THE LAW SOCIETY OF SCOTLAND

PROFESSIONAL EDUCATION AND TRAINING STAGE 1 – PEAT 1

ACCREDITATION GUIDELINES FOR APPLICANTS

2020

CONTENTS

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 providers of a Professional Education and Training Stage 1 ('PEAT 1') qualification for the purposes of the Admission as Solicitor (Scotland) Regulations 2019.

These guidelines replace previous guidelines issued by the Society in 2010. They include updated PEAT 1 outcomes and accreditation standards. These guidelines, and the updated PEAT 1 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"), the standards and the accreditation process. It contains the relevant information as regards the context of PEAT 1, the various outcomes for achievement, 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
> E: legaleduc@lawscot.org.uk

1.2 Glossary (for the purposes of these guidelines)

'**Admission Regulations**' are the Admission as a Solicitor (Scotland) Regulations 2019 and associated guidelines of the Society 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(s) or person(s) wishing to apply to the Society for accreditation of PEAT 1.

'**Core Outcomes**' means the outcomes to be achieved in the areas of Professionalism, Professional Communication and Professional Ethics and Standards 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.

'**Electives**' means the elective subjects which individual Providers will choose to run as part of PEAT 1, relating to legal practice and/or legal skills.

'**Entrance Certificate**' is the certificate issued to a person to allow their commencement of PEAT 2, as detailed in the Admissions Regulations.

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

'**Foundation Programme**' is the stage of legal education in Scotland preceding PEAT 1.

'**Mandatory Outcomes**' means the core curriculum of Conveyancing, Private Client, Litigation, Business, Financial and Practice Awareness, and Tax (the latter to be taught pervasively as described in the outcome performance indicators).

'**Panel'** means the PEAT 1 Accreditation Panel as further defined in section 4.3.

'**Panel Secretary**' means the representative of the Society'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 Programme**' means the whole programme of study and performance comprised of the Mandatory Outcomes, Core Outcomes, and Electives.

'**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 PEAT 1 by an Applicant.

'**Provider**' is any organisation(s) or person(s), ultimately accredited under these guidelines to offer PEAT 1.

'**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 Foundation Outcomes for entry to the PEAT 1 stage of training.

'**Scottish Exempting Degree Accreditation Guidelines**' are the equivalent guidelines to these guidelines, applicable to the Scottish Exempting Degree.

'**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   PEAT 1 is the usual professional training programme for solicitors in Scotland. The associated outcomes and standards to this guidance have been amended followed public consultation in 2018/19 and will be introduced for academic year 2020/21.

1.3.2   Vocational training is required between the academic stage (the Foundation Programme) and the workplace environment of PEAT 2 which establishes the knowledge, skills, values and context required for work as a trainee solicitor, and ultimately practice as a solicitor in Scotland.

1.3.3   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 Foundation 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, PEAT 2.

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 Foundation Outcomes. These are divided into three areas:

- knowledge areas covering knowledge and sources of law
- skills including subject-specific skills, general transferable intellectual skills, and key personal skills
- values and context.

1.4.3   PEAT 1 should be regarded as a 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. In this situation these guidelines, and the Scottish Exempting Degree 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 PEAT 1 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) Specifically, the Programme will be based on the Mandatory Outcomes and Core Outcomes that will be issued by the Education and Training (Standard Setting) Sub-Committee from time to time, and include Electives, within the parameters of this document.

(c) The Programme satisfies external examiners 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 have achieved the Mandatory and Core Outcomes as set out in Appendix A.

(d) The Programme will comprise predominantly small group tutorials, practical and simulated learning, with a range of assessment methodologies appropriate to a vocational training programme.

(e) Applicants need not have Diploma awarding powers conferred by the Privy Council or with the authority of the Scottish Government. It is also possible for a joint application for a collaborative PEAT 1 to be submitted by person(s) or organisation(s), for which one application for accreditation is sufficient.

3. PEAT 1 AIMS, STRUCTURE, CONTENT AND RESOURCES

3.1 Aims

3.1.1 PEAT 1 encapsulates core values underpinning Scottish legal education and is intended to:

- Develop the knowledge, skills, and values and context learned on the Foundation Programme, through the Mandatory Outcomes, Core Outcomes and Electives.
- Be indicative of a partnership between all those who have an interest in professional legal education and encourage collaboration and effective sharing of resources between them.
- Adopt best practice in the field of professional education and training and take as its core educational concept the benchmark of competence in legal practice whilst promoting excellence.
- Assess 'professionalism' at the first of two postgraduate stages, the second being PEAT 2, with such assessment being valid, fair and reliable.
- Facilitate the development of skills and the integration of these with legal knowledge and ethical behaviour.
- Be of a consistent quality across different Providers, fit for its purpose throughout Scotland.
- Be flexible and open to innovation, particularly in models of delivery, methods of teaching and course delivery and the use of IT.
- Actively ensure consideration of the client's perspective and the development of public and client respect.
- Inspire individuals capable of creativity, being challenging and being challenged on legal thinking, critical thinking, and flexibility.
- Ensure and promote equality and diversity and social mobility.
- Through all of the above, and particularly through the Core Outcomes, prepare the student fully and properly for starting PEAT 2.

3.1.2 PEAT 1 should be pitched at a level of complexity and sophistication sufficient to engage a student who has either completed the Foundation Programme or is studying on a model incorporating both the Scottish Exempting Degree and PEAT 1 stages.

3.2 Basic Structure

3.2.1 PEAT 1 is taught within 120 SCQF credits, at level 10 or above. Within that, it consists of two sets of outcomes statements, all of which are compulsory, the detail of which can be found in Appendix A to this document:

- **Mandatory Outcomes**: Private Client, Conveyancing, Litigation, Business, Financial and Practice Awareness, and Tax (Tax to be taught pervasively).

Conveyancing, Private Client, and Litigation are reserved areas defined in the Solicitor (Scotland) Act 1980.

- **Core Outcomes**: Professionalism, Professional Communication, Professional Ethics and Standards.

3.2.2 In addition, PEAT 1 consists of Electives. The Electives will be proposed by the Applicant. The Society does not seek to be prescriptive about Electives, but examples might be advanced subjects which build on Mandatory Outcomes (e.g. 'Advanced Litigation'), or entirely new subjects (e.g. based on the local market, or analysis of graduate destinations from that Applicant's organisation such as responding to demand for new skills e.g. skills and competence relating to legal education). Electives should relate to legal practice and/or legal skills. Applicants should approach the Society in advance of a formal written application for accreditation, if they wish to discuss potential Electives.

3.3 Models of Programme

3.3.1 The following models are appropriate for PEAT 1:

Integration with Scottish Exempting Degree

- The PEAT 1 programme may be integrated with the Scottish Exempting Degree. Any Applicant wishing to offer an integrated course is required to meet the requirements of both the Scottish Exempting Degree Accreditation Guidelines and these guidelines.

PEAT 1 only (full time):

- The Programme may be offered as a stand-alone course by a Provider, undertaken on a full-time basis after successful completion of the Foundation Programme.

PEAT 1 only (open/part-time/distance-learning):

- The Programme may be offered as an open/part-time/distance learning course by a Provider. This could be in a variety of open, part-time or distance-learning modes.

The PEAT 1 course will always require to be fully complete before the PEAT 2 stage can be commenced.

3.4 Curriculum structures and Matrix

3.4.1 **Curriculum structures**

Applicants will be asked to describe their Programme design totalling 120 SCQF credits (at level 10 or above) in detail, this being further explained below:

Mandatory/Core Outcomes: Electives

- Of the 120 SCQF Credits, a balance between courses comprising Mandatory and Core Outcomes, and Electives, must be found.

- The Panel will be looking for a balance which is reasonable and proportionate to what the Society intends to do by introducing Electives as an essential element of PEAT 1. A course incorporating no Electives is not a PEAT 1 course.

- Mandatory/Core Outcomes must be achieved in courses comprising no fewer than 60 SCQF credits. It is unlikely that the Panel will accept an application attaching more than 80 SCQF credits to courses incorporating the Mandatory/Core Outcomes.

- Within a minimum of 60 and a likely maximum of 80 SCQF credits, it will be for each Applicant to propose a curriculum structure, which incorporates the Mandatory Outcomes and Core Outcomes.

- As the Mandatory/Core Outcomes can be entirely achieved within 60 SCQF credits, Applicants will require to demonstrate clearly what is additionally being covered where they propose that between 60 and 80 SCQF credits be attached to courses incorporating the Mandatory/Core Outcomes.

- Electives may comprise up to 60 SCQF credits and it is unlikely the Panel will accept an application attaching fewer than 40 SCQF credits to Electives.

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 PEAT 1.

Applicants must demonstrate how the proposed Programme is to be delivered through the provision of a matrix which maps the Mandatory and Core 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 (and see Appendices A and B include suggested 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).

In addition, although a matrix is not required for Electives, Applicants must supply information on Electives, including statements in relation to (i) to (iii) above, and as required in Appendices C and D.

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 (Programme Director) and the date on which the Applicant hopes to deliver the proposed Programme 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 may take 6-9 months from the date of early written intimation. An Applicant may not deliver any part of the Programme before accreditation has been awarded.

4.1.2. Applicants and Providers 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. In that case, the Panel Secretary will reconvene the Panel. All accreditations will be conditional upon successful internal validation.

4.1.4. Where the Applicant is a non-university Applicant, equivalent standards in relation to internal validation and scrutiny of the course, prior to formal application for accreditation by the Society, apply. The Society reserves the right to appoint a person with relevant experience, and without any affiliation to the Applicant, the Panel or the Society, to undertake such an exercise prior to the convening of the Panel. The cost of this will be borne by the Applicant, and will be added to the fee relating to the Applicant's accreditation application (see section 4.5.3).

4.2 Application Documentation

4.2.1 As mentioned above, Appendices C, D and H provide details on what is required to be submitted, within the parameters of this document.

4.3 PEAT 1 Accreditation Panel

4.3.1 **Membership**

The Panel will be comprised 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 in providing or tutoring on a PEAT 1 programme
- one representative with experience in providing a professional education or development programme in another profession or 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 whose application is under consideration by the Panel, then that member should 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 the:

- 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 PEAT 1.
- Notification of material changes to the curriculum design.
- Submission of annual reports by each of the external examiners on 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.

4.5.2   A further annual fee is payable by Providers in the year following accreditation and each year until such time as accreditation ends. This fee is to cover the costs of visits, processing Annual Reports, dealing with enquiries and variations, and reaccreditation of the programme.

4.5.3   Where an Applicant is a non-university Applicant, an additional fee relating to the appointment of a relevant person to undertake scrutiny of the course, prior to the convening of the Panel, will apply (see section 4.1.4 above). The Society will provide the Applicant with a reasonable estimate in advance, and the cost will be added to the fees outlined above.

4.5.4   The Society may from time to time vary the accreditation fees, as appropriate.

4.6 Annual Report

4.6.1   All Providers require to submit an Annual Report, in the form of a critical self-review, by 31 January 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, and should, evolve during the period of accreditation as a result of feedback received, possible legislative changes and other practical considerations such as changes to

Electives offered. In the example of Electives changing completely, the Provider should prepare documentation for that Elective, in the same manner as would have been required had the Elective been proposed as part of the original accreditation.

- Future plans for the Programme. Any material changes to the Programme will require the prior approval of the Society and such approval should be applied for at the time of the Annual Report. The matter will be considered by the Education and Training (Standard Setting) Sub-Committee. The Sub-Committee may decide to remit the matter to a Panel convened on its behalf.

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

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 an 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 in the 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, as a matter of course during the years of accreditation, 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 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-visit, 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 during the 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 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 other.
- 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 PEAT 1 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 various PEAT 1 outcomes and competence standards, including areas of strength and areas for improvement.
- Content, length, timing and structure of the PEAT 1 Programme currently being offered.

- The maintenance and overall quality of standards in Programme feedback and assessment.

- The continuing appropriateness of the PEAT 1 structure, as well as individual courses.

- The relationship of PEAT 1 to the Foundation Programme, 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 – Mandatory and Core Outcomes

Notes:
1. Positive Indicators are not exhaustive, and are indicators of student achievement.

2. The Society reserves the right to update the Mandatory and Core Outcomes should that be necessary, and will give Providers sufficient notice of this.

<u>**MANDATORY OUTCOMES**</u>

1.	**Business, Financial & Practice Awareness**		
	1(i) Business awareness **By the end of the programme students should be able to:**	**Positive indicators**	**Appropriate forms of assessment**
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, LBTT, capital gains tax, inheritance tax, PAYE, NIC and VAT as they apply to companies. - Demonstrates an awareness of the equivalent matters, relating to sole traders, partnerships, limited liability partnerships and other unincorporated associations, including the tax elements.	
5.	Appreciate the commercial environment of legal practice, including the market for legal services and the business models legal businesses use.	- Can explain concepts such as utilisation, realisation, leverage, price, and profit. - Understands the main sources of revenue for private practice law firms (fixed costs; capped costs; billable hours; legal aid) and devolved taxation. - Has a developing awareness of the nature of the relationship between in-house solicitors and private practice law firms.	

