



The Provision of Paralegal Education in Scotland

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Section 1: Introduction

This research follows on from research on the Provision of Legal Education in Scotland conducted for the Open University in 2010 and on research mapping the PDA curriculum with the Skills for Justice functional map in 2012. The focus of this research is to map the provision of paralegal education in Scotland and identify gaps in that provision.

The project objectives are:

- To refine the mapping of existing provision against the SCQF and emerging national occupational standards which forms part of the initial OU report.
- To obtain a better understanding of existing routes into employment in the sector and the way in which HE credit contributes to these routes.
- To understand the on-going needs for HE for those who have completed legal studies up to SCQF level 8.
- To assess current and future demand.
- To understand the needs of employers and the sector generally.
- To identify gaps in existing provision.

Section 2: Methodology

Electronic desk-based research was carried out to identify the range of paralegal education qualifications and training available and also to identify the providers of such education and training opportunities. All (thirteen) identified providers were invited to participate in an online survey about the provision of paralegal education in Scotland. One provider responded to the survey, two further providers requested meetings in person which were arranged.

The researchers met the Law Society of Scotland, the Scottish Paralegal Association, the Scottish Qualification Authority and with a member of the SQA Paralegal Education Steering Group, all of whom provided contextual information regarding the work of paralegals and the development of paralegal education in Scotland.

Two further online surveys were developed, one for employers of paralegals and the other for paralegals or those performing paralegal work. The employer survey was publicised by the OU in Scotland and by the Law Society of Scotland as well as being distributed to the contacts and networks of the OU in Scotland, and being frequently highlighted on Twitter. The paralegal survey was publicised by the OU in Scotland, the Scottish Paralegal Association and the Law Society of Scotland as well as being frequently highlighted on Twitter. There were 6 responses to the employer survey and 29 responses to the paralegal survey. Each of the surveys (including the education provider survey discussed above) was open for 2 weeks from 3-17th December 2013. It is noted that timing of the survey in early December may have affected the response rate.

Section 3: Context

What is a paralegal?

In recent years due to a number of factors the use of paralegals has come to the fore in the UK (see Manning (2012) for discussion of some of these factors), however the question of ‘what is a paralegal?’ remains the subject of discussion that it has been for decades both in the UK and abroad. (see for example Brown (1975)).

The Oxford English Dictionary defines a ‘paralegal’ as “A person trained in subsidiary legal matters, though not fully qualified as a lawyer; a legal assistant.” This is the definition which is used by the Scottish Paralegal Association, the representative body for paralegals in Scotland. The Scottish Paralegal Association highlight that the work of paralegals varies across a range of legal areas and that they operate in private and public practice. However the use of the term ‘paralegal’ has varied considerably in terms of expectations of the role with the sole constant being that the role was carried out under the supervision of a solicitor and in support of that solicitor.

In terms of numbers of people carrying out paralegal work in Scotland it is estimated that there are approximately 10,000 people doing this type of work. (Scottish Paralegal Association, 2013a).

Paralegals in Scotland hold a variety of different job titles. Chart 1 shows the different job titles of those paralegals (29 respondents) who completed the paralegal education survey conducted for this report.

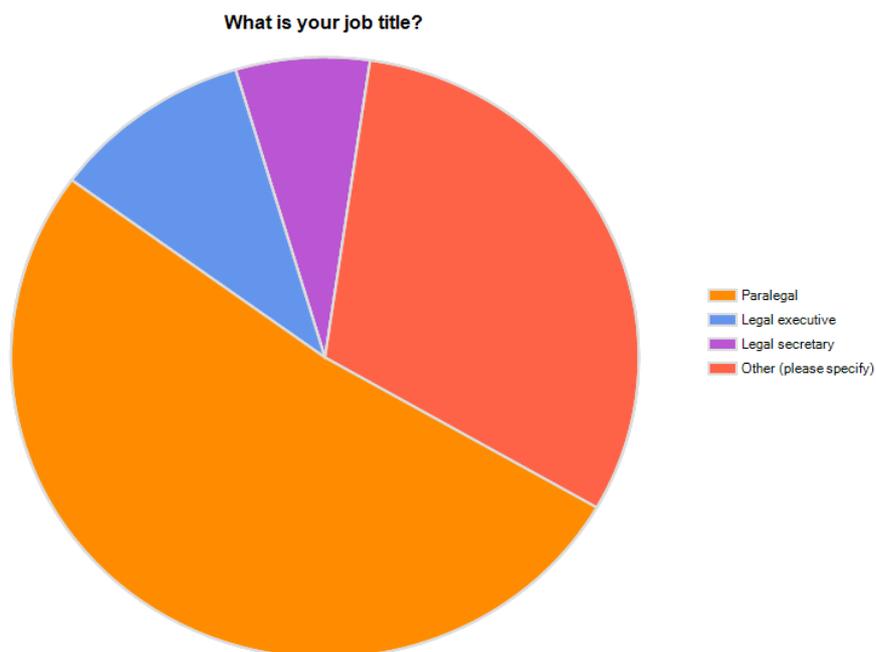


Chart 1: Job title of people carrying out paralegal work

From Chart 1 it can be seen that the majority of those responding to the survey who perform paralegal work hold the title 'paralegal'. Of those who answered 'other', their titles included 'custodian', 'senior company registrar', 'debt recovery manager', 'Law Society of Scotland registered paralegal' and 'senior paralegal'. Of the paralegals responding to the survey 44% stated that they were registered under the paralegal registration scheme established by the Law Society of Scotland and the Scottish Paralegal Association.

Of the employers (6 respondents) who responded to the survey 66% stated that those carrying out paralegal work hold the title 'paralegal' and 16% stated that they use the title 'legal executive', no other titles were used by employer respondents; 50% stated that their paralegals were registered under the paralegal registration scheme established by the Law Society of Scotland and the Scottish Paralegal Association.

The responses to the survey also showed a range of different areas of work as shown in chart 2 and chart 3.

