

# Level 3 Paralegal Practice

## Qualification Specification

This document covers the following Qualifications:

TITLE	Qualification Reference No
NALP Level 3 Award in Paralegal Practice	<a href="#">600/7889/3</a>
NALP Level 3 Certificate in Paralegal Practice	<a href="#">600/7693/8</a>
NALP Level 3 Diploma in Paralegal Practice	<a href="#">600/7694/X</a>

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## 1. Introduction

The National Association of Licensed Paralegals (NALP) is an Awarding Organisation recognised by the Office of Qualifications and Examinations (Ofqual) to offer regulated qualifications in England respectively. NALP specialises in providing qualifications for persons working, or looking to work, as a Paralegal.

NALP is also the oldest established professional membership and self-regulatory body for paralegals in the UK, having been established in 1987. NALP advocates for its members and for full recognition of the paralegal profession as an integral part of the legal sector as a whole.

## 2. Summary of the Qualifications Covered by this Specification

### 2.1. NALP Level 3 Award in Paralegal Practice

The Level 3 Award in Paralegal Practice enables you to gain or strengthen your knowledge of key areas of law, along with providing an introduction to the associated skills that are applicable to your chosen profession.

### 2.2. NALP Level 3 Certificate in Paralegal Practice

The Level 3 Certificate provides a more extensive qualification allowing you to you to gain a broader knowledge of Paralegal Practice whilst focusing on the specific legal areas that are suitable for your chosen profession and area(s) of law you may wish to specialise in.

### 2.3. NALP Level 3 Diploma in Paralegal Practice

Our Level 3 Diploma in Paralegal Practice has a more extensive structure, enabling you to gain the key skills and competencies you will require to become an effective Paralegal. A Level 3 Diploma in Paralegal Practice is the benchmark qualification, taking you a step nearer to becoming a Professional Paralegal and applying for Associate Membership of NALP.

### 2.4. Rules of Combination

In order for Learners to achieve the different Level 3 qualifications, they will need to complete sufficient units, equating to a specific minimum Total Qualification Time (TQT) in order to meet the following criteria:

Qualification Title	Mandatory Unit(s)	Minimum TQTs*	Minimum Units
NALP Level 3 Award in Paralegal Practice	Unit 30	156	2
NALP Level 3 Certificate in Paralegal Practice	Units 30 & 31	266	4
NALP Level 3 Diploma in Paralegal Practice	Units 30 & 31	387	6

**Award** – Learners need to complete mandatory unit 30 plus at least one other unit to a minimum of 156 TQTs to achieve the qualification.

**Certificate** – Learners need to complete mandatory units 30 and 31 plus any combination of two other units (minimum 4 units in total), which also have a combined minimum of 266 TQTs to achieve the qualification.

**Diploma** – Learners need to complete mandatory units 30 and 31 plus any combination of four other units (minimum 6 units in total) to a minimum of 387 TQTs to achieve the qualification.

### 3. Objectives of the Qualifications

The Level 3 Paralegal Practice qualifications are designed for paralegals, and those who aspire to train to become paralegals and currently work in business administration or secretarial services or within the legal environment, or those who wish to enter into the profession and seek to develop key skills and knowledge such as drafting; negotiating; legal system and knowledge of specialist legal subject areas such as conveyancing or employment law.

Please note that these qualifications are specifically written with English law at their base. These qualifications are therefore best suited to those who seek to work in the UK or abroad where the system of law is based on English Common Law.

Learners who successfully achieve NALP Level 3 in Paralegal Practice will gain a recognised and respected qualification that will aid them in their career entry and progression.

### 4. Entry Requirements

These qualifications are designed to be offered to learners from the age of 16, although in practice the majority of learners are likely to be over 18.

NALP does not specify entry requirements other than that a reasonable standard of written English is required. However, Centres delivering this course are required to ensure that learners who undertake these programmes have sufficient capability at the right level to be suitable to undertake a Level 3 assessment.

All Learners must hold at least Affiliate Membership of NALP. One year's free Affiliate Membership is provided to all Learners, but this must be renewed for those whose studies continue beyond that period at the Learner's expense.

### 5. Recognition of Prior Learning

NALP allows exemptions for Learners who have passed relevant qualifications with other awarding organisations and provide a full list of these on their website.

They will also consider qualifications not on the standard list, dependent upon individual circumstances and the content of those qualifications.

All applications for exemptions must be completed and submitted with the relevant evidence and will only be considered after payment of the appropriate administration fee. Full details of the exemptions allowed and the process to be followed can be found at:

<https://www.nationalparalegals.co.uk/exemptions-for-prior-learning>.

### 6. Progression for Learners

The Level 3 qualifications in Paralegal Practice provide for opportunities to progress to other qualifications at the same or higher levels such as the NALP Level 4 Diploma in Paralegal Studies. This qualification supports learners in meeting the requirements of the National Occupational Standards for Paralegals.

### 7. Guided Learning Hours (GLH) and Total Qualification Time (TQT)

“Guided Learning Hours” (GLH) is defined by Ofqual as being “The activity of a Learner in being taught or instructed by – or otherwise participating in education or training under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training” and includes “the activity of being assessed if the assessment takes place under the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training”.

The NALP Level 3 Qualification in Paralegal Practice is usually delivered via either distance learning (e.g. mostly self-study using the workbooks provided by NALP and/or e-learning packages provided by the training centre) or “blended learning” where the learner attends some classroom based (can be face to face via a live video link) and also conducts some self-study, the latter often being set by their teacher/tutor as a form of homework. To this end, NALP has calculated that the GLH for the Level 3 qualifications will equal approximately 40% of the overall study time necessary to pass the units needed to attain these qualifications. Please note that this is based on the ‘average learner’ as being one who has not previously studied law in any form and so is starting from a basis of having very little previous knowledge or understanding of the subject but having a good general knowledge and being able to easily study at this level. This is because the Level 3 qualifications are considered ‘entry level’ in respect of legal qualifications. Some learners may take longer to achieve the qualification than others and some, particularly those who already work in the legal sector but wish to enhance and formalise their knowledge, may well be able to achieve their chosen Level 3 qualification in a shorter timeframe.

GLH is only applicable to those who have chosen a classroom based or blended way of learning. Those choosing to study via distance learning may not have any learning hours that fall under the definition of ‘guided learning’. In that case, the total TQT will still apply as the number of hours an average learner will take to achieve these Level 3 qualifications.

The following is a summary of the units underpinning the NALP Level 3 Paralegal Practice qualifications with their respective GLH and Total Qualification Time (TQT). The TQT represents the total time an average Learner might spend studying for each unit and how long the assignment for each unit might take, together with the total TQT for each unit:

Unit	Title	GLH	Self-study and assignment	Total TQT
30	Introduction to Law for Paralegals	45	66	111

31	Legal Ethics and Responsibilities for Paralegals	24	36	60
32	Wills and Succession for Paralegals	18	27	45
33	Civil Litigation for Paralegals	30	45	75
34	Criminal Litigation for Paralegals	31	45	76
35	Commercial Law for Paralegals	32	46	78
36	Conveyancing for Paralegals	24	36	60
37	Employment Practice for Paralegals	20	30	50
38	Consumer Law and Advice for Paralegals	25	36	61

The total hours a Learner may spend on achieving each qualification is dependent on which optional units they choose to study. For instance, a Learner who decides to study for the NALP Level 3 Award in Paralegal Practice and who chooses the Wills and Succession for Paralegals unit in addition to the mandatory unit on Introduction to Law for Paralegals would be likely to need to study for a total of 156 hours, whereas if they chose Commercial Law for Paralegals, they would likely study for a total of 189 hours. Whichever units a Learner chooses to study, they must ensure that they meet the Rules of Combination set out in Section 2.4 above.

## 8. Learning Materials and Support

NALP provides full Course Workbooks for each unit of study which are provided to Centres for onward provision to the learners that enrol on our Level 3 qualifications. NALP also provides full Learner Guides which provides lots of information, hints and tips regarding how to complete the assignments that are set for each unit of study. These guides are also available to download from NALP’s website at <https://www.nationalparalegals.co.uk/recognition-for-prior-learning/>. The workbooks are only available to enrolled learners via their chosen training centre/college.

As part of their approval process, NALP ensures that all of our approved training centres have suitably trained and experienced staff that are able to provide learners with any support they may require in order to attain their NALP qualification. Learners should therefore contact their chosen training centre in the first instance should they have any queries or concerns.

