

- Choose strategies that will achieve client objectives.
- Can modify strategies flexibly.
- Can create a structure that allows negotiation to take place in a coherent manner.
- Is persuasive.
- Uses legal logic to further the client's case.
- Responds to offers and makes concessions appropriately.

Negotiate according to the practice and conventions of at least one area of law*Positive Indicators:*

- Demonstrates an awareness of practitioner conventions and situated negotiation practice e.g. sale of house or personal injury transaction.
- Knows and can use relevant procedural and substantive law to achieve client objectives.

Negotiate ethically*Positive Indicators:*

alone assessments. The following forms of assessment are recommended:

1. Checklist of skills with allocation of marks or standards.
2. Simulated negotiation, assessed by tutor. Performances should be digitally recorded or otherwise stored as a record of student work.
3. Digital essay or report (where students and staff may comment upon digitally recorded performance).
4. Portfolio, in which students record progress.

<ul style="list-style-type: none"> - Identifies and deals with conflicts. - Treats client, legal agents and others with truthfulness, respect and civility. - Records strategy and results in accurate and timeous notes to file. - Is aware of different approaches to structuring a deal. - Deals with pecuniary matters honestly and promptly. <p>Develop techniques for appraising and developing their own negotiating style</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Modifies own practice in the context of feedback from tutors and peers. - Demonstrates improvement in practice throughout the span of the programme. 	
<p>WRITING AND DRAFTING:</p> <p>Write letters or reports that achieve their purpose</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Ensures the documents achieve client goals. - Performs according to client, supervisor or tutor instructions. - Seeks information. - Communicates only relevant information. - Relates structurally to other documents or advice – all of this in an effective manner as regards purpose of communication. <p>Write documents that are structured according to convention and audience requirements</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Follows models (eg in use of addresses, date, salutation, heading style etc) - Demonstrates awareness of audience requirements as to form of communication (letter, email, phone). - Displays legal literacy. - Understands detail of information will vary. - Prioritises information. - Times communications appropriately. - Is aware of sensitivity of content. <p>Draft well-organised and factually accurate documents</p>	<p>Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for the Providers. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended:</p> <ol style="list-style-type: none"> 1. Checklist of skills with allocation of marks or standards. 2. Simulated writing and drafting coursework tasks, assessed by tutor. 3. Case file review by tutor. 4. Portfolio, in which students record progress. 5. Open-book drafting examination.

Positive Indicators:

- Uses correct spelling and appropriate grammar, syntax and punctuation.
- Writing is fluent and reader-friendly.
- Lexical choice is appropriate to genre and audience.
- Ensures relevant legal and factual issues are addressed.
- Can articulate argument and identify options.
- Exercises the appropriate standard of care.

Demonstrate use of a precedent bank of styles to progress a transaction

Positive Indicators:

- Uses the appropriate form or style.
- Can adapt a style to a particular context, bearing in mind substantive and procedural legal context, audience, possible future audiences and possible litigation context.

Organise the transactional context of writing

Positive Indicators:

- Can organise a transactional file.
- Creates, drafts and files documents within an ordered hierarchy, and to a time limit.
- Provides own commentary upon formal and informal writings within a file where appropriate (eg notes to file).

Develop techniques for appraising and developing their own writing and drafting styles

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement in practice throughout the span of the programme.

USE OF TECHNOLOGY:

Understand how technology is used in legal practice in Scotland:

Positive Indicators:

- Can explain the benefits and risks of relevant legal technology.
- Has a developing awareness of how key features of technology work.

Assessment by performance is essential in this skill. It should be in as realistic a situation as feasible for Providers. Assessment should also be embedded where possible within Programme modules of projects, rather than in stand-

