



Level 3 Diploma in Vocational Paralegal Studies

Syllabus

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Level 3 Diploma in Vocational Paralegal Studies

Introduction

This award has been developed in association with the Institute of Legal Executives (ILEX). ILEX is a professional body which represents over 22 000 members and is a leading provider of legal education.

The rationale of the Level 3 Diploma in Vocational Paralegal Studies (VPS 3) is to further develop those basic skills acquired in the Vocational Paralegal Studies Certificate but through a menu of work-related core blocks that are intended in each case to provide a sufficiently detailed understanding of a specialist area of practice. Students will select the core block relevant to their intended or existing professional needs. As with the Certificate, it further aims to enhance their substantive knowledge with a practical understanding of how legal principles can be applied. Whilst the course is primarily aimed at those already in the specialist employment sector it may also be attractive to those wishing to develop their area of legal expertise in order to assist them in gaining employment into that specialist area.

The qualification is designed to cover all those aspects of the skills and knowledge required at that level by the sector, in particular the substantive underpinning knowledge, the application of that knowledge and competence in the communication of that knowledge. In order to achieve the full qualification students are required to successfully complete three units within a block.

Certification is also available for each individual unit depending upon the student and employers particular requirements. Finally, there is the opportunity to further the students administrative and ICT skills by way of adding the Advanced Administration in the Legal Environment and Advanced Communication Skills in the Legal Environment units and the Option Unit, Advanced Information Processing in the Legal Environment, from the Level 3 Legal Secretaries Programme.

Aims

- To further develop students knowledge and understanding of the administrative practices within a specialist legal sector
- To further develop the practical skills required within that sector
- To provide for progression within that sector

City & Guilds offers a range of Vocationally Related Qualifications and National Vocational Qualifications, please contact the Customer Relations Unit at City & Guilds for further information.

General information

General Structure

In order to achieve the Diploma, students have to successfully complete one core block comprised of three mandatory units within the annual registration period:

Core block: Welfare benefits and citizens' advice

Unit 301 Finance and the family

Unit 302 Law and marriage

Unit 303 Housing, wills and succession

Core block: Employment matters

Unit 304 Commencement of employment

Unit 305 Health and safety in the legal environment

Unit 306 The termination of employment

Core block: Civil litigation practice

Unit 307 Principles of tort recovery

Unit 308 Civil procedure and practice for personal injury

Unit 309 Civil procedure and practice for debt recovery and personal injury: Case Study

Each unit is made up of:

- Assignments identifying assessment objectives and the form of the assessment

All units are equally weighted and there is no requirement for students to work in any particular order whilst approved centres are allowed flexibility as to how they offer the programmes they are encouraged to offer them in a holistic manner.

Relationship with other Qualifications

The Level 3 Diploma in Vocational Paralegal Studies recognises the skills and experience acquired either through previous qualification or experience gained through employment. APL/APE/APA procedures will usually be undertaken by the approved centres on the authority of ILEX/City & Guilds.

Assessment and quality assurance

Quality assurance includes initial centre approval, the centre's own procedures for monitoring quality and City & Guilds' ongoing monitoring. Details of City & Guilds criteria and procedure, including roles of centre staff can be found in *Providing City & Guilds Qualifications – a guide to centre and scheme approval*.

Assignments

Each unit is assessed by two task based assignments and is administered and assessed by approved City & Guilds centres. Within the registration period, students may re-present each of the tasks once and if the pass criteria are then met, will be awarded a Pass grade for that task.

Within a completed assignment, if the candidate does not meet the required standard within the classification for only **one** task but, has successfully completed the other tasks in the assignment, they may re-present that task one more time in order to achieve a merit or distinction. **However this does not apply to candidates who fail more than one task where an overall pass only, can be awarded on re-presentation of those tasks.**

Exhaustive performance criteria are given to both students and tutors alike within the assignments. Students and tutors are then given further guidance on the award of Merit and Distinction, see page 21.

Students who fail to achieve overall, will be allowed to re-register with City & Guilds.

Health and safety

The requirement to follow safe working practices is an integral part of all City & Guilds qualifications, and it is the responsibility of centres to ensure that all relevant health and safety requirements are in place.

Course design

Teacher/assessors should familiarise themselves with the structure and content of the award before designing an appropriate course.