## 9. Assessment

### 9.1. Assessment Methodology and Time Restrictions

Each unit is assessed by one written assignment for the learner to complete over a four-week period.

In order to achieve the desired Qualification a learner must have completed and achieved the required pass mark for all units within a set timeframe of enrolment on the chosen level qualification, as follows:

<b>Qualification</b>	<b>Maximum Timeframe for Completion</b>
NALP Level 3 Award in Paralegal Practice	12 Months
NALP Level 3 Certificate in Paralegal Practice	24 Months
NALP Level 3 Diploma in Paralegal Practice	24 Months

Whilst the above are the maximum timeframes, it is normal for a learner to have completed their studies within 3-12 months, depending on the qualification chosen.

If a learner fails to complete all necessary units within this timeframe they will be required to re-enrol, including payment of new enrolment fees. If they have passed some of the required units, these may or may not be considered under the criteria for Recognition of Prior Learning, dependent on any changes to English Law that may have occurred during the time since the original enrolment. Please see Section 5 above and refer to the NALP website for more details at:

<https://www.nationalparalegals.co.uk/https://www.nationalparalegals.co.uk/>

## 9.2. Availability of Sample Assessments

Sample Level 3 assignment questions can be found on the website here:

<https://www.nationalparalegals.co.uk/qualifications/level-3/>

## 9.3. Marking the Assessment

All assessments are externally marked by NALP's examining team against a standard marking scheme. The examiners also carry out additional checks to ensure that the work submitted by the Learner is authentic and has been completed by that Learner.

Unit assignments are graded pass, refer or re-sit. A pass is achieved when a Learner gains 45% or above and has passed all the Learning Outcomes. A refer is when the Learner has gained 45% or above but has failed 1 or more Learning Outcomes. If this occurs then, the Learner will be advised which questions in the assignment will need to be re-done and will have two weeks to re-do these. A re-sit is when the Learner has failed to achieve 45% and will therefore be required to re-sit another assignment and will have a further four-week period in which to do so.

## 9.4. Reasonable Adjustments and Special Considerations

All requests for reasonable adjustments must be received prior to the assessment taking place. These will then be considered by the examination team prior to the assignments being assessed.

Requests for special considerations may be considered at or after the time of the assessment.

Where such a request includes provision of additional time to complete a qualification and/or assignment(s), the maximum time allowed will not exceed 25% of the usual required time for completion of the qualification and/or assignment(s). For the avoidance of doubt, if a learner has been granted an

extension to their qualification, the maximum time they will be allowed to complete it under Reasonable Adjustments or Special Considerations is:

Qualification	Maximum Timeframe for Completion	Maximum extension for RA/SC
NALP Level 3 Award in Paralegal Practice	12 Months	3 months
NALP Level 3 Certificate in Paralegal Practice	24 Months	6 months
NALP Level 3 Diploma in Paralegal Practice	24 Months	6 months

As all assignments are required to be completed and submitted within 4 weeks of it being sent to the learner, the maximum extension allowable under Reasonable Adjustments or Special Considerations is 1 week (7 calendar days) for any single assignment attempt.

Please note that the above are the **maximum times allowed** and learners could be granted extensions of differing lengths, dependent upon the reasons for the request, etc.

All requests for reasonable adjustments and special considerations will be considered on a case-by-case basis, in line with the NALP Reasonable Adjustments and Special Considerations Policy, a copy of which is available at the bottom of the NALP website:

<https://www.nationalparalegals.co.uk/>.

### 9.5. Appeals

Should a learner disagree with an assessment decision, this will be handled under the NALP Appeals Policy, a copy of which is available at the bottom of the NALP website:

<https://www.nationalparalegals.co.uk/>.

Learners should note that appeals are not allowed on the sole basis of disagreement with an academic judgment made by an assessor.

## 10. Quality Assurance and Moderation

As all assessments are marked externally by NALP (i.e. the Centres do not mark their Learners' papers), a Quality Assurance and Moderation Policy covering all assessment results has been put into place. This aims to ensure that all assessments have been marked in line with the standard mark scheme, that all members of the examining team are fully trained and that sufficient standardisation of results is undertaken.

A copy of the Quality Assurance and Moderation Policy is available at the bottom of the NALP website:

<https://www.nationalparalegals.co.uk/>

## **11. Award and Publication of Results**

Once assessments have been marked they are checked against the Rules of Combination to ensure that the Learner has met all criteria. Once that has been confirmed, Unit Certificates are issued for the individual units achieved and, if the Learner has successfully attained the full qualification, a full Qualification Certificate will also be issued. NALP aims to issue all certificates within three weeks of completion of an appropriate rule of combination.

Replacement certificates can be provided by completing the relevant form which can be found on the bottom of the NALP website and by paying the fee of £25. The form is available from the website and you can pay the fee via the website also: <https://www.nationalparalegals.co.uk/>

## 12. Units for the Qualifications

<b>NALP Unit Ref:</b>	<b>30</b>	<b>Ofqual Unit Ref:</b>	<b>R/504/6032</b>
<b>Unit Name:</b>	<b>An Introduction to Law for Paralegals</b>		
<b>Aim of Unit:</b>	<p>The aim of the unit is to provide the learner with detailed knowledge of the legal system in England and Wales and the general legal principles of Contract and Tort law. In understanding the law making process; the court structure; the roles of key legal personnel and methods of dispute resolution, the learner will be ready to progress onto a higher level of learning in related substantive law areas. The learner will understand the roles that can be played by Paralegals in law firms; private companies; local authorities and as a freelance paralegal. In addition, it will provide legal knowledge on dispute resolution and will enable the learner to use and interpret legal language. The skills developed by the learner include: the ability to identify and use factual, procedural and theoretical understanding to complete tasks and address well defined but complex or non-routine issues; time management to include taking responsibility for initiating and completing tasks; the ability to exercise autonomy and judgement within a given scenario; the ability to use and interpret legal language.</p>		
<b>Learning Outcomes</b>	<b>Assessment Criteria</b>	<b>Indicative Content</b>	
1. A thorough understanding of the nature and classification of law in England and Wales	1.1 Describe in detail the nature and purpose of law	<p><b>E.g.</b> Provides rules for society and a means of resolving disputes.</p> <p><b>Include:</b> the main sources of law; the development of English law including the emergence of the common law and equity; the basic principles of legal liability, such as the distinction between civil and criminal liability.</p>	
	1.2 Demonstrate an understanding of the classification of law	<p><b>Include:</b> The ways in which the law may be classified, including the differences between public and private law, civil and criminal law and common law and equity; Identifying differing terminology; case examples</p>	
	1.3 Understand the court hierarchy	<p><b>Include:</b> Civil court hierarchy; Small claims court; County courts; High Court and its divisions; Court of Appeal; Supreme Court. Criminal Division; Magistrates court; Crown</p>	

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		Court; Court of Appeal; Supreme Court. EU Court of Justice; EU Court of Human Rights.
	1.4 Explain the roles of key legal personnel relevantly and accurately	<b>Include</b> - The role and/or training of Solicitors, Barristers, and Paralegals. Lay people to include magistrates and juries. Judges; Clerk to the court; the Lord Chancellor and the Legal Ombudsman
	1.5 Evaluate the influence of EU Law in the UK	<b>Include:</b> European Law influences, Sovereignty of Parliament; Treaty of Rome; European Communities Act 1972; European Court of Justice; Effect of Directives, Decisions and Regulations on National Law; Role of the EU Commission; the Great Repeal Bill; European Union (Withdrawal) Act 2018
2. A detailed knowledge of how law is made	2.1 A detailed knowledge of the role of The Executive; The Legislative and the Judiciary	<b>Include:</b> Judiciary interpretation of law; Executive implementation of law; Legislature making law; Sovereignty of Parliament; Separation of Powers
	2.2 Explain how an Act of Parliament is created	<b>Include:</b> Green Paper; White Paper; First Reading; Second Reading; Committee Stage; Report Stage; Third Reading; House of Lords; Royal Assent  <b>Delegated Legislation</b> Enabling Act, By Laws, Orders in Council, Statutory Instruments, Controls
	2.3 A detailed knowledge of the rules of statutory interpretation	<b>Include:</b> The literal rule; the mischief rule; the golden rule, aids, presumptions & rules of language
	2.4 Identify and evaluate case law precedent as a source of law	<b>Include:</b> Binding and persuasive precedent; ratio decidendi; obiter dicta; law reports
3. Knowledge and application of understanding of the general	3.1 Apply detailed knowledge of the legal requirements for a legally binding agreement	<b>Include:</b> offer, acceptance, intention, consideration, capacity; illegality; counter offers; rules for a valid offer and acceptance; void and voidable contracts

