



THE LAW SOCIETY OF SCOTLAND

**FOUNDATION PROGRAMME (SCOTTISH EXEMPTING
DEGREE)**

ACCREDITATION GUIDELINES FOR APPLICANTS

2023

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1. INTRODUCTION

1.1. Guidelines for Applicants

Under the Solicitors (Scotland) Act 1980, the Law Society of Scotland (“the Society”) is responsible for setting standards of qualification, education and training for the solicitors’ profession. These guidelines have been issued by the Society to set out the accreditation procedure for universities (“Providers”) of a Scottish Exempting Degree as a foundation programme qualification for the purpose of the Admission as Solicitor (Scotland) Regulations 2019.

These guidelines replace previous guidelines issued by the Society in 2010. They included updated foundation programme outcomes and accreditation standards. These guidelines, and the updated foundation programme outcomes and accreditation standards which they contain, apply from the start of the 2020/2021 academic year.

This document sets out for potential applicants (“Applicants”) of the Scottish Exempting Degree the context of the Degree as an option for fulfilment of the Foundation Programme of the route to qualification as a Scottish solicitor, the standards and the accreditation process. It contains the relevant information as regards the Outcomes themselves, the accreditation procedures to be applied by the Society and the monitoring procedures to be performed thereafter. Should any further information be required, please contact in the first instance the Education, Training and Qualifications team of the Society:

T: 0131 226 8880

F: 0131 225 2934

E: legaleduc@lawscot.org.uk

1.2. Glossary (for the purposes of these guidelines)

‘Admission Regulations’ are the Admission as Solicitor (Scotland) Regulations 2019 and associated guidelines of the Law Society of Scotland which came into force on 1 November 2019 and any subsequent iteration of the Regulations.

‘Annual Report’ is the annual report submitted by Providers.

‘Applicant’ means the organisation with degree awarding powers wishing to apply to the Law Society of Scotland for accreditation of a Scottish Exempting Degree.

‘Core Outcomes’ means the outcomes to be achieved in the areas of Professionalism, Professional Communication and Professional Ethics and Standards Outcomes applicable to PEAT 1.

‘Education and Training (Standard Setting) Sub-Committee’ is the Education and Training (Standard Setting) Sub-Committee of the Society’s Regulatory Committee.

‘Education, Training and Qualifications Department’ is the Department of the Society which deals with Education, Training and Qualifications.

‘Entrance Certificate’ is the certificate issued to a person to allow their commencement of PEAT 2 as detailed in the Admission Regulations.

‘Foundation Programme’ or **‘Programme’** is the stage of legal education in Scotland preceding PEAT 1.

‘Outcomes’ are the knowledge, skills and values and context outcomes of the Foundation Programme and required for entry to the PEAT 1 stage of training.

‘Panel’ means the Scottish Exempting Degree Accreditation Panel as further defined in section 4.3.

‘Panel Secretary’ means the representative of the Law Society of Scotland’s Education, Training and Qualifications Department nominated by the Education and Training (Standard Setting) Sub-Committee to administer the Panel.

‘PEAT 1’ means the professional vocational learning stage of PEAT.

‘PEAT 1 Accreditation Guidelines’ are the equivalent guidelines to these guidelines, applicable to PEAT 1.

‘PEAT 2’ means the work-based learning stage of professional legal education and training carried out by a trainee solicitor.

‘Programme Director’ is a person responsible for the accreditation of the Scottish Exempting Degree by an Applicant.

‘Provider’ is any organisation with degree awarding powers ultimately accredited under these guidelines to offer a Scottish Exempting Degree.

‘QAA’ is the Quality Assurance Agency for Higher Education.

‘Required CPD’ is the programme of continuing professional development for trainee solicitors for completion during PEAT 2.

‘Scottish Exempting Degree’ means an undergraduate degree programme which incorporates the Outcomes for entry to the PEAT 1 stage of training.

‘SCQF’ stands for the Scottish Credit and Qualifications Framework.

'Training Unit' means the firm or other organisation providing or capable of providing the PEAT 2 stage of training.

1.3. Background

- 1.3.1. The Foundation Programme is a mandatory requirement of the professional training programme for solicitors in Scotland. These guidelines refer to the Scottish Exempting Degree which is recognised for the purposes of achievement of the Foundation Programme.
- 1.3.2. Changes to outcomes and standards were made following consultation with the sector in 2018/19, and introduced in 2020/21.
- 1.3.3. An academic programme of study is required to ensure that entrants to the profession can demonstrate the knowledge, skills and values and context required for entry to PEAT 1.
- 1.3.4. The Scottish Exempting Degree represents a means by which the Foundation Programme may be achieved. Flexible options for the Scottish Exempting Degree will mean that there will be a wide variation in the forms of study undertaken in the Scottish Exempting Degree. The Scottish Exempting Degree will continue to be a liberal arts degree which also meets the Outcomes for entry to PEAT 1. PEAT 1 is a more standardised form of professional education, regardless of the undergraduate study undertaken, in preparation for the work-based period of training as a solicitor.

1.4. Relationship between the Foundation Programme (Scottish Exempting Degree), PEAT 1, PEAT 2 and Required CPD (for trainees)

- 1.4.1. Whilst the Scottish Exempting Degree can lead to many things, for those who ultimately qualify as solicitors, professional education and training does begin on the first day of the Foundation Programme, and end with successful completion of the last cycle of Continuing Professional Development in a practitioner's career. It is essential that everyone involved in the process treats the years of education and training during the Foundation Programme, PEAT 1 and PEAT 2 as a holistic process, in which all elements are designed to contribute to the professional education of solicitors.
- 1.4.2. The Scottish Exempting Degree comprises Outcomes. These Outcomes are divided into three areas: (i) knowledge areas covering knowledge and sources of law; (ii) skills including subject-specific skills, general transferable intellectual skills and key personal skills and (iii) values and context.
- 1.4.3. PEAT 1 should thus be regarded as the programme that not only builds on the outcomes achieved in the Foundation Programme, but specifically enables more effective learning to take place during both

PEAT 1 and PEAT 2, through the Core Outcomes and PEAT 2 Outcomes. It is not an academic course but a programme of professional study and performance, with values that are significantly different from those of the Scottish Exempting Degree. It gives students the opportunity to reflect on that learning in a situation where there is the opportunity to learn close to the world of practice through simulation but free from the implications of live client work.

- 1.4.4. The Scottish Exempting Degree and PEAT 1 stages may be combined as one course, and one combined application for accreditation submitted to the Society on that basis. In this situation these guidelines, and the PEAT 1 Accreditation Guidelines, require to be met.
- 1.4.5. PEAT 2 must take place only after successful completion of PEAT 1 or equivalent.
- 1.4.6. Required CPD is undertaken as part of PEAT 2. Separate accreditation guidelines have been issued in relation to Required CPD. Required CPD will lead naturally into solicitors' Continuing Professional Development upon qualification.

2. APPLICANTS

2.1 Core Requirements

- 2.1.1 The Society will recognise an Applicant as a Provider of the Scottish Exempting Degree if the following requirements are met:
 - (a) The Society is satisfied that the Applicant meets the criteria set out in this document, and the Appendices to this document.
 - (b) The Scottish Exempting Degree is one which satisfies external examiners (or their equivalent) that, in addition to the areas of performance set out in the benchmark standards of the QAA or as set out by any equivalent or successor body, students of that programme of study should have achieved the Outcomes as set out in Appendix A.
 - (c) Specifically, the Programme of study is based on the Outcomes that will be issued by the Education and Training (Standard Setting) Sub-Committee from time to time, within the parameters of this document.
 - (d) The body awarding the degree must have degree awarding powers conferred by the Privy Council or with the authority of the Scottish Government.

