

# **NALP Level 3 Award in Criminal Litigation for Paralegals**

## **Qualification Specification**

**Qualification Reference No: 610/2782/0**

### **National Association of Licensed Paralegals (NALP)**

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## Contents

|   |   |
|---|---|
| <b>1. Introduction</b> .....  | 3 |
| <b>2. Summary of the NALP Level 3 in Criminal Litigation for Paralegals</b> ..... | 3 |
| <b>3. Objectives of the Qualification</b> .....                                   | 3 |
| <b>4. Entry Requirements</b> .....  | 3 |
| <b>5. Recognition of Prior Learning</b> .....                                     | 4 |
| <b>6. Progression for Learners</b> .....  | 4 |
| <b>7. Guided Learning Hours (GLH) and Total Qualification Time (TQT)</b> .....    | 4 |
| <b>8. Learning Materials and Support</b> .....                                    | 5 |
| <b>9. Assessment</b> .....  | 6 |
| <b>9.1. Assessment Methodology and Time Restrictions</b> .....                    | 6 |
| <b>9.2. Availability of Sample Assessments</b> .....                              | 6 |
| <b>9.3. Marking the Assessment</b> .....  | 6 |
| <b>9.4. Reasonable Adjustments and Special Considerations</b> .....               | 6 |
| <b>9.5. Appeals</b> .....   | 7 |
| <b>10. Quality Assurance and Moderation</b> .....                                 | 7 |
| <b>11. Award and Publication of Results</b> .....                                 | 7 |
| <b>12. Units for the Qualification</b> .....                                      | 9 |

## **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 NALP Level 3 in Criminal Litigation for Paralegals**

The NALP Level 3 Award in Criminal Litigation for Paralegals provides a strong introduction and foundation for Paralegals wishing to work in the Criminal Litigation sector. It can also provide additional knowledge to Paralegals who are changing their area of expertise, wish to update their knowledge and understanding of this subject or for apprentice Paralegals who wish to take additional qualifications alongside their level 3 Paralegal apprenticeship.

## **3. Objectives of the Qualification**

The NALP Level 3 Award in Criminal Litigation for Paralegals is designed for paralegals, and those who aspire to train to become paralegals, or those who wish to enter the legal sector and seek to develop key skills and knowledge around Criminal Litigation under the laws of England and Wales. It may also be useful to individuals working in other sectors where they may have an interest in Criminal Litigation under English 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 Criminal Litigation for Paralegals will gain a recognised and respected qualification that will aid them in their career entry and progression.

The NALP Level 3 Award in Criminal Litigation for Paralegals does not, on its own, allow the learner to meet the criteria of a NALP Paralegal Technician membership level. Learners seeking to increase their level of NALP Membership will be required to undertake a NALP Level 3 Certificate qualification (or equivalent) or to have completed the Level 3 Paralegal Apprenticeship Standard in order to gain a higher NALP membership level.

## **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 (e.g. Level 1-2 as a minimum). 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. This would normally include the learner having at least a basic understanding of the English Legal System which forms the basis of any English Law qualification.

All Learners must hold at least Affiliate Membership of NALP. One year's Affiliate Membership is provided to all Learners who enrol on the NALP Level 3 Award in Criminal Litigation for Paralegals, but this must be renewed for those whose studies continue beyond that period at the Learner's expense.

### 5. Recognition of Prior Learning

Due to the size of this qualification being comprised of a single unit, recognition of prior learning is not available.

### 6. Progression for Learners

The NALP Level 3 Award in Criminal Litigation for Paralegals provides learners with additional skills and knowledge to increase employability for jobs that require an understanding of Criminal Litigation under English Law. It can be also used under Recognition of Prior Learning for larger qualifications, such as the NALP Level 3 Certificate in Paralegal Practice or the NALP Level 3 Diploma in Paralegal Practice.

### 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".

The NALP Level 3 in Criminal Litigation for Paralegals is delivered by various different training institutions, called 'Centres', which can use a variety of delivery methods, e.g:

- **Distance Learning** – the learner undertakes the vast majority of their learning via self-study using the NALP workbook or e-learning packages provided by the Centre. They may request additional tutorial support which the Centre is required to provide, but this is often not on a regular basis but rather an 'on demand' service.
- **Blended Learning** – the learner attends some pre-arranged face to face teaching sessions, which can be classroom based or via a live video link with the tutor, and also conducts some self-study, the latter often being set by their teacher/tutor as a form of homework, usually using the NALP workbook.
- **Classroom Based Learning** – the learner attends regular classes for the majority of their learning, undertaking assigned homework. Again the classes can be in a physical classroom with a teacher or via a live video link. The expectation is that learners will also be given the NALP workbook by their Centre to use for the assigned homework.

It should be noted that NALP assignments are based on the content of the NALP workbooks provided so it is important that all learners have access to these and/or that the teaching is based on that content.