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legal principles of contract and tort law	3.2 Identify and evaluate who can enforce an agreement	<b>Include:</b> privity of contract
	3.3 Know how terms can be incorporated expressly or impliedly into contracts and their effect	<b>Include:</b> express and implied terms; expressly written; implied by statute, common law or custom
	3.4 Identify and apply the remedies that are available for a breach of contract in a given scenario	<b>Include:</b> Compensatory and Liquidated damages; specific performance
	3.5 Explain what a Tort is and the concept of negligence	<b>Include:</b> the definition of a tort. <b>The Tort of Negligence</b> Duty of care owed to people generally
	3.6 Explain and apply knowledge of the current law and tests to establish a duty of care in a given scenario	<b>Include:</b> 'neighbour' test; tests of reasonableness; proximity and foreseeability
	3.7 Apply knowledge of the requirements to establish a breach of duty of care	<b>Include:</b> 3 part test legal duty of care is owed; breach of that duty and damage or injury caused as a result of such breach; causative link to injury or loss; neighbourhood test;
	3.8 Apply understanding of the principles of vicarious liability	<b>Include:</b> employer's liability for torts committed by their employees
	3.9 Identify and explain the defences for Tort	<b>Include:</b> Contributory negligence and Volenti non fit injuria

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4. Knowledge and ability to evaluate the methods of dispute resolution	4.1 Know and explain the methods of alternate dispute resolution	<b>Include:</b> Mediation; arbitration; tribunals
	4.2 Evaluate the advantages and disadvantages of the various methods of ADR in different contexts	<b>Include:</b> Avoiding litigation: Speed; Costs; Preservation of relationship between the parties; formality; emotional issues – context to include business disputes; family matters; employment issues

<b>NALP Unit Ref:</b>	<b>31</b>	<b>Ofqual Unit Ref:</b>	<b>Y/504/6033</b>
<b>Unit Name:</b>	<b>Legal Ethics and Responsibilities for Paralegals</b>		
<b>Aim of Unit:</b>	The aim of this unit is to provide the learner with the knowledge to understand their responsibilities in relation to client care. In understanding the methods of appropriate professional conduct; the learner will be ready to apply client care to any given situation. This is a course for learners commencing or aspiring to commence a career in Paralegal Practice and those who work in the legal environment. The learner will understand the situations where Paralegals need to act professionally and ethically.		
<b>Learning Outcomes</b>	<b>Assessment Criteria</b>	<b>Indicative Content</b>	
1. Demonstrate a thorough understanding of the professional and ethical responsibilities Paralegals have to the client	1.1 Demonstrate a thorough understanding of the requirements of confidentiality and disclosure	<b>Include:</b> As a matter of law; as a matter of conduct; continuation of duty after matter is concluded; information that is material to the client’s matter; disclosure permitted or required by law; disclosure through consent; conflict of confidentiality and disclosure duties – confidentiality takes precedence.	
	1.2 Explain the requirement to act impartially	<b>Include:</b> In a personal capacity, selling to or buying from, lending to or borrowing from a client, unless the client has obtained independent legal advice; advising a client to invest in a business, in which you have an interest which affects your ability to provide impartial advice; where you hold a power of attorney for a client, using that power to	

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		gain a benefit for yourself which in your professional capacity you would not have been prepared to allow to a third party; negotiating on behalf of your organisation for a contract where you have the potential to gain a benefit; bribery.
	1.3 Explain the different ways a case may be funded	<b>Include:</b> Community Legal Service; Civil funding criteria; Criminal Defence Fund criteria; Criminal funding for Advice and assistance; Advocacy and Representation; CFA's
	1.4 Explain the money laundering provisions that affect a client relationship	<b>Include:</b> Definition of money laundering; POCA principal money laundering offences; application of Money Laundering Regs 2007; Activities; Due diligence; Non-face to face clients Identity requirement and source of funds evidence.
	1.5 Identify and have a thorough understanding of possible conflicts of interest	<b>Include:</b> Parties to a matter; personal interests in a matter.
	1.6 Understand how client money should be handled	<b>Include:</b> SRA Regulations; Law Society Guidance; Client accounts
	1.7 Know and evaluate the requirements of the NALP code of ethics	<b>Include:</b> Rules of membership and code of ethics and how they affect relationships with clients in-house, private company and law firms.
	1.8 Identify the resources, skills and procedures to carry out your clients' instructions	<b>Include:</b> Identifying both human and practical resources; negotiating, communicating, drafting and advocacy skills
2. Know how to conduct a client interview effectively and efficiently	2.1 Apply a thorough understanding of how to take instructions, having proper regard to your client's situation	<b>Include:</b> Telephone/video conference/ face to face; Clients who are in-house departments; managers or clients of a law firm.

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	2.2 Understand the key stages of a client interview for law firms; the self-employed; private companies and local authorities	<b>Include:</b> Context: Law firms, the self-employed, private companies and local authorities. Purpose of interview to gain options or obtain advice; conducting a check for conflicts of interest; evidence of identity; providing information on costs; explaining roles/services, listening and recording
	2.3 Know whether and by whom the services you provide are regulated and how this affects the protections available to the client;	<b>Include:</b> Regulated activities under LSA 2007; SRA; NALP self-regulation.
	2.4 Know and apply relevant law and ethical practice in how to deal with vulnerable clients	<b>Include:</b> Mental capacity or other vulnerability such as incapacity or duress/undue influence
	2.5 Demonstrate a thorough understanding of how to respond to client’s queries in a given scenario	<b>Include:</b> In the court room; in an interview; at the police station; in a meeting or negotiation
	2.6 Draft an accurate attendance note	<b>Include:</b> Client interview; police station; internal meeting;
	3. Know and be able to apply the professional requirements of drafting client communications	3.1 Draft a client care letter following appropriate conventions
3.2 Demonstrate knowledge of the appropriate complaints procedure available to clients including the Legal Ombudsman		<b>Include:</b> SRA complaints procedure; NALP complaints procedure; Consumer complaints to the Legal Ombudsman

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	3.3 Accurately and effectively draft and respond appropriately to e mail communications	<b>Include:</b> Clients in-house, law firms, companies, use of appropriate language
	3.4 Explain how to deal with telephone enquiries	<b>Include:</b> Private business; internal calls; law firms; seeking advice; general enquiries; matter update
	3.5 Identify and evaluate the requirement for accurate record keeping including time recording for billing or time management	<b>Include:</b> In-house; legal firm; department in private company
4. Understand the professional and ethical relationship with third parties	4.1 Identify and explain the information that can and cannot be shared with third parties	<b>Include:</b> Contents of wills; debt factoring companies; heir hunters; client’s details; relatives of clients, such as divorce proceedings or family matters
	4.2 Describe the basic principles of the Data Protection Act	<b>Include:</b> how the Data Protection Act 2018 applies (in-house; private practice; local authorities; companies; self-employed) and Understand the changes made by GDPR.

<b>NALP Unit Ref:</b>	<b>32</b>	<b>Ofqual Unit Ref:</b>	<b>H/504/6035</b>
<b>Unit Name:</b>	<b>Wills and Succession for Paralegals</b>		
<b>Aim of Unit:</b>	The aim of this unit is to provide the learner with the knowledge to understand the operation of wills and succession. In understanding the procedure and practice of Wills and Succession, the learner will be able to effectively assist in Wills and Succession matters in a solicitor’s firm, a paralegal firm or other alternative business structure. In particular, the role of the Paralegal in taking effective instructions will be particularly		

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	useful in the work place. This unit enables progression on to the NALP Level 4 Wills and Succession Unit, for those learners who wish to offer services in this area of law.	
<b>Learning Outcomes</b>	<b>Assessment Criteria</b>	<b>Indicative Content</b>
1. Demonstrate a thorough understanding of the formalities of a valid will in English Law	1.1 Explain the formal requirements for the creation of a will/codicil	<b>Include:</b> S9 Wills Act 1837 (as amended). Part IV of the Administration of Justice Act 1982 writing, signature intended to give effect, witnessing/acknowledgment
	1.2 Explain the requirements of capacity and intention	<b>Include:</b> S9 Banks v Goodfellow 1870 and animus testendi
	1.3 Apply an understanding of the formalities to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
2. Identify and describe the main elements of drafting a will and use legal terminology appropriately	2.1 Describe the information that is required by a Paralegal when taking instructions for the creation of a will	<b>Include:</b> Basic information gathering; confidentiality; verifying identity; size and nature of estate; testator's family and marital status; previous wills; capacity; undue influence
	2.2 Explain the form and content of a simple will	<b>Include:</b> A simple will;, main clauses to include, residue, revocation, attestation; appointment of executors, specific , legacies, charging, administrative.
	2.3 Explain how a will is executed	<b>Include:</b> Attestation clause; witnesses present or absent; formalities
	2.4 Apply understanding of the will drafting process to a given scenario using correct legal terminology	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.