3. SCOTTISH EXEMPTING DEGREE AIMS, STRUCTURE, CONTENT AND RESOURCES

3.1 Aims

The Scottish Exempting Degree encapsulates core values underpinning Scottish legal education and is intended to:

- Foster the culture and values of the Scottish legal tradition – recognising the fundamentally distinct nature of Scots law and the Scottish legal system, and its adherence to high ethical standards – whilst teaching this comparatively in its practical UK, EU and International law context.
- Adopt best educational practice and take as its core educational concept the benchmark of competence whilst promoting excellence.
- Be of a consistent quality across different Providers, fit for its purpose throughout Scotland.
- Be flexible and open to innovation, particularly in methods of teaching and course delivery and the use of IT.
- Ensure and promote equality and diversity and social mobility.
- Inspire individuals capable of creativity, challenging and being challenged on legal thinking, critical thinking, and flexibility.
- Through all of the above, prepare the student fully and properly for entry to PEAT 1.

3.2 Basic structure

The Scottish Exempting Degree comprises a set of Outcomes covering knowledge, skills and values and context, all of which are compulsory, the detail of which can be found in Appendix A to this document.

3.3 Models of Programme

3.3.1 Applicants may offer the Scottish Exempting Degree in any of the following forms:

- Full-time programme
- Part-time programme
- Distance programme
- Online learning programme
- Accelerated programme

These are not mutually exclusive (e.g. it is possible to offer an online learning programme which is also part-time etc).

Integration with PEAT 1

The Scottish Exempting Degree may be integrated with a PEAT 1 Programme. Any Applicant wishing to offer an integrated Programme

is required to meet the requirements of the Accreditation Guidelines for both the Scottish Exempting Degree and PEAT 1.

3.3.2 The knowledge, skills and values and context learning Outcomes should be taught pervasively throughout the Programme.

3.4 Curriculum structures and Matrix

3.4.1 Curriculum structures

Within the chosen model, Applicants will be asked to describe their Programme design in detail. The Scottish Exempting Degree must:

- In the case of a student studying a graduate entry two-year accelerated degree, include study of 180 SCQF credits towards meeting the Outcomes within a degree programme of not fewer than 240 credits of law overall taught at SCQF level 7/8 or above.
- In the case of a student studying an Ordinary degree, include study of 180 SCQF credits towards meeting the Outcomes and 240 SCQF credits in law within a degree programme of not fewer than 360 credits taught at level 7/8 or above.
- In the case of a student studying an Honours degree, include study of 180 SCQF credits towards meeting the Outcomes and 240 SCQF credits in law within a degree programme of not fewer than 480 credits taught at level 7/8 or above.

3.4.2 Matrix

There are a number of possible methods of Programme design, curriculum structure, and learning and teaching methods. Appendix B is also a set of educational practice guidelines which provide more detail on the purpose of the Foundation Programme.

Applicants must demonstrate how the proposed Programme is to be delivered through the provision of a matrix which maps the Outcomes to the curriculum structure.

In addition, the matrix must be supported by statements in relation to:

- (i) learning and teaching methods
- (ii) use of resources
- (iii) assessment methods

This forms part of a wider set of standards which must be met, as outlined in Appendix C (General Accreditation Standards) and Appendix D (Specific Accreditation Standards, incorporating further guidance on the matrix and supporting statements).

4. ACCREDITATION EVENTS, PROCEDURES AND DOCUMENTS

4.1 Application procedure

- 4.1.1 Applicants should give early written intimation to the Education, Training and Qualification Department of their intention to apply for accreditation and in any case intimate this in writing no later than nine months prior to applications closing for entry to the academic session in which it is intended to offer the course. There is no prescribed format for the early written intimation which must be adopted, although the Education, Training and Qualification Department must be advised of the name of the contact person within the Applicant's organisation and the approximate date on which the Applicant hopes to deliver the proposed course for the first time. On receipt of early written intimation, the Education and Training (Standard Setting) Sub-Committee will take steps to convene the Panel in accordance with 4.3, below. A deadline for receipt by the Panel of the full application will be fixed by mutual agreement. The deadline will normally be at least three months from the date of intimation. It is realistic to expect that the whole process of accreditation will take 6-9 months from the date of intimation. An Applicant may not deliver any part of a Programme before accreditation has been awarded, nor any course comprising PEAT 1 elements before accreditation of those elements has been awarded.
- 4.1.2 Applicants must co-operate fully with the Panel and Sub-Committee not merely on accreditation and monitoring issues, but in all aspects of Programme provision.
- 4.1.3 Applicants may decide to submit an application for accreditation prior to, or subsequent to, internal validation of the course(s). The approach taken is at the Applicant's own risk and, in the event that a subsequent internal validation requires material changes to the course(s), the Applicant shall be required to contact the Panel Secretary within a reasonable timescale. The Panel Secretary will reconvene the Panel. All accreditations will be conditional upon successful internal validation.

4.2 Application documentation

- 4.2.1 Appendices C, D and F provide details on what is required to be submitted.

4.3 Scottish Exempting Degree Accreditation Panel

4.3.1 Membership

The Panel will consist of not less than three and not more than four members. The members of the Panel will have such experience as the

Education and Training (Standard Setting) Sub-Committee at its sole discretion considers relevant but will include:

- one member of the Society's Council or one of its associated Committees
- one solicitor or advocate, with experience of practice
- one academic representative with experience of offering a Scottish Exempting Degree
- one representative with experience in providing a legal education programme in another jurisdiction

In some circumstances individuals may be able to bring more than one category of experience to the Panel, it is balancing the experience of the Panel which is of prime importance.

The quorum for all meetings of the Panel will be three members, and it will be competent for members of the Panel to take part in the accreditation remotely where that is appropriate.

Should any member have any connection to an Applicant seeking accreditation and whose application is under consideration by the Panel, then that member will declare that interest to the Panel in advance of the Panel's deliberations and take no part in those deliberations or any voting.

At all meetings a representative of the Education, Training and Qualifications Department of the Society will be in attendance and will act as Panel Secretary.

4.3.2 Confirmation of Panel

The Applicant will be asked to confirm in writing their acceptance of the proposed composition of the Panel that will consider the application. This is to allow the Applicant the opportunity to respond on issues they may have in relation to the Panel and its composition, the skills and experience represented, conflicts, or any other reasonable cause. If such issues are raised the Education and Training (Standard Setting) Sub-Committee will use reasonable endeavours to ensure such issues are addressed and will attempt to agree a Panel acceptable to the Applicant, but without prejudice to the Education and Training (Standard Setting) Sub-Committee's discretion referred to in section 4.3.1. The Society notes an application cannot be processed until such time as an appropriate Panel is agreed.

4.3.3 Powers

The Panel will have the power to investigate and make recommendations to the Education and Training (Standard Setting)

Sub-Committee about all aspects of provision of the Programme by the Applicant. The Panel may recommend:

- Award of Accreditation
- Award of Conditional Accreditation
- Refusal of Accreditation

Where the Panel recommends 'Award of Accreditation', the Panel will attach standard conditions to all recommendations to accredit which will comprise:

- An obligation on the Provider to notify the Society of material reductions in the resources available to students on the Scottish Exempting Degree.
- Notification of material changes to the curriculum design.
- Submission of annual reports by each of the external examiners of the Programme covering the issues identified in Appendix E.
- Submission of an Annual Report, which is to take the form of a critical self-review.

In addition:

- At the discretion of the Panel, the Applicant may be invited to attend a meeting with the Panel (please note, however, that the Education and Training (Standard Setting) Sub-Committee may request a meeting to discuss the Programme at any time).
- The Panel may continue its consideration of an application, pending the receipt of further documentation and information from the Applicant, before making any recommendation regarding accreditation.
- The Panel is also entitled to recommend that accreditation is subject to special conditions.

The Panel Secretary will write to the Programme Director as soon as possible to advise of the Panel's recommendation, and in the case of recommendations of refusal will give the Panel's reasons.

