

# **NALP Level 3 Award in Legal Ethics and Responsibilities for Paralegals**

## **Qualification Specification**

**Qualification Reference No: 610/2786/8**

### **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 Legal Ethics and Responsibilities for Paralegals**

The Level 3 Award in Legal Ethics and Responsibilities for Paralegals provides a strong introduction and foundation for Paralegals wishing to work in the Legal Ethics and Responsibilities 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 Legal Ethics and Responsibilities 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 Legal Ethic and Responsibilities 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 Legal Ethics and Responsibilities 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 Legal Ethics and Responsibilities 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 Legal Ethics and Responsibilities 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 free Affiliate Membership is provided to all Learners who enrol on the NALP Level 3 Award in Legal Ethics and Responsibilities 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 Legal Ethics and Responsibilities for Paralegals provides learners with additional skills and knowledge to increase employability for jobs that require an understanding of Legal Ethics and Responsibilities 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 Legal Ethics and Responsibilities 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 Legal Ethics and Responsibilities 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 Legal Ethics and Responsibilities 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
31	Legal Ethics and Responsibilities for Paralegals	36	30	66

## **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 Legal Ethics and Responsibilities 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. Unit for the Qualification

<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 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	<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	

	that affect a client relationship	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.
	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	<b>Include:</b> Regulated activities under LSA 2007; SRA; NALP self-regulation.

	protections available to the client;	
	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	<b>Include:</b> Clients of law firms; private clients. <b>Also cover:</b> Contracts; confidentiality agreements; defence; particulars of claim; a will
	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
	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	<b>Include:</b> In-house; legal firm; department in private company

	accurate record keeping including time recording for billing or time management	
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.