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3. Know the legal principles of revocation or alteration of a will or codicil	3.1 Explain the effects of alterations to a will/codicil	<b>Include:</b> Attestation; codicil; s21 Wills Act 1837 (as amended).
	3.2 Explain how a will may be revoked	<b>Include:</b> Express; implied; marriage; ; destruction.
	3.3 Apply an understanding of alteration and revocation to a will to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
4. Understand the law relating to testamentary dispositions and their effect	4.1 Describe the nature of devises	<b>Include:</b> Specific; residuary
	4.2 Explain the different types of legacies	<b>Include:</b> General; specific; demonstrative <b>Also cover:</b> Residue
	4.3 Explain how gifts in a will may fail	<b>Include:</b> Beneficiary unclear; gift unclear; beneficiary dies before testator
	4.4 Apply an understanding to how a gift might fail in a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
5. Understand the operation of the statutory rules of Intestacy	5.1 Describe intestacy and partial intestacy	<b>Include:</b> Administration of Estates Act 1925/S49; Order of entitlement to take Grant – Non-Contentious Probate Rules 1987
	5.2 Explain the order of distribution of beneficial entitlement on intestacy	<b>Include:</b> Trustees’ Powers Act 2014; Surviving spouse; surviving children; surviving parents; surviving brothers and sisters of whole blood; surviving relations of a lesser degree
	5.3 Apply an understanding to the intestacy rules in a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.

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6. Understand the role and powers of Personal Representatives	6.1 Explain the role and powers of Personal Representatives	<b>Include:</b> Executors; administrators, Administration of Estates Act 1925
	6.2 Apply an understanding of the role and powers to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
7. Understand the law in relation to grants of representation	7.1 Explain the different types and use of grants of representation	<b>Include:</b> Probate; Letters of Administration with will; Letters of administration
	7.2 Apply an understanding of grants of representation to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
8. Understand the provisions of the Inheritance (Provision for Family and Dependents Act) 1975 in respect of claims under the terms of a will and under the intestacy rules	8.1 Explain the classes of person who can make a claim under the Inheritance (Provision for Family Act) 1975	<b>Include:</b> Surviving spouse; former spouse unmarried; children of the deceased; child to which deceased acted as parent; cohabitee; person maintained by the deceased prior to death
	8.2 Apply an understanding of the effect of a successful claim to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.

<b>NALP Unit Ref:</b>	<b>33</b>	<b>Ofqual Unit Ref:</b>	<b>T/504/6038</b>
<b>Unit Name:</b>	<b>Civil Litigation for Paralegals</b>		
<b>Aim of Unit:</b>	The aim of this unit is to provide the learner with the knowledge to understand how the process of civil litigation is conducted using the areas of debt recovery, personal injury, consumer law and family law (in relation to mediation and ADR) as illustrations. In understanding how civil actions are commenced, funded and defended,		

	the learner will be able to effectively assist in civil litigation cases in practice or provide services within legal departments involved in litigation.	
<b>Learning Outcomes</b>	<b>Assessment Criteria</b>	<b>Indicative Content</b>
1. Thoroughly understand the concept and scope of civil litigation in England and Wales	1.1 Explain the hierarchy of the civil court structure in England and Wales	<b>Include:</b> Purpose of civil litigation; composition of High Court and County Court in England & Wales, comparison to criminal law and other classifications of law.
	1.2 Apply an understanding of the scope of civil litigation in England and Wales to a given scenario	<b>Include:</b> In debt recovery; consumer cases; personal injury; family (mediation/ADR).
	1.3 Analyse the role of the Paralegal in differing circumstances	<b>Include:</b> In law firms; in court; in-house; in legal departments; giving advice; taking instructions; preparing files; drafting documents; answering queries; professional conduct.
	1.4 Identify, describe and evaluate the key aspects of the Civil Procedure Rules	<b>Include:</b> Overview and impact of the CPR; Overriding objective; introduction of track allocation, pre-action protocols, time limits; penalties and sanctions; change in terminology.
	1.5 Identify and evaluate the different methods of Alternate Dispute Resolution	<b>Include:</b> Mediation; Negotiation; Arbitration; Tribunals; Contract disputes; Employment disputes; Family Matters.
	1.6 Explain how a court decides on the allocation of track for an action	<b>Include:</b> Allocation questionnaire; CPR 26.8; Small claims track; fast track: multi track; N150.
2. Identify and explain how civil actions can be funded	2.1 Understand the funding mechanisms that are available for your client	<b>Include:</b> Self-funding; public funding; conditional fee agreements (CFAs); Regulation of CFA's, legal expenses cover; before the event insurance (BTE), after the event insurance (ATE), N251.

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	2.2 Understand how costs are accrued in a civil litigation action	<b>Include:</b> Solicitor and own client costs, inter parties costs, fixed costs, discretionary nature of costs; indemnity principle; disbursements
	2.3 Apply an understanding of funding to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
3. Know how to commence and defend a civil action and apply that knowledge to a given scenario	3.1 Explain how a civil action is commenced	<b>Include:</b> N1 Claim form; contents of claim form; particulars of claim; contents of particulars of claim;
	3.2 Explain the options available to a defendant once an action has been initiated, including to admit (partially or fully), to counterclaim and defend	<b>Include:</b> Response Pack N9; Pay in full; admission in full and offer to pay by instalments; Admission in part; deny claim and defend; defend and counter claim; counterclaim: file acknowledgment of service; consequence of no response.
	3.3 Explain the steps in a civil litigation process	<b>Include:</b> In Small claims track; fast track: multi track; pre-action protocols, statements of case, time limitations, directions, disclosure, listing questionnaire, exchange of witness statements and expert witness reports, hearing and judgment.
	3.4 Apply an understanding of the civil litigation process and rules to a set of given facts	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
4. Demonstrate a thorough understanding of how to prepare for a trial	4.1 Understand the documents required to prepare a trial bundle	<b>Include:</b> CPR 39.5; standard contents; documents prepared under court order to include a case summary; a skeleton argument; a trial timetable
	4.2 Understand what Directions are	<b>Include:</b> Standard; special or agreed

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	4.3 Explain the concept of Disclosure	<b>Include:</b> In small claims track; fast track: multi track; pre-action disclosure; purpose: early exchange to decide the merits of a prospective claim; possible outcomes: settlement before proceedings; order for disclosure CPR 31.16
	4.4 Examine the situations where an interim application may be necessary and apply to a given scenario	<b>Include:</b> Applications for a minor procedural matter; applications requiring case management decisions relating to disclosure, exchange of evidence or directions; applications for specific remedies: specific disclosure; interim payments; interim injunctions
	4.5 Explain the role of expert witnesses and when witness summonses may be necessary	<b>Include:</b> Purpose of expert witnesses; circumstances when a witness summons is required
	4.6 Explain the process and purpose of the pre-trial review	<b>Include:</b> CPR 29.6 Pre-trial checklist; CPR 29.7, Multi-track
	4.7 Apply an understanding of the pre-trial process to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
5. Demonstrate a thorough understanding of the procedures post trial	5.1 Explain the general principles of costs and how costs are awarded	<b>Include:</b> In small claims track; fast track: multi track; costs follow the event; fixed costs, solicitor's and own client costs, Solicitors Code of Conduct Rule 2.03
	5.2 Explain the remedies available to the claimant	<b>Include:</b> In contract; in tort: common law remedy of Damages; equitable remedies of Injunction, specific performance, rectification
	5.3 Explain how the winning party can bring enforcement	<b>Include:</b> Warrant of execution, third party debt order, attachment of earnings order, charging order, appointment of a receiver, bankruptcy.