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

| 7. | 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.	Business, Financial & Practice Awareness		
	1 (iii) Practice awareness **By the end of the programme students should be able to:**	**Positive indicators**	**Appropriate forms of assessment**
1.	Understand the key features of partnerships and limited liability partnerships as business structures, and alternative business structures (including relevant tax features of structures).	- 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.	Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for providers. Assessment should also be embedded where possible within programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended: 1. Checklist of skills with allocation of marks or standards. 2. Simulated casework research tasks, assessed by tutor.
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. Case file review by tutor. 4. Formation of 'virtual' firms for collaborative working. 5. Portfolio, in which students record progress. 6. Open-book examination.
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.	7. Objective structured case examination. 8. Critical incident review. 9. Transactional assessment.

4.	Demonstrates an awareness of issues of equality, diversity and inclusion that may arise within the practice environment with references to the protected characteristics.	- 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.	
7	Demonstrates an understanding of how technology is changing the legal profession	- Can explain how technology is changing legal businesses. - Can explain the progression of a legal matter from start to finish and identify how technology may impact upon the delivery of that matter	

		- Has a developing awareness of how the use of technology can augment legal advice.	

2.	Private Client		
	By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
1.	Understand the Law of Testate Succession and be able to explain the tax implications.	- Have a working knowledge of relevant legislation. - Can give basic advice on legal rights, understands the conditions and their implication. - Is aware of the concepts of abatement, ademption and collation. - Understands and is able to explain the principles of inheritance tax.	Short and long case; simulation; drafting activities in coursework or in open book examination; 'station' activities; standardised client activities.
2.	Draft testamentary documents and understand the tax implications of such documents.	- 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. - Can explain to the surviving cohabitant the right of a cohabitant to apply for a discretionary amount on intestacy.	
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.	- Understands the different types of trusts, their uses and applications. - Understands the tax consequences of establishing a trust and ongoing taxation issues.	
7.	Understand the law on incapacity	- Can draft the appropriate necessary documentation for appointment of an attorney or guardian; is able to advise on options of executing living wills. - Understands the various types of Power of Attorney; taking instructions for the preparation of a Power of Attorney; obtaining information to prepare a suitable draft. - Understands and can explain an advanced direction. - Have an understanding of the Certification and Registration processes. - Understands the alternative options (i.e. intervention and guardianship).	

8.	Understand the principles and practice of tax planning as it relates to Private Client in relation to the preparation of wills and deed of variation.	- Has an understanding of legislation and recent cases (e.g. Is aware of the Finance Acts). - Has a working knowledge of Inheritance tax, capital gains tax and income tax; can draft the appropriate deed in light of the tax consequences. - Understands the implications of tax avoidance.	
9.	Has a developing awareness of the importance of technology in relation to private clients including online filing, online personal tax accounts and the process of making tax digital.		

3.	Conveyancing		
	By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
1.	Understand the process of a conveyancing transaction.	- Has developed an understanding of a practical conveyance and will be able to ensure their client gets good title.	Forms of assessment may include case file analysis, short and long case assessment, simulation and role play, open book drafting assessment, standardized client activities.
2	Understand the law and practice in relation to missives and to be able to draft missive letters and conclude the contract.	- Understands the law of contract relating to heritable property.	
3.	Examine and report on title in relation to both first registration transactions and dealings thereafter.	- Can check that the title to the property is good and if not, identify what is missing and how the problem can be solved. - Writes appropriately to another firm of solicitors making observations on title. - Can pick up on all problems in a title and can attempt to solve these problems.	
4.	Draft appropriate documents, including a knowledge of LBTT, capital gains tax and inheritance tax.	- Will be able to draft a deed acceptable to the Registers of Scotland, including dispositions, and the other main deeds used by conveyances, including standard securities, discharges. - Understands relevant taxation provisions. - Has developed an understanding of a practical conveyance and will get the registration accepted.	

3.	Conveyancing		
	By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
5.	Understand the implications of family law legislation on conveyancing transactions and to be able to draft and revise relevant documentation.	- Demonstrates an understanding of basic legislation relevant to practice. Is able to draft the necessary deeds without basic errors.	Forms of assessment may include case file analysis, short and long case assessment, simulation and role play, open book drafting assessment, standardized client activities.
6.	Understand what searches are required in the Property and Personal Registers, complete the appropriate forms and to use ScotLIS.	- Appreciates the use and function of searches in heritable property transactions.	
7.	Understand and apply the law on execution of deeds.	- Updates and expands knowledge of the law and knows how different deeds and different legal personalities require to execute and create a valid deed.	
8.	Appreciate the implications of a secured lender being involved in a conveyancing transaction.	- Can identify the problems that arise in relation to secured borrowing and the duties owed to the lender.	
9.	Understand what is required before a transaction can settle and to be able to manage post settlement issues, including the retention of funds, registration dues and fees.	- Applies knowledge to a practical situation. - Shows ability to manage completion of a complex transaction including liaising with the client, the lender and relevant third parties.	

10.	Understand the law and practice in relation to residential leases, including the relevant statutory forms.	- Can draft and revise a basic residential lease. - Understands the main provisions of the Private Residential Tenancy.	
11.	Understand the law and practice in relation to commercial leases, including relevant documentation such as rent review agreements and licences for works.	- Can draft and revise a commercial lease. - Can effectively review agreements and licenses.	
12.	Has a developing awareness of the digital services of Registers of Scotland and is aware of technology developments affecting the conveyancing process.		

4.	Litigation		
	4 (i) Civil Litigation - Court of Session and Sheriff Court By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment for litigation outcomes**
1.	Demonstrate knowledge and understanding of the institutions, structure and personnel of the Scottish civil justice system; the technology used in the civil justice system; the hierarchy of the courts; the principal grounds of jurisdiction; the competence of the respective courts; and the rights of appeal applying to different actions and forms of procedure.	- Can identify the key elements in the Scottish civil justice system. - Is aware of the technology currently in use in civil court actions. - Understands the different courts and the significant factors dictating the choice of court and appropriate procedures. - Is aware of the rights of appeal from different court decisions and has an understanding of the main procedural steps in an appeal.	There could be three elements to the assessment of the litigation outcomes. 1. Procedural knowledge 2. Writing/drafting skills 3. Oral presentation skills Procedural knowledge can be assessed by formal examination involving problem based questions and/or multiple choice questions. It could also be assessed by continuous assessment with numerous short questions over the duration of the programme.
2.	Demonstrate knowledge and understanding of the different ways in which litigation can be funded; the relationship between judicial and extra judicial expenses; and the basic principles governing the liability for judicial expenses.	- Is able to identify the alternative means of funding litigation. - Is able to explain the financial implications of the different forms of funding for litigants. - Can identify the principles applied by the courts in making an award of judicial expenses and the implications for litigants. - Can identify the commercial consequences of findings of liability for judicial expenses and the impact on the choice of forum and form of dispute resolution.	Where possible procedural knowledge and professional skills should be integrated. Where possible writing and drafting skills should be integrated (e.g. could involve students drafting court writs or other documents and being assessed on their competence). Simulations could take place in real courts, with professionals involved as much as possible. Interdisciplinary assessments may also take place, where PEAT 1 students are assessed on their ability to

3.	Demonstrate knowledge and understanding of the procedural rules for actions at first instance in the Sheriff court comprising (a) Simple Procedure (b) Ordinary Action (c) Commercial Action (d) Personal Injury action and (e) Summary Applications	- Is able to explain the procedural steps in the different forms of action available in the sheriff court. - Is aware of the court rules and Practice Notes applicable to different actions and has a basic knowledge and understanding of the practice in relation to different forms of procedure.	act in a case where another discipline is represented by other students.
4.	Demonstrate knowledge and critical understanding of the basic principles and conventions of written pleadings applicable to all forms of procedure competent in the sheriff court including the concepts of relevancy and specification of written pleadings.	- Can explain the concepts of relevancy and specification in formal written pleadings. - Understands the styles, forms, rules and conventions applying to the written expression of a case and defence. - Is able to draft basic pleadings in any of the forms of procedure available in the sheriff court. - Is aware of the process of adjusting pleadings with a view to focusing the matters in dispute in any litigation. - Is aware of the significance and procedural implications of pleas in law in certain forms of procedure.	
5.	Demonstrate an awareness of the different forms of procedure competent in the Court of Session including the differences between ordinary actions and Petitions.	- Is aware of the main incidental procedures applying in the different forms of litigation at first instance. - Understands the circumstances in which they might be invoked. - Is aware of the way in which litigants make motions and how	

		motions will be dealt with administratively and judicially. - Is able to prepare a submission for a motion or opposition thereto.	
6.	Demonstrate knowledge and understanding of the common forms of incidental procedures found in civil court actions, and the circumstances in which they would be appropriate.	- Is aware of how an action would proceed to a determinative hearing by way of an Options Hearing or otherwise. - Understand the basic function of a Rule 22.1 Note in an ordinary action. - Is aware of the different procedural mechanisms for resolving a case judicially; has a basic knowledge of the procedure in a debate or similar hearing. - Has a basic knowledge of the procedure in a proof or PBA. - Understands how a litigant prepares for a hearing of evidence in a case. - Is aware of the rules and practices regarding witnesses and productions for a proof.	
7.	Demonstrate knowledge and understanding of the hearings in the sheriff court that would lead to the determination of an action – debates, proofs, proofs before answer - and the procedure at such hearings.	- Is aware of how an action would proceed to a determinative hearing by way of an Options Hearing or otherwise. - Understand the basic function of a Rule 22.1 Note in an ordinary action. - Is aware of the different procedural mechanisms for resolving a case judicially.	

		- Has a basic knowledge of the procedure in a debate or similar hearing. - Has a basic knowledge of the procedure in a proof or PBA. - Understands how a litigant prepares for a hearing of evidence in a case. - Is aware of the rules and practices regarding witnesses and productions for a proof.	
8.	Demonstrate knowledge and understanding of the ways in which evidence can be presented or agreed in civil actions.	- Is aware of the ways in which a court will be justified in making findings in fact. - Understands the significance of admissions in pleadings. - Is aware of ways in which evidence can be agreed, including Notices to Admit and Joint Minutes of admissions. - Appreciates the need to prove facts which are not agreed or admitted.	
9.	Demonstrate an awareness of how court actions might be settled extra judicially and the issues which might arise in these circumstances.	- Is aware of the reasons why parties might settle a litigation and the factors that come into play. - Is aware of the ways in which a party might settle a case and the procedures open to them to do so. - Understands the commercial implications of settlement in the context of a litigation and the drivers that promote settlement.	

| 10. | Demonstrate an awareness of the commercial implications of the management of litigation by parties and the impact of the development of judicial case management. | - Is aware of the cost of litigation as a means of resolving disputes compared to other dispute resolution mechanisms.
- Is able to identify alternative mechanisms and assess their suitability for client needs and intentions.
- Is aware of the way in which litigation might be conducted economically and how the cost of an action will increase depending upon the procedure followed and the conduct of a litigation by parties.
- Is aware of the economic implications of judicial case management of a litigation. | |

4.	Litigation		
	4 (ii) Criminal - High Court and Sheriff Court – Stage 1 By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**
1.	Demonstrate knowledge and understanding of the operation of the Criminal Legal Aid scheme – both as to advice and as to representation.	- Is able to explain the difference between advice and assistance, and legal aid for representation. - Is able to describe the circumstances in which criminal advice and assistance is available. - Is able to explain the process of granting advice and assistance; is able to describe the circumstances in which criminal legal aid is available. - Is able to describe the process of granting legal aid. - Understands the right to legal aid assistance in the police station.	There could be three elements to the assessment of the litigation outcomes. 1. Procedural knowledge 2. Writing/drafting skills 3. Oral presentation skills Procedural knowledge can be assessed by formal examination involving problem based questions and/or multiple choice questions. It could also be assessed by continuous assessment with numerous short questions over the duration of the programme. Where possible procedural knowledge and professional skills should be integrated.
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.	Where possible writing and drafting skills should be integrated (e.g. could involve students drafting court writs or other documents and being assessed on their competence). Simulations could take place in real courts, with professionals involved as much as possible. Interdisciplinary assessments may also take place, where PEAT 1 students are assessed on their ability to

| 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. | act in a case where another discipline is represented by other students. |

4. Litigation		
4 (iii) Criminal - High Court and Sheriff Court – Stage 2 By the end of the programme students should be able to:	**Positive indicators**	**Appropriate forms of assessment**

1. Demonstrate the ability to conduct incidental motions and intermediate diet in a summary complaint.	- Employs factual evidence and appropriate legal content at appropriate junctures during submission.
	- Structure of submission is clear and cogent; adheres to client or supervisor instructions.
	- Can relate client objectives to decision-maker at appropriate juncture in submissions.
	- Can respond appropriately to points raised by decision-maker or opponent about these.
		There could be three elements to the assessment of the litigation outcomes.
		