NALP has calculated that the GLH for the Level 3 Award in Criminal Litigation for Paralegals will equal approximately 56% of the overall study time necessary to pass the units needed to attain these qualifications for those learning in a classroom setting and has therefore set our GLH at around that figure. Please note that this is based on the 'average learner' studying in the classroom setting, which means someone who has not previously studied Criminal Litigation in any form and so is starting from a basis of having very little previous knowledge or understanding of the subject. This is because this qualification is considered 'entry level'. 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 this qualification chosen in a shorter timeframe.

Dependent on their chosen way of learning, a learner may spend more or less time on GLH than is given in the table below. This should, therefore, only be considered a rough guide and not a strict rule as to the hours a learner is required to be taught directly. The overall TQT should be a fair approximation of the total hours it would take an average learner to complete the qualification, regardless of the method of learning chosen.

The total TQT represents the total time an average Learner might spend studying for this single unit qualification plus completing a single attempt at the assignment.

| <b>Unit</b> | <b>Title</b>                       | <b>GLH</b> | <b>Self-study and assignment</b> | <b>Total TQT</b> |
|-------------|------------------------------------|------------|----------------------------------|------------------|
| 34          | Criminal Litigation for Paralegals | 45         | 35                               | 80               |

## **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/qualifications/level-3/>. 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.

**Note: NALP is unable to provide any tutorial assistance to learners. Learners should always contact their chosen Centre for any queries or requests for tutorials, etc.**

## **9. Assessment**

### **9.1. Assessment Methodology and Time Restrictions**

As this qualification is made up of a single unit it is assessed via one written assignment for the learner to complete over a four-week period.

In order to achieve the NALP Level 3 Award in Criminal Litigation for Paralegals qualification a learner must have completed and achieved the required pass mark within 12 months of initial enrolment with a NALP approved Centre.

Whilst this the maximum timeframe it is normal for a learner to have completed their studies within 3-6 months, studying 5-10 hours per week.

If a learner fails to pass the required assessment for this qualification within this timeframe, they will be required to re-enrol, including payment of new enrolment fees.

### **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**

Learners will submit their completed assignments to their Centres who will, in turn, submit these to NALP for marking. All submissions must be received by the deadline provided at the time the assignment was issued to the Centre. Late submissions will not be accepted.

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 or re-sit. A pass is achieved when a Learner gains 45% or above and has passed all the Learning Outcomes.

If a Learner has failed to achieve 45% overall, they will be required to re-sit the assessment with a new 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 the time of the assessment but must be received before the date the assignment is due for submission.

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 15 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/reasonable-adjustments-and-special-considerations-policy/>.

## 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/wp-content/uploads/2023/01/Appeals-Policy-V8-January-2023.pdf>.

Learners should note that appeals are not allowed on the sole basis of a disagreement with an academic judgment made by an assessor without additional clear justification and evidence. See policy for full details.

## 10. Quality Assurance and Moderation

As all assessments are set and marked externally by NALP (i.e. the Centres do not draft or mark their Learners' papers). NALP has in place a Quality Assurance and Moderation Policy covering all assessment results (copy available on request). 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. This also ensures that any learner who achieves a 'borderline' score (i.e. within 1-2% of a pass) will have their results double checked before being issued.

Because NALP assessments are externally set and marked by NALP, they are not subject to the requirements of the Centre Assessment Standards Scrutiny (CASS) conditions under Ofqual.

## 11. Award and Publication of Results

Once assessments have been marked and it has been confirmed the Learner has successfully attained the full qualification, a full Qualification Certificate will be issued. NALP aims to issue all results and certificates within four weeks of completion of an assignment and/or full qualification.

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 £27.50. The form is available from the website and you can pay the fee via the website also: <https://www.nationalparalegals.co.uk/replacement-certificate/>.



## 12. Units for the Qualification

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| <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.   |                   |
|   | 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   | <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   |                   |

NALP Level 3 Award in Criminal Litigation for Paralegals – Qualification Specification

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|  | a breach in a given scenario   | 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.   |
|  | 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                                | 3.1 Describe how offences are classified   | <b>Include:</b> Summary-only, triable either way, indictable-only.  |

**NALP Level 3 Award in Criminal Litigation for Paralegals – Qualification Specification**

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| criminal procedure that flows from each   | 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. |
|   | 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.   |

**NALP Level 3 Award in Criminal Litigation for Paralegals – Qualification Specification**

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|  | 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.   |
|  | 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. |

**NALP Level 3 Award in Criminal Litigation for Paralegals – Qualification Specification**

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|   | 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.<br><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.                      |
| 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   | <b>Include:</b> Hierarchy of sentences.   |

NALP Level 3 Award in Criminal Litigation for Paralegals – Qualification Specification

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|  | be imposed at sentencing  |  |
|  | 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.   |