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	proceedings after judgment	
	5.4 Demonstrate an understanding of a trial and its outcomes based on a set of given facts	<b>Include:</b> process during a trial; Judgment; settlements reached after proceedings - consent orders; Appeals

<b>NALP Unit Ref:</b>	<b>34</b>	<b>Ofqual Unit Ref:</b>	<b>T/504/6041</b>
<b>Unit Name:</b>	<b>Criminal Litigation for Paralegals</b>		
<b>Aim of Unit:</b>	The aim of the unit is to provide the learner with detailed knowledge of key aspects of criminal litigation. The learner will understand the criminal litigation procedure in the Magistrates’ Court and the Crown Court from arrest to trial. In addition the learner will know the funding mechanisms available for criminal litigation matters. The learner will also understand the professional conduct requirements when dealing with criminal litigation, and the role of a Paralegal in this area of law. The skills developed by the learner include: the ability to identify and use factual, procedural and theoretical understanding to complete tasks and address well-defined but complex or non-routine issues; time management to include taking responsibility for initiating and completing tasks; the ability to exercise autonomy and judgement within a given scenario; the ability to use and interpret legal language.		
<b>Learning Outcomes</b>	<b>Assessment Criteria</b>	<b>Indicative Content</b>	
1. Understand police powers in the investigation and detection of crime	1.1 Demonstrate an understanding of a lawful arrest	<b>Include:</b> Under PACE s.24, Reasonable suspicion under PACE Code G, use of reasonable force s. 3(1) Criminal Law Act 1967. Demonstrate an understanding of a lawful arrest.	
	1.2 Describe the rules in relation to the powers of stop and search	<b>Include:</b> PACE 1984; search before and after arrest, search of a person or vehicle, intimate search, search of premises.	
	1.3 Explain the requirements for the detention and interrogation of suspects under PACE 1984	<b>Include:</b> PACE 1984, treatment of suspects during detention and interrogation, periods of detention.	

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	1.4 Explain the general right to bail and the grounds for refusal	<b>Include:</b> Police bail, general right to bail under the Bail Act 1976, grounds for refusing Bail under s.4, in the Magistrates' Court, in the Crown Court.
	1.5 Describe the requirements of PACE and the consequences of a breach in a given scenario	<b>Include:</b> Code C PACE, the role of the custody officer, informing suspects of their rights s.39 PACE; establishing sufficient evidence to charge; reviewing a suspect in detention; providing access to legal advice; oppressive interviews; recording interviews and the custody record.
	1.6 Explain a suspect's right to remain silent at the police station and its possible effect	<b>Include:</b> At the police station; inference that may be drawn from exercising that right.
	1.7 Describe the identification procedures and how this may affect a suspect in a given scenario	<b>Include:</b> s.66 PACE code of practice, video ID, etc.
2. Demonstrate an understanding of the principles of professional conduct in criminal litigation	2.1 Evaluate the role of a Paralegal in criminal litigation	<b>Include:</b> As a freelance Paralegal, a Licensed Paralegal, assisting a solicitor, assisting a barrister, in-house lawyer.
	2.2 Explain the duties owed to the client	<b>Include:</b> Act with integrity; act in the client's best interests; provide a proper standard of service to your client; avoid conflicts of interest.
	2.3 Explain the duties owed to the court	<b>Include:</b> Upholding the rule of law; not to mislead or deceive the court.
	2.4 Explain the duties owed when interviewing witnesses	<b>Include:</b> The proper administration of justice; not to tamper with evidence; not to influence the witness; not to call a witness whose evidence you know is untrue.
	2.5 Explain the overarching duty of confidentiality	<b>Include:</b> Between client and paralegal; client and solicitor.

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	2.6 Apply knowledge of professional conduct to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised. <b>Include:</b> NALP code of conduct; Solicitors' code of conduct (updated 2018).
3. Know in detail the classification of criminal offences and the criminal procedure that flows from each	3.1 Describe how offences are classified	<b>Include:</b> Summary-only, triable either way, indictable-only.
	3.2 Identify and describe the 4 classes of Indictable offences	<b>Include:</b> Class 1 offence Murder, Class 2 offences Manslaughter and Rape, Class 3 Offences, Class 4 Offences.
	3.3 Describe the criminal procedure for a summary offence	<b>Include:</b> Investigation; charge/summons; Initial appearance at Magistrates' Court CPR Rule21; pre-sentence report; summary trial.
	3.4 Describe the criminal procedure for an either-way offence	<b>Include:</b> Investigation; charge summons; initial appearance at magistrates' court; mode of trial/allocation enquiry; summary trial or sending; plea and case management hearing before Crown Court disclosure; trial on indictment.
	3.5 Explain the criminal procedure for an indictable only offence	<b>Include:</b> Investigation; charge summons; initial appearance at magistrates' court; first appearance at Crown Court; plea and case management; sentence or trial by jury.
	3.6 Identify and apply understanding of the correct criminal procedure in a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised. <b>Include:</b> Magistrates' Court; Crown Court, as appropriate to scenario.
4. Identify and describe the functions and jurisdiction of the Magistrates' Court and the Crown Court	4.1 Describe the main functions of the Magistrates' Court	<b>Include:</b> Preliminary matters during early stages of all prosecutions: applications for adjournment, defendant's bail status; tries summary offences; determines venue for trial of an either-way offence on a not guilty plea; sends indictable offences to the Crown Court under s.51 Crime and Disorder Act 1998; Commits for sentence.

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	4.2 Describe the main functions of the Crown Court	<b>Include:</b> Tries either way offences for trial at the CC; tries indictable only offences; sentences offenders convicted before CC and those committed for sentence by the magistrates' court; hears appeals from the magistrates' court or youth court.
	4.3 Identify the appropriate court for criminal proceedings in a given scenario	<b>Include:</b> Consideration of offence, summary, either way or indictable only; consider plea; jurisdiction of the magistrates' court.
	4.4 Explain how appeals can be made from the Magistrates' Court and the Crown Court	<b>Include:</b> From the Magistrates' Court and the Crown Court.
5. Thoroughly understand the mode of trial proceedings	5.1 Describe the mode of trial procedure	<b>Include:</b> Either-way offence; plea before venue; venue for trial enquiry/allocation hearing.
	5.2 Explain how Magistrates' decide on the mode of trial	<b>Include:</b> Maximum sentencing powers; National Mode of trial guidelines/Sentencing guidelines.
	5.3 Explain the potential advantages and disadvantages of a defendant choosing a trial by jury or a trial by Magistrates' in a given scenario	<b>Include:</b> High acquittal rate; costs; powers of sentencing; publicity; time.
6. Understand the pre-trial function and procedures for the disclosure of evidence	6.1 Explain the purpose of pre-trial disclosure of evidence in either-way offences	<b>Include:</b> Prevent litigation; identify strength of case.

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	6.2 Describe the disclosure obligations of the police	<b>Include:</b> Recording and retention of all relevant information and material gathered during the investigation; reveal information to the prosecutor; types of information that may be gathered e.g. custody records, crime reports, telephone calls, interview records, any material casting doubt on the reliability of a confession or a witness.
	6.3 Describe the disclosure obligations of the CPS	<b>Include:</b> Providing initial details of the prosecution case and content of the initial details Crim PR, Part 21 21.2 and 21.3
	6.4 Describe the obligation of the defence to make pre-trial disclosure of evidence	<b>Include:</b> s. 5 CPIA; time limits. <b>Also Cover:</b> Purpose and content of a defence statement - Section 6A CPIA 1996.
7. Understand the scope of funding for criminal matters	7.1 Explain the public funding available for advice and assistance and the criteria that must be met	<b>Include:</b> CDS1 and 2.
	7.2 Explain the public funding available for representation and the criteria that must be met	<b>Include:</b> Representation orders; Forms CDS14 and CDS15; the interests of justice test, means testing.
	7.3 Summarise the differences between means testing in the Magistrates' Court and the Crown Court	<b>Include:</b> CDS14 and 15; passporting; assessment of income in the magistrates' court; assessment of income, capital and equity in the crown court; representation/contribution orders.
	7.4 Explain the scope of the duty solicitor scheme	<b>Include:</b> Representation at police station - Defence solicitor call centre; advice by telephone or by attending the police station; at Court - initial appearance; bail application.