		  1. Procedural knowledge
		  2. Writing/drafting skills
		  3. Oral presentation skills
		
		Procedural knowledge can be assessed by formal examination involving problem based questions and/or multiple choice questions. It could also be assessed by continuous assessment with numerous short questions over the duration of the programme.

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.	Where possible procedural knowledge and professional skills should be integrated. Where possible writing and drafting skills should be integrated (e.g. could involve students drafting court writs or other

3.	Demonstrate the ability to make a plea in mitigation in a straightforward summary complaint.	- Employs factual and legal evidence at appropriate junctures during submission. - Structure of submission is clear and cogent; adheres to client or supervisor instructions. - Can relate client objectives to decision-maker at appropriate juncture in submissions. - Can respond appropriately to points raised by decision-maker or opponent about these.	documents and being assessed on their competence). Simulations could take place in real courts, with professionals involved as much as possible. Interdisciplinary assessments may also take place, where PEAT 1 students are assessed on their ability to act in a case where another discipline is represented by other students.
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

PROFESSIONALISM	
Throughout the PEAT 1 programme the student should understand the importance of:	**Methods of assessment**

PROFESSIONALISM
The interests of justice and democracy in society
Positive Indicators:
    - Displays an interest in the workings of justice in society.
    - Has an awareness of ethical legal practice.
    - Has an awareness of the regulatory framework of professional practice.
    - Has an appreciation and can analyse the importance of the concept of the solicitor as an officer of the court.
    - Has an understanding of the importance of the legal profession working for the public good e.g. pro bono, public legal aid, corporate social responsibility etc.
 	
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.
    - Awareness of current Society client care requirements.
 	
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.
 	
Equality & Diversity
Positive Indicators:
 	
    - Shows an awareness of the responsibilities incumbent on the Law Society of Scotland, the Scottish legal profession and the Scottish solicitor.
	Best assessed longitudinally throughout the Programme, by more than one assessor, and in more than one assessment, so that a variety of views are obtained under different conditions.
	Forms of assessment could include:
	  1. Client-based long case.
	  2. Case file review of simulated client file.
	  3. Portfolio – Self-assessment.
	  4. Log book/activity log/confidential file.
	  5. Critical incident review.
	  6. Peer-review.
	  7. Transactional Assessment.
	  8. Tutor Reports.

- Aware of the responsibilities incumbent on a Scottish solicitor in respect of equality and diversity. - Shows an awareness of, and can analyse, the current issues relating to equality, diversity and inclusion in the Scottish legal profession. <u>Trust, respect and personal integrity</u> *Positive Indicators:* - Is honest with others on the course. - Treats colleagues, tutors, administrative staff and others with civility and respect.	

PROFESSIONAL COMMUNICATION	
By the end of the PEAT 1 programme the student will have performed effectively in simulated environment to:	**Methods of assessment**

PROFESSIONAL RELATIONSHIPS AND TEAM WORKING:
Adapt personal style to develop professional relationships
Positive Indicators:
    - Is aware of how personal character, emotion and social relations impact on professional relationships.
    - Can adapt character to suit professional 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.
	Best assessed longitudinally throughout the Programme, by more than one assessor, and in more than one assessment, so that a variety of views are obtained under different conditions. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments.
	Forms of assessment could include:
	1. Client-based long case.
	2. Case file review of simulated client file.
	3. Portfolio – Self-assessment and peer-assessment.
	4. Log book/activity log/confidential file.
	5. Critical incident review.
	6. Peer-review on collaborative work
	7. Collaborative activities that provide the ground for assessment.

Lead a group effectively
Positive Indicators:
    - Motivates the professional group.
    - Organises delegation of tasks.
    - Plays to group strengths.
    - Is aware of collective competences of the group and maximises these.
    - Is aware of risks of groupwork and manages group functions to minimise these.
 	
Appraises and develops their skill at forming and maintaining professional relationships
Positive Indicators:
    - Modifies own practice in the context of feedback from tutors and peers.
    - Demonstrates improvement in practice throughout the span of the programme.	

TRANSACTIONAL RESEARCH:
Gather information relevant to a matter
Positive Indicators:
    - Can obtain factual information and methodically record the varieties of information and their sources (paper document, oral, electronic) for future analysis.
    - Can plan work to research deadlines.
 	
Analyse and prioritise factual issues
Positive Indicators:
    - Can identify gaps, ambiguities and contradictions in information.
    - Knows how to find further or better information.
    - Can prioritise legally important facts.
 	
Apply legal analysis to fact patterns
Positive Indicators:
    - Is aware of the legal context surrounding facts.
    - Can identify and prioritise legal issues raised by facts.
    - Can apply legal principles to relevant facts.
    - Can determine which rules are clear and which require further legal or factual research.
	Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for Providers. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended:
	1. Checklist of skills with allocation of marks or standards.
	2. Simulated casework research tasks, assessed by tutor.
	3. Case file review by tutor.
	4. Portfolio, in which students record progress.
	5. Open-book examination.
	6. Objective structure case examination.
	7. Critical incident review

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

Update legal information
Positive Indicators:
- Uses appropriate updating instruments, both paper-based and electronic to check information currency.

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

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

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:	Assessment by performance is essential in
Introduce and conclude an interview effectively	this skill. It should be in as realistic a
Positive Indicators:	situation as is feasible for the Providers.

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 an appropriate 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 their 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.

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

1. Checklist of skills with allocation of marks or standards.
2. Simulated interview, using either actors or trained standardised clients (SCs), and assessed either by tutor or by SCs or both. Performances should be digitally recorded or otherwise stored as record of student work.
3. Video essay or report (where students and staff may comment upon performance in video).
4. Portfolio, in which students record progress.

Advise the client *Positive Indicators:* - Assists the client to come to a decision regarding the best course of action, taking into account costs, benefits and risks. - Can advise on both legal and non-legal courses of action. - Can advise on a course of action (or give persuasive reasons for absence of advice). - Can construct a feasible timescale for future action. **Deal with appropriate professional and ethical issues during and after the interview** *Positive Indicators:* - Identifies conflicts of interest and other ethical dilemmas. - Can identify unethical modes of action and deal appropriately with these. **Reflect on their own interviewing style and scope for improvement** *Positive Indicators:* - Modifies own practice in the context of feedback from tutors and peers. - Demonstrates improvement throughout the span of the programme.	
NEGOTIATION **Understand different approaches to the theory of legal negotiation including facilitated negotiation** *Positive Indicators:* - Can explain the different styles of negotiation. - Can understand the role of mediation. **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.	Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for the Providers. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended: 1. Checklist of skills with allocation of marks or standards. 2. Simulated negotiation, assessed by tutor. Performances should be digitally recorded or otherwise stored as a record of student work. 3. Digital essay or report (where students and staff may comment upon digitally recorded performance).

- 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.
	4. Portfolio, in which students record progress.

WRITING AND DRAFTING:	Assessment by performance is essential in

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.

Assessment by performance is essential in this skill. It should be in as realistic a situation as is feasible for the Providers. Assessment should also be embedded where possible within Programme modules or projects, rather than in stand-alone assessments. The following forms of assessment are recommended:
1. Checklist of skills with allocation of marks or standards.
2. Simulated writing and drafting coursework tasks, assessed by tutor.
3. Case file review by tutor.
4. Portfolio, in which students record progress.
5. Open-book drafting examination.

Organise the transactional context of writing *Positive Indicators:* - Can organise a transactional file. - Creates, drafts and files documents within an ordered hierarchy, and to a time limit. - Provides own commentary upon formal and informal writings within a file where appropriate (eg notes to file). **Develop techniques for appraising and developing their own writing and drafting styles** *Positive Indicators:* - Modifies own practice in the context of feedback from tutors and peers. - Demonstrates improvement in practice throughout the span of the programme.	
USE OF TECHNOLOGY: **Understand how technology is used in legal practice in Scotland:** *Positive Indicators:* - Can explain the benefits and risks of relevant legal technology. - Has a developing awareness of how key features of technology work. **Understand the critical importance of cyber-security to the Scottish legal profession** - Can explain why the legal profession is a target for cybercriminals and has an emerging understanding of how the profession deals with that threat. - Understands basic concepts of security, how these concepts relate to each other, and lead to risk and harm. **Communicate securely via electronic means 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. - Is aware of other forms of electronic communication.	Assessment by performance is essential in this skill. It should be in as realistic a situation as feasible for Providers. Assessment should also be embedded where possible within Programme modules of projects, rather than in stand-alone assessments. The following forms of assessment are recommended: 1. Check-list of skills with allocation of marks or standards. 2. Simulated casework research tasks, assessed by tutor. 3. Case file review by tutor. 4. Portfolio, in which students record progress. 5. Short answer questions. 6. Objective structured case examination. 7. Critical incident review.

Can use electronic drafting tools to create legal documents
Positive Indicators:
    - Can adapt use of computers to draft appropriate documents.
    - Uses electronic bank of styles effectively.
    - Is aware of elements of a case management system.
    - Is aware of use of electronic dictation to a basic level.
    - Is aware of technologies such as speech-to-text.
 	
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:
    - Employs factual evidence and appropriate legal content at appropriate junctures during submission.
    - Structure of submission is clear and cogent.
    - Adheres to client or supervisor instructions.
    - Can relate client objectives to decision-maker at appropriate juncture in submissions.
    - Can respond appropriately to points raised by decision-maker or opponent.
 	
Use documentation in preparation for, and during, a submission
Positive Indicators:
    - Makes use of fact-based documents (eg affidavits).
	Assessment by performance is essential in this skill. It should be in as realistic a situation as feasible for Providers. Assessment should also be embedded where possible within Programme modules of projects, rather than in stand-alone assessments. The following forms of assessment are recommended:
	
	1. Checklist of skills with allocation of marks or standards.
	2. Simulated advocacy, assessed by tutor. Performances should be digitally recorded or otherwise stored as a record of student work.
	3. Video essay or report (where students comment upon performance in video).
	4. Portfolio, in which students record progress.

- Uses relevant extracts from documentation to affirm own case or answer points raised by decision-maker or opponent.
 	
Use effective communication skills
Positive Indicators:
    - Communicates clearly and at a pace which is understandable.
    - Does not distract from presentation with gestures.
    - Displays confidence in own improving performance.
    - Makes smooth transitions between topics.
 	
Demonstrate an understanding of the ethics and conventions of advocacy in the Court of Session, Sheriff Court and tribunals
Positive Indicators:
    - Can demonstrate duties to the Court, to the client and to the opponent.
    - Shows an awareness of the conventions including forms of address, forms of language appropriate to the submission and format of submission
 	
Develop techniques for appraising and developing their own advocacy skills
Positive Indicators:
    - Modifies own practice in the context of feedback from tutors and peers.
    - Demonstrates improvement in practice throughout the span of the programme.	

PROFESSIONAL ETHICS AND STANDARDS The Society's **Standards of Conduct and Service** – **https://www.lawscot.org.uk/standards/-** apply to all qualified solicitors. The statements contained in this document have been drafted in line with those statements. From time to time these Outcomes and this document may be amended, in line with the evolution of the Society's Standards work.	
By the end of the PEAT 1 programme a student will have performed effectively in a simulated environment to:	**Methods of assessment**

REGULATORY FRAMEWORK AND PROFESSIONAL STANDARDS:
Understand the role of the Law Society of Scotland generally and the role it and other regulatory bodies have in relation to the Profession. Maintains an awareness of the various functions of the Law Society of Scotland including representation and regulation
Positive Indicators:
    - Knows the history and developing culture of both the Law Society of Scotland and regulation of legal services, both within Scotland and internationally.
    - Displays an awareness of the regulations applying to the provision of legal services to the client.
    - Appreciates the difference between conduct and service issues and negligence.
    - Understands the extent of the non-regulatory role of the Society.
 	
Demonstrate knowledge of appropriate standards of compliance with the Accounts Rules and the Standards of Conduct and Service for Scottish solicitors laid down by the Law Society of Scotland from time to time.
Positive Indicators:
    - Awareness of the Master Policy and other types of insurance required of solicitors in Scotland.
    - Displays knowledge of the Accounts Rules as they relate to various areas of practice.
    - Displays an awareness of the role of the Client Protection Fund.
    - Knows the details of the Standards of Conduct and Service for Scottish Solicitors.
 	
