**Information to Support a Waiver of Regulation 6(3) of the Admission as Solicitor (Scotland) Regulations 2019**

Before completing this template, please read the advice and guidance on the Law Society’s website.

**MANDATORY OUTCOMES**

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|  | **Business Financial and Practical Awareness** | | |
|  | **1(i) Business awareness**  **By the end of the programme students should be able to:** | **Positive indicators** | **Applicant Evidence** |
| 1. | Understand the importance of business ethics to market economies. | 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. | 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. | Can describe the concept of legal personality and apply it to business structures; 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). | 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, stamp duty, SDLT, capital gains tax, inheritance tax 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. |  |  | |
|  | **1(ii) Financial awareness**  **By the end of the programme students should be able to:** | **Positive indicators** | **Applicant Evidence** | | |
| 1. | Demonstrate an understanding of the global economic environment. | Has a basic understanding of the concepts of inflation, interest rate volatility, the effect on the economy of utilities and commodities (e.g. oil and gold prices), and the workings of the stock market. |  | | |
| 2. | Understand loan finance. | Has a basic knowledge of the loan market. |  | | |
| 3. | 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. |  | | |
| 4. | 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. |  | | |
| 5. | Explain the principles of tax as it applies to businesses (including relevant aspects of corporation tax, VAT, stamp duty, SDLT, capital gains tax and inheritance tax). | Can perform basic tax calculations; and is aware of need to consider tax consequences and planning opportunities in transactions. |  | | |
| 6. | 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. |  | | |
| 7. | 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 risk, advantages/disadvantages, flexibility, portfolio planning and charging structures. Can identify appropriate taxes, including personal taxes. |  | | |
| 8. | 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. | 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 (iii) Practice awareness**  **By the end of the programme students should be able to:** | **Positive indicators** | **Applicant Evidence** | | | |
| 1. | Understand the key features of partnerships and limited liability partnerships as business structures, and alternative business structures (including relevant tax features of structures). | 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. |  | | | |
| 2. | Understand key provisions of partnership agreements. | 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. | 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. | Demonstrate an awareness of issues of cultural and socio-economic diversity and disability that may arise within a practice environment. | 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. | 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. | 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. |  | | | |

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| **2. Private Client** | | | |  |
|  | By the end of the programme students should be able to: | **Positive indicators** | **Applicant Evidence** | |
| 1. | Understand the Law of Testate Succession and be able to explain the tax implications. | Have a working knowledge of the Succession (Scotland) Act 1964, the Civil Partnership Act 2004 and the Family Law (Scotland) Act 2006; can give basic advice on legal rights; understands the *conditions* and their implication; is aware of the concepts of abatement, ademption, collation. Understands and is able to explain the principles of inheritance tax. |  | |
| 2. | Draft testamentary documents and understand the tax implications of such documents. | 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. | 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. |  | |
| 4. | Draft Intestate documents. | Can identify appropriate executor on intestacy and draft related documents. |  | |
| 5. | Administer an executry. | 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. | Is aware of the prohibitions against liferents, and the rules prohibiting accumulation of income; is aware of the procedure for rectification of a trust.  Understands the tax consequences of establishing a trust and ongoing taxation issues. |  | |
| 7. | Understand the law on incapacity as it applies to the field. | Can draft the appropriate necessary documentation for appointment of an attorney or guardian; is able to advise on options of executing living wills. |  | |
| 8. | Demonstrate an awareness of investments as they relate to Private Client. | Demonstrates basic understanding of stock market economics and commonly used investment vehicles; can identify which basic forms of investments are relevant to a client’s financial and other aims. |  | |
| 9. | Understand the principles and practice of tax planning as it relates to Private Client. | 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, and has a knowledge and understanding of anti- avoidance legislation and provisions. |  | |

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| **3. Conveyancing** | | | |  |
|  | By the end of the programme students should be able to: | **Positive indicators** | **Applicant Evidence** | |
| 1. | Understand the process of a conveyancing transaction, including ARTL. | Has developed an understanding of a practical conveyance and will be able to ensure his/her client gets good title. |  | |
| 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 SDLT, capital gains tax and inheritance tax. | Will be able to draft a deed acceptable to the Registers of Scotland, including dispositions, break-off dispositions and dispositions of flats, with particular emphasis on difficult parts such as new particular descriptions, new burdens and deduction of title clauses, and the other main deeds used by conveyances, including standard securities, discharges, and minutes of waiver. Complete the forms required by Registers of Scotland for submission of deeds for registration. Can identify relevant taxes.  Has developed an understanding of a practical conveyance and will get the registration accepted. |  | |
| 5. | Understand the implications of the Matrimonial Homes (Family Protection) (Scotland) Act 1981, the Civil Partnership Act 2004 and the Family Law (Scotland) Act 2006 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. |  | |
| 6. | Understand what searches are required in the Property and Personal Registers, complete the appropriate forms and to use Registers Direct. | 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. | Can draft and revise a basic residential lease. |  | |
| 11. | Understand the law and practice in relation to commercial leases, including relevant documentation such as rent review agreements and licences for works. | Can draft and revise a commercial lease; can effectively review agreements and licenses. |  | |