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8. Understand the sentencing process	8.1 Describe the basis for sentencing under the CJA 2003	<b>Include:</b> Basis of sentencing under CJA 2003 the totality principle S.66(3); Role of CPS on sentencing; plea in mitigation; pre-sentencing reports; sentencing aims; the role of guidelines MCSGs (2008).
	8.2 Identify and describe the sanctions that can be imposed at sentencing	<b>Include:</b> Hierarchy of sentences.
	8.3 Describe the issues the court will consider when deciding on a sentence	<b>Include:</b> The seriousness of the offence s.143(1) CJA 2003; aggravating factors SS.143-146 CJA 2003; mitigating factors.
	8.4 Describe the constraints on sentencing that exist in the Magistrates' Court	<b>Include:</b> Custodial sentences; maximum fines.
	8.5 Apply knowledge of the procedure of sentencing in a given scenario	<b>Include:</b> Either-way and summary offences.

<b>NALP Unit Ref:</b>	<b>35</b>	<b>Ofqual Unit Ref:</b>	<b>K/504/6036</b>
<b>Unit Name:</b>	<b>Commercial Law for Paralegals</b>		
<b>Aim of Unit:</b>	The aim of the unit is to provide the learner with detailed knowledge of aspects of commercial law. The learner will understand the business mediums of companies and partnerships and will be able to identify the appropriate business medium in given scenarios. The learner will understand the scope of commercial contracts and have a detailed knowledge of contract law. The learner will analyse the concept of confidential information and how to protect it. The learner will understand the concept and scope of intellectual property and the need for businesses to protect their rights. The skills developed by the learner include: the ability to identify and use factual, procedural and theoretical understanding to complete tasks and address well defined but complex or non-routine issues; time management to include taking responsibility for initiating and completing tasks; the ability to exercise autonomy and judgement within a given scenario; the ability to use and interpret legal language.		

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Learning Outcomes	Assessment Criteria	Indicative Content
1. Understand the formation and principles of a Company	1.1 Describe characteristics of a company	<b>Include:</b> Legal identity: incorporation; piercing the veil; single member companies, public and private companies; liability; perpetual succession
	1.2 Explain the advantages and disadvantages of forming a company in a given scenario	<b>Include:</b> New business venture, expansion of existing business, formalities, tax, liability, commercial image, business needs, cost, tax implications – as specifically applicable to the given scenario and not just generalisations.
	1.3 Explain the rules in relation to Directors	<b>Include:</b> Appointment and removal; powers; board of directors; duties, protection of directors from liability
	1.4 Describe the purpose and content of a memorandum of association.	<b>Include:</b> Details of the purpose and content
	1.5 Describe the purpose and content of articles of association	<b>Include:</b> Details of the purpose and content
	1.6 Describe the process of incorporation for private and public companies	<b>Include:</b> the process under the Companies Act 2006, Formation documents; constitution; articles; company name.
	1.7 Give advice to a client regarding the principles and formation of a Company in a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
2. Understand the formation and principles of a Partnership	2.1 Describe the legal consequences between trading as a partnership	<b>Include:</b> Definition of partnership; formation of partnership and LLP; the partnership agreement; name; partners as agents; members and designated members property; fiduciary duties ss 28-30 PA 1890 ; winding up

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	and a Limited Liability Partnership	
	2.2 Explain the extent to which Partners or members of Limited Liability Partnerships are agents of each other and are liable for each other's torts	<b>Include:</b> Regulation 7 of the Limited Liability Partnership Regs 2001; s.10 of the PA 1890
	2.3 Apply knowledge of the principles and formation of a Partnership in a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
3. Thoroughly understand the formation and terms of a contract	3.1 Describe the requirements for a legally binding contract	<b>Include:</b> Offer, invitation to treat, acceptance, intention, consideration, consensus ad idem, public policy, counter offers, postal rules, part payment of debt, promissory estoppel
	3.2 Describe the difference between express and implied terms	<b>Include:</b> By statute, at common law, contract of sale of goods or service.
	3.3 Describe the difference between conditions and warranties and innominate terms	<b>Include:</b> definition of conditions, warranties and innominate terms
	3.4 Describe the terms implied by the Sale of Goods Act 1979 and associated statutes	<b>Include:</b> Terms implied by statute; Sale of Goods Act 1979 as amended by the Consumer Rights Act 2015 ss 9-11; s13; s14; s17
	3.5 Explain the extent to which exclusion clauses	<b>Include:</b> UCTA 1977, sections 2(1), (2) and 3; incorporation, interpretation, contra proferentum rule; Consumer Rights Act 2015 s2; s61; s62; s65

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	can exclude or restrict contractual liability	
	3.6 Apply knowledge of the formation and terms of a contract to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
4. Understand vitiating factors that affect a contract	4.1 Explain the principles and effect of Misrepresentation	<b>Include:</b> Definition of an actionable misrepresentation, terms and representations; fraudulent, negligent and innocent; burden of proof; remedies.
	4.2 Explain the principles and effect of Mistake	<b>Include:</b> Common mistake; unilateral mistake; non est factum, existence of subject matter; identity.
	4.3 Explain the concept and effect of duress	<b>Include:</b> Duress to the person; economic duress.
	4.4 Explain the principles and effect of illegality	<b>Include:</b> Contracts to commit a tort, crime or fraud; commercial contracts.
	4.5 Explain the principles and effect of undue influence	<b>Include:</b> Relationship of trust and confidence; paralegal and client; solicitor and client; burden of proof.
	4.6 Give advice to a client of the effect of vitiating factors on a contract	<b>Include:</b> Contracts can either be void or voidable dependent on what vitiating factor may be present. Detail the effects of both on a contract
5. Understand how a contract may be discharged and the remedies that are available	5.1 Explain the ways a contract may be discharged	<b>Include:</b> By performance, anticipatory or actual breach, agreement, frustration.
	5.2 Identify whether a contract has been discharged in a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.

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	5.3 Explain the common law remedies for a breach of contract	<b>Include:</b> Damages; causation; remoteness of damage; amount of damages; mitigation of loss; loss of bargain, reliance loss, restitution.
	5.4 Explain the potential equitable remedies for a breach of contract	<b>Include:</b> Specific performance, Injunction, Rectification.
	5.5 Identify possible remedies in a given scenario in order to advise a client	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
6. Identify and understand the concept of confidential information and how to protect it	6.1 Demonstrate an understanding of situations when information may be imparted in confidence	<b>Include:</b> Contract negotiations; telephone calls; conferences; round table discussions; meetings with clients or customers.
	6.2 Demonstrate an understanding of the types of information that may be confidential in a given scenario	<b>Include:</b> Company data; company records; plans; estimates; litigation documents; accounts; customer or client details
	6.3 Describe the scope and purpose of a Confidentiality Disclosure Agreement (CDA)	<b>Include:</b> One way and two way CDA's; identification of subject area; limitation of obligations under cda to identified information; limitation of the purposes for use of the confidential information; basic clause in a simple CDA
	6.4 Identify and describe the preliminary information required to enable a CDA to be drafted	<b>Include:</b> Who is disclosing information; type of information; sensitivity of information; advantages of disclosing; disadvantages of disclosing; when will the confidential information become publicly known; commercial reasons for disclosure.

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	6.5 Describe the remedies and defences available for a breach of confidence	<b>Include:</b> Injunctions; Damages; Public interest defence.
	6.6 Apply knowledge in advising a client in given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
7. Understand the scope of Intellectual Property in commercial matters	7.1 Explain the nature of Intellectual Property in commercial matters	<b>Include:</b> IP value to the organisation; risks; importance in commercial transactions; personal property.
	7.2 Describe the scope of Patents	<b>Include:</b> In UK; Temporary protection; technological inventions.
	7.3 Describe the scope of Copyright and Designs	<b>Include:</b> In UK; Rights in literary, artistic and music creations; database.
	7.4 Describe the scope of Trade Marks	<b>Include:</b> In UK; Protection against imitation; brand names; logos.
	7.5 Apply knowledge of Intellectual Property to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.