4.3.4 **Decision of the Education and Training (Standard Setting) Sub-Committee**

The Education and Training (Standard Setting) Sub-Committee will consider the Panel's recommendation and any other representations. The Education and Training (Standard Setting) Sub-Committee will make a decision on accreditation. The Applicant will be advised of the sub-committee's decision as soon as possible, and in the case of

refusal of accreditation, will be given the sub-committee's reasons. In the case of conditional accreditation, a timescale will be given within which the conditions must be fulfilled.

4.4 Period of Accreditation

4.4.1 Providers will be accredited for a period until such time as the Provider's programme is next due for full internal programme review or a period of six years, whichever is sooner. Where the Education and Training (Standard Setting) Sub-Committee considers it necessary and proportionate, accreditation can be for a shorter period.

4.5 Accreditation Fees

4.5.1 Applicants are required to pay a fee upon initial accreditation and subsequently an annual fee.

4.5.2 The Society may from time to time vary the levels of accreditation fees, as appropriate.

4.6 Annual Report

4.6.1 All Providers are required to submit an Annual Report, in the form of a critical self-review, by 28 February in the year following the conclusion of each academic session.

4.6.2 The Annual Report is a critical self-review and will be informed by the Provider's own Programme appraisal processes (and see also Appendix D) and will contain the following sections:

- Summary of annual programme appraisal.
- Information on equality and diversity, and social mobility.
- Details of feedback received from students.
- Copy of monitoring visit report (if applicable).
- Update on alterations to the Programme. Each Provider's Programme may evolve during the period of accreditation. As long as alterations to the Programme are not material they do not require the prior approval of the Education and Training (Standard Setting) Sub-Committee. However, such alterations must be reported to the Sub-Committee in the Annual Report.
- Future plans for the Programme. Any material changes to the Programme will require the prior approval of the Education and Training (Standard Setting) Sub-Committee and such approval should be applied for at the time of the Annual Report. The Sub-Committee may decide to remit the matter to the Panel on its behalf.

The Education, Training and Qualification Department should be contacted when advice is required.

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- 4.6.3 The Society reserves the right to request the attendance of a representative of the Provider to discuss any variances from the standards of accreditation which come to light as a result of the Annual Report or by any other means.

4.7 Procedures for Renewal of Accreditation

- 4.7.1 Every Provider at the end of the penultimate year of accreditation or upon arrangements being made for an internal programme review, must intimate its intention to apply for renewal of accreditation. Thereafter, reaccreditation will be:

- prior to the expiry of initial accreditation or reaccreditation;
- triggered by an Internal Programme Review;
- triggered by other events such as a substantial number of changes, both material and minor, which, when taken as a whole, is considered by the Education and Training (Standard Setting) Sub-Committee to require a reaccreditation event; or
- as a result of non-compliance with standard or special conditions of accreditation/reaccreditation.

- 4.7.2 The Education and Training (Standard Setting) Sub-Committee will review the original accreditation or last reaccreditation, the Annual Reports of the Provider and the attendance by a Sub-Committee member at the university's internal programme review event (where relevant) and any findings of that internal review. On the basis of this evidence they will make one of the following determinations:

- *Renewal of Accreditation*
Renewal of Accreditation will be valid for a period until such time as the Provider's accredited programme is next due for full internal programme review or a period of six years, whichever is sooner. Where the Education and Training (Standard Setting) Sub-Committee considers it necessary and proportionate, renewal of accreditation can be for a shorter period.
- *Conditional Renewal*
The Education and Training (Standard Setting) Sub-Committee may set conditions before renewal of accreditation is awarded to a Provider. These will be set out in writing, together with a timescale and deadline for the conditions to be fulfilled by the Provider.
- *Suspension*
The Education and Training (Standard Setting) Sub-Committee may suspend the accreditation of a Provider, on the evidence presented to it at renewal. The Sub-Committee's reasons will

be set out in writing to the Programme Director. The Sub-Committee will set conditions for the renewal of accreditation, and deadlines for the conditions to be met.

- *Termination*
The Education and Training (Standard Setting) Sub-Committee may terminate the accreditation of a Provider, on the evidence presented to it at renewal. The Sub-Committee's reasons will be set out in writing to the Programme Director. It should be noted that the Sub-Committee may terminate the accreditation of a Provider at any time other than at point of renewal if it considers that there is evidence that:
 - Continued accreditation would not be in the best interests of the educational aims of the professional training regime nor the students currently taking the Programme with the Provider; *or*
 - The level of tuition or administration or accommodation or any other aspect of the Programme has fallen to an unacceptable standard.

4.8 Appeals against all Sub-Committee decisions

4.8.1 If an Applicant or Provider wishes to appeal a decision made by the Education and Training (Standard Setting) Sub-Committee, information on how to appeal will be detailed in the letter notifying the Applicant or Provider of the decision.

5. MONITORING EVENTS, PROCEDURES AND DOCUMENTS

5.1 Purpose of visits

The Society has powers to visit and inspect Programme provision. This could be as part of the original accreditation application, a matter of course or in response to an issue disclosed in the Annual Report. The purpose of monitoring visits is threefold:

- To verify information given to the Panel regarding accommodation, library and IT facilities.
- To gain a sense of the quality of the teaching, learning and formative and summative assessment taking place on the Provider's Programme.
- To ensure parity of quality in training across the range of Providers.

5.2 Usual notice

The Society must give the Provider four weeks' notice of the visit, and the procedures set out below will operate pre-, during and post-visit. The frequency of visits will be at the discretion of the Society.

5.3 Short notice

On cause shown, the Society will have the power to visit a Provider at shorter notice, in which case the procedures set out below do not apply. This power would be applied by the Society only where there is evidence that there may be a serious and potentially ongoing failure in standards on the Programme, as these have been agreed at accreditation. As referred to above, this could be disclosed by an Annual Report.

5.4 Pre-visit documentation

In addition to the documentation supplied by the Provider at accreditation the Society may ask for any other documentation to be supplied prior to the visit, no later than a week prior to the visit.

5.5 Procedure for visiting

5.5.1 *Pre-visit*

At least four weeks before the visit the Society will inform the Provider of its intention to visit. The representative of the Society may either stipulate which teaching session(s) they would like to visit, or arrange this by mutual agreement with the Provider. The Provider must give precise details of the teaching session(s) to be visited, including all relevant teaching or assessment documentation.

5.5.2 *Duration*

The visit should last no more than one day, and may be only a morning or afternoon visit. It is important that the visit is kept as informal as possible. The visit is an opportunity to scrutinise educational provision and student achievement; but it is also an opportunity for Providers to bring to the notice of the Society exceptional work by students or aspects of innovative Programme design and delivery. It is essentially an occasion for dialogue with, as well as oversight by, the Society.

5.5.3 *Activities*

During this time the representative of the Society may:

- Sit in or, where recorded, review a lecture, tutorial or workshop.
- Talk to students about their experience of the class, as well as their wider experience of the Programme, and review their work. The representative of the Society may request to speak

to students on the Programme without the presence of tutors or the Programme Director.

- Discuss with the Programme Director any issues that may have arisen in the course of the visit.

5.5.4 *Post-visit*

The representative of the Society will draw up a report on their visit, a copy of which will be addressed to the Programme Director. The report will specify aspects of Programme provision that:

- Met or exceeded the standards acceptable to the Society.
- Could be improved in some form or another.
- Must be urgently addressed by the Provider. Failure to do so may result in a recommendation that accreditation be suspended or terminated.