City & Guilds does not itself provide courses of instruction or specify entry requirements. As long as the requirements for the award are met, teachers/assessors may design courses of study in any way that they feel best meets the needs and capabilities of the candidates. Units are broadly the same size and centres may deliver them in any order they wish. Centres may wish to introduce other topics as part of the programme which will not be assessed through the qualifications, eg to meet local needs.

It is recommended that centres cover the following in the delivery of the course, where appropriate

1. Health and safety considerations, in particular the need to impress to candidates that they must preserve the health and safety of others as well as themselves
2. Environmental education, related European issues
3. Spiritual, moral, ethical, social and cultural issues
4. Key Skills (such as Communication, Application of Number, Information Technology, Working with others, Improving own learning and performance, Problem solving)

It is recommended that a total of 120 guided learning hours should be allocated for delivery of the qualification. This may be on a full time or part time basis.

No specific prior qualifications, learning or experience are required for candidates undertaking the qualification. However, the nature of both the learning and assessment required for the qualification is such that candidates will need basic literacy and numeracy skills: ie the ability to read and interpret written tasks and to write answers in a legible and understandable form. Candidates will also need to be able to organise written information clearly and coherently with accurate spelling and grammar.

Centres will need to make an initial assessment of each candidate and decide on the most appropriate level of qualification.

Centre and scheme approval

Centres wishing to offer City & Guilds qualifications must gain approval.

New centres must apply for centre and scheme approval.

Existing City & Guilds centres will need to get specific scheme approval to run this award.

Full details of the process for both centre and scheme approval are given in *Providing City & Guilds Qualifications – a guide to centre and scheme approval*, which is available from City & Guilds' regional offices.

City & Guilds reserves the right to suspend an approved centre, or withdraw its approval from an approved centre, to conduct a particular City & Guilds scheme or particular City & Guilds schemes, for reasons of debt, malpractice or for any reason that may be detrimental to the maintenance of authentic, reliable and valid qualifications or that may prejudice the name of City & Guilds.

Registration and Certification

Units		Assessment components required
301	Finance and the family	7461-301 2 Assignments
302	Law and marriage	7461-302 2 Assignments
303	Housing, wills and succession	7461-303 2 Assignments
304	Commencement of employment	7461-304 2 Assignments
305	Health and safety in the legal environment	7461-305 2 Assignments
306	The termination of employment	7461-306 2 Assignments
307	Principles of tort recovery	7461-307 2 Assignments
308	Civil procedure and practice for personal injury	7461-308 2 Assignments
309	Civil procedure and practice for debt recovery and personal injury: case study	7461-309 2 Assignments

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- Candidates must be registered at the beginning of their course. Centres should submit registrations via the Walled Garden or on Form S (Registration), under scheme/complex no 7461-03
- Full details on all the above procedures will be found in the *Directory of Vocational Awards* published annually by City & Guilds. This information also appears on City & Guilds Web site <http://www.cityandguilds.com>
- Where there are inconsistencies between this scheme handbook and the *Directory of Vocational Awards*, the latter always prevails.

Unit 301

Finance and the Family

Aim

This unit will provide candidates with an introduction to the range of laws, legal principles, practice and procedure relevant to finance and the family as part of the Welfare Benefits and Citizens' Advise course.

Candidates will gain a knowledge

- of the context in which the legal system of England and Wales operates
- and understanding of the range and application and welfare benefits available in certain circumstances
- and understanding of the nature of citizens' advise in the area of debt recovery

Content

1. Claiming Benefit
 - a) Means and non means tested benefits
 - b) Benefit administration
 - c) The Social fund
 - d) Making a claim
 - e) N.I. contributions
 - f) Benefits and tax rates
 - g) Income - based Job Seekers Allowance
 - h) Calculating benefit
 - i) Premiums
2. Housing Costs
 - a) Meeting the housing cost
 - b) Working tax credit
 - Calculation
 - c) Housing benefit
 - Calculation
 - d) Council tax and benefits
 - e) Council tax
 - f) Child benefit
 - g) Disability living allowance
3. Dealing with debt
 - a) Types of debt
 - b) Establishing the debt
 - c) The debt advisor
 - d) Administration orders
 - e) Bankruptcy
 - f) Debt recovery
 - g) The bailiff

Unit 302

Law and Marriage

Aim

This unit will provide candidates with an introduction to the range of laws, legal principles, practice and procedure relevant to law and marriage as part of the Welfare Benefits and Citizens' Advice course