<b>NALP Unit Ref:</b>	<b>36</b>	<b>Ofqual Unit Ref:</b>	<b>A/504/6039</b>
<b>Unit Name:</b>	<b>Conveyancing for Paralegals</b>		
<b>Aim of Unit:</b>	The aim of the unit is to provide the learner with detailed knowledge of the conveyancing procedure. The learner will understand the conveyancing process in England and Wales and be able to apply that knowledge to given scenarios. In particular, the learner will understand the role of the Paralegal in taking instructions from clients and matters relating to the client interview. The skills developed by the learner include: the ability to identify and use factual, procedural and theoretical understanding to complete tasks and address well defined but complex or non-		

	routine issues; time management to include taking responsibility for initiating and completing tasks; the ability to exercise autonomy and judgement within a given scenario; the ability to use and interpret legal language.	
Learning Outcomes	Assessment Criteria	Indicative Content
1. Understand the difference between registered and unregistered land	1.1 Identify and describe the differences between registered and unregistered land	<b>Include:</b> the consequence of having a central land registry and what the advantages are.
	1.2 Explain the main differences between registered and unregistered conveyancing	<b>Include:</b> simpler conveyancing process, proof of title dependent on what is registered without proving title
2. Understand how to take standard instructions on the sale and purchase of land and the initial matters that need to be dealt with at the client interview	2.1 Explain the differences between a joint tenancy and a tenancy in common	<b>Include:</b> definition of joint tenancy, rights of survivorship etc: definition of tenancy in common, ownership in shares.
	2.2 Explain the need for and the different types of survey prior to purchasing property	<b>Include:</b> basic valuation; home buyers valuation and survey report; full structural survey.
	2.3 Explain the requirement to pay stamp duty land tax	<b>Include:</b> Residential and higher rates
	2.4 Describe and apply client care procedures to a given scenario	<b>Include:</b> advice on costs; complaints handling; time scales; proposed action; client care letter.
	2.5 Demonstrate a thorough understanding	<b>Include:</b> confidentiality, money laundering; checking evidence of identity and source of funds, acting for buyer and seller and the Law Society's Conveyancing Protocol.

	of aspects of professional conduct	
3. Know the steps of the conveyancing process pre-contract	3.1 Explain the steps to be taken in order to draft a contract for sale	<b>Include:</b> Registered, unregistered and leasehold land: office copies; form and content of Land Registry entries and Title plans; obtaining deeds or lease; deducing and investigating seller’s title; duty of disclosure; seller’s capacity to sell; occupiers; contents of contract; standard Conditions of Sale 5th edition.
	3.2 Describe the procedures for making pre-contract searches	<b>Include:</b> Registered and unregistered land; NLIS; local authority LLC1, water co, coal mining, index map, land charges, environmental, co search.
	3.3 Describe the procedures for making pre-contract enquiries	<b>Include:</b> Property info forms TA6 and 7; Form Con29L, specific enquiries, disputes, notices, boundaries, services, covenants, occupiers , planning, misrepresentation.
	3.4 Explain the requirements for a valid contract	<b>Include:</b> Section 2 of the Law of Property (Miscellaneous Provisions) Act 1989.
	3.5 Demonstrate the use of pre-contract processes to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
4. Know the procedure for exchange of contracts	4.1 Explain when contracts can be exchanged	<b>Include:</b> at what point in the process can contracts be exchanged e.g. after buyer’s pre-contract searches & enquiries are completed and buyer is satisfied and has funds
	4.2 Explain the effect of a binding contract	<b>Include:</b> Seller’s duty as trustee and buyer’s responsibilities after exchange
	4.3 Explain the methods of exchange	<b>Include:</b> In person; by post; by telephone Formula A, B, C.
	4.4 Apply knowledge of the procedure for exchange	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario

	of contracts to a given scenario	is clear and not generalised. (e.g. Residential Property, Acting for buyer or seller).
5. Understand how to complete a conveyancing transaction	5.1 Identify and describe pre-completion searches	<b>Include:</b> all pre-contract searches relating to the property with various outside bodies (such as The Local Council, the Coal Board, the County Council, the Land Registry etc.), to check whether there is anything adverse which might affect the property
	5.2 Describe the contents and purpose of a pre-completion checklist	<b>Include:</b> content of checklist for buyer and for seller are different – helps to organise what needs to be done and in what order
	5.3 Demonstrate an understanding of the purpose and content of a completion statement	<b>Include:</b> what a completion Statement is and what it is for re Buyer and seller in a residential property transaction
6. Understand post-completion matters	6.1 Explain how the mortgage is discharged	<b>Include:</b> Land registry prefers electronic discharge via END1 form
	6.2 Explain the thresholds for SDLT	<b>Include:</b> Thresholds vary for Residential properties from 0%-12% on value of property
	6.3 Explain the procedure for discharging SDLT	<b>Include:</b> Form SDLT1 completed and sent to HMRC
	6.4 Describe how to register the transfer of Title	<b>Include:</b> buyer’s solicitor responsible completing form AP1 and sending all documents to land registry together with DS1 (discharge of mortgage if any)
	6.5 Demonstrate the use of post completion matters to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised

<b>NALP Unit Ref:</b>		<b>37</b>	<b>Ofqual Unit Ref:</b>		<b>A/504/6039</b>
<b>Unit Name:</b>	<b>Employment Law and Practice for Paralegals</b>				
<b>Aim of Unit:</b>	The aim of this unit is to provide the learner with detailed knowledge of employment law and practice. In understanding the contractual relationship and wider scope of employment law; the learner will develop skills to apply the law in practical situations. This is a course for learners commencing or aspiring to commence a career in Paralegal Practice and those who work in a legal environment. The learner will understand the situations where Paralegals can play a role in employment practice; employment and HR departments and in employment advisory services.				
<b>Learning Outcomes</b>	<b>Assessment Criteria</b>	<b>Indicative Content</b>			
1. Know and evaluate the difference between employees and other types of workers.	1.1 Define an employee	<b>Include:</b> Identifying who is an employee under the law; an explanation of the differences between employees v independent contractors and the importance attached to this; Agency workers and other types of sub-contractors.			
	1.2 Know, evaluate and apply the tests to distinguish between an employee and a self-employed worker	<b>Include:</b> Understanding the legal test for establishing the status of employees; what is a valid employment contract and factors to consider; the duties owed by employers and employees.			
	1.3 Comprehensively describe the contractual relationship between employer and employee	<b>Include:</b> the employment contract contains express terms laying out the basics of the relationship, implied terms which while not expressly stated in the contract, are deemed to exist within it			
	1.4 Explain how statute and common law govern an employment contract	<b>Include:</b> What are the main sources of employment law – Common law, Statute and Case law			
	2.1 Describe thoroughly the main terms in a written	<b>Include:</b> Understanding the <b>terms of an employment contract</b> – Express versus Implied terms; examining the form			

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2. Know and evaluate the difference between employees and other types of workers.	particulars of employment	and contents of the written particulars of employment contracts per s1(2) ERA 1996.
	2.2 Understand the requirement that the employer must provide a S1 statement to an employee	<b>Include:</b> When should employers provide employees with written contractual terms and the consequences of failing to do so; the contents of the Principal statement to be provided in employee handbooks?
3. Know and apply understanding of how employment may be terminated.	3.1 Explain how employment may be terminated by mutual agreement	<b>Include:</b> mutual consent; periods of notice required under employment law; establishing potentially fair reasons for ending an employment contracts and the appropriate procedures to follow in doing so.
	3.2 Explain dismissal at common law	<b>Include:</b> dismissals and periods of notice required under employment law; requirements for dismissal without notice; establishing potentially fair reasons for ending an employment contracts and the appropriate procedures to follow in doing so.
	3.3 Evaluate whether an employment has been terminated in a given set of facts	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
4. Demonstrate a detailed knowledge of the principles and practice of unfair dismissal, wrongful dismissal and redundancy.	4.1 Explain the requirement of a termination for a wrongful dismissal claim	<b>Include:</b> definition of wrongful dismissal; the requirements for establishing wrongful dismissal e.g. breach of contract of employment
	4.2 Know the remedies for wrongful dismissal	<b>Include:</b> damages, reinstatement, reengagement
	4.3 Describe and apply the requirements to establish a claim for an unfair dismissal	<b>Include:</b> establish that claim is unfair under Equality Act 2010 for reasons of race, disability, religion or belief, sex, sexual orientation, gender reassignment, marriage or civil partnership

