

# NALP Level 3 Award in Wills and Succession for Paralegals

## Qualification Specification

**Qualification Reference No: 610/2788/1**

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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 Wills and Succession for Paralegals**

The Level 3 Award in Wills and Succession for Paralegals provides a strong introduction and foundation for Paralegals wishing to work in the Wills and Succession 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 Wills and Succession 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 Wills and Succession 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 Wills and Succession 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 Wills and Succession 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 Wills and Succession 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. 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 Wills and Succession 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 Wills and Succession for Paralegals provides learners with additional skills and knowledge to increase employability for jobs that require an understanding of Wills and Succession 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 Wills and Succession 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 Wills and Succession for Paralegals will equal approximately 58% 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 Wills and Succession 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>
32	Wills and Succession for Paralegals	30	22	52

## **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 Wills and Succession 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 is 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>	32	<b>Ofqual Unit Ref:</b>	H/504/6035
<b>Unit Name:</b>	<b>Wills and Succession for Paralegals</b>		
<b>Aim of Unit:</b>	<p>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 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.</p>		
<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 and the exception provided for Soldiers, Airman and Sailors.	1.1 Explain the formal requirements for the creation of a will/codicil 1.2 Explain the requirements of capacity and intention 1.3 Apply an understanding of the formalities to a given scenario 1.4 Explain the rational for the exception provided for Soldiers, Airman and Sailors by S11	<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 <b>Include:</b> S9 Banks v Goodfellow 1870 and <i>animus testendi</i> Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised. To include Section 11 of the Wills Act 1837 and extended by the Wills (Soldiers and Sailors) Act of 1918.	
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  2.3 Explain how a will is executed  2.4 Apply understanding of the will drafting process to a given scenario using correct legal terminology	<b>Include:</b> A simple will; main clauses to include, residue, revocation, attestation; appointment of executors, specific , legacies, charging, administrative.  <b>Include:</b> Attestation clause; witnesses present or absent; formalities  Use understanding demonstrated above and apply to a specific given scenario, ensuring the relation to that scenario is clear and not generalised.
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 each 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.
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
		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	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

the terms of a will and under the intestacy rules	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.
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