5.6 Report to Education and Training (Standard Setting) Sub-Committee

5.6.1 The Education, Training and Qualifications Department will collect quantitative and qualitative data on the various outcomes of all Scottish Exempting Degree Programmes. Those processes will result in annual recommendations by the Education, Training and Qualifications Department to the Education and Training (Standard Setting) Sub-Committee regarding the following matters:

- The appraisal mechanisms of the Providers, and whether these give the Society sufficiently full information about the nature and achievement of the Programmes on offer.
- The achievement by the students of the Scottish Exempting Degree Outcomes, including areas of strength and areas for improvement.
- Content, length, timing and structure of the Scottish Exempting Degree currently being offered.
- The maintenance and overall quality of standards in Programme feedback and assessment.
- The continuing appropriateness of the Scottish Exempting Degree structure as well as Outcomes.
- The relationship of the Scottish Exempting Degree to PEAT 1, PEAT 2 and Required CPD in order to avoid drift within the Society's overall professional training programme.
- Any other matters that arise from the monitoring of the Programmes that the Education, Training and Qualifications Department would wish to bring to the attention of the Education and Training (Standard Setting) Sub-Committee.

APPENDIX A

FOUNDATION PROGRAMME OUTCOMES

FOUNDATION PROGRAMME		
KNOWLEDGE	Knowledge and Sources of law	Legal Systems and institutions affecting Scotland Persons Property Obligations Commerce Crime
SKILLS	Subject-specific Skills:	Sources and Research
	General Transferable Intellectual Skills:	Analysis, Synthesis, Critical Judgement and Evaluation Independence and Ability to Learn
	Key Personal Skills:	Communication and Literacy Personal Management Numeracy Information Technology Teamwork and collaboration
VALUES AND CONTEXT	Subject-specific:	Values and context

Foundation Programme	
<p>Knowledge Outcomes</p> <p>By the end of the Foundation Programme, a student should display a fundamental knowledge and understanding of the purpose and sources of law, and the main elements of public and private law in Scotland in the context of the UK, EU and wider international law setting through study of: the profession of law, legal systems and institutions affecting Scotland; Human Rights, freedoms and protections; persons; property; obligations; commerce; and crime, as detailed below.</p> <p>The student should communicate the following concepts through their knowledge and understanding in each of these knowledge areas:</p> <ul style="list-style-type: none"> • Protection of Human Rights and freedoms. • Sources of law, including statutory interpretation and the doctrine of precedent; relevance of law to context. • The structure of the court system; the role of the courts including judicial review, and (in outline) tribunals, inquiries and dispute resolution. • The nature, structure, standards and regulation of the legal profession in Scotland. • Differing roles for law graduates within and outwith the legal profession. • Challenges to the legal profession. 	
<p>Legal systems and institutions affecting Scotland</p>	<ul style="list-style-type: none"> - The rule of law in Scotland, its fundamental doctrines and principles. - Principles and sources of constitutional law. - The composition, powers including taxation, and functions including taxation of parliaments and governments in the UK. - Outline of the composition, powers including taxation and functions including taxation of local governments in Scotland. - The constitutional structure and competence of the EU and allocation of competencies between the EU and Member States. - The sources of EU law, EU institutions, and the legislative process. - The relationship of EU law and national law, including domestic and EU remedies. - The principles of the EU Single Market. - Access to justice including the public funding of access. - The civil and criminal justice systems of Scotland. - Human Rights, freedoms and protections.

Commerce	<ul style="list-style-type: none"> - Commercial relationships of agency and partnership. - Commercial transactions of sale and supply of goods and insurance. - Nature, operation and regulation of companies. - Corporate and non-corporate insolvency. - The principles of the EU single market.
Property	<ul style="list-style-type: none"> - The classification of property – heritable and moveable; corporeal and incorporeal (including intellectual property). - Real rights: ownership (including joint or common ownership), lease, liferent, servitudes and burdens, rights in security. - Original and derivative modes of acquisition of ownership of different types of property. - Ranking of real rights. - Extinction of real rights. - Human Rights, freedoms and protections.
Obligations	<ul style="list-style-type: none"> - Voluntary obligations: unilateral or promise. - Voluntary obligations: contract formation and formalities, contractual terms, and defective and illegal contracts. - Breach of voluntary obligations: remedies and title to sue. - Involuntary obligations: breach of statutory duty by reference to example (such as the Occupiers' Liability (Scotland) Act; Consumer Protection Act; Health and Safety Act; Employment Protection Acts). - Involuntary obligations: delicts involving wrongful interference with property, wealth (pure economic loss), reputation and bodily integrity. - Obligations arising from unjustified enrichment. - Enforcement of obligations including recovery of debt and diligence. - Extinction of obligations. - An outline of the effect of the passage of time on obligations and rights: Prescription (positive and negative); limitation. - The Law of evidence relating to civil matters (including digital evidence and technological developments).

Crime	<ul style="list-style-type: none">- Nature and components of crime.- Concepts of criminal liability and proof of crime.- Defences to crime.- Common law crimes against the person and property.- Statutory crime by reference to example (such as misuse of drugs, road traffic or sexual offences).- The law of evidence relating to criminal matters (including digital evidence and technological developments).- Human Rights, freedoms and protections.
Persons	<ul style="list-style-type: none">- Legal capacity of persons.- Nature and classification of trusts.- Creation, operation and termination of trusts.- Intestate succession; Testate succession; Legal Rights; Executors.- Parentage, parental responsibilities and rights and children's rights.- Creation, consequence and termination of marriage and civil partnerships.- Rights and obligations arising from cohabitation.- Human rights, freedoms and protections.

FOUNDATION PROGRAMME		
SKILLS OUTCOMES		
<p>On completion of the Foundation Programme, a student should have a basic competence in the following Subject-specific, General Transferable Intellectual and Key Personal Skills, and should be able to use them effectively by being able to:</p>		
<p>Subject specific Skills</p>	<p>Sources and Research</p>	<ul style="list-style-type: none"> • Differentiate between and use appropriately primary and secondary sources, and identify and retrieve up-to-date legal information using paper and electronic sources by: <ul style="list-style-type: none"> ○ using sources that are up-to-date from paper and electronic repositories. ○ using sources (primary and secondary) that are appropriate to the context. ○ using sources, including data, to acquire, retrieve and represent knowledge. ○ using recognised methods of citation and reference. ○ using sources that are current at the point of assessment. ○ using sources to support arguments and conclusions. • Undertake independent research (both paper-based and electronic) in areas of law which they have not previously studied by: <ul style="list-style-type: none"> ○ use paper and electronic repositories to research new topics without reference to a reading list. • Identify accurately the issue(s) which require researching and formulate them clearly.
<p>General Transferable Intellectual Skills</p>	<p>i. Analysis, Synthesis, Critical Judgement and Evaluation</p>	<ul style="list-style-type: none"> • Recognise, analyse and rank arguments and evidence in terms of relevance and importance by: <ul style="list-style-type: none"> ○ managing volume of legal sources and select key material to construct written or oral answers to a problem. ○ identifying and defining the legal problem from information provided.

		<ul style="list-style-type: none"> ○ breaking down a problem into smaller, more manageable parts before developing a way of addressing the problem. ○ addressing problems by reference to relevant material. ○ bringing together and integrating information and materials from a variety of different sources. ○ acknowledging ranking of sources and relative impact in context. ○ application of the law and problem-solving in a legal context. ○ presenting arguments for and against propositions. ● Be aware that arguments require to be supported by evidence, in order to meet legal requirements of proof by: <ul style="list-style-type: none"> ○ showing awareness of the need for evidence to support arguments. ● Apply knowledge and analysis <ul style="list-style-type: none"> ○ in a legal context. ○ creatively to complex situations in order to provide arguable solutions to concrete problems by presenting a range of viable options from a set of facts and law. ● Think critically and make critical judgments on the relative and absolute merits of particular arguments and solutions. <ul style="list-style-type: none"> ○ breaking down a complex problem into smaller manageable parts before developing a way of addressing the problem. ○ identifying, analysing and evaluating situations and information in order to formulate responses to problems. ○ form an opinion after careful consideration. ○ translate large amounts of information and data into abstract concepts.
General Transferable Intellectual Skills	ii. Independence and Ability to Learn	<ul style="list-style-type: none"> ● Act independently in planning and undertaking tasks in areas of law which they have already studied. ● To reflect on their own learning, and to seek and make use of feedback.