The candidate will gain a knowledge of the

- context in which the legal system in England and Wales operates
- legal principles and procedure of marriage and divorce
- law relating to children within the family

Contents

1. The Family
 - a) Relationships
 - b) Engagement
 - c) Marriage
 - Polygamous
 - Formalities
 - Responsibilities
 - d) Ending the marriage
 - Annulment
 - Separation
 - Divorce
2. Divorce Procedure and Maintenance
 - a) The petition
 - b) Reforms
 - c) The Child Support Act 1991
 - d) Maintenance
 - Application
 - Enforcement
3. The Matrimonial Home
 - a) Dividing the matrimonial home
 - b) Violence in the home
 - c) Child Support Legislation
4. Parents and Children
 - a) The Children Act Principles
 - Parental responsibility
 - S8 Orders
 - Contact Orders
 - Residence Orders
 - Prohibited Steps Order
 - b) Going to Court
 - c) Obligations owed by parents to children
 - d) Children's legal liability
 - Contractual
 - Negligence
 - e) Children and crime

Unit 303

Housing, Wills and Succession

Aim

This unit will provide candidates with an introduction to the range of laws, legal principles practice and procedure relevant to housing, wills and succession as part of the Welfare Benefits and Citizens' Advice course.

Candidates will gain

- a knowledge of the context in which the legal system of England and Wales operates
- a knowledge and understanding of the conveyancing process in the UK
- an understanding of the financial matters in relation to home ownership and rental
- an understanding of the procedure of making a will

Content

1. Home Ownership
 - a) Purchasing a home
 - Freehold
 - Leasehold
 - b) Registered and unregistered land
 - c) The conveyancing process
2. Financing a House Purchase
 - a) Endowment mortgages
 - b) Fixed rate mortgages
 - c) Default
 - d) Renting
 - The Rent Acts
 - Removal of the tenant
 - e) Types of tenancy
 - f) Grounds for possession
 - g) Homelessness
3. Wills and Succession
 - a) Making a Will
 - Practice and procedure
 - b) Planning your Will
 - c) Providing for dependants
 - d) Intestacy distribution

Unit 304

Commencement of Employment

Aim

This unit will provide candidates with an introduction to the range of laws, legal principles, practice and procedure relevant to the commencement of employment as part of the Employment Matters course.

Candidates will gain a knowledge

- of the context in which the legal system of England and Wales operates
- and understanding of the common law and statutory provisions of employment law
- and understanding of how a Contract of Employment may be varied
- and understanding of the relevant discrimination laws

Content

1. Employees and the Self-employed
 - a) Distinction
 - b) Tests
 - Control test
 - Organisational test
 - Multiple test
 - The economic reality test
 - c) Mutuality of obligation
 - d) Agency workers and lending an employee

2. The Formation and Variation of the Contract of Employment
 - a) Formation of the contract of employment
 - b) Illegal contracts
 - c) Formalities
 - d) The written statement
 - e) Other written formalities
 - f) Variation of contract
 - g) The Working Time Regulations 1998
 - h) Exclusions and derogations
 - i) Enforcement
 - j) The National Minimum Wage Act 1998

3. Implied Terms – Binding upon the Employer
 - a) To pay wages
 - b) Duties – guarantee payments
 - c) Deductions
 - d) Overpayments and estoppel
 - e) Sick pay
 - f) Provision of work
 - g) Indemnity
 - h) References
 - i) Respect
 - j) Use of express terms

4. Implied Terms – Binding upon the Employee
 - a) Duties
 - Faithful service
 - Bribes
 - Disclosure of misdeeds
 - Inventions and copyright
 - Confidential information
 - Spare-time working and restraint of trade
 - Obedience to lawful and reasonable orders
 - The duty of care

5. Discrimination at work
 - a) Prohibited types of discrimination
 - b) The Disability Discrimination Act 1995
 - c) The Rehabilitation of Offenders Act 1970
 - d) Introduction to the sex discrimination legislation
 - e) The European dimension
 - f) Race discrimination

6. The Sex Discrimination Act 1975
 - a) Types of discrimination
 - b) Discrimination in employment
 - c) Exclusions
 - d) Bringing a claim

7. The Equal Pay Act 1970
 - a) The meaning of “pay”
 - b) The comparison
 - c) Genuine material factors
 - d) Making a claim
 - e) Remedies

8. Maternity Provisions
 - a) The right not to be unfairly dismissed
 - b) Maternity leave
 - c) Contractual benefits
 - d) Additional maternity leave
 - e) Statutory Maternity Pay and Maternity Allowance
 - f) Antenatal care
 - g) Health and Safety Suspensions

9. Race Discrimination in Employment
 - a) Definition
 - b) Race discrimination and religion
 - c) Types of discrimination
 - d) Race discrimination in employment
 - e) Permitted discrimination
 - f) Remedies

Unit 305

Health and Safety in the Legal Environment

Aim

This unit will provide candidates with an introduction to the range of laws, legal principles, practice and procedure relevant to health and safety in the legal environment as part of the Employment Matters course.