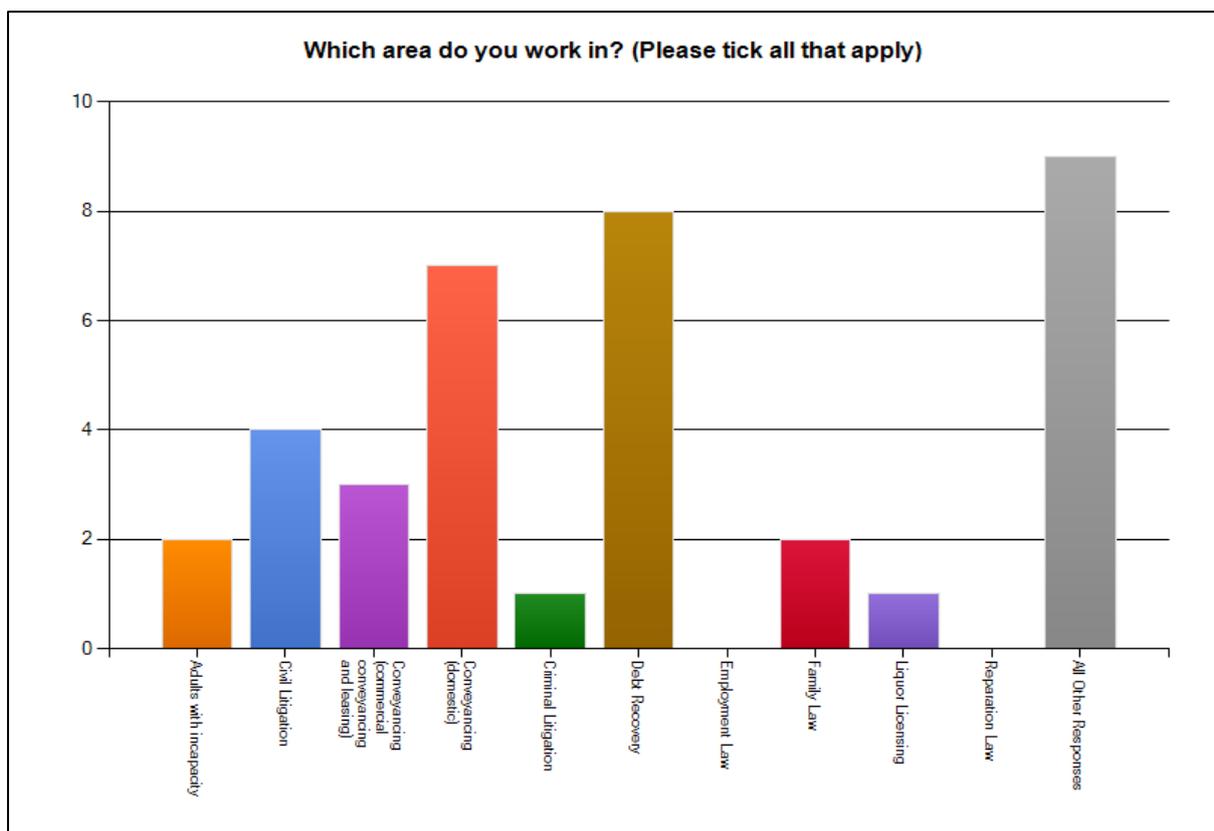


Chart 2: Areas of work of paralegals responding to survey

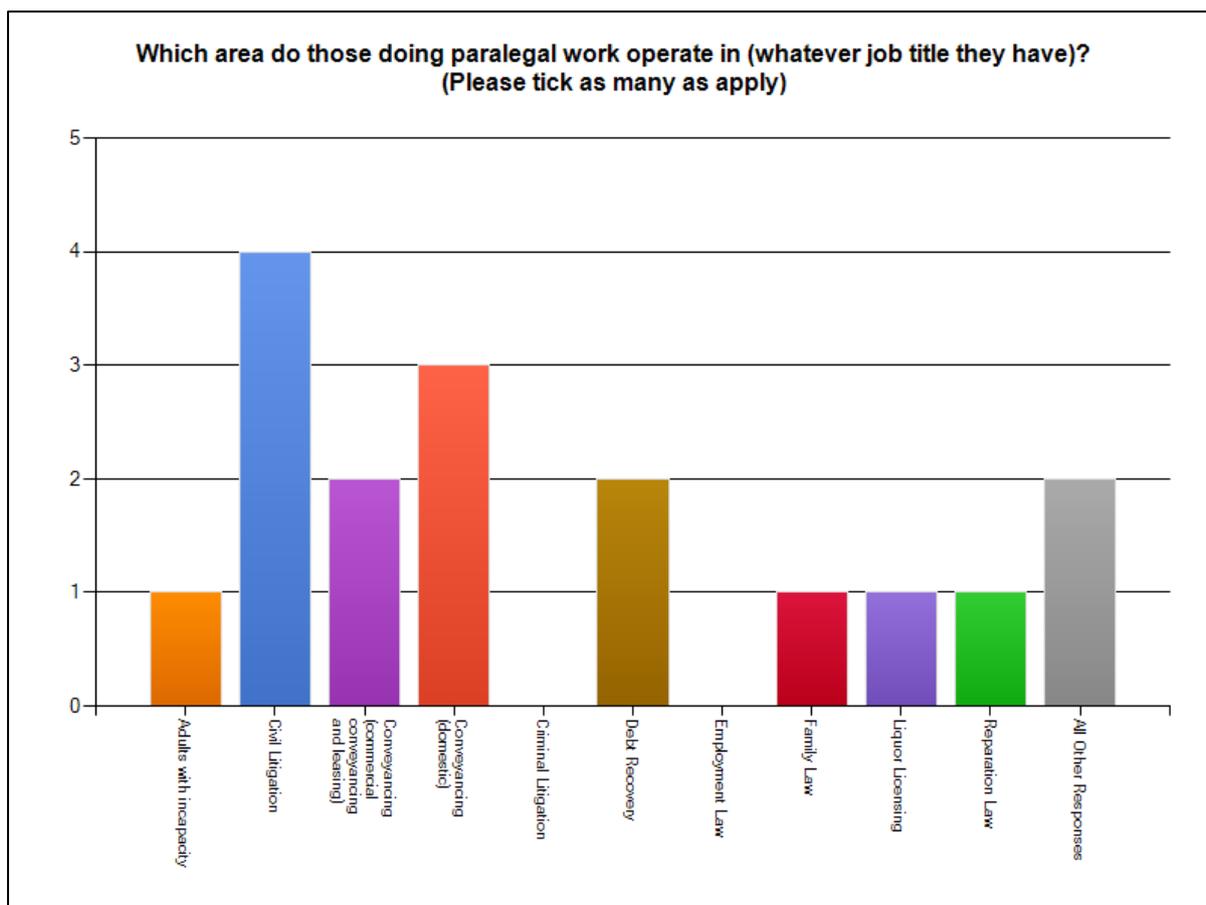


Chart 3: Areas of paralegal work according to employers responding to survey

The areas of other work which survey respondents operate in, or have paralegals operating in, included remortgage, burial, company registration, housing, and mortgage repossession.

The career path to become a paralegal varies from starting as an unqualified assistant and gradually taking on more responsibilities as the person developed their skills; to completing a legal qualification such as the Professional Development Awards in Law, the Higher National Certificate / Diploma in Legal Studies, or the BA in Law or LLB.

In 2010 the Registered Paralegal Scheme was established by the Law Society of Scotland in conjunction with the Scottish Paralegal Association. The Law Society of Scotland is the regulatory and representative body for solicitors. The Scottish Paralegal Association is a representative body for paralegals. Both organisations have an interest in the development of paralegals in Scotland. The scheme provides an opportunity for recognition of a specific standard of competency in paralegal work.

Scottish Paralegal Association

The Scottish Paralegal Association is the representative body for paralegals in Scotland. It is a membership body. The criteria for seeking membership require individuals to support the objects of the Association and to meet the requirements laid down in the Grading Scheme. The grading scheme consists of 4 grades:

Grade	Experience required	Qualification	Other criteria / comments
Grade 1 (option a)	Minimum 2 years	Formal qualification in an area specific to Scots Law	Working as a fee earner with responsibility for a specific workload. No Secretarial or admin duties.
Grade 1 (option b)	Minimum 5 years	No formal qualification in an area specific to Scots Law	Working as a fee earner with responsibility for a specific workload. No Secretarial or admin duties
Grade 2 (option a)	Minimum 2 years' experience	Formal qualification in an area specific to Scots Law	Not working as a recognised Paralegal fee earner with responsibility for a specific workload. Carrying out less than 75% paralegal work with a higher or equal proportion of secretarial/administration work.
Grade 2 (option b)	Minimum 5 years' experience	No formal qualification in an area specific to Scots Law.	Not working as a recognised Paralegal fee earner with responsibility for a specific workload. Carrying out less than 75% paralegal work with a higher or equal proportion of secretarial/administration work.
Grade 3	Less than 2 years' experience	Formal qualification in an area specific to Scots Law.	Trainee status
Grade 4	NA	A student member must be currently undertaking a course specific to Scots Law.	Student membership

Table 1: Scottish Paralegal Association Grading Scheme (Adapted from Scottish Paralegal Association (2013b))

Members of the Scottish Paralegal Association are required to complete ten hours of CPD (continuing professional development) per year.

Law Society of Scotland Registered Paralegal Scheme

The Registered Paralegal Scheme was developed by the Law Society of Scotland in conjunction with the Scottish Paralegal Association. It became operational in 2010 and so far approximately 400 people have registered under the scheme.

The Scheme does not provide a definition of 'paralegal' generally only of 'registered paralegal', as it recognises that paralegals in Scotland perform a variety of work. It is not intended that the Scheme capture the whole variety, instead it covers common areas of practice.