Key Personal Skills	i. Communication and Literacy	<ul style="list-style-type: none"> • Communicate both orally and in writing (and, where appropriate, by the use of electronic means) using the English language accurately by: <ul style="list-style-type: none"> ○ creating work in a permanent format which is understandable by the intended audience. ○ create documents which are analytical, descriptive and inquisitive. • Use language proficiently in relation to legal matters by: <ul style="list-style-type: none"> ○ using audience appropriate legal terminology in all work. ○ using recognised methods of citation and reference. • Communicate information (including discussing technical and complex legal materials), ideas, advice and choices in an effective manner appropriate to the context, individually or with others by: <ul style="list-style-type: none"> ○ giving face-to-face presentations which addresses the allocated question within the prescribed time frame. ○ listening and questioning effectively. ○ giving and receiving feedback and responding effectively to others. ○ ensuring that all communications (either face-to-face or in permanent form) are succinct without losing focus on key issues or information. ○ communicating in plain English, with legal terminology only as needed. ○ contributing effectively to group work. • In all formats demonstrate an ability to address the resolution of disputes by using a variety of adversarial and non-adversarial skills.
Key personal skills	ii. Personal management	<ul style="list-style-type: none"> • Demonstrate an ability to organise and prioritise effectively the expenditure of their time and effort in the performance of all aspects of student work.
Key personal skills	iii. Numeracy	<ul style="list-style-type: none"> • Where relevant and as the basis for an argument: present and evaluate information provided in numerical or statistical form.
Key personal skills	iv. Information Technology	<ul style="list-style-type: none"> • Produce and present in an appropriate form a word-processed essay or other appropriate format. • Conduct efficient searches of websites to locate relevant information. • Demonstrate an ability to utilize computer-assisted legal research tools effectively. • Exchange documents securely by electronic means.

Key personal skills	v. Teamwork and Collaboration	<ul style="list-style-type: none">• Relationship building: the ability to identify and initiate connections and to develop and maintain them in a way that is of mutual benefit to both one's self and others.• Teamworking: working with others towards shared goals.
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FOUNDATION PROGRAMME

VALUES AND CONTEXT

On completion of the Foundation Programme, a student should:

Subject-specific legal and ethical values

Display informed knowledge and understanding of the social, economic, moral, and ethical contexts in which law operates by:

- Demonstrating legal knowledge in association with related policy, underlying social conditions, professional ethical issues, and moral issues.

Display critical thinking about laws, their place, and the role of solicitors in Society in society by:

- Communicating legal knowledge which addresses the context of its formation or operation e.g. note of advice to public body or charity; debating the moral context of a place of law; work-based learning; law clinics or similar.
- Engaging in collaborative work or study in the field or with non-lawyers or students of other disciplines.
- Showing awareness of the ethics and standards applying to the legal profession in Scotland.
- Showing awareness of how professional ethics interplay with the commercial work of the legal profession
- Showing an awareness of how technology is changing legal practice.
- Making and justifying an ethical decision.

APPENDIX B

EDUCATION PRACTICE GUIDELINES

INTRODUCTION

These guidelines summarise the Society's preferred approaches to learning, teaching and assessment in the Scottish Exempting Degree Programme as a route to fulfilling the requirements of the Foundation Programme.

The Society has taken the policy decision that, in the future, it will be impossible to teach all areas of law or even come close to that and instead there should be a focused core of law that either underpins many areas of practice (e.g. contract), is pervasive across many areas of law (e.g. Human Rights), or is an area of law of which all practicing solicitors 'should' be aware (for example, the rights 'reserved' to solicitors by legislation).

This builds on the idea that there should be a focused 'core' at every stage of the education and training process, the Foundation Programme, PEAT 1 and PEAT 2. The main points are:

- (i) the introduction of Outcomes to the Foundation Programme. Outcomes have also been introduced at the PEAT 1 and PEAT 2 stages of legal education and training.
- (ii) the credit construction for the degree is designed to offer providers more flexibility in delivery of their courses.
- (iii) a strong emphasis on integration between PEAT 1 and PEAT 2 stages.

Curriculum Design Principles and key features of the Foundation Programme

The Outcomes and their standards provide a sound basis for contemporary professional education, while acknowledging the role a law degree Programme will fulfil as a liberal arts degree also; one that is flexible for Providers whilst also capable of ensuring good practice and quality of standards across Providers. The move towards Outcomes for all stages of legal education and training is consistent with best practice in other professions and jurisdictions.

The key features that define the Foundation Programme are as follows:

1. Programme design and content by Foundation Providers should be **intellectually rigorous**.
2. The Foundation Programme Curriculum consists of **Outcomes** (these are explained immediately below).
3. Outcomes and standards in the Foundation Programme should be used by Providers as **design guides for performance**, and by students as guides to

what Outcomes must be achieved prior to full qualification. Performance thus becomes a benchmark of competence. However, checklists, competences and Outcomes lists can only determine general adequate performance. The programme design, and providers operating within it, should encourage **students' individual voices and interests**, and the development of **personal responsibility** for engaging with legal practice, with ethics and justice, and undertaking legal education and training.

4. The overall length of The Scottish Exempting Degree Programme should be not less than 240 credits in the study of legal subjects in a degree programme (or combination of degree programmes) containing 240, 360 or 480 credits on the SCQF Framework at a level of SCQF 7/8 or above. Of those 240 credits of law, not less than 180 credits must be devoted to study towards meeting the Outcomes.
5. The Foundation is the first stage of legal education and training and is followed by **Professional Education and Training** (which is made up of two parts – PEAT 1 and PEAT 2).

Outcomes and Programme Content

The Foundation Programme learning outcomes comprise a description of the:

- **knowledge** that students will possess (e.g. legal systems and institutions affecting Scotland);
- **skill** learners should be able to perform by the end of programme of study (divided into subject specific skills; general transferable intellectual skills; and key personal skills); and
- **values and context**

The Outcomes are designed to provide the 'core' for the Foundation Programme of legal education and training and are intended to provide a clear statement against which qualifications for entry to the legal profession can be mapped.

The Outcomes group the knowledge domains and skills together and reflect clearly the desirability of integration of knowledge and skills. The Outcomes can be used by providers to assist in framing criteria for marking assessments.

Outcomes of the Foundation Programme

The Outcomes (see Appendix A) reflect the core requirements of the Foundation Programme.

The knowledge Outcomes

The Outcomes relating to knowledge and sources of law require students to be able to display a fundamental knowledge and understanding of the purpose and sources of law, and the main elements of public and private law in Scotland in the context of the UK, EU and wider international setting.

In summary the following areas of knowledge are contained in the focused core:

- Legal systems and Institutions affecting Scotland;
- Commerce
- Property
- Obligations
- Crime
- Persons

It may be noted that Providers are entitled to teach additional areas of knowledge and this is explained more fully in the section below entitled: The 'volume' and 'level' of the Foundation Programme.

For example, International Private Law is not included in the Outcomes. However, this does not preclude the inclusion of International Private Law or aspects of International Private Law within a Foundation Programme: The study of International Private Law might, for example, provide good evidence of the learning of Scots Law in its wider EU and International context.

Another example is Employment Law. It may be noted that the Outcomes require an applicant to demonstrate a knowledge and understanding of statute-based involuntary obligations and thus allow for, although they do not require, the inclusion of Employment Law (or other key statutory areas of law such as Health and Safety) within a Foundation Programme.