Candidates will gain a knowledge

- of the context in which the legal system of England and Wales operates
- and understanding of the general principles of Health and Safety Legislation
- and understanding of the rights and duties of the employer and employee that exist in the area of Health and Safety

Content

1. The Employers Common Law Duty of Care
 - a) The reasonableness test
 - b) Duty of care
 - c) Safe system of work
 - d) Defences
 - e) The Limitation Act 1980
2. Breach of Statutory Duty
 - a) The nature of the claim
 - b) Determining whether it is a civil claim
 - c) Benefits of a statutory claim
 - d) Defences
3. Vicarious Liability
 - a) Definition
 - b) The employer and employee relationship
4. The Health and Safety at Work Act 1974
 - a) Aims
 - b) Enforcement
 - c) Health and safety duties under the Act
 - d) Duties
 - e) Health and Safety Regulations
5. The European Dimension
 - a) COSHH
 - b) The 1992 Regulations

Unit 306

The Termination of Employment

Aim

This unit will provide candidates with an introduction to the range of laws, legal principles, practice and procedure relevant to the termination of employment as part of the Employment Matters course.

Candidates will

- gain a knowledge of the context in which the legal system of England and Wales operates
- gain a knowledge and understanding of legal principles and practice associated with the termination of employment
- acquire a knowledge and understanding of the appropriate remedies available to an individual on the termination of employment

Content

1. Discipline at Work
 - a) The Draft Code of Practice
 - b) Factors giving rise to summary dismissal
 - c) Investigations
 - d) Appeal procedures
2. Wrongful Dismissal
 - a) The nature of the claim
 - b) Avoidance of the claim
 - c) Remedies
3. Unfair Dismissal
 - a) Exclusions
 - b) Types of dismissal
 - c) Frustration
 - d) Resignation
 - e) Project termination
 - f) Mutual termination
 - g) Potentially fair types of dismissal
 - h) Automatically fair dismissal
 - i) Automatically unfair dismissal
4. Remedies for Unfair Dismissal
 - a) Making a claim
 - b) The remedies
5. Redundancy
 - a) Exclusions
 - b) The need for a dismissal
 - c) Burden of proof
 - d) Types of redundancy
 - e) Offer of a suitable alternative employment
 - f) Redundancy payment
 - g) Trade Union consultation

6. Transfer of Undertakings
 - a) Continuity of employment
 - b) The Transfer of Undertakings (Protection of Employment) Regulations 1981

Unit 307

Principles of Tort Recovery

Aim

This unit will provide candidates with an introduction to the range of laws, legal principles, practice and procedure relevant to principles of tort recovery; personal injury as part of the Civil Litigation course.

Candidates will gain a knowledge

- of the context in which the legal system of England and Wales operates
- and understanding of the general principles of Tort law
- and understanding of the different forms of liabilities under the appropriate categories of Tort law

Content

1. The Tort of Negligence
 - a) Definition
 - b) Donoghue v Stevenson (1932)
 - c) Heads of damage
 - d) Proximity
 - e) Nervous shock
 - f) Contributory negligence
 - g) Volenti non fit injuria
 - g) Time limits
 - h) Res Ipsa Locquitur
 - i) Causation
 - j) Remoteness
 - k) Intervening acts
2. Occupiers' Liability
 - a) Liability to lawful visitors
 - b) Responsibilities of the lawful visitor
 - c) Defences
 - d) Warnings and exclusion clauses
 - e) Consent
3. Nuisance
 - a) Public nuisance
 - b) Private nuisance
 - c) Defences to nuisance
 - d) Remedies for private nuisance
- 4 The Rule in Rylands v Fletcher
- 5 Trespass
- 6 Vicarious Liability
The principle of vicarious liability
- 7 The Human Rights Act 1998

Unit 308

Civil Procedure and Practice for Personal Injury

Aim

This unit will provide candidates with an introduction to the range of laws, legal principles, practice and procedure relevant to civil procedure and practice for personal injury as part of the Civil Litigation course.