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| **4. Litigation** | | | |  |
|  | 4 (i) Civil Litigation - Court of Session and Sheriff Court  By the end of the programme students should be able to: | **Positive indicators** | **Applicant Evidence** | |
| 1. | Demonstrate knowledge and understanding of the ways in which civil litigation may be funded. | Is able to identify possible funding bases for given case; can explain the characteristics of each type of funding identified; is able to identify consequences for client of each type of funding. Can identify principles applied in making awards of expenses. Is able to explain what amounts to success in a speculative action; is able to identify the circumstances in which the client’s interests (or desires) may diverge from those of the lawyer(s); is able to explain the nature of that conflict and how it may be resolved. |  | |
| 2. | Demonstrate knowledge and understanding of the concepts of specification and relevancy in civil procedure. | Is able to explain the nature of relevancy; is able to draft pleadings which are essentially relevant; is able to draft pleadings which are sufficiently specific to give fair notice of the client’s case. |  | |
|  | 4 (ii) Civil Litigation - Court of Session By the end of the programme students should be able to: | **Positive indicators** | **Applicant Evidence** | |
| 1. | Demonstrate knowledge and understanding of jurisdiction and the procedural sequence of events in an ordinary action. | Is able to explain the statutory and common law bases of the court’s jurisdiction. Is able to describe the steps in an ordinary action; 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 locate the text of Practice Notes and to explain their relevance; is able to explain when Convention rights may bear on the process. Shows knowledge and understanding of the means by which actions are resolved short of proof and the procedure arising on settlement; understands purpose and use of caveats. |  | |
| 2. | Demonstrate knowledge and understanding of the different kinds of process competent in the Court of Session, and the operation of Offices of Court. | Is able to explain that a summons is appropriate in an action to vindicate a right; is able to explain that a petition is appropriate where statute requires it or where the applicant is seeking the assistance of the court. Is able to describe the divisions and work of the Offices of Court. |  | |
|  | **4 (iii) Civil - Sheriff Court**  By the end of the programme students should be able to: | **Positive indicators** |  | |
| 1. | Demonstrate knowledge and understanding of the different kinds of actions competent in the Sheriff Court. | Is able to describe and distinguish between Ordinary, Summary Cause, Small claim and Summary Application actions, the procedural limits for each and have an understanding of when each would be appropriate. |  | |
| 2 | Demonstrate knowledge and understanding of the jurisdictional requirements of Sheriff Court actions, including appeals to Sheriff-Principal and Court of Session. | Is able to identify geographical, contractual, privative and other jurisdictional requirements, as well as practical reasons why a particular court should be chosen. Is able to describe procedures by which appeal may be taken; is able to explain the  circumstances in which each is appropriate. |  | |
|  | **4 (iv) Settlement**  By the end of the programme students should be able to: | **Positive indicators** |  | |
| **1.** | Demonstrate an understanding of the  issues which arise in the settlement of litigation. | Can explain and discuss how actions  are settled. Is able to identify relevant taxes. |  | |
|  | **4 (v) Criminal - High Court and Sheriff Court – Stage 1**  By the end of the programme students should be able to: | **Positive indicators** |  | |
| 1. | Demonstrate knowledge and understanding of the operation of the Criminal Legal Aid scheme – both as to advice and as to representation. | 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. |  | |
| 2. | 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. | 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. |  | |
| 3. | Demonstrate knowledge and understanding of the procedural sequence of events in summary and solemn procedure in the Sheriff Court and in the High Court. | 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. |  | |
|  | **4 (vi) Criminal - High Court and Sheriff Court – Stage 2**  By the end of the programme students should be able to: | **Positive indicators** |  | |
| 1. | Demonstrate the ability to conduct incidental motions and intermediate diet in a summary complaint. | Deploys 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. Deploys 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. |  | |
| 2. | Demonstrate the knowledge and understanding as to how a straightforward summary trial is conducted. | 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. |  | |
| 3. | Demonstrate the ability to make a plea in mitigation in a straightforward summary complaint. | Deploys 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. |  | |
| 4. | Demonstrate knowledge and understanding of the appeal procedures which are open to an accused person following conviction and sentence. | 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**