Section 1.1 of the Scheme states:

“1.1 The Scheme defines and credits the role of the paralegal in Scotland, through the creation of a Registered Paralegal status and Trade Mark Licence Conditions, and incorporating:

1.1.1 a set of educational competencies in the form of General Competencies, and Additional Competencies in the Legal Domain(s) in which the Registered Paralegal works;

1.1.2 Standards;

1.1.3 CPD regime; and

1.1.4 complaints regime.” (Law Society of Scotland (2010) p3)

The Scheme specifies in section 1.3 that *“A Registered Paralegal works in (a) Legal Domain(s), always in support of a Supervising Solicitor, in delivering legal advice to clients.”* (Law Society of Scotland (2010) p3) It was not intended to apply to those working in other roles within the legal profession, for example legal advisors working not in support of a Supervising Solicitor.

The Scheme is set up as a membership scheme, where those who meet the eligibility criteria may choose to join. Membership of the scheme is not mandatory and it is possible to work as a paralegal without being a member. However in setting up the scheme the Law Society of Scotland and the Scottish Paralegal Association intended that it would become the industry benchmark for paralegals working in the common areas of practice covered by the Scheme (Law Society of Scotland (2010) p4).

The Legal Domains which are common areas of practice are called Guide Areas in the Scheme. These are identified through consultation and are finalised by a Standing Committee. It must be clear that there is demand from paralegals and Supervising Solicitors for a new Legal Domain to be recognised and there must be no overlap with the existing Legal Domains (Law Society of Scotland (2010) p4). To

create a Legal Domain there must be demand from at least 10 paralegals for that domain and the standard will be based on the knowledge and skills which it is reasonable for a person to develop in that domain within a year.

There were six legal domains established in the scheme:

- Criminal litigation
- Civil litigation
- Civil litigation – debt recovery
- Domestic Conveyancing
- Premises licensing
- Wills and executries

At the time of writing ten Legal Domains have been approved:

- Civil Litigation: Debt Recovery
- Civil Litigation: Family Law
- Civil Litigation: Reparation Law
- Commercial Conveyancing
- Company Secretarial
- Criminal Litigation
- Domestic Conveyancing
- Liquor Licensing
- Repossession Litigation
- Wills & Executries

A further four legal domains are being considered by the Standing Committee as follows:

- Civil Litigation: Industrial Disease
- Oil and Gas
- Commercial Law
- Employment Law

The Standing Committee which deals with these issues is a Standing Committee of the Council of the Law Society of Scotland. They also have responsibility for considering applications to join the Scheme (Law Society of Scotland (2010) p4). The membership of the Standing Committee comprises of up to 2 members nominated by the Council of the Law Society of Scotland, 2 representatives of the Scottish Paralegal Association, representatives of other associations with a relevant interest, up to 2 solicitors, 2 ordinary 'Registered Paralegals' and up to 3 'public interest' members who are not or have not been solicitors, advocates, paralegals or other similar role (Law Society of Scotland (2010) p12).

There were three routes to membership, two transition arrangements and the full route. The transitional arrangements ceased to apply in August 2011, therefore

anyone applying for membership after that date must use the full route. To be eligible for membership of the Scheme a person must demonstrate general educational competencies and additional competencies relating to the Legal Domain in which they practice, they must also pass a character and suitability test and hold a formally recognised and assessed qualification relevant to their work. They must also spend 12 months as a Trainee Registered Paralegal working under a Supervising Solicitor (Law Society of Scotland (2010) p7). During this time they must demonstrate to the Supervising Solicitor that they are applying their knowledge, understanding and skills as detailed in the general and additional competencies for the Registered Paralegal in the Legal Domain in which they operate. At the end of this time the Supervising Solicitor can declare the trainee competent if they have demonstrated the general and additional competencies.

The definition of 'formally recognised and assessed qualification' provided in the Scheme is

“a qualification from a Scottish university or college; a university or college in another jurisdiction which has similar requirements in relation to teaching, quality assurance and assessment as a Scottish university or college; or a training organisation which has similar requirements in relation to teaching, quality assurance and assessment as a Scottish university or college.” (Law Society of Scotland (2010) p2)

Examples of such qualifications are given as

“an HNC/HND in Legal Studies, a Strathclyde/CLT or Reward Training Qualification, or a degree with law in the awarding title from a Scottish University” (Law Society of Scotland (2010) p5).

The 'registered paralegal' must work within the Legal Domain in which they are registered and they must work under the supervision of a Scottish solicitor (referred to in the Scheme as the Supervising Solicitor). The Supervising Solicitor is wholly responsible for the legal work performed by the 'registered paralegal'.

The general competencies cover:

- Knowledge, understanding and familiarity in the legal domain in which the 'registered paralegal' works
- Technical skills
- Organisational skills
- Communication skills
- Inter-personal skills
- Practice skills
- Legal and ethical values
- Attitude
- Focus

The additional competencies are specific to the legal domain in which the 'registered paralegal' works however they are formatted in the same way as the general competencies outlined above i.e. knowledge and skills.

Full details of the general and additional competencies are laid down in Schedule B of the Scheme (Law Society of Scotland (2010) pp15-46).

National Occupational Standards

Skills for Justice is the national sector skills council for justice, legal services and community safety. Sector skills councils are independent, employer-led bodies which are licensed by the four nation's governments (UK and Scottish Governments, Welsh Assembly Government and Northern Ireland Executive) to encourage employer investment in skills and thus increase sustainable economic growth. Sector skills councils can develop National Occupational Standards for their sector. This is a UK framework of competencies which individuals must achieve in performing their role.

Skills for Justice have been developing National Occupational Standards for Paralegal Services. These standards were developed by a working group comprised of members of a steering group which Skills for Justice had set up (for more information on this see Skills for Justice (2012) p3). The draft NOS were subject to a four week consultation in June/ July 2012. In developing the NOS Skills for Justice aims to provide the basis for basis of a national, funded apprenticeship framework in England or Modern Apprenticeship framework in Scotland. This would constitute a recognised qualification for paralegals and would according to Skills for Justice fill a gap in the market (Skills for Justice (2012) p3).

The consultation incorporated a functional map outlining the key functions of a paralegal and 8 new National Occupational Standards. The consultation stated:

“Key purpose of Paralegal Role: Establish, assert and enforce rights and obligations through the application of the law

The following are the three primary functions identified within the functional map:

1 Promote and maintain professional standards of behaviour, conduct and practice throughout the provision of legal services

2 Advise, represent and transact legal business for clients/customers

3 Develop opportunities for providing legal services

Under these three primary functions sit 14 secondary functional areas and under these sit 40 potential NOS.”

The new National Occupational Standards in the consultation were:

“SFJ IC1 Plan, document and cost the legal work to be undertaken

SFJ IC2 Manage the financial considerations in relation to legal matters

SFJ IC3 Prepare for financial transactions with or on behalf of clients

SFJ IC4 Conduct research to progress legal matters

SFJ IC5 Draft legal documents

SFJ IC6 Prepare and submit files for legal matters

SFJ IC7 Provide papers for legal matters

SFJ IC8 Conclude a legal matters”

The standards were put forward for approval by the UK National Occupational Standards Panel in September 2012. At the time of writing (February 2013) it was not confirmed whether the standards had been approved.

Section 4: Paralegal education in Scotland

Types of qualification

For those wishing to become a paralegal or existing paralegals wishing to consolidate their knowledge there are a range of qualifications available from a number of different awarding bodies.

Table 2 shows the different types of awards and awarding bodies in Scotland.

Award	Awarding body	SCQF level
National Certificate (NC) Legal Services	Scottish Qualifications Authority	6
Higher National Certificate (HNC) Legal Services	Scottish Qualifications Authority with the Scottish Paralegal Association	7
Professional Development Awards (various)	Scottish Qualifications Authority with the Scottish Paralegal Association	8
Higher National Diploma (HND) Legal Services	Scottish Qualifications Authority with the Scottish Paralegal Association	8
Graduate Certificate in Law or Graduate Diploma in Law	University of Stirling (delivered by Scotia Law Training)	9/10
Specialist Paralegal Qualification	University of Strathclyde (delivered by Central Law Training)	10
BA Law	Universities	10
LLB	Universities	10

Table 2 - Overview of qualifications, awarding bodies and SCQF levels

As the BA in Law or the LLB qualifications are not specifically focused on paralegal education they are not discussed further in this report; however for further discussion of the provision of the BA in Law or the LLB see McIlwhan (2010).