<p>Understand the critical importance of cyber-security to the Scottish legal profession</p> <ul style="list-style-type: none"> - Can explain why the legal profession is a target for cybercriminals and has an emerging understanding of how the profession deals with that threat. - Understands basic concepts of security, how these concepts relate to each other, and lead to risk and harm. <p>Communicate securely via electronic means with clients and others</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Can use email format efficiently (clear subject line, use of signature -file, appropriate timing of email). - Understands and uses proper business and professional etiquette within an electronic environment. - Understands risk management of e-communications. - Can use technological aids to plan time on task. - Archives mail safely and accurately. - Is aware of other forms of electronic communication. <p>Can use electronic drafting tools to create legal documents</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Can adapt use of computers to draft appropriate documents. - Uses electronic bank of styles effectively. - Is aware of elements of a case management system. - Is aware of use of electronic dictation to a basic level. - Is aware of technologies such as speech-to-text. <p>Develop techniques for appraising and developing their skill at forming and maintaining communicational skills using technological tools</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Modifies own practice in the context of feedback from tutors and peers. - Demonstrates improvement in practice throughout the span of the programme. 	<p>alone assessments. The following forms of assessment are recommended:</p> <ol style="list-style-type: none"> 1. Check-list of skills with allocation of marks or standards. 2. Simulated casework research tasks, assessed by tutor. 3. Case file review by tutor. 4. Portfolio, in which students record progress. 5. Short answer questions. 6. Objective structured case examination. 7. Critical incident review.
<p>ADVOCACY:</p> <p>Plan a coherent and persuasive submission</p> <p><i>Positive Indicators:</i></p>	<p>Assessment by performance is essential in this skill. It should be in as realistic a situation as feasible for Providers. Assessment should also be embedded</p>

- Gathers relevant facts and legal principles, including case and/or statutory citations.
- Forms a theory of the case.
- Structures speech or submission.

Present a submission using legal authorities and relevant facts within a cogent structure

Positive Indicators:

- Employs factual evidence and appropriate legal content at appropriate junctures during submission.
- Structure of submission is clear and cogent.
- Adheres to client or supervisor instructions.
- Can relate client objectives to decision-maker at appropriate juncture in submissions.
- Can respond appropriately to points raised by decision-maker or opponent.

Use documentation in preparation for, and during, a submission

Positive Indicators:

- Makes use of fact-based documents (eg affidavits).
- Uses relevant extracts from documentation to affirm own case or answer points raised by decision-maker or opponent.

Use effective communication skills

Positive Indicators:

- Communicates clearly and at a pace which is understandable.
- Does not distract from presentation with gestures.
- Displays confidence in own improving performance.
- Makes smooth transitions between topics.

Demonstrate an understanding of the ethics and conventions of advocacy in the Court of Session, Sheriff Court and tribunals

Positive Indicators:

- Can demonstrate duties to the Court, to the client and to the opponent.
- Shows an awareness of the conventions including forms of address, forms of language appropriate to the submission and format of submission

where possible within Programme modules of projects, rather than in stand-alone assessments. The following forms of assessment are recommended:

1. Checklist of skills with allocation of marks or standards.
2. Simulated advocacy, assessed by tutor. Performances should be digitally recorded or otherwise stored as a record of student work.
3. Video essay or report (where students comment upon performance in video).
4. Portfolio, in which students record progress.

Develop techniques for appraising and developing their own advocacy skills

Positive Indicators:

- Modifies own practice in the context of feedback from tutors and peers.
- Demonstrates improvement in practice throughout the span of the programme.

PROFESSIONAL ETHICS AND STANDARDS

The Society's [Standards of Conduct and Service](https://www.lawscot.org.uk/standards/) – <https://www.lawscot.org.uk/standards/> apply to all qualified solicitors. The statements contained in this document have been drafted in line with those statements. From time to time these Outcomes and this document may be amended, in line with the evolution of the Society's Standards work.

By the end of the PEAT 1 programme a student will have performed effectively in a simulated environment to:

Methods of assessment

REGULATORY FRAMEWORK AND PROFESSIONAL STANDARDS:
Understand the role of the Law Society of Scotland generally and the role it and other regulatory bodies have in relation to the Profession. Maintains an awareness of the various functions of the Law Society of Scotland including representation and regulation

Positive Indicators:

- Knows the history and developing culture of both the Law Society of Scotland and regulation of legal services, both within Scotland and internationally.
- Displays an awareness of the regulations applying to the provision of legal services to the client.
- Appreciates the difference between conduct and service issues and negligence.
- Understands the extent of the non-regulatory role of the Society.

Demonstrate knowledge of appropriate standards of compliance with the Accounts Rules and the Standards of Conduct and Service for Scottish solicitors laid down by the Law Society of Scotland from time to time.

Positive Indicators:

- Awareness of the Master Policy and other types of insurance required of solicitors in Scotland.
- Displays knowledge of the Accounts Rules as they relate to various areas of practice.
- Displays an awareness of the role of the Client Protection Fund.
- Knows the details of the Standards of Conduct and Service for Scottish Solicitors.

Ethics summative assessments should, where possible, be integrated with other subjects. A test of framework knowledge could be carried out, eg with multiple choice items; but the most meaningful assessment of ethical practice in PEAT 1 will be in case-study, simulation, role-play or clinic.