The skills Outcomes

The Outcomes relating to skills require students to acquire a basic competence in specified skills in the categories of subject specific skills; general transferable intellectual skills; and key personal skills. It is expected that these skills will be taught pervasively throughout the degree Programme.

The values Outcomes

The Outcomes relating to values require students to display subject-specific legal and ethical values. It is expected that these values will be taught pervasively throughout the degree Programme.

It is expected that suitably qualified members of the legal profession in Scotland will be involved in the design, the delivery or the review of the Programme.

Learning and assessment

All of the Outcomes of the Foundation Programme need not be achieved solely in courses relating to the knowledge Outcomes in Appendix A. They could, for example, be achieved in free-standing skills courses or in courses on topics which are not included in the required knowledge Outcomes. It will, however, be for an applicant to demonstrate that all of the Outcomes have been achieved to the appropriate 'volume' and 'level' (as to which see further below).

The way in which it is recommended the Foundation Programme should be formulated will allow applicants and providers to demonstrate relevance rather than prescribing the design of teaching and assessment at each stage.

It is recognised that the processes of learning and assessment in a Foundation Programme must be consistent with fostering enduring skills and an understanding of the relevance of the Outcomes to the role of a legal professional, thus preparing applicants for the next stage of professional legal education and training. This must be demonstrated in the context of (a) summative assessment, the nature and level of which is approved by external examiners and (b) accreditation. In addition to other methods of assessment, applicants are expected to place emphasis on practical problems solving.

The following general principles apply:

- 1. Assessment must be valid**
Assessment must be valid according to the Outcomes. A variety of evidence is probably the best method of ensuring validity of assessment.
- 2. Assessment must be reliable**
Assessment ought to produce reliable data about student knowledge and skill. Reliability can be tested by a number of methods – the use of statistical co-efficients, the use of observers, the monitoring of inter-rater reliabilities, and test > re-test reliability of candidates' abilities or knowledge are some of them.
- 3. Assessment must be fair**
Assessments ought to be constructed so that they are fair to all candidates. Where appropriate, for instance, fresh scenarios should be constructed so that there is no unfair advantage in first approach to an assessment.
- 4. Assessment must be feasible**
All the above three qualities must be viewed in the light of what is feasible or practicable for a Foundation Provider to arrange as regards assessment. There is little point in highly complex assessments which may well achieve high reliability if performed well, but which are performed poorly because they are too complex to achieve their results.
- 5. Assessment ought to be aligned with the Outcomes of the Programme**
The student learning experience lies at the heart of the programme, and teaching and resources should be aligned to ensure that this experience is meaningful, challenging and relevant. Learning should be both individual- and group-based. It should involve use of a variety of learning resources, and providers should ensure that student learning is aligned to assessment. Learning activities should be imaginatively designed, well-resourced and should support student learning. **It is the duty of the providers to state how their assessment programme helps students to achieve the Outcomes of the course as stated by the Society. Where required, Providers should design more detailed task objectives than the Outcomes provided by the Society.**

6. Outcomes and assessment objectives should be embedded in the key tasks to be undertaken in any module

It is not feasible to assess every item of knowledge, skill or value or attitude on a programme, and therefore a Foundation Provider will require to identify those task objectives which are representative of the more general learning outcomes, and structure assessment around these.

7. Assessment should include multiple assessment points and observations

Formative feedback should be given to students throughout the degree Programme; and where feasible, assessments should give both staff and students data that will show a line of improvement or failure to meet Outcomes. Pre-specified standards of performance should be available to staff, students, external examiners and the Society. In particular, such standards should indicate the criteria under which borderline pass or fail performance is judged.

The 'volume' and 'level' of the Scottish Exempting Degree

The Programme of study for an accredited Scottish Exempting Degree must include the study of legal subjects for the equivalent of not less than two years. In the context of the Scottish Credit and Qualifications Framework (SCQF), this means:

- In the case of a student studying a graduate entry two-year accelerated degree, the Programme must include study of 180 SCQF credits towards meeting the Outcomes within a degree programme of not fewer than 240 credits of law overall taught at SCQF level 7/8 or above.
- In the case of a student studying an Ordinary degree, the Programme must include study of 180 SCQF credits towards meeting the Outcomes and 240 SCQF credits in law within a degree programme of not fewer than 360 credits taught at level 7/8 or above.
- In the case of a student studying an Honours degree, the Programme must include study of 180 SCQF credits towards meeting the Outcomes and 240 SCQF credits in law within a degree programme of not fewer than 480 credits taught at level 7/8 or above.

One credit equates to 10 hours of learning (including, in appropriate combination, contact hours, reading, preparation and directed learning). A minimum of 180 credits should be allocated to study towards meeting the Outcomes within 240 credits of law. That equates to 1800 hours of learning, or the equivalent of 9 taught courses. To increase the core credit requirement beyond that which applies already is inconsistent with the desire to ensure focused core professional education within a broader experience of higher education.

Adhering to 180 credits of core within 240 credits of law allows students and Providers the flexibility to explore other areas of law, of legal practice and of other disciplines not covered in the Outcomes, consistent with the view that the Foundation Programme's requirements should not be entirely prescriptive. Combined with the

levels of achievement mentioned below, this equates to a standard equivalent to a non-honours LLB for the Foundation Programme.

The policy of the Society is that each entrant to the profession should have engaged in degree level, or equivalent, study, although not necessarily within the field of Scots Law. Nevertheless it is recognised that most entrants to higher education who aspire to a career in law wish to obtain a first law degree and will continue to do so. It is also recognised that any combination of degree and further study to achieve the requirements of the Foundation Programme involves extended commitment of time and money by the student and that the first degree itself, although free of tuition fees to students in Scotland from Scotland, places a significant financial burden on students and their families. The Society has this in mind when promoting flexible pathways for learning that could be followed while earning to support the cost of the legal education or taken in a reduced time-frame.

The law element of learning should be at SCQF Level 7/8 or above (or its equivalent). (i.e. ordinary degree level). It may be the case that applicants might be able to provide evidence of having achieved some or all of the Outcomes in the Foundation Programme in Honours level courses and thus at a higher level than that required. There is no requirement that a proportion of the Foundation Programme should be at SCQF level 9 or higher, but all work done at all levels of degree education as well as in assessed courses of instruction which sit alongside degree level study of law may count towards satisfying the requirements of the Foundation Programme so long as it is at least SCQF level 7/8 equivalent.

Appendix C - General Accreditation Standards

Introductory Commentary

A Panel / Committee considering accreditation / reaccreditation / annual reporting compliance will take cognisance of a range of factors including those general standards detailed below and the 'Specific Accreditation Standards' as detailed in Appendix D.

Furthermore, in forming their recommendation / decision the following standards will inform the Panel's / Committee's deliberations, therefore Applicants are encouraged to treat the following as a check-list in terms of the statement required as part of the application for accreditation; reaccreditation information; or annual reports.

The general accreditation standards will be persuasive in the decision-making process. However, it should be noted that the role of the Society is accreditation of the Scottish Exempting Degree, a possible part of the pathway to qualification as a solicitor. Consequently, the emphasis will be on the wider role of the Provider in preparing the students for stages of training subsequent to the Scottish Exempting Degree and for the profession, not simply on general academic standing. Therefore, accreditation to offer foundation programme/s that are accredited as Scottish Exempting Degrees is separate to, and comes from a different perspective from, academic validation.

- C.1** **Clarity** of information
- C.2** **Specificity** of information, in relation to what is requested
- C.3** **Detail** – adequate on which to form an opinion
- C.4** **Coverage** – that all issues are addressed.
- C.5** Awareness of the **state-of-the-art** in relation to education, teaching, learning, methods, assessment, technology, resources needs, etc.
- C.6.** Evidence of **commitment to the teaching** of law and the associated resource implications.
- C.7.** Evidence of **commitment to research and/or development** which informs the Outcomes of the Scottish Exempting Degree which are required by the Society.
- C.8.** Evidence of **leadership and a clear vision**, mission, and objectives in relation to the delivery of legal education.
- C.9** Awareness of the **needs and requirements of the legal profession** in relation to legal education.
- C.10** Consideration of **access to legal education**.
- C.11** Evidence of **Quality Assurance activity, reviews and inspections**.