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| **PROFESSIONALISM** | |  |
| **Throughout the PEAT 1 programme the student should understand the importance of:** | **Applicant Evidence** | |
| **PROFESSIONALISM**  **The interests of justice and democracy in society**  *Positive Indicators:*   * Displays an interest in the workings of justice in society. * Has an ethical awareness of legal practice, and a developing sense of the regulatory framework of professional ethics. |  | |
| **Effective and competent legal services on behalf of a client**  *Positive Indicators:*   * 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. * Evaluates own client care. * Appraises new forms of client care and adopts improvements. * Acts quickly to protect clients and the public from risk. |  | |
| **Continuing professional education and personal development**  *Positive Indicators:*   * 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. |  | |
| **Diversity and public service**  *Positive Indicators:*   * Shows an awareness of the responsibilities incumbent on the Law Society of Scotland, the Scottish legal profession and the Scottish solicitor in respect of equality and diversity. * Assists in the training of new lawyers through peer learning and training of undergraduate students or other groups in society. |  | |
| **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. |  | |

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| **PROFESSIONAL COMMUNICATION** | |  |
| **By the end of the PEAT 1 programme the student will have performed effectively in simulated environment to:** | **Applicant Evidence** | |
| **PROFESSIONAL RELATIONSHIPS AND TEAM WORKING:**  **Adapt personal style to develop professional relationships:**  *Positive Indicators:*   * Is aware of how personal character, emotion and social relations form professional relations. * Can adapt character to suit social situations (eg in negotiation). |  | |
| **Listen, give and receive feedback and respond perceptively to others:**  *Positive Indicators:*   * 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. |  | |
| **PROFESSIONAL RELATIONSHIPS AND TEAM WORKING:**  **Adapt personal style to develop professional relationships:**  *Positive Indicators:*   * Is aware of how personal character, emotion and social relations form professional relations. * Can adapt character to suit social situations (eg in negotiation). |  | |
| **Listen, give and receive feedback and respond perceptively to others:**  *Positive Indicators:*   * 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. |  | |
| **Understand the basic dynamics of groupwork:**  *Positive Indicators:*   * 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. |  | |
| **Act as a group member:**  *Positive Indicators:*   * 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. |  | |
| **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. * Can deduce legal guidelines and rules from relevant facts. * Can identify and prioritise legal issues raised by facts. * Can determine which rules are clear and which require further legal or factual research. |  | |
| **Use appropriate legal research instruments, both paper and electronic**  *Positive Indicators:*   * Locates and uses cases and legislation, standard practitioner texts, periodical literature and the like, 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 (letter, report, phone call, email or other appropriate method) in a form relevant to the audience and context, and does so clearly, concisely, and in appropriate and correct English. |  | |
| **Develop techniques for appraising and developing their own transactional research procedures**  *Positive Indicators:*   * Modifies own practice in the context of feedback from tutors and peers. * Demonstrates improvement in practice throughout the span of the programme. |  | |
| **INTERVIEWING:**  **Introduce and conclude an interview effectively**  *Positive Indicators:*   * 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 a graceful close. |  | |
| **Conduct a client-centred interview**  *Positive Indicators:*   * Encourages the client to explain concerns. * Can identify the client’s goals**,** and help the client define priorities among the goals. * Can confirm his/her understanding of the client’s concerns. * Uses listening techniques. * Obtains the client’s full instructions. |  | |
| **Use appropriate questioning techniques**  *Positive Indicators:*   * Uses open and closed questions where appropriate. * Can focus on a fact pattern without losing sight of the whole. |  | |
| **Determine what information is required from client**  *Positive Indicators:*   * 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. |  | |
| **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. |  | |
| **Develop techniques for appraising and developing their own interviewing style**  *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 differences between at least cooperative, problem-solving, and adversarial negotiation, and the effects of each approach in practice. * Can demonstrate differences between models in action. * Can demonstrate an understating of the rules of mediation. |  | |
| **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:*   * 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. |  | |
| **Develop techniques for appraising and developing their own negotiating style**  *Positive Indicators:*   * Modifies own practice in the context of feedback from tutors and peers. * Demonstrates improvement in practice throughout the span of the programme. |  | |
| **WRITING AND DRAFTING:**  **Write letters or reports that achieve their purpose**  *Positive Indicators:*   * 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. |  | |
| **Write documents that are structured according to convention and audience requirements**  *Positive Indicators:*   * 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. |  | |
| **Draft well-organised and factually accurate documents**  *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:**  **Use telephony effectively to communicate with client and others**  *Positive Indicators:*   * Can use telephone technology efficiently to carry out legal business * Can deal with and note complex legal matters during a call and report on these thereafter. * Can recognise passive, aggressive and assertive callers and respond appropriately. * Can handle complaints. * Remains calm, flexible and professional. |  | |
| **Communicate electronically with clients and others**  *Positive Indicators:*   * 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. * Can use other forms of e-communication where appropriate eg client internet access, website form, blog, IM, wiki. |  | |
| **Can use electronic drafting tools to create legal documents**  *Positive Indicators:*   * Can adapt use of word processors to draft appropriate. * Uses electronic bank of styles effectively. * Can use elements of a case management system. * Can use electronic dictation to a basic level. * Is aware of technologies such as speech-to-text. |  | |
| **Understand how technology is used in at least three areas of legal practice in Scotland, including the administration of justice in courts and elsewhere**  *Positive Indicators:*   * Knows and can explain how technology affects current legal practice in Scotland in three areas of legal practice (eg document assembly, case management, practice management systems, use of e-communications). * Can discuss direction of future trends in legal office technology. |  | |
| **Develop techniques for appraising and developing their skill at forming and maintaining communicational skills using technological tools**  *Positive Indicators:*   * Modifies own practice in the context of feedback from tutors and peers. * Demonstrates improvement in practice throughout the span of the programme. |  | |
| **ADVOCACY:**  **Plan a coherent and persuasive submission**  *Positive Indicators:*   * 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:*   * Deploys 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. |  | |
| **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 in performance duties to the Court, to client and to opponent. * Shows an awareness of conventions including forms of address, forms of language appropriate to the submission, format of submission and social structure of event. |  | |
| **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. |  | |