Analyse the concept of independence of the legal profession
Positive Indicators:
	Ethics summative assessments should, where possible, be integrated with other subjects. A test of framework knowledge could be carried out, eg with multiple choice items; but the most meaningful assessment of ethical practice in PEAT 1 will be in case-study, simulation, role-play or clinic.

- 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 the relevant practice rules and the obligations of a solicitor to the Court.
    - Is able to identify a potential breach of the practice rules.
    - Is aware of with the differing obligations arising when appearing and instructing.
 	
Resolve a breach of the duty to the Court
Positive Indicators:
    - Understands the options available where the duty has been breached and is aware of how to remedy the breach.	

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 and how this affects client care.
    - Is aware of the necessity of ''know your client'' and how this impacts on client care.
    - Is aware of statutory requirements, eg Money Laundering Regulations and their impact on the client relationship.
    - Demonstrates an awareness of diversity and equality issues in relation to clients and their affairs.	

Act in the best interests of your clients *Positive Indicators:* - Can identify the best interests of a client in a matter. - Can plan action in order to act in these interests. - Acts in those best interests. **Take proper instructions** *Positive Indicators:* - Clearly identifies the client. - Can separate client from other interested parties. - Can listen for and summarise instructions. - Can distinguish basic difference between giving advice and seeking instruction. - Can identify when instructions require clarified. - Can identify basic conflicts in forms of instruction. **Identify and plan to achieve client goals and objectives/Understands and practises good client care principles** *Positive Indicators:* - Can carry out effective fact analysis, take account of commercial considerations where appropriate, advise on options, consequences and potential costs of actions. - Is aware of and acts according to professional rules that apply in a given situation, eg Standards of Conduct and Service, retainer letter, terms & conditions, etc. - Gives objective advice to a client. Shows a basic ability to act professionally towards the client and to third-party professionals. **Carry out duties with competence, diligence, and appropriate skills** *Positive Indicators:* - Is aware of standards of competent acting. - 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.	

APPENDIX B – Educational Practice Guidelines[1]

<u>INTRODUCTION</u>

These guidelines summarise the Society's suggested approaches to learning, teaching and assessment in PEAT 1.

Throughout this document, PEAT 1 and 2 programmes are likely to be described together, because both programmes are really two parts of the same whole. Where PEAT 1 is a programme of study and performance that introduces students to the complexities of legal practice and prepares them for traineeship, PEAT 2 is a second programme that also involves performance and study, this time predominantly in an office setting.

PEAT 1 remains what the Diploma in Legal Practice was always intended to be, namely a bridging course between academic study and professional practice. Comments in the 2003 Westwood Report (2003), the Diploma Conference (2004) and the Consultation pointed out that both Diploma and Professional Competence Course (PCC) could be significantly improved in the ways that they prepared students and trainees for practice. The Diploma also needed to improve in the methods it used to bridge back to the academic stage: students felt that they were leaving behind intellectual study, instead of carrying that with them into traineeship and beyond.

The main resulting changes were:

(i)   a strong emphasis on integration between PEAT 1 and PEAT 2 stages.

(ii)   the introduction of Core Outcomes which relate to PEAT 1 and link to PEAT 2 Outcomes, in the areas of professionalism, professional communication, and professional ethics and standards - bringing with them the overriding theme of professionalism in legal practice which must be commenced in PEAT 1 and reinforced in PEAT 2.

(iii)   the introduction of up to half of PEAT 1 (60 SCQF credits) being dedicated to the teaching of Electives. As indicated in these guidelines, it is unlikely that a Programme will receive accreditation with fewer than 40 SCQF credits being dedicated to the teaching of Electives.

The design of PEAT 2 was improved in a similar way. It introduced a set of outcomes for the programme where none existed before (the former PCC required to be undertaken throughout the traineeship and had outcomes, but not the traineeship itself); legal service providers who are also Training Organisations require to train to at least a threshold standard; the quality of training is monitored and there is, through the introduction of Trainee CPD (now referred to as Required CPD), significantly more training flexibility built into the system for trainees and legal service providers than existed with the PCC.

The Core Outcomes which apply to PEAT 1 and link with PEAT 2 Outcomes comprise a description of the:

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[1] The Society acknowledges and is grateful for the work of Professor Paul Maharg, in developing Appendix B during his time as a member of the Education and Training Committee.

- **skill or action** learners should be able to perform by the end of programmes of study
- **knowledge** they will possess; and
- **values & context** they will learn more about, and practice on the programmes.

The Core Outcomes also contain:

- the **standard** to which they should be performed, often expressed with
- any relevant **conditions** to the performance
- a brief indication of the **assessment method/performance indicator**.

In addition to **Core Outcomes**, there are **Mandatory Outcomes**, which are relevant only to PEAT 1. The Mandatory Outcomes contain the reserved areas of practice and one other, namely Business, Financial & Practice Awareness. Tax law is also mandatory and should be taught pervasively.

OVERVIEW OF CORE AND MANDATORY OUTCOMES

CORE OUTCOMES	
1.	Professionalism
2.	Professional Communication
	2 (i) Professional relationships and team working
	2 (ii) Transactional research
	2 (iii) Interviewing
	2 (iv) Negotiation
	2 (v) Writing and Drafting
	2 (vi) Use of technology
	2 (vii) Advocacy
3.	Professional Ethics and Standards*
	3 (i) Regulatory framework and professional standards
	3 (ii) Duties to the Court
	3 (iii) Duties to the profession
	3 (iv) The client-solicitor relationship
	3 (v) Conflict of interest
	3 (vi) Confidentiality

Note also that the outcomes and standards for Professional Ethics and Standards are drafted in line with the Rule B.1 of the Law Society of Scotland Practice Rules 2011. The Society reserves the right to issue new versions as it sees fit, in line with amendments to solicitors' Standards. Notice will be given to Providers in this case, as referred to in Appendix A.

MANDATORY OUTCOMES (PEAT 1 only)**	
4.	Business, Financial & Practice Awareness***
	4 (i) Business awareness
	4 (ii) Financial awareness
	4 (iii) Practice awareness
5.	Private Client
6.	Conveyancing
7.	Litigation
	7 (i) Civil Litigation - Court of Session and Sheriff Court
	7 (ii) Criminal - High Court and Sheriff Court – Stage 1
	7 (iii) Criminal - High Court and Sheriff Court – Stage 2

Note that Tax Law requires to be taught pervasively across the Mandatory Outcomes. In addition, as regards EU and Human Rights (HR) legislation and their effects on legal practice, it is assumed that students will understand the implications of such legislation as regards areas of practice studied in PEAT 1; and that such implications will form part of the resources to be made available to students. These include such matters as relevance of Convention rights, relevant EU and HR case law, whether parties may bring proceedings and under which conditions, and the range of remedies a party may invoke.

*** In addition, it is considered appropriate to carry forward certain elements of the Mandatory Outcome in Business, Financial and Practice Awareness to PEAT 2. There is a section in the PEAT 2 Outcomes on this, entitled 'Business, Financial, Commercial and Practice Awareness' but the linkage with PEAT 1 is not applicable in the same way as in the areas of 'Professionalism, Professional Communication and Professional Ethics and Standards'.*

CURRICULUM DESIGN AND OUTCOMES

The Mandatory/Core Outcomes, described in Appendix A, provide a sound basis for a contemporary professional education environment, **one that is flexible for Providers while capable of ensuring good practice and quality of standards across Providers.**

The key features that define the PEAT 1 (and PEAT 2) programmes are as follows:

1. The PEAT 1 curriculum consists of **Core Outcomes, Mandatory Outcomes and Electives.**

2. The **Core Outcomes** are in the areas of Professionalism, Professional Communication, and Professional Ethics and Standards. These apply to PEAT 2 also, with the additional area of 'Business, Financial, Commercial, and Practice Awareness'.

3. The **Mandatory Outcomes are in the areas of** Business, Financial and Practice Awareness, Litigation, Private Client, Conveyancing, with the latter three being the statutory reserved areas of practice. Tax must also be taught within PEAT 1, not as a stand-alone subject but pervasively across the curriculum. This is specific to PEAT 1 only. The Mandatory/Core Outcomes must be achieved within not fewer than 60 credits, and no more than 80 credits, as explained in section 3.4.1 of these Guidelines.

4. Both **Mandatory and Core Outcomes are** contained in Appendix A. These ensure that in terms of course content, there is a minimum standard which the Society can be assured applies across all Providers of PEAT 1. However, they are not prescriptive and are not intended to drive curriculum design. Curriculum may cover the stated outcomes in more depth, as referred to in section 3.4.1 of these Guidelines.

5. The design model should be **holistic and spiral**. Learners should return to knowledge or skills at successively higher levels of understanding and processing, and in different contexts, not only between PEAT 1 and PEAT 2, but within PEAT 1 and PEAT 2, leading into Continuing Professional Development for solicitors.

6. Where possible, PEAT 1 **assessments will integrate knowledge, skills and values and context,** and in this regard Providers should be innovative in their educational practice, following best practice in other jurisdictions and other professions.

7. **PEAT 2 follows PEAT 1.** It lasts for 24 months full-time or an equivalent period part-time. During this period trainees will undertake 60 hours of Required CPD**.** Required CPD is intended to link both back to the PEAT 1 stage, and forward to solicitors' CPD. A student is required to have successfully completed PEAT 1 before the Society will allow progression to the PEAT 2 stage. What links PEAT 1 and PEAT 2 are the Core Outcomes and PEAT 2 Outcomes.

8. Mandatory/Core Outcomes, and PEAT 2 Outcomes, should be used by training designers as **design guides to performance,** and by students and trainees as guides to capable performance. Performance thus becomes a benchmark of competence. However, checklists, competences and outcomes lists can only determine general adequate performance. The Programme design, and Providers (and providers of PEAT 2) operating within it, should **encourage students' and trainees' individual voices and interests**, and the development of **personal responsibility** for engaging with legal practice, with ethics and justice, and undertaking continuing legal education and training. It should be noted that these guidelines should be read as a benchmark rather than as a target.

9. Simulation and the practical application of law should be one of the guiding principles of curricula design in PEAT 1. Content authors in PEAT 1 should design tasks that trainees would be expected to carry out in practice, and all aspects of the curricula should support this. In PEAT 2, trainees will carry out such tasks in actuality, and/or engage in even more realistic simulations of such tasks.

FLEXIBILITY OF DELIVERY

PEAT 1 has been designed so that the programmes of study and performance are highly flexible. PEAT 1 can be integrated into the Scottish Exempting Degree, or PEAT 1 can be hosted as a stand-alone programme (either full-time or part-time, and online).

PROGRAMME: CORE OUTCOMES

The Core Outcomes consist of the three sets of outcomes – 'professionalism, professional communication, and professional ethics and standards'.

- Professional Ethics and Standards
  This outcome is to be taught as a discrete unit of regulatory rules, on its own or as part of another unit of study. It should also feed into other courses or as part of integrative case-studies, as a pervasive subject throughout PEAT 1, as it will be pervasive through PEAT 2.

- Professionalism; Professional Communication;
  These should not be separated from legal content but taught in as integrated fashion as far as possible. They could be developed in a foundation course

should this be thought appropriate, or be integrated with the courses comprising mandatory outcomes, as they will be integrated during PEAT 2.

PROGRAMME: MANDATORY OUTCOMES

Once again, integration is key to success. The four sets should, as far as possible, be integrated in at least part of the coursework, so that students work as much as possible with simulations of the situations that they may encounter as trainees and as solicitors. The total hours of the outcome sets should be planned in detail, namely teaching hours, preparation time, coursework hours, assessment preparation time, and tutorial/workshop preparation hours. This exercise will inform the matrix and supporting statements, which Applicants are asked to submit as part of their application for accreditation and as referred to in section 3.4.2 and Appendix D.

REFLECTION

The Society recommends the introduction of structures which will allow reflection of achievement of the Core and Mandatory outcomes over the course of PEAT 1. This will assist with bridging the gap between PEAT 1 and PEAT 2, since the trainee will also be reflecting on progress through mechanisms imposed by the Society as an essential component of PEAT 2.

A sample teaching and coursework scaffold is set out below:

Module	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6
Ethics						
Core Outcomes						
Mandatory Outcomes						
Preparation						
Coursework						
Case study		Case study 1		Case study 2		Case study 3
Assessment						

Sample Core teaching, learning & assessment matrix, weeks 1-6, semester 1

In this example (and please note that this is merely an example) the Mandatory Outcomes would each be taught. However, there would be considerable individual preparation to be done by students for workshops & tutorials. Where there are classes, they **could** be linked to either 'surgery' forms of learning, where students would seek more information on the tasks or information they had been given, or feedback classes, where they would seek a variety of forms of feedback, either from peers or tutors or both. Every second week there could be a relatively complex case study, increasing in complexity, which drew together the themes of the previous two weeks' learning in a problem-solving case study. The case study could then be discussed in the following week's tutorials, and would feed into the assessment in, for example, week six. Assessment could be of knowledge or skills, or both, and would take any form deemed appropriate by the Provider.