Final Commentary

Failure in one or more of these general standards, as applied to the 'specific standards' should not necessarily prevent the accreditation, or the continuation of the accreditation, of a particular organisation. However, where the Panel or Sub-Committee agree there is a pattern of these 'general standards' not being met across one or more of the 'specific standards' then it is likely that accreditation may require the submission of further information and documentation, require an onsite visit, be conditional, or be refused; dependent on the significance of the failings.

The Panel can recommend waiving, for a set period or for the whole period of accreditation, any general standard as detailed herein.

The Sub-Committee will only do so where an Applicant has provided detailed information as to why the relevant criteria is not being/going to be met along with a pedagogically justifiable alternative, solution, or substitute.

Appendix D – Specific Accreditation Standards

Introductory Commentary

A Panel / Committee considering accreditation / reaccreditation / annual reporting compliance will take cognisance of a range of factors including those specified in this document and in the preceding Appendix C on 'General Accreditation Standards'.

Furthermore, in forming their recommendation / decision the following standards will inform its deliberations, therefore Applicants are encouraged to treat the following as a check-list in terms of the statement required as part of the application for accreditation; reaccreditation information; or annual reports.

D.1. General

General Commentary

The Society shall consider performance over the following range of standards. The provision of a matrix is required from Applicants / Providers at both the application stage and any subsequent reaccreditation.

The Society shall award accreditation / reaccreditation if performance against that range of standards is considered to be acceptable. Failure in one or more of these 'specific standards', as interpreted in light of the 'general standards', should not necessarily prevent the accreditation, or the continuation of the accreditation, of an Applicant / Provider.

However, where the Panel / Committee agrees there is a pattern of these 'specific standards' not being met or there is deviation from the standard that is not justified or is an excessive deviation, then it is likely that accreditation / reaccreditation may require the submission of further documents, a visit, be conditional, or that it may be refused; dependent on the seriousness and frequency of the failings

D.2 Curriculum structures and matrix

The Foundation Programme (Scottish Exempting Degree) Accreditation Guidelines require Applicants to describe the proposed Programme design in detail. It also details what is required of the matrix.

Supporting statements are required in relation to:

- (i) learning and teaching methods*
- (ii) use of resources*
- (iii) assessment methods*

In relation to learning and teaching methods, provision of materials in relation to courses or modules for the purposes of accreditation should include module descriptors, details of any pre-Programme preparatory work, and two versions should be submitted where those submitted to students differs from those submitted to staff. Applicants must also provide a statement on the ways in which students are given formative feedback on their progress.

In relation to resources, Providers will be responsible for provision of Programme materials to students and tutors. This includes providing reasonable access to text books, monographs, journal articles and primary legal materials etc as required and provision of Programme handbooks, lecture, workshop and tutorial materials, self-assessment schedules, observational and peer-assessment schedules, open or distance learning materials, web-based teaching and learning, video, audio and multimedia materials. The content of the materials should be drawn up to meet the needs of the Programme.

Applicants should also demonstrate (i) how individual course assessments will be aggregated/combined (i.e. will all individual assessments need to be passed to pass the course), (ii) a general statement on how the marks from the courses will be aggregated/combined into the overall mark for the Programme, and (iii) an indication of at what stage in the timetable assessments for each course were likely to take place.

D.3. Minimum Areas of Programme Appraisal and Student Feedback

The following are minimum areas of feedback and programme appraisal upon which the Panel / Committee would require each Applicant (or Provider, where at application stage it is not possible to collect the relevant information) to collect information on each Scottish Exempting Degree Programme offered.

- 1. Effectiveness of programme administration, including communication with students before and during the programme.*
- 2. Relevance of class or workgroup activities to the achievement of the Outcomes.*
- 3. Quality of learning in tutorials, workshops and other forms of educational events.*
- 4. Preparation and organisation of teaching and teaching resources.*
- 5. Effectiveness of class content and delivery.*
- 6. Pace of teaching.*
- 7. Quality of tutor feedback.*
- 8. Quality of materials.*
- 9. Lists of action plans for improvement of the Programme.*
- 10. Records of improvement implementation.*

There should be provision for assessment and feedback for students and internal quality assurance mechanisms should be adequate and appropriate for the attainment of the aims and objectives of the Scottish Exempting Degree and its individual Outcomes.

Programme appraisal data should inform the Applicant's Annual Report to the Panel.

The Panel may ask students to complete a questionnaire based on the above and/or discuss the above or other matters with students during a monitoring or Year 1 visit.

D.4.1. Programme Director

An Applicant must nominate at least one person who will be the Programme Director and to whom correspondence with the Panel and the Society in general is addressed.

D.4.2 Staff Qualifications

Applicants seeking accreditation for their Scottish Exempting Degree programmes must ensure that teaching is delivered by staff who are suitably qualified and include an appropriate proportion of staff with a Scottish law qualification.

Appropriate qualifications would include the following:

- (a) an undergraduate degree in law which included the study of the subject being taught, for example, an LLB from a Scottish University or similar degree from another appropriate jurisdictions, or*
- (b) a higher degree in law which included the study of/research in the subject being taught (for example, LLM, MSc, JD or PhD), or*
- (c) substantial scholarly publications in the field, or*
- (d) substantial experience of teaching in the subject, or*
- (e) substantial experience as a legal practitioner in the subject in Scotland or in another appropriate jurisdiction, or*
- (f) other qualifications or experience which demonstrate the aptitude and knowledge necessary to deliver teaching to the appropriate standard.*

In relation to professional input, it is expected that suitably qualified members of the legal profession in Scotland would be involved in either the design, the delivery or the review of the Programme. Applicants will be expected to demonstrate such involvement in their application documentation.

Providers will be asked to report annually on breakdown of staff qualifications and the involvement of the profession, and the Society may intervene if it is felt that either interest is being compromised.

All of those involved in advising students about course option, careers and the route to qualification must use official, up-to-date mapping and other relevant information which has been approved by the Society detailing what modules require to be completed in order that the programme undertaken by a particular student constitutes a Scottish Exempting Degree or other Foundation Programme.

D.4.3 Staff Development

Applicant institutions are expected to have appropriate staff development policies including induction and monitoring for new staff.

D.4.4 Staff Load

Class contact hours for part time and full time staff should be reasonable and for full time staff, a maximum load would not normally exceed 200 hours a year of timetabled classes.

D.4.5 Staff Ratio and Student Ratio

A maximum acceptable student/staff ratio should be 30:1 FTE students to full time staff.

It is important that universities seeking accreditation to offer and providers offering the Scottish Exempting Degree as an integrated programme of learning in law so that students derive the benefits which flow from following a common programme of study. This principle does not imply that Scottish Exempting Degree students may not be taught along with students on other programmes. However, where Scottish Exempting Degree students are taught along with those on other programmes Providers must take steps to ensure (i) that the aims and intended learning outcomes, methods of teaching and assessment and standards of assessment of the modules in question are those appropriate to the Outcomes of the Scottish Exempting Degree programme, and (ii) that the combining of different groups of students does not have an adverse effect on the teaching or assessment of Scottish Exempting Degree students.

A maximum acceptable staff/student ratio for small group work/tutorials/seminars/workshops should be 1:20 tutors to students for outcome delivering modules. Where classes exceed this ratio, the Applicant should include in accreditation documentation an explanation of the circumstances of this decision.

Any ratio is acceptable in large group teaching.