In terms of the Professional Development Awards a number of different subject areas have been developed by the Scottish Qualification Authority. At present these include:

- PDA Commercial Conveyancing and Leasing
- PDA Conveyancing
- PDA Debt Recovery
- PDA Employment Law
- PDA Executries
- PDA Family law
- PDA Law and Practice Relating to Adults with Incapacity

Each PDA requires the student to study core units on legal and ethical issues; legal secretarial practice and legal research techniques. The student is then required to complete subject specific units.

Students of the HNC in Legal Services complete a number of optional specialist units and the following core units:

- Scottish Legal System
- Scots Private Law
- Property Law
- Commercial Law

HNC students are also required to cover some elements of legal research skills and communication Skills

Students of the HND in Legal Services, students also complete a number of optional specialist units and the following compulsory units:

- Ethics and Cash Handling in the Legal
- Office Environment
- Legal Research Techniques
- Sheriff Court Civil Procedures
- Executry Law and Practice
- Conveyancing
- Commercial Law
- Scottish Criminal Law
- Scottish Legal System
- Scots Private Law
- Property Law

As noted above there are two training providers who are partnerships of Higher Education Institutions with private providers; Central Law Training in partnership with the University of Strathclyde, and Scotia Law Training in partnership with the University of Stirling.

The Specialist Paralegal Qualification provided by Central Law Training and awarded by the University of Strathclyde is offered in a number of areas as follows:

- Civil court
- Commercial conveyancing
- Company law
- Criminal law
- Debt recovery
- Employment law
- Family law
- Licensing Law
- Reparation law
- Residential conveyancing
- Wills, trusts and executries

The Graduate Certificate in Law and the Graduate Diploma in Law provided by Scotia Law Training and awarded by the University of Stirling offer the following areas of specialism:

- Debt recovery
- Wills and executries
- Conveyancing
- Criminal litigation
- Civil litigation

From the above information it can be seen that those seeking paralegal education have a range of awards and subjects open to them. How this maps with the requirements of the 'registered paralegal' scheme current and future Legal Domains is shown in table 3.

Table 3: Mapping of Registered Paralegal Scheme Legal Domains with coverage of paralegal education qualification.

	PDA	HNC	HND	Graduate Certificate/ Diploma in Law	Specialist Paralegal Qualification
Civil Litigation: Debt Recovery	✓			✓	✓
Civil Litigation: Family Law	✓				✓
Civil Litigation: Reparation Law				✓	✓
Commercial Conveyancing	✓				✓
Company Secretarial					✓
Criminal Litigation			✓	✓	✓
Domestic Conveyancing	✓	✓	✓	✓	✓
Liquor Licensing					✓
Repossession Litigation					
Wills & Executries	✓		✓	✓	
Civil Litigation: Industrial Disease (future domain)					
Oil and Gas (future domain)					
Commercial law (future domain)		✓	✓		
Employment law (future domain)	✓				✓

From table 3 it can be seen that all of the current Legal Domains and some of the future Legal Domains are covered by at least one (if not more) qualification.

Providers of paralegal education

As noted above there is a range of different qualifications available which are offered by a number of different providers across Scotland.

Table 4 details the providers of SQA / Scottish Paralegal Association awards. For discussion of the providers of LLB and BA Law in Scotland see McIlwhan (2010).

	HNC Legal Services	HND Legal Services	PDA Commercial Conveyancing and	PDA Conveyancing	PDA Debt recovery	PDA Employment	PDA Executries	PDA Family law	PDA Law and practice relating to adults with incapacity	Other
Aberdeen College	✓	✓								
Adam Smith College	✓	✓		✓						
City of Glasgow College¹	✓	✓		✓	✓		✓			✓ ²
Coatbridge College				✓	✓					
Edinburgh College³	✓	✓								
Motherwell College	✓	✓		✓	✓					✓ ⁴
Perth College (University of the Highlands and Islands)				✓						
West Lothian College								✓		

Table 4: The geographical location of providers of paralegal education

¹ City of Glasgow College was formed by a merger of Central College, Glasgow Metropolitan College and Glasgow College of Nautical Studies in September 2010. Of these colleges only Central College was a provider of legal education.

² National certificate (NC) in Legal Services

³ Formerly Stevenson College

⁴ National qualification (NQ) Introduction to Law

Table 4 shows that PDAs in Commercial Conveyancing, Employment and Family Law are not currently provided. It also shows that the PDA in Executives and the PDA in Law and Practice relating to Adults with Incapacity are only offered by one provider each. It is clear from table 4 that the PDA in Conveyancing and the PDA in Debt Recovery are the most frequently offered qualifications along with the HNC and HND in Legal Services. What can also be seen in table 4 but is even more clearly shown in Image 1 is that the options for those seeking paralegal education in Scotland are very much dependant on their location and whether they are willing to travel or move to attain the qualification they seek.

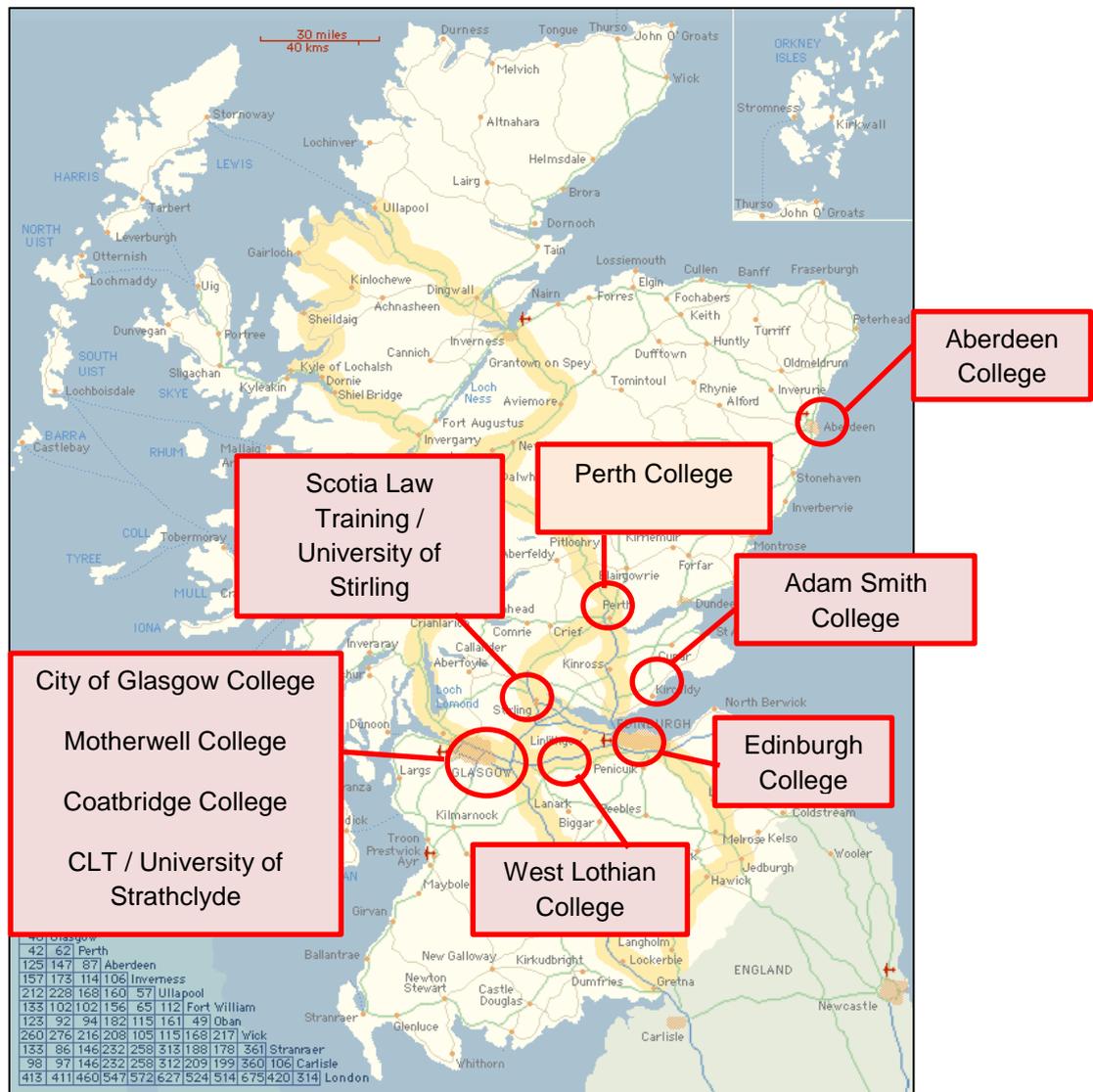


Image 1: Geographical locations of paralegal education providers (excluding BA in Law and LLB providers). (Adapted from AboutScotland.com tour map.)