REQUIRED CPD (FOR TRAINEES)

Separate accreditation guidelines have been issued in relation to Required CPD. How Required CPD links with the Core Outcomes for PEAT 1 and PEAT 2 Outcomes will be of particular interest to Providers.

THE SPIRAL CURRICULUM: PEAT 1 AND 2

All skills and knowledge development should take place according to the principles of a spiral curriculum. Below is a graphical model of such principles, which provide a sound basis for a contemporary professional education environment, one that is flexible for Providers while ensuring good practice and a high quality of standards, yet allowing local innovation.
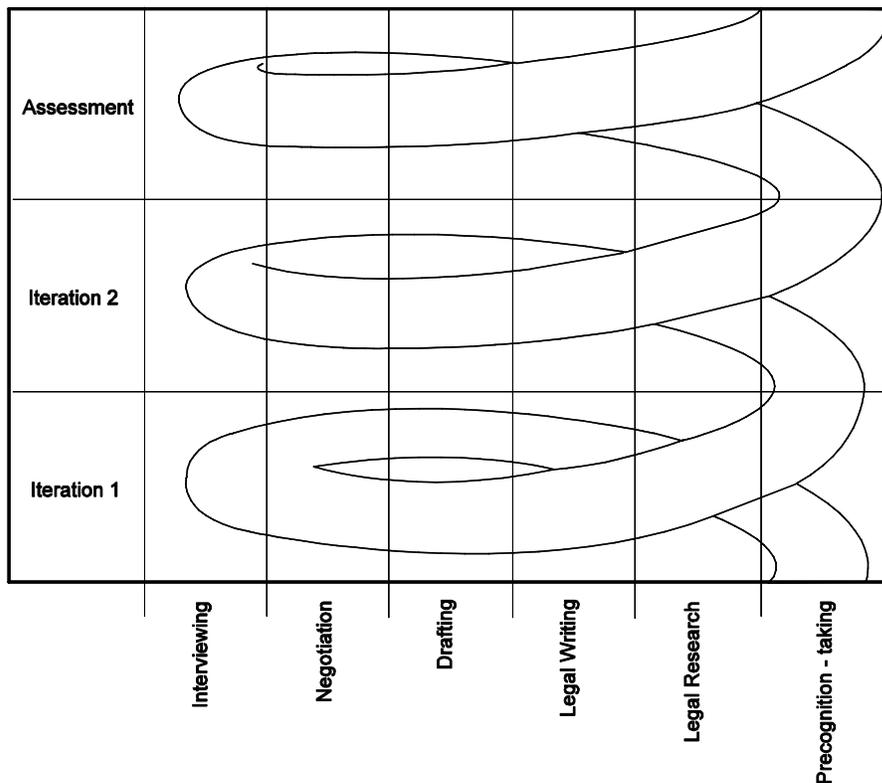
Skills spirals (note this is an illustrative diagram only, and is not based directly on the Core Outcomes).

The spiral metaphor is a useful way of envisaging the Programme because it allows for a number of passes through the material to be learned, at higher or more sophisticated or complex levels of knowledge or attainment. This is crucial for the development of skills. It also allows different skills to be taught at the same time in an overlapping learning process. If we take the example of interviewing skills, and following a basic cycle of *tell-show-do- review*, students could be given multimedia resources and then workshops where they practise the models of the skills they have been shown. At a later date they could then go through the same cycle of *tell-show-do* and the same skills set but at a higher level of sophistication – this time, the interviews could include a second interview with the same client, instead of another initial interview with a new client. At the end of this process students could be assessed by videotaped unseen client scenario. Or students could interview standardized clients in the first cycle, receive feedback, and

then be assessed by standardized clients in their final assessment. Once again, these are examples only.

This example demonstrates how a spiral curriculum can operate in the development of skills. It provides a model for all Providers within which to set up scenarios, teach by simulation and role play, and give feedback. Together with appropriate resources and tutor training, approaches such as this should significantly raise the standard of skills coaching and learning. Moreover it is a model of learning that can be both client-centred and justice-centred as well as learner-centred. It is also a model which by its nature encourages an innovative and interactive approach to learning.

The spiral curriculum is also amenable to integrative teaching and assessment. It is possible, for example, for a case study to be based on the 'triple-jump' assessment used in problem-based learning medical programmes. There, a student is given a case-history of a patient. At this first stage, the student presents an analysis of the case-history to assessors. Stage two consists of diagnosis: the patient (either actor or standardized patient) presents with a complaint. The student demonstrates analytical and clinical skills, as well as those of patient care and management. Stage three consists of prognosis: the likely projectory of the complaint, given the patient's case-history, together with supporting evidence.

This 'triple-jump' integration could easily be adapted to professional legal training, and built into a spiral curriculum. For instance, in Business Awareness a business client, who has used the firm before for commercial purposes, comes to the firm with a problem or business opportunity. Stage one would involve an interview, for which students would require to carry out preparatory reading and research based on the client's case-file. Stage two, *post*-interview, would involve problem-solving analysis and legal research. Stage three may involve negotiation or advocacy, or both; and at any of the stages there could be writing or drafting tasks built into the integration. The case-study could be used for learning purposes only, or for assessment, or for both.

In PEAT 2 the spiral applies across the seats that trainees train within, where they learn more about professionalism and professional communication as they move closer towards qualification and the test of 'qualifying solicitor', which is the test articulated in the PEAT 2 Outcomes. It also applies within a seat: trainees develop capability within an area of law as they learn the outlines of transactions common to that area, the ways of communicating with clients and with other professionals, the management of risk, client-based services and profit.

What we have with the spiral programme, then, is a significant move away from a design where each subject is taught in a series of what are effectively watertight containers, and where there is little if any deep integration between sets of outcomes, to a learning design where there is much more integrated learning.

PROFESSIONALISM: PEAT 1 AND PEAT 2

It is not sufficient that we outline *what* skills or knowledge components are going to be the focus of PEAT 1, or *how* they will be taught and learned within the Programme we also need to consider the moral and ethical context of the Programme. Instruction without moral context implicitly teaches students the 'hired gun' model of legal practice; and many commentators have pointed out the dangers of this approach to skills learning.[2] As Ronald Barnett has pointed out,

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[2] See for example Toddington, S. (1996) The emperor's new skills: The academy, the profession and the idea of legal education. In P.B.H. Birks, ed., *What are Law Schools For? Pressing Problems in the Law*, vol

A higher education designed around skills is no higher education. It is the substitution of technique for insight; of strategic reason for communicative reason; and of behaviour for wisdom.[3]

The Society requires to define the value-context within which it wishes for skills to be learned. At the outset, there are a number of key issues to be addressed. We can refine these as the following statements:

1. *Knowledge and skills must be taught within the value system of the profession.* Values such as integrity, industry, service and duty, wisdom, compassion, accountability and responsibility, all of which underpin professional relationships and activities – these values are part of the essential context of knowledge and skills, and must be acknowledged as such.

2. *Knowledge and skills are part of professional behaviour*, and professional behaviour can never be taught in classroom activities alone. Indeed, this was, or it is the intention that it should have been, at the heart of the PCC. It requires the presence of practitioners, and often the setting of the office or the court in order to complete the process. Even in office and court, however, the process of learning professional behaviour is not only taught overtly – it is caught in trainees' observations of practitioners at work, in conversation, and at leisure. At PEAT 2, this should happen frequently and as a matter of course. Similarly, on PEAT 1 professional behaviour can be 'caught' in the interstices of the Programme. It is in this sense that the 'hidden curriculum' and the 'null curriculum' of PEAT 1 are useful concepts – that is to say, the unintentional lessons that students learn from a curriculum, and what is unofficially labelled as irrelevant or unimportant by its absence in a curriculum.[4] Law students learn professional behaviours by observing and imitating peers, tutors, and other role-models, not just in the classroom but in hallways, cafeterias, and elevators. This is true also of training in law offices. As the literature suggests, the process of learning professional skills can be greatly enhanced by active engagement with professional issues in the classroom and in simulations where models of behaviour can be discussed to bring out the issues involved.

3. There is a substantial *difference between skills teaching and skills learning*. What even the best teacher teaches may not be what a student learns from a teaching event. Any approach to skills education must start from this fundamental point, and teachers should be vigilant about their own practice in this regard. Teaching in skills at level 10 of the SCQF framework should more often take the form of coaching rather than direct instruction.[5]

2, Oxford University Press, Oxford. The problem of course is inherent in any professional programme – see Stenhouse, L. (1983) *Authority, Education, Emancipation* Heinemann, London. See also Maharg, P. (2007) *Transforming Legal Education: Learning and Teaching the Law in the Early Twenty-first Century,* Ashgate Publishing, particularly chapter four, '"By the end of this module…": the intimate dimensions of ethical education', pp.99-118. See also the extensive recent literature on professionalism – for example Sullivan, W.M., Colby, A., Wegner, J.W., Bond, L., Shulman, L.S. (2007) *Educating Lawyers: Preparation for the Profession of Law*, Stanford, Jossey-Bass, The Carnegie Foundation for the Advancement of Teaching; Stuckey, R., and Others (2007) *Best Practices for Legal Education: A Vision and a Road Map* University of South Carolina School of Law, Clinical Legal Education Association.

[3] Barnett, R. (1994) The Limits of Competence: Knowledge, Higher Education and Society, Milton Keynes, Open University Press, 61

[4] Jackson, P. (1968) *Life in Classrooms.* New York, Holt, Rinehart, and Winston, 353; Eisner, E.W. (1985) *The Educational Imagination: On the Design and Evaluation of School Programs*, New York, Macmillan.

[5] See for example Wolf, F.M., Turner, E.V. (1989) Congruence between student and instructor perceptions of clinical teaching in paediatrics. *Medical Education*, 23, 2, 161-7

4. *The Society supports best practice in PEAT 1 Programmes being developed and shared among all*. There will be a considerable body of existing practice at providers who have historically provided the Diploma, in training firms and elsewhere that needs to be taken account of in the development of professionalism, knowledge and skills for the future. The Diploma course directors, for instance, have a body of design experience and knowledge in their tutor base. The tutors will have experience of teaching and communicating with students; and they will probably have taught with a high degree of autonomy in their classes.

5. *Quality of education: 'good, fast, cheap – choose two'*. So goes the engineering saying, pointing out the common sense relationship between these qualities. Providers are encouraged to become more innovative in their design of teaching and learning, whilst bearing in mind the cost implications of a course which is required for entry to the Scottish solicitors' profession.

6. *Student perceptions of their skills-development*. It is fair to say that many students believe that they are reasonably well-skilled when they graduate, and this is true of many (though not all) of them as regards academic skills. However it is also true that the great majority of them will not have undertaken intensive skills training, or used professional resources to help them learn the professional practice of law. They need to develop new perceptions of training and education, of legal skills, and their own changing identities if they are to learn effectively from PEAT 1 and PEAT 2. Just as a culture change will be required to be facilitated among teaching staff, so too will it be required among students.

If PEAT 1 really is to be a 'bridge' course, then the foundations of that bridge to professionalism are professionalism, professional ethics and standards, and professional communication - which are the Core Outcomes of PEAT 1, and further developed in PEAT 2 through the PEAT 2 Outcomes. The work-based learning should declare to trainees and others that ethics is regarded as critical to professional practice by the Society, and that effective communication is a critical part of the ethical dimension of professionality. Other professions recognise this – see for example the work of Hickson and others in medical education and ethics.[6] It also is proof that professionalism is held as a key educational quality by the Society – and again, there is good evidence that other professions have the same perspective.[7] As regards communications outcomes, two points should be noted:

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[6] See Hickson, G.B. *et al*. (1992) Factors that prompted families to file medical malpractice claims following perinatal injuries, *Journal of the American Medical Association*, 267, 1359-63. The medical educational literature is considerable. See also Frank, V. *et al* (2000) A survey of physician training programmes and communication skills for malpractice prevention, *Journal of Law, Medicine and Ethics*, 3. As Frank *et al* point out, 'patients who feel ignored, deserted, or who suspect that there is a `cover up' by the medical profession, may be more inclined to sue. Failure to understand the patient and family's perspective and devaluing their point of view have also been identified as common triggers for lawsuits.'