Candidates will gain a knowledge

- of the context in which the legal system of England and Wales operates
- and understanding of the civil court procedures
- and understanding of the civil court structure

Content

1. Civil Practice
 - a) The Court system
 - Personnel
 - b) Documents to commence an action
 - c) Rules of evidence and disclosure
2. Funding a Civil Action
 - a) State aided funding
 - b) Costs
3. Service of Proceedings
 - a) Service by the court
 - b) Defendants response
 - c) Default judgment
 - d) Summary judgment - procedure
4. Interim Proceedings
 - a) Allocation stage
 - b) Allocation hearing
5. The Civil Court Structure
 - a) The small claims track
 - b) The small claims hearing
 - c) Fast track procedure
 - The trial
 - Costs
 - d) The Multi-track
6. Case Proceedings
 - a) Disclosure
 - b) Witness statements and evidence
 - c) Interim remedies
 - d) Payment into court
 - e) The trial
 - f) Costs
 - g) Enforcement of court orders

Unit 309

Civil Procedure and Practice for Debt Recovery: Case Study

Aim

This unit will provide candidates with an introduction to the range of laws, legal principles, practice and procedure relevant to civil procedure and practice for debt recovery as part of the Civil Litigation course.

Candidates will gain a knowledge

- of the context in which the legal system of England and Wales operates
- and understanding of how to commence proceedings in the civil courts for debt recovery
- and understanding of case preparation for debt recovery

Content

1. Case Procedure
 - a) Initial steps
 - b) Commencement
 - c) Disclosure
 - d) Interim remedies
 - e) The trial
2. Debt Recovery Procedure
 - a) Preliminary matters
 - b) Letter of claim
3. Debt Recovery in the Small Claims Court
 - a) Termination of a credit agreement
 - b) Out of court negotiation
 - c) Small claims debt recovery procedure
 - d) Service of the claim form
 - e) The response pack
 - f) Small claims hearing

Level 3 Diploma in Vocational Paralegal Studies Grading Criteria

FAIL	PASS	MERIT	DISTINCTION
<p>The student has failed to achieve the stated performance criteria.</p>	<p>The student has submitted an answer that shows that the student has undertaken the task and has achieved the stated performance criteria. There should be no more than six spelling or grammatical errors.</p>	<p>The student has submitted an answer that shows that the student has undertaken the task and has achieved the stated performance criteria, and</p> <ul style="list-style-type: none"> • The answer has a clearly defined and informed structure. • The issues raised by the student will be presented with supporting original material where relevant. • There will be evidence that the student has identified and reflected on the issues involved. • A good tone, style and format will have been adopted. • There will be no more than four spelling or grammatical errors. 	<p>The student has submitted an answer that shows that the student has undertaken the task and has achieved the stated performance criteria, and</p> <ul style="list-style-type: none"> • The answer has a clearly defined structure throughout, demonstrating well selected and appropriate information. • The issues raised by the student will be presented with supporting original material demonstrating a wide range of research skills. • There will be evidence that the student has identified and reflected on the issues involved and has demonstrated the ability to analyse and evaluate where relevant. • An excellent tone, style and format will have been adopted. • There will be no more than two spelling or grammatical errors.

Further information

Further information regarding centre/scheme approval or any aspect of assessment of our qualifications should be referred to the relevant City & Guilds regional/national office:

Region	Telephone	Facsimile
City & Guilds Scotland	0131 226 1556	0131 226 1558
City & Guilds North East	0191 402 5100	0191 402 5101
City & Guilds North West	01925 897900	01925 897925
City & Guilds Yorkshire	0113 380 8500	0113 380 8525
City & Guilds Wales	02920 748600	02920 748625
City & Guilds West Midlands	0121 359 6667	0121 359 7734
City & Guilds East Midlands	01773 842900	01773 833030
City & Guilds South West	01823 722200	01823 444231
City & Guilds London and South East	020 7294 2820	020 7294 2419
City & Guilds Southern	020 7294 2724	020 7294 2412
City & Guilds East	01480 308300	01480 308325
City & Guilds Northern Ireland/ Ireland	028 9032 5689	028 9031 2917
City & Guilds Customer Relations Unit	020 7294 2800	020 7294 2400

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