<p>Analyse the concept of independence of the legal profession <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Can analyse the value of independence of the profession within society. - Can demonstrate its mechanisms, drivers, blockers. - Displays knowledge of how independence affects different sectors of the legal profession culturally, economically, socially. 	
<p>DUTIES TO THE COURT: Understand the professional obligations of a solicitor to the Court <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Is aware of the relevant practice rules and the obligations of a solicitor to the Court. - Is able to identify a potential breach of the practice rules. - Is aware of with the differing obligations arising when appearing and instructing. <p>Resolve a breach of the duty to the Court <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Understands the options available where the duty has been breached and is aware of how to remedy the breach. 	
<p>DUTIES TO THE PROFESSION Understand the professional obligations of a practitioner to other members of the profession <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Demonstrates awareness of the duty to other members of the profession. - Acts honestly, civilly and with integrity. - Respects the opinions and views of others. 	
<p>THE CLIENT-SOLICITOR RELATIONSHIP Identify client and client context <i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Is sensitive to how the situation of clients and how this affects client care. - Is aware of the necessity of “know your client” and how this impacts on client care. 	

- Is aware of statutory requirements, eg Money Laundering Regulations and their impact on the client relationship.
- Demonstrates an awareness of diversity and equality issues in relation to clients and their affairs.

Act in the best interests of your clients

Positive Indicators:

- Can identify the best interests of a client in a matter.
- Can plan action in order to act in these interests.
- Acts in those best interests.

Take proper instructions

Positive Indicators:

- Clearly identifies the client.
- Can separate client from other interested parties.
- Can listen for and summarise instructions.
- Can distinguish basic difference between giving advice and seeking instruction.
- Can identify when instructions require clarified.
- Can identify basic conflicts in forms of instruction.

Identify and plan to achieve client goals and objectives/Understands and practises good client care principles

Positive Indicators:

- Can carry out effective fact analysis, take account of commercial considerations where appropriate, advise on options, consequences and potential costs of actions.
- Is aware of and acts according to professional rules that apply in a given situation, eg Standards of Conduct and Service, retainer letter, terms & conditions, etc.
- Gives objective advice to a client. Shows a basic ability to act professionally towards the client and to third-party professionals.

Carry out duties with competence, diligence, and appropriate skills

Positive Indicators:

- Is aware of standards of competent acting.

<ul style="list-style-type: none"> - Can implement such standards with diligence and regard for client best interests. <p>Implement duties on withdrawal from acting</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Knows why withdrawal is required. - Knows how to put into effect an acceptable plan of action to withdraw from acting. <p>Appraise and analyse their own developing practice in the context of the ethical framework of the practice of law in Scotland</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Modifies own knowledge and practice in the context of feedback from tutors and peers. - Demonstrates improvement in and knowledge of, ethical practice throughout the span of the programme. 	
<p>CONFLICT OF INTEREST:</p> <p>Understand the professional obligations of a solicitor to avoid conflicts of interest</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Is aware of and remains within the boundaries set by practice rules. - Demonstrates an awareness of the impact of a conflict of interest to a client and to the solicitor. <p>Identify instances of conflicts of interest</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Identifies conflict scenarios (both actual and which might reasonably arise). - Is able to apply the practice rules correctly. - Is aware of the possibility of a conflict of interest arising. <p>Prevent a potential conflict from arising</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Is aware of methods of preventing conflicts of interest from arising. - Understands the importance of conflict checks before instructions are accepted. 	

<ul style="list-style-type: none"> - Understands that it is important to review progress of a transaction to ensure no conflict has subsequently arisen or might reasonably arise. <p>Resolve a conflict of interest</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Understands the options available in a conflict situation. - Correctly identifies an appropriate solution to the conflict. - Selects an appropriate method of communicating with the client. <p>Disclosure of personal interest</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Understands the importance of disclosing any personal interest in the course of a case/file/transaction. 	
<p>CONFIDENTIALITY:</p> <p>Understand the professional obligations of client confidentiality</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Appreciates the limits imposed on a practitioner by the relevant practice rules. - Understands the duty of confidentiality to a client and is aware of the differing nature of duties to different clients. - Acts at all times in accordance with the duty of confidentiality. <p>Determine an appropriate course of action where conflict between a solicitor's duty of confidentiality and other professional duties is identified</p> <p><i>Positive Indicators:</i></p> <ul style="list-style-type: none"> - Proposes an appropriate course of action where a conflict arises. - Communicates an actual or potential breach of confidentiality to clients appropriately. - Demonstrates awareness of the consequences of breaching the duty of confidentiality. 	