Furthermore the choice of qualification available in different locations is variable. For example those in the north east only have access to the HNC and HND in Legal Services offered by Aberdeen College and not to PDA awards. This could limit access as the HNC and HND are only available on a full-time basis and this may not

be a viable option for some students, particularly those already working as a paralegal and seeking to consolidate or increase their knowledge through completion of a formal qualification. A similar situation arises in central Scotland as only one PDA is available in Perth, and in Edinburgh where only the HNC and HND in Legal Services are offered. Slightly more choice is available in Fife with Adam Smith College offering both the HNC and HND in Legal Services and the PDA in Conveyancing, and also offering these qualifications on a part-time basis thus enabling more flexible learning (including potentially at the same time as being in employment).

Whilst West Lothian College offers the PDA in Law and Practice relating to Adults with Incapacity it is understood that this course is yet to run, again this leaves a gap both in terms of geographical provision but also in subject provision.

Glasgow and the surrounding area has more provision due to 3 colleges (City of Glasgow, Motherwell and Coatbridge) offering a range of qualifications. City of Glasgow College and Motherwell College also offer their qualifications on a part-time basis thus increasing flexibility.

None of the college providers offer their courses on a distance learning basis; however the University of Stirling / Scotia Law Training (Graduate Certificate and Graduate Diploma in Law) and University of Strathclyde / Central Law Training (Specialist Paralegal Qualification) offer their respective courses by distance learning.

There are currently no providers offering paralegal education on an online basis.

From image 1 and table 4 it can be seen that whilst the central belt, and to some extent the east coast of Scotland are well served in terms of providers of paralegal education, the south of Scotland and the Highlands and Islands are not directly served by a geographical provider. It can also be seen that the options in terms of subject are limited in most areas outwith Glasgow, unless the student wishes to undertake the HNC or HND or to undertake distance learning.

Paralegals were asked in the survey about their previous and current educational experience. None were currently undertaking education or training, 75.9% (22 out of 29 respondents) reported having previously undertaken education or training whilst 24.1% (7 out of 29 respondents) stated that they had not previously undertaken education or training.

Chart 4 shows the previous education or training of paralegals responding to the survey.

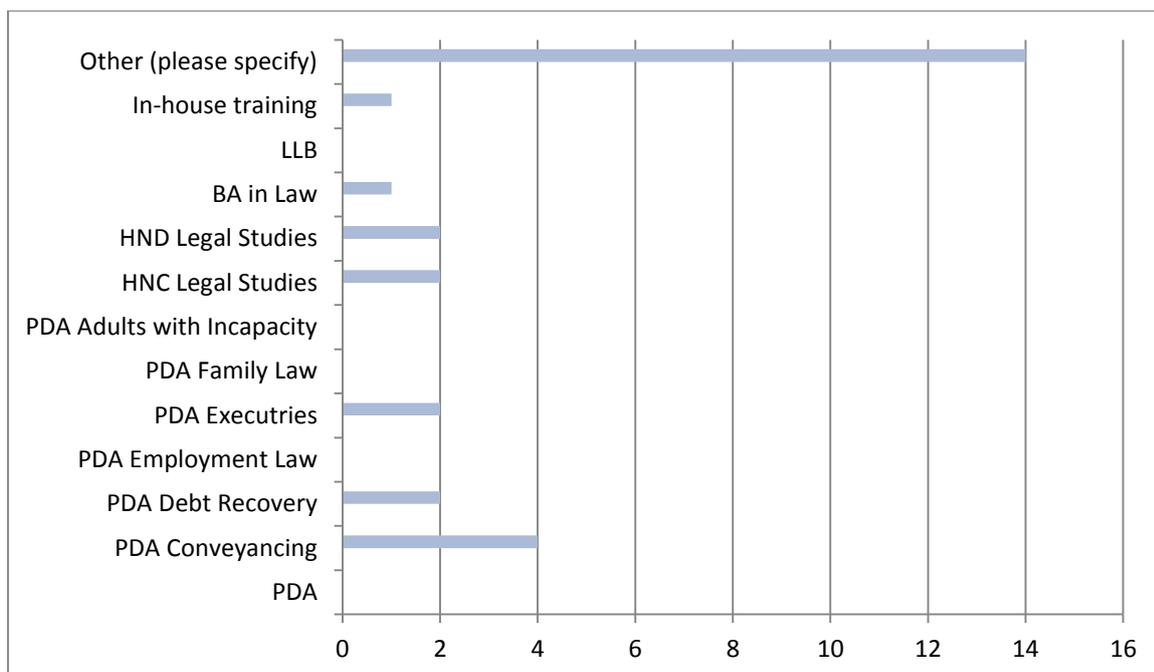


Chart 4: Previous education of paralegals responding to survey

As can be seen from chart 4 the highest percentage of previous education was 'other'. Within this category the majority of responses indicated that paralegals had undertaken the Specialist Paralegal Qualification provided by CLT / University of Strathclyde. Others had undertaken the BA in Legal Studies and on-the-job training. The second most frequent previous education was the PDA in Executries.

In the survey, employers were asked what minimum training / education they required their paralegals to have. 33% of employer respondents did not require paralegals to have any qualification, 33% required them to complete in-house training, a PDA or other training e.g. CLT/University of Strathclyde Specialist Paralegal Qualification. One provider noted that previously their paralegals were trained on-the-job but they have now established a specialist unit and require all paralegals to hold a graduate level qualification.

Chart 5 shows when paralegals responding to the survey undertook their education / training.