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| **PROFESSIONAL ETHICS AND STANDARDS**  **The Society’s Standards of Conduct and Service –** [**http://www.lawscot.org.uk/Members\_Information/Standards**](http://www.lawscot.org.uk/Members_Information/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 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 Guarantee Fund. * Knows the details of the Standards of Conduct and Service for Scottish Solicitors. |  |
| **Analyse the concept of independence of the legal profession**  *Positive Indicators:*   * 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. |  |
| **DUTIES TO THE COURT:**  **Understand the professional obligations of a solicitor to the Court**  *Positive Indicators:*   * Is aware of and acts within the bounds of the relevant practice rules. * Maintains a constant awareness of the duty to the Court. * Identifies a potential breach of the practice rules and is able to act to prevent the breach from arising. * Is aware of and acts in accordance with the differing obligations arising when appearing and instructing. |  |
| **Resolve a breach of the duty to the Court**  *Positive Indicators:*   * Understands the options available where the duty has been breached. * Correctly identifies an appropriate solution to the breach. * Selects an appropriate method of communicating with the client or the Court (as appropriate). |  |
| **DUTIES TO THE PROFESSION**  **Understand the professional obligations of a practitioner to other members of the profession**  *Positive Indicators:*   * Demonstrates awareness of the duty to other members of the profession. * Acts honestly, civilly and with integrity. * Respects the opinions and views of others. |  |
| **THE CLIENT-SOLICITOR RELATIONSHIP**  **Identify client and client context**  *Positive Indicators:*   * Is sensitive to how the situation of clients affects 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 actings. * Can implement such standards with diligence and regard for client best interests. |  |
| **Implement duties on withdrawal from acting**  *Positive Indicators:*   * Knows why withdrawal is required. * Knows how to put into effect an acceptable plan of action to withdraw from acting. |  |
| **Appraise and analyse their own developing practice in the context of the ethical framework of the practice of law in Scotland**  *Positive Indicators:*   * 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. |  |
| **CONFLICT OF INTEREST:**  **Understand the professional obligations of a solicitor to avoid conflicts of interest**  *Positive Indicators:*   * 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. |  |
| **Identify instances of conflicts of interest**  *Positive Indicators:*   * 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. |  |
| **Prevent a potential conflict from arising**  *Positive Indicators:*   * Is aware of methods of preventing conflicts of interest from arising. * Understands the importance of conflict checks before instructions are accepted. * Understands that it is important to review progress of a transaction to ensure no conflict has subsequently arisen or might reasonably arise. |  |
| **Resolve a conflict of interest**  *Positive Indicators:*   * 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. |  |
| **Disclosure of personal interest**  *Positive Indicators:*   * Understands the importance of disclosing any personal interest in the course of a case/file/transaction. |  |
| **CONFIDENTIALITY:**  **Understand the professional obligations of client confidentiality**  *Positive Indicators:*   * 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. |  |
| **Determine an appropriate course of action where conflict between a solicitor’s duty of confidentiality and other professional duties is identified**  *Positive Indicators:*   * 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. |  |