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	4.4 Know the potentially fair reasons for dismissal	<b>Include:</b> fair reasons such as capability to perform duties, conduct of employee, retirement, redundancy etc:
	4.5 Describe the importance of an employer following the correct procedure and acting fairly	<b>Include:</b> correct procedure must be followed by employer such as giving adequate notice to employee, allowing employee to make adequate representations and having a witness present etc;
	4.6 Identify the court or tribunal where an employment case may be heard and potential remedies available	<b>Include:</b> Employment Tribunal – potential remedies: damages, reinstatement or reengagement.
	4.7 Explain the contents and use of an ET1 in commencing an employment claim	<b>Include:</b> contact details of employee plus commencement and end date of employment plus statement detailing unfair dismissal etc:
	4.8 Explain the three circumstances where a redundancy can occur	<b>Include:</b> Defining redundancy and the four circumstances where redundancy may occur.
	4.9 Demonstrate a thorough understanding of the steps to be taken in a fair redundancy procedure	<b>Include:</b> the need for redundancy consultation and procedure; selection criteria for redundancy and avoiding redundancies.
	4.10 Know and apply the remedy of redundancy payments to a given scenario	Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
5. Know in detail employees' rights and entitlements under statute and common law.	5.1 Explain the right of an employee to request flexible working	<b>Include:</b> Employment Rights Act 1996 as amended

	5.2 Describe relevantly and accurately the entitlement to paternity and adoption leave and pay in a given scenario	<b>Include:</b> Paternity and Maternity provisions and entitlements and payments; entitlement to adoption leave and qualification requirements.
	5.3 Explain the right to maternity leave and pay	<b>Include:</b> Paternity and Maternity provisions and entitlements and payments; parental leave entitlement and payments.
	5.4 Explain the right to time off and unpaid leave for dependants	<b>Include:</b> the circumstances when an employee has a right to unpaid leave and the relevant legislation
	5.5 Explain how an employee may claim harassment under the Equality Act 2010	<b>Include:</b> Understanding the legal provisions under the <b>Equality Act 2010</b> dealing with discrimination and harassment; definition of discrimination and types of discrimination; establishing the protected characteristics under <b>s4 of the EA – The Protected Characteristics (this originally had noted s149(7)the EA 2010 relating to age;)</b>
	5.6 Understand the difference between direct and indirect discrimination	<b>Include:</b> difference between direct and indirect discrimination within the meaning of S13 of Equality Act 2010
	5.7 Know in detail the protection against discrimination to disabled people provided by statute	<b>Include:</b> meaning of disability under Equality Act 2010

<b>NALP Unit Ref:</b>	<b>38</b>	<b>Ofqual Unit Ref:</b>	<b>T/505/5919</b>
<b>Unit Name:</b>	<b>Consumer Law and Advice for Paralegals</b>		
<b>Aim of Unit:</b>	<p>The aim of the unit is to provide the learner with detailed knowledge of key consumer legislation in England and Wales and the practice of providing initial consumer advice. In understanding consumer law and the procedure for providing initial consumer advice, the learner will be ready to progress onto a higher level of learning in related substantive law areas. The learner will understand the roles that can be played by Paralegals in consumer advice centres, law firms; private companies; local authorities and as a freelance paralegal. In addition, it will provide legal knowledge on dispute resolution and will enable the learner to use and interpret legal language. The skills developed by the learner include: the ability to identify and use factual, procedural and theoretical understanding to complete tasks and address well defined but complex or non-routine issues; time management to include taking responsibility for initiating and completing tasks; the ability to exercise autonomy and judgement within a given scenario; the ability to use and interpret legal language.</p>		
<b>Learning Outcomes</b>	<b>Assessment Criteria</b>	<b>Indicative Content</b>	
1. An ability to Identify a client’s needs and know how and when to refer a matter to a senior or specialist adviser	1.1 Explain why it is important to establish the client’s needs	<b>Include:</b> Researching the client’s needs; analysing client information.	
	1.2 Explain how to research resources and information to advise on a matter	<b>Include:</b> Defining the client’s needs; analysing organisational, ethical and legal requirements in providing initial legal advice.	
	1.3 Analyse client information to be able to define the client’s needs	<b>Include:</b> Establishing the type of initial legal advice that is appropriate to meet the client’s needs.	
	1.4 Evaluate why it is important to work within your range of competency	<b>Include:</b> The importance of working within one’s own level of competence.	
	1.5 Identify and explain when to refer a matter to a senior or specialist adviser	<b>Include:</b> Understanding the processes to be able to identify when a client should be referred to a specialist or senior	

		adviser; understanding the procedures that must be followed when referring clients.
	1.6 Confirm client needs and expectations with the client	<b>Include:</b> taking notes and feeding this back to the client
2. A thorough understanding of the nature of consumer law and practice in England and Wales	2.1 Summarise the key legal principles that protect consumers where goods or services are supplied	<b>Include:</b> To provide consumer protection; to provide a means of resolving disputes; the key sources of consumer law; the basic principles of legal liability; the relationship between a supplier and a consumer.
	2.2 Explain the statutory rights available to clients under consumer and contract law	<b>Include:</b> Statutory rights and remedies under contract and consumer law; key principles of the consumer law legislative framework; Goods and Services; cancellation rights.
	2.3 Explain the main provisions of Sale of Goods Act 1979 and the Supply of Goods and Services Act 1982 and summarise how these have been affected by the Consumer Rights Act 2015	<b>Include:</b> application of the law on the sale of goods and services; common law and statutory protection from the use of exclusion clauses; contractual principles in the supplier/consumer relationship; Conditional Sale/Hire Purchase; Sale of Goods Act; supply of Goods and Services Act; Misrepresentation Act;
	2.4 Summarise the Consumer Protection (Distance Selling) Regulations 2000 (as amended in 2015)	<b>Include:</b> Consumer rights under the Consumer Contracts (Amendments) regulations 2015

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	2.5 Analyse how the Consumer Credit Act 1974 affects consumers	<b>Include:</b> Terms in Consumer Contracts Regulations; Doorstep Selling Regulations, Consumer Protection Regulations; Limitation of actions
	2.6 Explain how consumers are protected under the provisions of the Consumer Rights Act 2015 with reference to the Unfair Terms in Consumer Contracts Regulations 1999 and the Consumer Protection from Unfair Trading Regulations 2008	<b>Include:</b> how consumers are currently protected by the Consumer Rights Act in relation to unfair contract terms.
	2.7 Explain the main provisions that protect consumers under the Payment Services Regulations 2009 (as amended)	<b>Include:</b> protective provisions under the Payment Services Regulations 2017
3. A detailed knowledge of the remedies available to the consumer for a breach of consumer law and the range of sanctions	3.1 Explain the statutory remedies available to clients under consumer and contract law	<b>Include:</b> remedies under the Consumer Rights Act – enforcing terms about goods, right to reject or partially reject, damages
	3.2 Explain the cancellation rights available to clients for contracts entered into under differing trading practices	<b>Include:</b> rights under the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 for goods and service
	3.3 Summarise the main provisions of alternate dispute resolution and arbitration and the time-limits	<b>Include:</b> The range of ADR; mediation, arbitration etc:
	3.4 Explain the process and procedure of bringing a claim in the county court	<b>Include:</b> establishing a case, letter of claim, issuing a claim form, funding and the process through the court

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	3.5 Understand how unfair trading practices can be challenged	<b>Include:</b> Public bodies given authority to regulate traders, regulations and trading standards
4. An ability to provide initial advice appropriate to the client's needs	4.1 Explain the role of consumer organisations and how they can support consumers	<b>Include:</b> citizens advice, CMA, ombudsman schemes, trading standards, consumer and trade associations etc:
	4.2 Analyse the range of legal advice that can be provided to the client	<b>Include:</b> settling, the range of agencies that can render assistance and what advice is given if loss suffered
	4.3 Advise the client of the options available to them	<b>Include:</b> Confirming the client's needs; advising the client on all the options available to them in relation to their problem.
	4.4 Explain how you would check the clients understanding	<b>Include:</b> Analyse and check the client's understanding of the options.
	4.5 Summarise how you would agree actions with the client	<b>Include:</b> Agree any follow up actions to be done;
	4.6 Explain the need to record and store client information in accordance with legal and organisational requirements	<b>Include:</b> record advice in accordance with the organisation practices.