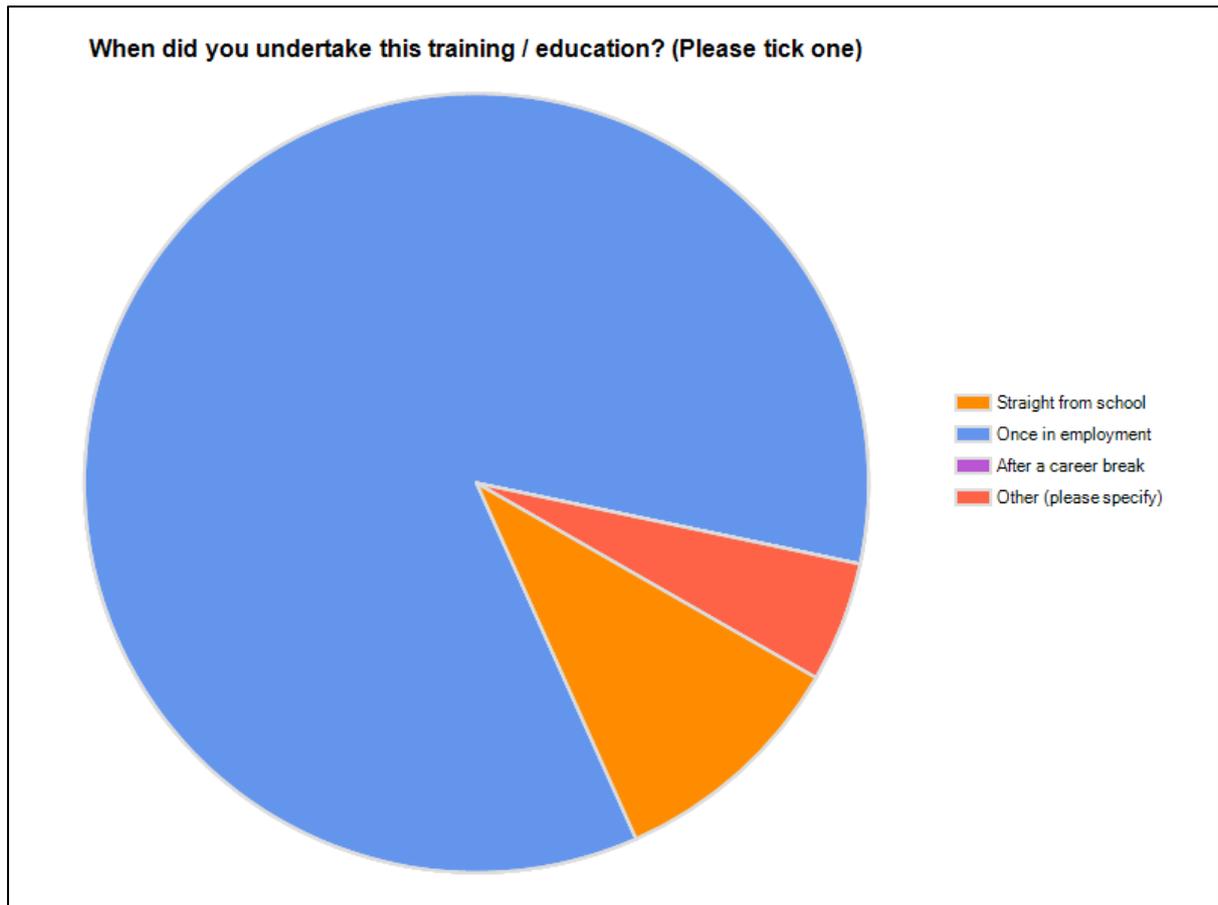


Chart 5: Where paralegals responding to survey undertook their training / education

From Chart 5 it can be seen that the majority of paralegal respondents undertook their education / training once in employment. This has implications for the nature of education / training undertaken i.e. that it needs to be flexible in terms of timing and delivery. The majority of respondents noted that they undertook training on a part-time basis and as distance learning.

In terms of the quality of the education / training undertaken by paralegal respondents chart 6 highlights that the majority of experiences were good / very good; however it also highlights that some experiences were poor, neither poor not good or mixed particularly in relation to effectiveness and accessibility.

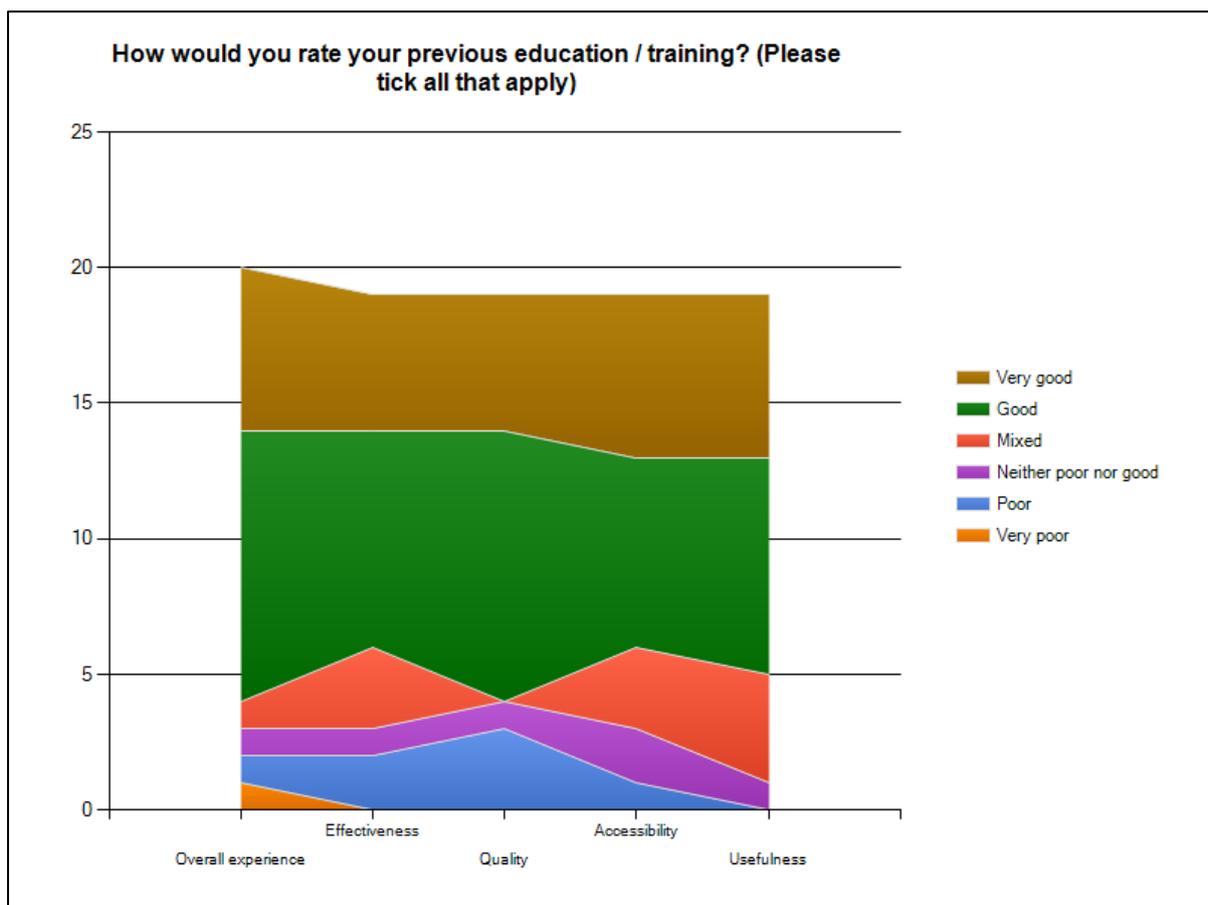


Chart 6: Previous experiences of education / training by paralegal respondents

In response to this question one paralegal commented

“The quality of the materials provided was poor, because there were spelling and grammar mistakes throughout the textbook, which often made it difficult to follow. Further, the textbook was written in the first person, as though someone had casually dictated it. Given the accuracy required in legal work, I thought it was a poor example. The content was wide-ranging without being very specific. I feel I have learned more through work experience and consulting the rules of court.”

Another paralegal commented:

“It was the first course at [the institution] and most of the lectures were read straight from the handouts. There was an exam at the time. The way courses are now delivered have changed for the better.”

A further paralegal commented:

“It helps you achieve a role in the field you want to work in, the course I took gave you a much better understanding of work involved, and I still refer to my notes from that course today, years later.”

These comments are not presented as representative of the sample nor of the profession as a whole, but as providing insight into what paralegals value in terms of course delivery.

Respondents were also asked what makes for effective delivery of paralegal education / training, responses were varied. They can be summarised as follows:

- Education / training which is provided at the correct level and is flexible and accessible across all of Scotland (this could include distance learning or an evening / weekend course)
- Good materials which have specific / detailed subject information and which are up-to-date
- Education / training delivered by someone with real experience of working in law, who is up-to-date with legislation and legal developments and is qualified in the areas to be taught
- Good support from tutors which could include face-to-face contact
- Good assignments
- Gaining practical knowledge which can be used use in your day-to-day work
- Having the opportunity to learn and work in the same environment i.e. practice based learning
- Cost
- Learning something new

Respondents were also asked their preferred methods of future education / training delivery. The preferred options were part-time (41%), distance (41%) and online learning (34%). The preferred provider across all of the delivery options was a university, followed by colleges and then commercial providers and in-house. Chart 7 shows how respondents would like paralegal education to be delivered in future.