D.5. Teaching Accommodation and Support

Applicants are required to demonstrate that the Scottish Exempting Degree will be delivered in appropriate teaching and learning accommodation. Teaching accommodation should be adequate and appropriate for the attainment of the aims and objectives of a Scottish Exempting Degree and the Foundation Learning Outcomes.

D.6. Student access to resources and ICT

Students should have appropriate access to primary and secondary legal materials to support the achievement of Outcomes. The Applicant should be in possession of adequate or better library resources.

Applicants are required to demonstrate how their holdings and facilities in the library, both paper and electronic, support the achievement of the Outcomes. There should be sufficient ratio of students to IT resources including appropriate software and online resources to allow the aims and objectives of each module to be fully realised using university facilities.

D.7. Student Information

The following information in relation to students is required by the Society, throughout the period of accreditation:

- Applicants shall provide the Society with its admission policy and criteria. The Society sets no standards for Providers but requires such information to inform policy in relation to access to education.*
- The Society has its own voluntary methods of communicating with students. However, in the event that the Society considers that it is critical to contact students directly through the Provider, the Society will give a minimum of one week's notice before sending emails to students. The Society will limit such communications to critical regulatory information.*
- Providers require to collaborate with the Society on publicising the Society's regulatory visits to students in a timely manner, including their importance.*

It will normally be construed as a breach of accreditation if a PEAT 1 Provider accepts a student who has not achieved all of the Outcomes. Providers are required to liaise with Foundation Programme Providers to ensure that student achievement of the Outcomes are clear before places on PEAT 1 are offered.

D.8 Quality of Research and Publications

Scottish Exempting Degrees should emanate from a research active environment. This should be demonstrated by detailing appropriate submissions to and achievement in the Research Excellence Framework and other areas of research activity that law staff are undertaking.

D.9 Diversity and Equal Opportunities

The Society has responsibilities in relation to equality and diversity under the relevant legislation, covering its public and regulatory functions, its operation as a qualifications body and as a membership organisation. As part of its commitment to meeting the requirements of this body of legislation the Society needs to be assured that issues of Equality & Diversity are taken into consideration in all decision making and policy setting.

Applicants are, therefore, required to provide information on Equal Opportunities and Diversity within their institution, faculty, and department. This information should include:

- f Equal Opportunities statement of the Provider.*
- f Details of schemes and arrangements for promoting access.*
- f Details of arrangements, accessibility and support services for people with a range of disabilities and reasonable adjustments made.*
- f A statement on work undertaken to ensure that assessment methodologies and teaching methods do not discriminate on Diversity related criteria.*
- f Information on how issues of discrimination, diversity, good relations and cultural understanding are taught pervasively through the curriculum.*
- f Information on diversity of students in so far as it is available and is compliant with data protection legislation.*

APPENDIX E

EXTERNAL EXAMINING SYSTEM

Each Provider must appoint external examiners covering all of the Foundation Outcomes and ensure these examiners report annually.

The Scottish Exempting Degree system is aligned with the *QAA UK Quality Code for Higher Education* issued in 2018, the Scottish Credit and Qualifications Framework and the statutory functions of the Society in matters of the education and training of solicitors.

Function of the external examiner on the Scottish Exempting Degree Programme

The primary purposes of the external examiner system are to report on:

- whether the academic standards set by the Provider are appropriate.
- the extent to which the Provider's assessment processes are rigorous, ensure equity of treatment for students and have been fairly conducted within institutional regulations and guidance (this being informed by reviewing actual assessed work).
- the standards of student performance in the Programmes or parts of Programmes which they have been appointed to examine.

Through their reports the external examiners assist the Society in

- the comparison of standards and student achievement across Providers of the Scottish Exempting Degree/Foundation Programmes.
- the identification and dissemination of good practice.

Role of the External Examiner

The QAA UK Quality Code for Higher Education provides practical advice on the role of external examiners. Of specific interest to the Society is the role of the external examiner in reviewing and commenting on:

- the degree-awarding body's standards and student performance in relation to those standards.
- the consistent and fair application of policies and procedures ensuring the integrity and rigour of academic practices.
- good practice and possible enhancements.

The Society would ask that external examiners are required to:

- ensure that the standard of any award which is recommended by the board of examiners, of which they are a member, is comparable to the standard of similar awards in other Scottish Exempting Degree courses/Foundation programmes of which they have experience.

Where a Foundation Programme is provided by a Provider which is not a university, it is expected that these requirements will be met.

Criteria for the appointment of external examiners

External examiners will normally be drawn from persons with experience of examining in one or more of the accredited Scottish Exempting Degree Programmes or other Foundation Programmes, LLB degrees or from the existing or former professional examiners of the Society or of the Faculty of Advocates. Where an external examiner does not possess such experience the Provider should be able to justify the appointment on the basis of other skills and experience and in line with QAA requirements.

External examiner feedback

After final meetings of Boards of Examiners, each external examiner is required to submit their findings, together with a written substantive report, to Providers. Copies of these reports should be submitted electronically to the Society, as part of the Annual Reporting process.

Checklist of documentation to be made available to external examiners

- Foundation Outcomes and Appendix B specifically, together with the relevant matrix/mapping and supporting statements.
- This Appendix.
- Student Programme Handbook, including detailed module information.

APPENDIX F

APPLICATION FORM FOR ACCREDITATION

Application for Accreditation of a Scottish Exempting Degree Programme

This application form must be completed by any persons or organisations wishing to provide a Scottish Exempting Degree. The Applicant is required to supply information regarding aspects of the Scottish Exempting Degree provision. Six digital copies of the entire application and all supporting materials are required. One copy must be sent to the Panel Secretary. The Panel Secretary will provide names and addresses of the Panel members and one copy must be sent to each of them (thereafter the Applicant will deal directly with the Panel Secretary). Where paper copies are the only thing available, the Applicant should highlight clearly which elements of the application are being provided on paper, providing a copy to the Panel Secretary and each Panel member.

The Panel Secretary and the members of the Panel must receive the application and all documentation at least four weeks before the meeting at which the application will be considered. The Panel Secretary will advise the Applicant of the date of the meeting as soon as possible after the Applicant has made written intimation of its intention to apply for accreditation as required in paragraph 4.1.

Organisation

Name:

Address:

Title of degree to be considered for accreditation:

Form of Scottish Exempting Degree delivery

How will the Applicant offer the Scottish Exempting Degree? (Please tick all that apply)

Three-year Ordinary degree

Four-year Honours degree

Two-year Accelerated Ordinary

Part-time Ordinary/Honours

Distance learning Ordinary/Honours

Other (please describe below)

Has the programme been through an internal validation process?
Yes/No

Please note that if the organisation has ticked more than one form above it should provide separate details, where appropriate, of the programme.

Contact names

Applicant organisations require to nominate a Programme Director. Please attach a brief CV together with a brief statement as to this person's suitability for the post.

Name of Programme Director: _____

Position within organisation: _____

Telephone: _____

Email address: _____

Name of administrative contact: _____

Position within organisation: _____

Telephone: _____

Email address: _____

Name of Head of School: _____

Position within organisation: _____

Telephone: _____

Email address: _____

When does the Applicant propose to run the Programme for the first time?
Please give approximate date.

How many places will be available on the Programme?

Does the Applicant plan to offer entry to the Programme on more than one occasion during the year? Please give details.

Current provision of legal education & training

Does the organisation currently offer:

Scottish Exempting Degree

LLB

BA

Diploma in Legal Practice

CPD

Other training (please attach a description of such training)

Application Fee

Please make cheques payable to The Law Society of Scotland

Statement:

Applicants should submit a statement which satisfies the requirements of these guidelines, particularly following the checklists in Appendices C and D (General Accreditation Standards and Specific Accreditation Standards).

Authorising signatures

Programme Director _____

Head of School _____

Principal _____

Please note: any change in the above details must be intimated to the Society.