[7] See for instance in medical education, Brownell, A.K.W. and Côté, L. (2001) Senior residents' views on the meaning of professionalism, and how they learn about it, *Academic Medicine*, 76(7), pp. 734–7; Ginsburg, S., and Stern, D. (2004) The professionalism movement: behaviors are the key to progress, *The American Journal of Bioethics*, 4(2), pp. 14–1; Ginsburg, S., Regehr, G., Hatala, R., McNaughton, N., Frohna, A., Hodges, B., Lingard, L. and Stern, D. (2000) Context, conflict, and resolution: a new conceptual framework for evaluating professionalism, *Academic Medicine*, 75(10 Supplement), pp. S6–11. Papadakis, M.A., Loeser, H. and Healy, K. (2004a) Early detection and evaluation of professionalism deficiencies in medical students, *Academic Medicine*, 76(11), pp. 1100–6; Papadakis, M.A., Hodgson, C.S., Teherani, A.P.D. and Kohatsu, N.D. (2004b) Unprofessional behavior in medical school is associated with subsequent disciplinary action by a state medical board, *Academic Medicine*, 79(3), pp. 244–79. See also Breger, M.L., Calabrese, G.M. and Hughes, T.A. (2004) Teaching professionalism in context: insights from students, clients, adversaries and judges, *South Carolina Law Review*, 55, pp. 303–47.

1. The list should be treated as a definition of the minimum or threshold experience that students should have on PEAT 1. In other words, students should have the opportunity to practise every minor domain on this list at least once, and preferably twice or more, with feedback. Providers should be encouraged to innovate imaginatively and go beyond the threshold skill set, ideally in the form of a spiral curriculum described above. Such skills will of course be developed in training situations within PEAT 2 as well.

2. Because there is a difference between skills teaching and skills learning, the outcomes list should not be regarded as prescriptive of the skill set for a capable trainee. **Students themselves should be encouraged to develop beyond the skill set**. In this regard, the Society supports providers using portfolio learning in order to enable students to chart their progress in a variety of skills. This portfolio can link to the undergraduate personal development file, and the forms of work-based assessment that trainees are required to undertake as part of PEAT 2. As a result such a portfolio should really be focused not so much on skills, nor the fundamental values of ethics and communications alone, but also on the student's own developing sense of professionalism.

GOOD PRACTICE

The development of professionalism in a programme of study is never an easy task. Those responsible for the change in teaching, training and assessment need to consider the following:

- the ways in which the teaching environment and the available resources can be used to structure student activity

- types of teaching, training and learning, and how the mix of learning styles contributes to knowledge acquisition and professional development

- how tasks and transactions are interleaved and integrated with each other

- the acquisition and development by students of the shared set of terms, external representations that provide a common ground for communication and shared understanding between trainees and training firms, and between client and solicitor.

There is extensive literature on this in medical education. In a series of experiments on the role of biomedical knowledge in clinical reasoning, for instance, Boshuizen and Schmidt have shown that experts acquire a robust knowledge base that integrates situated and general knowledge.[8] Knowledge integration is an active process that involves articulating a global framework (the biomedical knowledge, for instance), reflecting on situated experiences (individual cases as they are encountered), and actively making connections between situated knowledge and the global framework.

This is also true of the legal domain. A solicitor in private practice will see something in the order of many thousands of cases in a working life. Through the experience of casework, the solicitor gains an extensive stock of what might be termed mental schemas and performance knowledge. Solicitors know this implicitly. When presented with a set of facts within their area of practice they are able quite quickly to invoke a

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[8] Boshuizen, H. P. A. and Schmidt, H. G. (1992) On the Role of Biomedical Knowledge in Clinical Reasoning by Experts, Intermediates and Novices. *Cognitive Science*, 16, 153-184.

schema and can test this initial schema against the evidence.[9] Lesgold suggests that, in the process of becoming an expert, a trainee acquires fragments of automatized procedure that gradually become integrated into extended sequences that guide performance. These sequences can be formed quite slowly from practice through the composition of fragments of activity, but the process can be made much more efficient if students are taught the procedures explicitly, as a list of steps towards problem identification and solution, and taught also to begin the process of case pattern recognition. These two forms of learning can bring trainees to a practical knowledge of a transaction much more efficiently if learning is carried out *via* simulation and transaction. In this respect what is true of biomedicine and radiology and many other professional domains is equally true of legal practice.

There is much literature about which methods are effective for which skills and in which teaching environments and stages of learning.[10] Whatever method is used, it ought to be highly experiential and include elements such as role-plays, case studies, simulations, structured interviews, prompted recall, detailed analysis of achievements and performance problems in skill practice and the like.

Great benefit can be derived from intensive coaching sessions at any stage in PEAT 1 and PEAT 2, where such sessions focus on feedback and review. It is also the case that development in professionalism is greatly enhanced if skills are embedded across the curriculum in realistic transactions. Much of the medical literature on clinical skills emphasises the importance of immediate feedback, of opportunities for practice following review, and of practice within different contexts.[11] Local course providers are therefore best placed to know where to embed skills within their courses, given their knowledge of their tutors, and other conditions pertaining to the course. However, there is always a tension between local innovation and standards across the jurisdiction.[12] As stated above, the problem can be resolved if jurisdiction-wide standards exist as threshold or minimum standards, and best practice is shared among providers. Below are four approaches to the development of knowledge, skills and professionalism in the curriculum that are examples of good practice. One again, these are examples only:

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[9] See for instance the data collected regarding the practice of radiologists, in Lesgold, A., Glaser, R., Rubinson, H., Klopfer, D., Feltovich, P. and Wang, Y. (1989) Expertise in a Complex Skill: Diagnosing X-ray Pictures. In M. Chi, R. Glaser and M. Farr (eds.) *The Nature of Expertise*. Hillsdale, New Jersey: Lawrence Erlbaum.

[10] See for example Taverner, D. et al, (2000). Comparison of methods for teaching clinical skills in assessing and managing drug seeking patients, Medical Education, 34, 4, 285 – 291. See also Eaton, D.M., Cottrell, D. (1999) Structured teaching methods enhance skill acquisition but not problem-solving abilities: an evaluation of the silent run throughs. Medical Education, 33, 1, 19-23. As they point out there is some evidence to support the hypothesis that different teaching techniques may be more effective for improving different elements of skills learning. In particular, a highly structured technique involving breaking complex tasks down into smaller components and utilizing an internal 'commentary' may be an effective way of teaching the sequential motor components of complex clinical skills.

[11] See for example Kneebone, R. *et al* (2002)An innovative model for teaching and learning clinical procedures, *Medical Education*, 36, 7, 628-34;

[12] In a wider context this is precisely what medical education is setting out to achieve. The work of the Institute for International Medical Education is crucial in this regard (www.iime.org). See for instance Wojtczak A. & Schwarz, M.R. (2001) International standards in medical education: what they are, and do we need them?, paper presented at the AMEE Conference, 2-5 September, Berlin, Germany; World Federation For Medical Education Task Force (2000) Defining international standards in basic medical education. Report of a Working Party, Copenhagen 1999, *Medical Education,* 34(8), pp. 665-675; World Health Organization/Education Commission For Foreign Medical Graduates (1995) Towards a global consensus on quality medical education: serving the needs of population and individuals, Proceedings of the 1994 WHO/ ECFMG Consultation in Geneva, Switzerland, *Academic Medicine,* 70(7), Suppl.

- *Cognitive 'tell-show-do-review' structures of learning*

  The original concept of tell-show-do-review belongs to the domain of cognitive psychology and is used extensively in dental education and paediatric education, and in the legal domain it has been used in fields as diverse as judicial education and court management for tribal court judges.[13] It involves moving through each of the skills in cycles, on a highly cognitive model of syllabus design. Thus, in teaching the skills of interviewing, there might be a lecture/demonstration of the legal context, with comment, description, parable. Next, students could be shown examples of actual legal interviews, or simulations, on video or digitised video within a multimedia environment that stimulates them to think about issues and model their thinking and behaviour.[14] Students would then put into practice what they had learned about good practice in workshops. They would be given feedback on their own practice, and if necessary they could be referred back to the 'show' stage. The 'do' and 'review' stages could then be repeated.[15] The heuristic works well because students have the opportunity to observe and reflect on expert demonstration (and with multimedia, they can do this as often as they want); they then practice under the eye of an expert who can give feedback on how well the student's attempt at interviewing matched the expert's expectation of student performance.

  This is an example of simple, applied cognitive theory that can work powerfully when used with students to introduce them to complex areas of skills. It can be adapted to higher skills levels, where often there is a requirement for discussion of skills and integration with legal knowledge and problems.

- *Mastery learning*

  Mastery learning is usually associated with learning that is individualised and frequently self-paced. In self-paced learning, the student moves at their own pace through the requisite learning, which may involve reading, writing, listening to lectures, participating in classes, creating, problem-solving, or whatever-until the objectives are mastered, with periodic assessments along the way, some of them self -administered, to measure progress, detect weaknesses, prescribe strengthening exercises, and finally to certify mastery. There are three key elements in the development of mastery learning environments:

  1. the stipulation of clear, comprehensive, and measurable learning objectives
  2. assessment instruments that can test for mastery and be part of the teaching-learning process for students who have not yet sufficiently mastered the material

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[13] See for paediatric and dental health example (the literature is considerable), Freeman, R. (1998) Tell-show-do: reducing anticipatory anxiety in emergency paediatric dental patients, *International Journal of Health Promotion and Education*, 36, 87-102. See also Brigman, G, Molina, B. (1999), Developing social interest and enhancing school success skills: a service learning approach, *The Journal of Individual Psychology*, 55:3. For cognitive educational approaches and judicial education, see Armytage, L. (1996) *Education Judges: Towards a New Model of Continuing Judicial Learning,* Kluwer International, Den Haag, 121-3; 125-7. For the reference to court management for tribal court judges, see The National Judicial College courses at http://www.judges.org/

[14] For an assessment of video (as opposed to the more sophisticated multimedia environments) and personal teaching, see Mir, M.A. *et al* (1984), Comparison between videotape and personal teaching as methods of communicating clinical skills to medical students, *British Medical Journal*, 289 (6436), 31-4. As they point out, 'Videotaped demonstrations can be as effective as personal teaching of clinical methods, and video should be developed as a medium for first line clinical teaching.'

[15] For more detail on the use of multimedia at the 'show' stage, see Maharg, P (2001) Legal skills and multimedia: enhancing student learning, at
http://www.bileta.ac.uk/Document%20Library/1/Multimedia%20-%20Enhancing%20Student%20Learning.pdf

3. the capacity of the system to move the learner on to new and appropriate learning objectives after a particular set has been realised.

Self-paced mastery learning is clearly more appropriate for any learning that requires either rote memorisation or the performance of an easily described and performed skill. Higher level learning – complex syntheses of concepts or complex problem-solving in authentic human situations – is far more difficult to stipulate, assess, and package for self-pacing.

On PEAT 1, mastery learning could be used in the basic learning of knowledge. It would also be useful in subjects such as Business Awareness, where students are encountering concepts at a fairly basic level, and need to have a general awareness of how the respective domains operate, rather than striving for higher knowledge of the field.

In both basic and higher skills, and in what one might term 'awareness' topics, the potential of individualised, self-paced instruction has been greatly enhanced in the last few decades with the introduction of information and communications technology. Technology does not guarantee learning of course; but coupled with changes in pedagogy, economies of scale, and a shift to self-paced mastery learning, technology can make greater learning productivity possible on PEAT 1.

- ***Technology-based learning, teaching and assessment***
  Information and communications technology (ICT) can be used in many forms to improve skills-based teaching and learning. Professional legal skills can be enhanced in many ways by the introduction of multimedia and web-based initiatives.[16] Such initiatives, though often capital-intensive, can be a financially-efficient, productive and popular form of learning when effective.**[17]** The most successful examples of IT are often carefully designed pieces of software aimed at fulfilling a particular educational function.[18] They can be used in either of the two forms of teaching cited above, as enhancements for student learning. They can also be used to transform traditional teaching, as in the metamorphosis of lectures into video or audio learning environments.[19] Web-based simulations of legal office environments and transactions are useful ways for students to learn a range of practitioner skills.[20] Learning management systems such as BlackBoard and MOODLE can be used to enhance flexibility of learning.[21] Assessment based on sophisticated objective question approaches can be used to assess students' knowledge of legal procedure and substantive law.

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[16] For a review of hypermedia, for instance, see Dillon, A. & Gabbard, R. (2001) Hypermedia as an educational technology: a review of the quantitative research literature on learner comprehension, control and style, *Review of Educational Research*

[17] For an example of the many resources available to medical HE institutions, see generally http://www.ltsn-01.ac.uk/resources/best_practice/search_all
For a resource list for legal education, see http://www.ukcle.ac.uk/resources/index.html

[18] One of the most elegant and useful papers on how to create useful ICT applications is Draper, S. (1998) Niche-based success in CAL, *Computers and Education*, vol.30, pp.5-8.