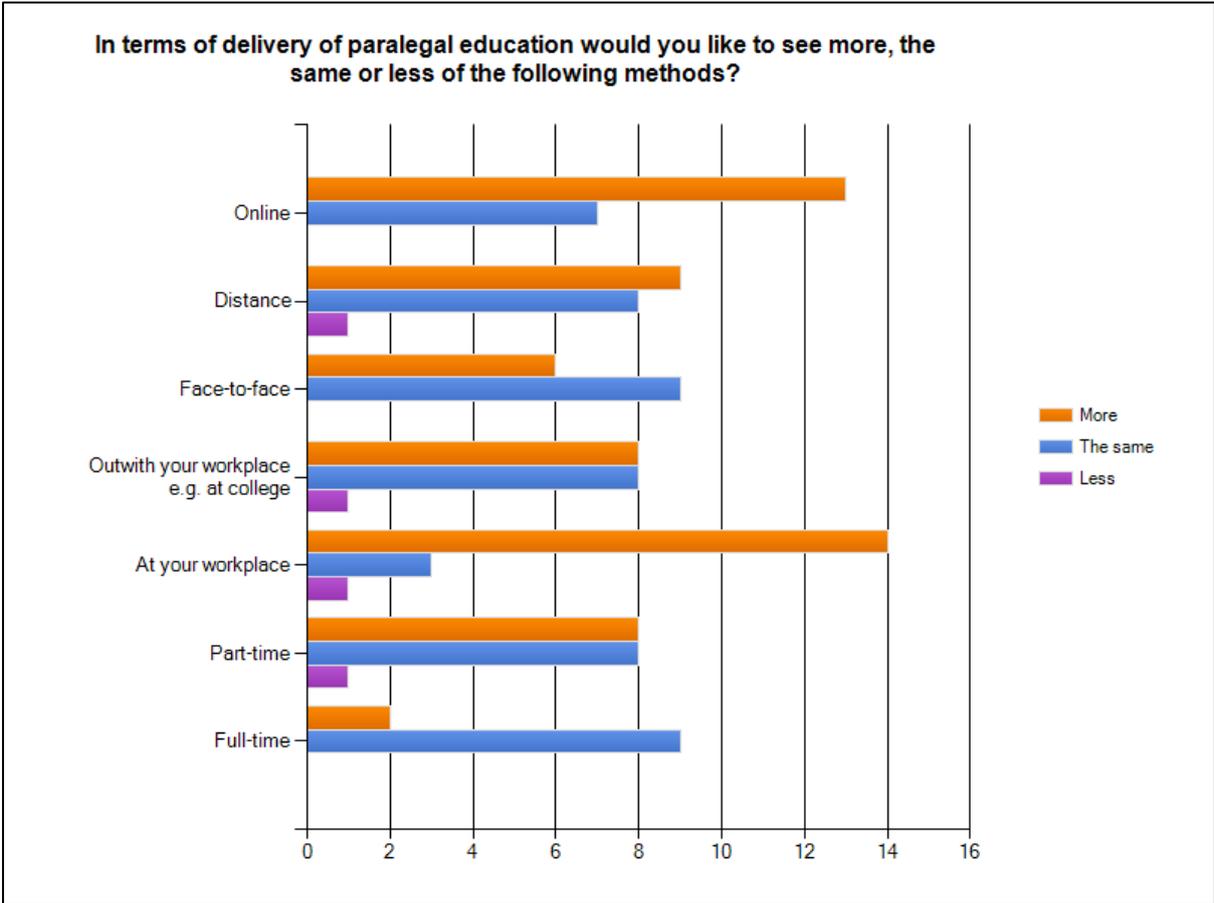


Chart 7: Paralegal respondents’ opinions on future delivery methods of paralegal education

From chart 7 it can be seen that paralegal respondents would like to see an increase in delivery in online, distance and ‘at work’ paralegal education / training. It can also be seen that they would like to see face-to-face, outwith the workplace, part-time and full-time delivery options remain the same.

Section 5: The future of paralegal education in Scotland

The views of paralegals, employers and providers were sought via survey and interview in relation to how paralegal education in Scotland could be developed.

In response to the question “Is there an area of paralegal education which you think is not currently provided for or which could be improved?” 48% of paralegal respondents and 50% of employer respondents answered ‘No’. 24% of paralegal respondents and 16% of employer respondents answered ‘Yes’. Suggestions for development from these respondents included:

- Mortgage repossession
- Social housing repossession
- More opportunities for development
- Adults with incapacity
- Oil and gas law
- Business / management skills for paralegals

Additional comments included:

“I have found if you want to move down south and you only have a Scottish paralegal certificate, you are not looked upon as favourably for jobs.”

And

“[there are] Lots of Colleges not offering PDAs.”

Respondents to the paralegal and employer surveys were also asked “How could paralegal education in Scotland be improved?” Responses from paralegals included:

- More opportunities
- More choice of training provider and more areas of law available
- More of it - in every area of where paralegals can be used.
- Making partners, associates and solicitors more aware of the benefits of employing a paralegal
- Formal regulation and consistency of standards
- Easier access
- More affordable, accessible and flexible to fit in with other commitments
- Colleges etc. offering more choice
- The course materials could be much improved if the content, spelling and grammar were checked before being published. If paralegal training is to be taken seriously and hold professional weight, the training materials ought to be better. (I did my paralegal course in 2009 so it may well be that the materials have been improved since then.)

From these responses it can be seen that amongst the paralegal respondents there is a desire for further provision of paralegal education and for that to be provided in a flexible and professional manner, and for this education to be recognised by others within the legal profession.

Responses from employers included:

- Education should mirror developments in the sector. The [Registered Paralegal] scheme is great, but ABS [Alternative Business Structures] will probably be the main driver now. It also depends on what we all mean when we say 'paralegal'. Do employers view paralegals as people who work closely with solicitors, or it is more and more becoming a profession in its own right? This is the ABS point.
- I think it has already been significantly improved with the introductions of the Law Society Registered Paralegal scheme and I would like to see this made compulsory for paralegals

These responses raise more general points about the future of paralegal education, harking back to the question 'what is a paralegal' and then questioning the future of that role and what might influence this.

Following on from this question paralegal and employer respondents were asked "Do you think that some level of paralegal education / training should be compulsory?" 55% of paralegal respondents and 50% of employers thought that some level of paralegal education / training should be compulsory, responses in relation to which type of education / training varied across the spectrum of available qualifications. 17% of paralegal respondents' thoughts that there should not be any level of compulsory training, and 27% of paralegal respondents and 33% of employer respondents did not answer this question.

Respondents to both surveys were also asked whether they thought registration as a paralegal should be compulsory. Charts 8 and 9 show the responses to this question.

