

NALP Level 3 Award in Employment Practice for Paralegals

Qualification Specification

Qualification Reference No: 610/2783/2

National Association of Licensed Paralegals (NALP)

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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 NALP Level 3 Award in Employment Practice for Paralegals

The Level 3 Award in Employment Practice for Paralegals provides a strong introduction and foundation for paralegals wishing to work in the Employment Practice 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 Paralegals who wish to take additional qualifications alongside their level 3 Paralegal apprenticeship.

3. Objectives of the Qualification

The NALP Level 3 Award in Employment Practice 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 Employment Practice 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 Employment Practice 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 Award in Employment Practice 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 Employment Practice 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 Employment Practice 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 Employment Practice for Paralegals provides learners with additional skills and knowledge to increase employability for jobs that require an understanding of Employment Practice under English Law. It can be also used under Recognition of Prior Learning for larger qualifications, such as the NALP Level 3 Award in Paralegal Practice, 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 Employment Practice 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 Employment Practice for Paralegals will equal approximately 55% 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 Employment Practice 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.

| Unit | Title | GLH | Self-study and assignment | Total TQT |
|------|------------------------------------|-----|---------------------------|-----------|
| 37 | Employment Practice for Paralegals | 30 | 25 | 55 |

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 Employment Practice 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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| NALP Unit Ref: | 37 | Ofqual Unit Ref: | M/504/6040 |
| Unit Name: | Employment Law and Practice for Paralegals | | |
| Aim of Unit: | 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. | | |
| Learning Outcomes | Assessment Criteria | Indicative Content | |
| 1. Know and evaluate the difference between employees and other types of workers. | 1.1 Define an employee | Include: 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 | Include: 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 | Include: 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 | Include: What are the main sources of employment law – Common law, Statute and Case law | |
| | 2.1 Describe thoroughly the main terms in a written | Include: Understanding the terms of an employment contract – 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 | Include: 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 | Include: 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 | Include: 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 | Include: 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 | Include: damages, reinstatement, reengagement |
| | 4.3 Describe and apply the requirements to establish a claim for an unfair dismissal | Include: 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 | Include: 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 | Include: 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 | Include: Employment Tribunal – potential remedies: damages, reinstatement or reengagement. |
| | 4.7 Explain the contents and use of an ET1 in commencing an employment claim | Include: 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 | Include: 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 | Include: 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 | Include: Employment Rights Act 1996 as amended |

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| | 5.2 Describe relevantly and accurately the entitlement to paternity and adoption leave and pay in a given scenario | Include: 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 | Include: 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 | Include: 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 | Include: Understanding the legal provisions under the Equality Act 2010 dealing with discrimination and harassment; definition of discrimination and types of discrimination; establishing the protected characteristics under s4 of the EA – The Protected Characteristics (this originally had noted s149(7) the EA 2010 relating to age;) |
| | 5.6 Understand the difference between direct and indirect discrimination | Include: 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 | Include: meaning of disability under Equality Act 2010 |