[19] See McKellar, P. & Maharg, P. (2004) Virtual learning environments in action, at http://www.ukcle.ac.uk/interact/lili/2004/papers/maharg.html

[20] See Maharg, P. (2001) 'Negotiating the Web: Legal Skills Learning in a Virtual Community', *International Review of Law Computers & Technology*, 15, 3, special edition, 'Web-based Teaching, Learning & Assessment in Law', edited Maharg, P., 345-361; Maharg, P., Paliwala, A. (2002) 'Negotiating the Learning Process with Electronic Resources', in *Effective Learning and Teaching in Law*, edited Burridge, R. *et al.*, Kogan Page, 81-104; Maharg, P., Muntjewerff, A. (2003) 'Through a Screen, Darkly: Electronic Legal Education in Europe', *The Law Teacher,* 'Legal Education in Europe', 36, 3, 2002, 307-332

[21] See for instance the substantial resources on the Joint Information Systems Committee (JISC) website at http://www.jisc.ac.uk/whatwedo/programmes/programme_buildmle_hefe/project_mle_activity.aspx

- ***Collaborative learning***

  Students learn not only from texts, images, tutors and others. They also learn from, and with, each other. Collaboration greatly helps the process of knowledge consolidation and skills learning, so long as students are able to give constructive feedback to each other and are aware of how best to work in groups to achieve goals. Surprisingly little extended group work has taken place in the Foundation in the past, and there is an opportunity to develop this on PEAT 1 in preparation for the 'gearing' that trainees encounter in PEAT 2.

- ***Work-based training – training the trainer***

  Work-based training can take so many different forms that it is almost impossible to summarise them as categories. However it is clear from current best practice that the provision of effective work-based training requires the involvement of personnel within the legal service provider who have an understanding of learning and training methods. Training the trainer will be a key element of improved training in PEAT 2.

<u>SUGGESTED MODES OF ASSESSMENT</u>

Appendix A also includes suggested forms of assessment.

Professional competence is a multi-dimensional concept, and it is unlikely that a single approach to assessment will be adequate in the assessment of professional skills, knowledge and values. Under these accreditation procedures, **Providers are responsible for adoption and implementation of assessment procedures, based upon the Mandatory and Core Outcomes, and in relation to Electives also.** Within the context of a professional education and training programme, it is essential that assessments are part of the aims of the programme and its learning outcomes, and are fair, valid, reliable and feasible assessments of professional learning and teaching.[22]

It is of course a counsel of perfection to insist upon these four criteria. Nevertheless, it ought to be part of a Provider's task to question if and where appropriate to ensure that assessment conforms as closely as possible to these four criteria. For this reason reliability, fairness, validity and feasibility are key concerns for the Society, and are described in more detail below.

Once again, professionalism is a key concept here. Assessments of student performance should take into account the professionalism outcomes set out by the Society, and should include qualities such as integrity and the distinctive habits of mind that define the domain of practitioners. In this sense, the assessments should be based upon the values inherent in the profession's moral and social ecology. In previous years, it is fair to say that professional capability have been assessed largely in terms of cognitive capacities. Professionalism, however, is a more complex concept, and requires a wide range of assessments to give a valid and reliable sense of professional competence.

Assessment of professional competence is a complex and fast-evolving field. In other professional educational fields there is a recognition that appropriate assessment requires innovative and imaginative thinking.[23] At the same time, it is the case that all

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[22] See for instance Bone, A. (1999) *Ensuring Successful Assessment*, National Centre for Legal Education, University of Warwick, http://www.ukcle.ac.uk/resources/assessment/bone.pdf

[23] See for example the forms of assessment advocated in the many fields of medical education – http://www.scottishdoctor.org , ACGME assessment guidelines at

forms of assessment are limited in the data they give assessors. This is true of assessment in professional legal education too.

In general terms the:

- *content* of assessment should be as close to actual practice as possible
- *form* of assessment should be as close to actual practice as possible
- *consequences* of assessment should matter to students. These should be high-stakes assessment: students should not progress if they fail skills or knowledge assessment of the basic learning outcomes of the twin pillars of communications and professionalism and should be required where appropriate to pass all assessment to qualify beyond PEAT 1.

Assessment practices are a statement of institutional and professional practice. The link between PEAT 1 and PEAT 2 makes it very clear that PEAT 1 and 2 are to be regarded as two component parts of one whole, and that therefore assessment must reflect that. The culture of assessment needs to be that both staff and students have confidence in assessment instruments that measure improvement in professionalism and skills. In this respect we can learn a lot from the assessment procedures of other professions such as medicine, and construct our own versions of assessments of legal professionalism, skill and knowledge. But if assessments of professionalism are to become predictive of ability, then careful thought needs to go into their construction so that, as high-stakes assessment, they are valid and fair.

Inevitably this leads us to consider the reason why an assessment is being held. Contrary to the ranking system in undergraduate education, PEAT 1 Providers should be much more concerned in the professional education programme with competence in professionalism and the demonstration of performance of ethical values. This is a major shift in culture and emphasis, not only for students but for staff as well.

Professional skills assessment can combine the following to give a profile of a student's developing professionality:

- Peer evaluation[24]
- Performance evaluations by practitioners[25]
- Standardised client evaluations[26]
- Real client comments
- Self-perception and reflection[27]

Use of a combination of these approaches will ensure reliable and valid instruments for ensuring competence in skills.

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http://www.acgme.org/outcome/assess/assHome.asp, and in particular http://www.acgme.org/Outcome/assess/Toolbox.pdf, and private institutions such as Tufts Health Care Institute, http://thci.org/Default.asp

[24] For instance by calibrated peer review (http://cpr.molsci.ucla.edu/) or self- and peer-assessment evaluation criteria supported by learning resources – see Barton, K., Westwood, F. (2006) From student to trainee practitioner – a study of team working as a learning experience, *Web Journal of Current Legal Issues*, 3, http://webjcli.ncl.ac.uk/2006/issue3/barton-westwood3.html. See also the useful peer assessment form at https://engineering.purdue.edu/CATME/BARSform.doc

[25] For example objective structured video examination, in Humphries GM, Kaney S. (2000) The Objective Structured Video Exam for assessment of communication skills. *Medical Education,* 34, 939-45

[26] See for instance Chalabian, J., Dunnington, G., (1997) Standardized patients: a new method to assess the clinical skills of physicians, *Best Practice in Benchmarking Healthcare*, 2, 4, 174-7; Barton, K., Cunningham, Jones, C.G., Maharg, P. (2006) Valuing what clients think: standardized clients and the assessment of communicative competence, *Clinical Law Review,* 13, 1, 1-60, New York University Press

[27] For example in professional portfolios – either paper portfolios or *e*-portfolios.

SPIRAL LEARNING AND ASSESSMENT

Most models of outcomes education take a linear approach to learning, where students move from simple to more complex tasks. There is a place for such learning, particularly in the early stages of the 'performative' skills of interviewing, negotiation and advocacy. Nevertheless, simple-to-complex models of outcomes education do not represent well the multi-layered quality of professional learning in this context. In a three-year programme of study such as PEAT 1 & 2, involving a number of different modes of study, assessment and work-place learning, it is appropriate to consider how outcomes will be developed across the range of learning environments, activities and tasks. As we have already seen, the curriculum can be envisaged as an ascending spiral, in which learning tasks are encountered in more realistic environments, and in more contextual complexity through time. This requires that general levels of performance should be set for the Programme as the initial stage of the overall PEAT programme. The levels are in part set by the outcomes, but the standards appropriate to the outcomes will be the subject of monitoring by the Society to ensure that considerable variation does not occur over the range of providers. This is catered for in the first instance by the monitoring visits which the Society can undertake.

For a spiral curriculum to operate effectively, it is essential that the curriculum is viewed holistically. There needs to be integration of one learning environment with another so that students and trainees appreciate the professional training programme as a coherent, challenging and rewarding educational experience. Providers are therefore encouraged to reflect on what might be for them the best method of approach to a competence, bearing in mind local expertise and strengths.

GENERAL ASSESSMENT PRINCIPLES

The following eight general principles apply:

1. ***Assessment must be valid***

    Assessment must be valid according to the Mandatory and Core Outcomes, and outcomes set for Electives by Providers. A variety of evidence is probably the best method of ensuring validity of assessment. Validity can be best tested by including the profession in the design of the assessment. This can be done by the use of external examiners, or by the formative evaluation of assessment by practitioners prior to use of assessment with students.

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 PEAT 1 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 various outcomes of the Programme***

   The student and trainee 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 various outcomes of the course.**

6. ***Learning 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 attitude on a Programme, and therefore a Provider will require to identify those task objectives which are representative of the more general learning outcomes, and structure assessment around these. Providers are, however, expected to assess all Professionalism outcomes.

7. ***Assessment should include multiple assessment points and observations***

   Professionalism is multi-dimensional, and assessment practice should reflect this. Formative feedback should be given to students throughout PEAT 1; and where feasible, assessments should give both staff and students data that will show a line of improvement or failure to meet the various outcomes of the Programme. 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.

8. ***Assessment should support the values of the professional community***

   Assessment should not be a repetition of the culture and values of the Foundation stage, but should engender reflection on, and be an analysis of, the culture, values and context of the legal profession.

FORMS OF ASSESSMENT

In more detail below is set out a number of approaches to assessment practice that Providers may want to consider, with comment on their appropriateness (note that the categories are by no means exhaustive and Appendix A includes additional suggestions on assessment techniques)

1. ***Closed book examinations***

   These forms of assessment are often practised in undergraduate courses. While they undoubtedly encourage knowledge memorisation and application of principle, they can also develop habits of uncritical memorisation of legal principle. It is unlikely that they will be appropriate to the professional stage of legal education where, in relation to the Core Outcomes, a wider range of professional skills, knowledge and values should be the focus of the course.

2. ***Open book and case-based examinations***

   These assessments mimic some of the features of professional practice, and therefore are more fitting assessments of the various outcomes to be taught on PEAT 1. Examples of assessment types include:

- short-answer questions (which assess information recall)
- constructed answer questions (which test application levels as well as content knowledge)[28]
- modified essay questions (which test problem identification and decision- making skills)
- extended matching items (which test application of knowledge within an extended case-based system of assessment, and which is often employed in a context of multiple-choice questions)[29]
- objective structured long examination record (a 10 item analytical record of the traditional long case in medical education)[30]

3. *Coursework assessment*

This can take the form of specific pieces of work that are submitted during the course of the PEAT 1 programme, and can include the following:

- case histories
- case assignments (for example, simulated interview, followed by a letter on action, thus assessing interviewing and drafting skills in the same scenario)
- simulated client records, either paper or electronic or both
- video essay or report (where students comment upon performance in video)
- project assessment
- 360-degree evaluation instrument (ratings completed by supervisors, tutors, peers, mentees, standardized clients)
- Objective Structured Clinical Evaluation (OSCE) using standardized clients
- diagnostic thinking inventory
- presentations
- critical incident reports
- educational mentoring and appraisal
- workbook, log or portfolio
- creation of checklists
- transactional learning
- reflective learning projects[31]

4. *Collaborative assessment*

Some forms of assessment actively promote collaboration between students; and this is certainly a practice to be encouraged. While all students concerned in a collaborative assessment may agree that all have contributed to the work, it is useful to have a more objective measure of this, in addition.

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[28] See http://www.edteck.com/dbq/testing/const_resp.htm

[29] See Wood, E.J. (2003) What are extended matching sets questions? *Bioscience Education*, 1,1, 7-15, at http://www.bioscience.heacademy.ac.uk/journal/vol1/beej-1-2.htm

[30] See for instance Troncon, L.E.A., Dantas, R.O., Figueiredo, J.F.C., *et al* (2000) A standardized, structured long-case examination of clinical competence of senior medical students, *Medical Teacher*, 22, 4, 380-85, at http://www.otago.ac.nz/wsmhs/academic/gp/Curriculum%20Development/Troncon2000.pdf

[31] See Morin, L., Howells, L. (2003) The reflective judgment project, *Clinical Law Review*, 9, 623-54

LINK TO PEAT 2 AND PEAT 2 ASSESSMENT

In the final section of these guidelines, the Society considers it essential to explain the nature of assessment of PEAT 2 for Providers. It is during PEAT 2 that training organisations will inherit the assessment of the trainee's performance in the areas of 'professionalism, professional communication and professional ethics and standards', through the PEAT 2 Outcomes. The Training Organisation will rely on achievement of Core Outcomes in assessing what it is that the 'Day 1' trainee is capable of, and use PEAT 2 Outcomes as the basis of assessment of the 'qualifying solicitor'.