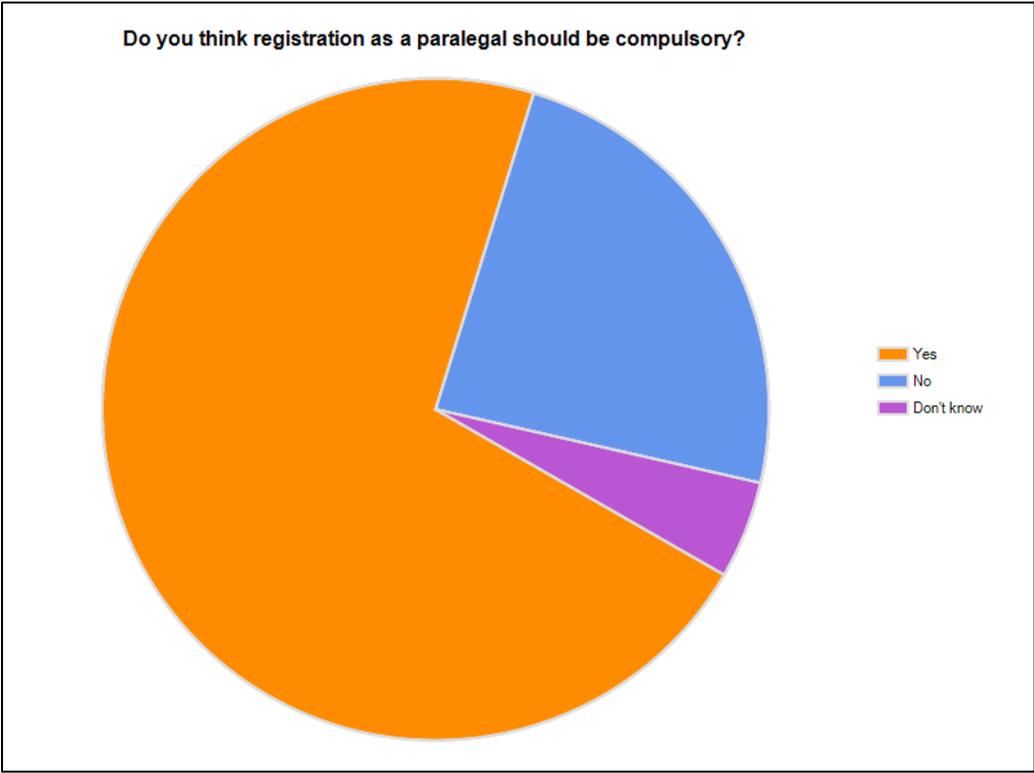


Chart 8: Paralegal Responses

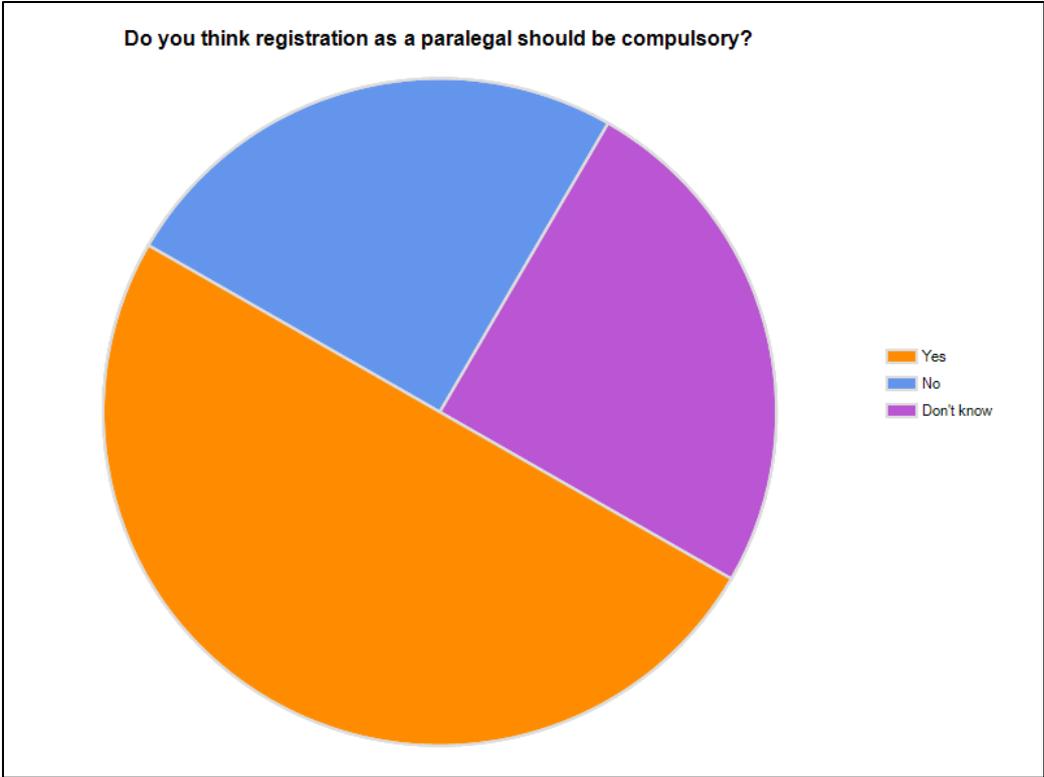


Chart 9: Employer responses

As can be seen from the charts more paralegal respondents than employer respondents who answered this question favour registration as a paralegal being compulsory. As similar response was received to the question 'Do you think "paralegal" should be a legally protected term in the same way as "solicitor"?' 76.2% of paralegal respondents compared with 50% of employer respondent said 'yes'; whilst 9.5% of paralegal respondents said 'no'; and 14.3% of paralegal respondents and 50% of employer respondents answered 'don't know'.

Section 6: Gaps in existing provision

A number of gaps in existing provision have been identified in terms of subject matter, level of qualification and methods of delivery of qualifications.

Gaps in subject matter

In terms of subject matter it is noted that no provider currently offers the PDA in Employment, PDA in Family Law or PDA in Commercial Conveyancing and Licensing. It is also noted that other gaps in subject matter have been highlighted including repossession, social housing and the newer Legal Domains of oil and gas law and company secretary. It is also noted that whilst one college is registered to provide the PDA on Law and Practice relating to Adults with Incapacity, this has yet to be provided.

It is also noted that a response to the employer survey suggested that education in business / management may be desirable as the legal profession moves ahead with alternative business structures. This would also represent a potential gap in subject matter.

Gaps in delivery methods

It is noted that there were no providers of online learning, given the desire for flexible and accessible learning demonstrated by paralegal respondents it is suggested that this could be a substantial gap in provision.

It is also noted that there were only two providers of distance learning and no provider offers the HNC / HND or PDAs by distance learning. This would also appear to be a gap in provision, again particularly due to the fact that there is a desire for flexible learning methods.

The provision of online and distance learning is also noted as a gap given the geographic locations of paralegal education providers. It is noted that paralegals seeking education provision in the South of Scotland and Highlands and Island are particularly poorly served in terms of choice of provision, with no options to do HNC/D or PDAs unless they are willing to travel to one of the colleges.

CPD and progression

Whilst the SCQF levels provide a clear outline of the different levels of paralegal education qualification available it does not provide a clear pathway for a paralegal to develop their education nor does it show if, or how, these qualifications could articulate together. Providing paralegals with a clear educational pathway to support their on-going educational development along with opportunities for articulation could be of benefit to paralegal education.

An example which might be considered is the model that is used by City of Glasgow College in the Combined PDA – this requires students to undertake the core modules only once and then allows them to add additional Legal Domains to that which they first studied. Using such a model would allow those paralegal who

change subject area or who wish to expand their knowledge to do so without having to go over previous knowledge.

Providing opportunities for further educational development beyond SCQF level 10 may also be useful. It is noted that the Scottish Paralegal Association and the Registered Paralegal Scheme both require on-going CPD. CPD may be provided in a range of ways e.g. self-study, group study etc., however more formal opportunities for paralegal education may also be appropriate. Whilst opportunities for general qualifications such as an MBA or law specific qualifications such as an LLM exist, it is possible that further specific paralegal education qualifications at this level may be desirable to some paralegals or employers.

Section 7: Bibliography

Brown, H. (1975) 'The Paralegal Profession', *Howard Law Journal*, Vol. 19, pp. 117-137

Law Society of Scotland (2010), *Law Society of Scotland Registered Paralegal Scheme: Scheme of Operation*, Edinburgh, Law Society of Scotland

Prevost, L. (2012) *A Review of the City of Glasgow College PDA Curriculum with Skills for Justice Functional Map for the Legal Services Sector*, Edinburgh, The Open University

Manning, L. (2012) 'Make them proud', *Lawyer 2B*, Spring 2012, Vol. 10, Issue 7

McIlwhan, R. (2010) *Provision of Legal Education in Scotland*, Edinburgh, The Open University

Scottish Paralegal Association (2013a) *Paralegals* [Online]. Available at <http://www.scottish-paralegal.org.uk/paralegals.aspx> (Accessed 4 February 2013).

Scottish Paralegal Association (2013b) *Paralegals* [Online]. Available at <http://www.scottish-paralegal.org.uk/paralegals/grading.aspx> (Accessed 4 February 2013).

More information

Law Society of Scotland <http://www.lawscot.org.uk/members/paralegals>

Scottish Paralegal Association <http://www.scottish-paralegal.org.uk>

Society of Specialist Paralegals <http://www.specialistparalegals.co.uk/>

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