Prior to the introduction of PEAT 2, the traineeship was assessed by quarterly reviews and logs. In PEAT 2, assessment is through a portfolio and regular reviews. Policies on PEAT 2 assessment (and monitoring of training) have been produced, and achievement of the PEAT 2 Outcomes will be a shared responsibility between trainee and training organisation, the PEAT 2 Outcomes being the basis for PEAT 2 assessment.

Trainees are required to undertake a minimum of 60 hours of Required CPD for trainees, which must be recorded as part of the PEAT 2 record.

Appendix C - General Accreditation Standards

Introductory Commentary

The Panel 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 the following standards will inform the Panel'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.

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 PEAT 1, a 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 PEAT 1 and for the profession, not simply on general academic standing. Therefore, accreditation to offer PEAT 1 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 <u>teaching</u>** of law and the associated resource implications.*

C.7.   *Evidence of **commitment to <u>research and/or development</u>** which informs the Mandatory and Core for PEAT 1 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** including likely future trainee numbers across Scotland in relation to legal education.*

C.10   *Evidence of commitment to fair access to the profession including the impact of course fees on access.*

C.11   *Evidence of **Quality Assurance activity, reviews and inspections or their equivalent where the Applicant / Provider is not a university**.*

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 of 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.

The Society shall award accreditation 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.

However, where the Panel agrees there is a pattern of these 'specific standards' not being met or there is deviation from the standard that is not justified (e.g. a temporary measure which is not just in place to address a specific set of circumstances) or is an excessive deviation, then it is likely that accreditation 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 PEAT 1 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 – those submitted to students, those submitted to staff.

Tutor materials should additionally include detailed tutor notes which refer to Mandatory and Core Outcomes and Electives, clear instructions on what must be covered to achieve the objectives of that class, and ultimately that subject. Applicants must also provide a statement on the ways in which students are given formative feedback on their progress which is appropriate to a professional programme of study.

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 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 upon which the Panel would require each Applicant (or Provider, where at application stage it is not possible to collect the relevant information) to collect information on each Programme offered. This is likely to be captured at accreditation but where PEAT 1 is a new course, it will also be captured during the year 1 visit.

1. *Effectiveness of split between Mandatory / Core Outcomes, and Electives, including effectiveness of Elective offerings.*

2. *Effectiveness of programme administration, including communication with students before and during the programme.*

3. *Relevance of class or workgroup activities to the achievement of the Outcomes.*

4. *Quality of learning in tutorials, workshops and other forms of educational events.*

5. *Preparation and organisation of teaching and teaching resources.*

6. *Effectiveness of class content and delivery.*

7. *Pace of teaching.*

8. *Quality of tutor feedback.*

9. *Quality of materials.*

10. *Lists of action plans for improvement of the Programme.*

11. *Records of improvement implementation.*

12. *Repetition of material and topics from Foundation programme.*

13. *Effectiveness of the Programme in the Core Outcomes specifically, in preparing students for entry to PEAT 2.*

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 PEAT 1 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 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 and Providers must ensure that they have appropriate staff to teach and administer the Programme. All teaching staff must have either sufficient legal practice experience or practical experience relevant to the modules or courses they will teach and sufficient experience as effective deliverers of skills based training or be trainers of appropriate standing and sufficient experience, relevant to the modules they will teach. CVs should be submitted which specifically identify information relevant to staff/tutor ability to deliver PEAT 1. In the case of tutors who are solicitors, these persons should be able to demonstrate being compliant with the CPD requirements of the Society.

All those involved in advising students about course options, careers and the route to qualification must use official, up-to-date information which has been approved by the Society, where that is provided.

D.4.3 Staff Development

Where a staff member has had insufficient or no prior experience as a trainer, they should be given appropriate training by the Applicant or Provider before they are permitted to teach on the Programme. Information about the nature and content of this training must be submitted to the Panel for approval as part of the application for accreditation, incorporating the tutor training records. Tutor training is likely to include:

- *Skills teaching*
- *Small group teaching*
- *Assessment*
- *Equal Opportunities and Diversity*
- *Pastoral duties*

D.4.4 Staff Ratio and Student Ratio

In small-group teaching on courses comprising the Mandatory/Core Outcomes, and Electives, there should be an appropriate staff: student ratio. This is difficult to standardise, given the many forms of small-group teaching that are possible; but as a general rule the ratio of staff to students in tutorials should not exceed 1:12. 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 Programme will be delivered in appropriate teaching and learning accommodation. Teaching accommodation should be adequate and appropriate for the attainment of the aims and achievement of outcomes on this practical, skills based course, and how the teaching year is structured.

On the structure of the year, particularly as this will vary across Providers because of variances in Electives, a timetable must be presented showing the week-by-week structure of the teaching year. It is understood that this may continue to evolve as the start date approaches however a clear and reasonably indicative timetable must be presented.

D.6. Student access to resources and ICT

Students should have appropriate access to primary and secondary legal materials to support student achievement. 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 Mandatory / Core Outcomes and the proposed Electives.

The appropriate use of information and communications technology, including computer based learning and Internet, is expected. 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 the Provider's facilities. In addition the Core outcomes specify the achievement in the use of technologies, and this should be recognised in the use of ICT on the programme.

D.7. Student Information

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

- *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.*
- *Providers must be able to provide attendance records for each of the classes on the Programme.*
- *Providers must be able to provide PEAT 1 pass results to the Society's Education, Training and Qualifications Department, the day after the board of examiners meets.*

In terms of entry to and graduation from PEAT 1, in order to be able to provide students with appropriate careers information on the variety of offerings within the PEAT 1 programme across Scotland:

- *All Providers must, on a yearly basis, enter into discussions with the Society in relation to a fair and transparent process for entry to PEAT 1, which includes an appeal process for Applicants, so that agreed guidance based on it may be shared to all prospective applicants to PEAT 1.*

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 Providers to ensure that student achievement of the Outcomes are clear before places on PEAT 1 are offered.

D.8 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:

ƒ *Equal Opportunities statement of the Provider.*

ƒ *Details of schemes and arrangements for promoting access.*

ƒ *Details of arrangements, accessibility and support services for people with a range of disabilities and reasonable adjustments made.*

ƒ *A statement on work undertaken to ensure that assessment methodologies and teaching methods do not discriminate on Diversity related criteria.*

ƒ *Information on how issues of discrimination, diversity, good relations and cultural understanding are taught pervasively through the curriculum.*

ƒ *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 Programme's Mandatory and Core Outcomes, and Electives, and ensure these examiners report annually.

The PEAT 1 External Examining 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 system on PEAT 1 Programmes:

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

- whether the professional 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 professional standards and student achievement across PEAT 1 Providers.
- 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:

- notify the Provider of any suspected cases of cheating, collusion or plagiarism in students' work and assist in the investigation of suspected cases as necessary.
- 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 PEAT 1 courses of which they have experience.

Where PEAT 1 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

An external examiner to a PEAT 1 programme should be a recognised and experienced practitioner within the legal profession or an academic or tutor with experience of delivering/tutoring on the PEAT 1 programme.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 the 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

- Mandatory and Core Outcomes, and Appendix B, together with the matrix /mapping and supporting statements.
- This Appendix.
- Student Programme handbook, including detailed module information.

APPENDIX F – POLICY ON ABSENCE

As PEAT 1 is a vocational Programme with a focus on professionalism, the following policy on absence will apply:

1. Each Provider will be responsible for confirming to students and to the Education, Training and Qualifications Department of the Society that students have completed modules to the satisfaction of the Provider.

2. If the Provider cannot confirm this, it will be responsible for advising the student and the Education, Training and Qualifications Department of the Society of which module(s) have not been completed satisfactorily. **Such module(s) must be repeated, and satisfactory completion of the repeated module(s) must be confirmed by the Provider.**

3. The student will be responsible for making arrangements to repeat modules as required.

4. In cases of absence, the Provider may only consider a student to have completed a module or course satisfactorily if the part or parts of the module or course missed did not substantially reduce the learning and involvement of the student during the module.

5. Students will be permitted to repeat modules, including core modules, at a different Provider or Providers.

   Notes:
   - Issues relating to the payment of fees for modules not completed and/or to be repeated are to be resolved between the student and the Provider.
   - Providers are asked to supply a copy of the Policy on Absence to each student who books a place on a Programme.

APPENDIX G – Reporting System on Professional Lapses

A tutor who has concerns about a student's professionalism on the Programme should inform the Head, or Director, of the Programme. They should in turn investigate and if there is evidence of deficiency in professional development as defined in the Core Outcomes under professionalism, they should meet with the student to open a Professionalism Evaluation Form. The meeting should identify the lapse, a remediation programme, and be agreed by both student and Head/Director of the Programme, with student signing at the end of the interview. The form will be copied to the Society. A follow-up form will be completed by the Head/Director of the Programme, detailing whether improvement has been significant (see over for form).[32]

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[32] Note that this Evaluation Form has been adapted from the work of Dr Maxine Papadakis, University of California at San Francisco Medical School. Permission has been obtained for its adaptation and use.

PROFESSIONALISM EVALUATION FORM: INITIAL MEETING

Student name: _____

Head/Director of Programme: _____

Date: _____

The student has exhibited one or more of the following behaviours that need improvement to meet expected standards of professional lawyering. The student needs further education or assistance with the following: (circle number & letter)

1. **Reliability and responsibility**
   a. Learning how to complete assigned tasks
   b. Misrepresents or falsifies actions and/or information, or plagiarises
   c. Does not complete essential responsibilities by the prescribed deadline

2. **Self-improvement and adaptability**
   a. Does not accept constructive feedback
   b. Demonstrates arrogance
   c. Is abusive or critical in times of stress

3. **Relationships with students, faculty, staff and clients**
   a. Does not relate well to fellow students in a learning environment
   b. Inadequately establishes rapport with clients or standardized clients
   c. Does not respect professional boundaries in interactions with administrative faculty or staff.

4. **Upholding the statement of Professional Outcomes**

Appropriate Plan of Action:

_____
_____
_____
_____
_____

This evaluation has been discussed with my Head/Director of the Programme.

_____   _____
Student signature   Date

My comments are:

_____
_____
_____
_____
_____

PROFESSIONALISM EVALUATION FORM: FOLLOW UP MEETING

Student name: _____
Head/Director of the Programme: _____
Date: _____

The student's behaviour has improved/worsened in the following areas: (circle number & letter)

1. **Reliability and responsibility**
   a. Learning how to complete assigned tasks
   b. Misrepresents or falsifies
   c. Does not complete essential responsibilities by the prescribed deadline

2. **Self-Improvement and adaptability**
   a. Does not accept constructive feedback
   b. Demonstrates arrogance
   c. Is abusive or critical in times of stress

3. **Relationships with students, faculty, staff and clients**
   a. Does not relate well to fellow students in a learning environment
   b. Inadequately establishes rapport with clients or standardised clients
   c. Does not respect professional boundaries in interactions with administrative faculty or staff

4. **Upholding the statement of Professional Outcomes**

Appropriate Plan of Action:

_____
_____
_____
_____
_____
_____

This follow-up evaluation has been discussed with my Head/Director of the Programme.

_____   _____
Student signature   Date

My comments are:

_____
_____
_____
_____
_____
_____

Appendix H - Application Form for Accreditation

This application form must be completed by an Applicant. Six digital copies of the entire application and all supporting materials are required, where possible. The copies must be sent to the Panel Secretary who will distribute them to the Panel and retain a copy. Where paper copies are the only thing available, the Applicant should highlight clearly which elements of the application are being provided on paper, providing six copies to the Panel Secretary.

The Panel Secretary and the members of the Panel must receive the application and all documentation at least two 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: _____

_____

_____

Contact names

Applicants 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: _____

Is the Applicant a university? If not, please provide details of the persons(s) or organisation(s) applying for accreditation:

_____

_____

_____

Position within organisation: _____

Telephone: _____

Email address: _____

Name of Head of/Director of PEAT 1 (if not Programme Director):

_____

Telephone:

Email address: _____

Name of administrative contact: _____

Position within organisation: _____

Telephone: _____

Email address: _____

Has the proposed PEAT 1 course been through a validation process internal to your organisation?

_____

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

_____

How many places will be available on the Programme?

_____

Do you plan to offer entry to the Programme on more than one occasion during the year? If so, please give details.

_____

_____

Current provision of legal education & training
Please provide details of your existing provision of legal education and training.

_____

_____

_____

Form of Programme delivery

How will the organisation offer the Programme? (Please tick relevant boxes below.)

Integrated with Scottish Exempting Degree ☐
PEAT 1 only (full time) ☐
PEAT 1 only (part time/distance learning) ☐
PEAT 1 only (online) ☐

Please note that if the Applicant has ticked more than one box above it should provide separate details for each category of programme provision.

Statement

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

Application Fee

Please make cheques payable to The Law Society of Scotland

Authorising signatures:

Programme Director: _____

Head of/Director of Programme (if not Programme Director):

_____

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