



# Qualified Lawyers Transfer Scheme outcomes

September 2021

The Qualified Lawyers Transfer Scheme (QLTS) has been replaced by the Solicitors Qualifying Examination (SQE). This information is only for qualified lawyers who have already started qualifying through the QLTS.

Find out more about [becoming a solicitor through the SQE](https://indemnity.sra.org.uk/become-solicitor/sqe/)  
[<https://indemnity.sra.org.uk/become-solicitor/sqe/>].

The below states where further specific details about the context and potential scope of the QLTS assessments can be found, namely in the specific detail supporting the 4 stages to qualification in the domestic route (Academic stage, LPC, PRT and PSC). These references are either in square brackets or in the further comments column. Outcomes B and E will not be assessed as they are assumed of all qualified lawyers.

[Open all \[#\]](#)

## [QLTS Outcomes for all assessments from and including MCT assessment January 2020](#)

### Day One Outcome A

Core knowledge and understanding of the law applied in England and Wales

| Outcomes  | Indicative content   |
|---|--|
| <b>A1 Knowledge of the jurisdiction, authority and procedures of the legal institutions and professions that initiate, develop, interpret and apply the law of England and Wales and the European Union</b> | <p><b>The Legal System of England and Wales:</b> sources of substantive law; principles of and approaches to statutory interpretation; hierarchy and jurisdiction of the courts; appeal system; doctrine of precedent; development of statute and common law</p> <p><b>Institutions of the European Union:</b> roles of the Commission and the Court of Justice of the European Union</p> <p><b>Sources of European Union (EU) law:</b> treaties; secondary legislation (regulations, directives and decisions); decisions of the Court of Justice of the European Union</p> <p><b>The Relationship between EU law and national law and remedies at European</b></p> |



### **and national level for breaches of EU law:**

- **Direct Actions in the Court of Justice:** articles 258 - 260 TFEU; articles 263 - 265 TFEU – annulment of EU measures
- **EU Law and national courts:** supremacy; direct effect; indirect effect; member state liability; remedies in national courts
- **Preliminary references:** article 267 TFEU: discretionary references; mandatory references; attitude of the Court of Justice and national courts; misuse of article 267 TFEU

### **The Internal market of the European Union:**

- **Free Movement of goods:** customs duties and charges having equivalent effect (Articles 28 – 30 TFEU); discriminatory taxation: direct and indirect discrimination; objective justification (Article 110 TFEU); non-tariff barriers to trade: quantitative restrictions and measures having equivalent effect; selling arrangements and derogation.
- **Free movement of persons:** rights of European Union citizens (workers, the self-employed, the economically inactive and their families); equal treatment and access to employment; restriction of entry, residence and access to employment.
- **Competition law:** article 101 TFEU; article 102 TFEU; competition law and enforcement.

### **A2 Knowledge of applicable constitutional law and judicial review processes**

**Constitution and constitutional principles:** nature of the constitution; Parliamentary sovereignty; the application of separation of powers (including checks and balances); the rule of law (definition, key concepts and legal status).



## **How the core institutions of state function and interrelate constitutionally:**

Parliament; cabinet and central government; the monarch; 'the Crown'; the Judiciary (including the nature and powers of the Supreme Court); government accountability through Parliament and via the conventions on collective and individual ministerial responsibility; the nature of legislation and requirements for enactment and repeal; the nature and status of the devolution legislation.

**The Prerogative:** (its nature, extent and legal status; its relationship with legislation) and constitutional conventions (definition, nature and legal status) and how the prerogative and constitutional conventions interrelate.

**Public order law:** breach of the peace and the Public Order Act 1986; Public Order Act offences; the law on public processions and assemblies including the impact of the Human Rights Act 1998.

**Judicial review:** nature and limits of judicial review; preliminary hurdles/requirements for obtaining permission to proceed to a substantive hearing; standing to bring a claim; grounds and remedies; judicial review and accountability of government and public bodies for ultra vires actions and decisions; the impact of human rights law on judicial review including the concept of proportionality.

### **A3 Knowledge of the rules of professional conduct, including the SRA Accounts Rules**

The seven mandatory principles requiring solicitors to act:

1. In a way that upholds the constitutional principle of the rule of law, and the proper administration of justice
2. In a way that upholds public trust and confidence in the solicitors' profession and in legal services provided by authorised person
3. With independence



4. With honesty
5. With integrity
6. In a way that encourages equality, diversity and inclusion
7. In the best interests of each client

SRA Code of Conduct for Solicitors, RELs and RFLs setting out the duties and responsibilities to clients and others in relation to:

- Maintaining trust and acting fairly
- Dispute resolution and proceedings before courts, tribunals and inquiries
- Service and competence
- Client money and assets
- Referrals, introductions and separate businesses
- Other business requirements
- Conflict of interests
- Confidentiality and disclosure
- Cooperation and accountability
- Client identification
- Complaints handling
- Client information and publicity
- SRA Code of Conduct for Firms
- Managers in SRA firms
- Compliance Officers

Definition of client money, requirement to pay client money into a client account and circumstances in which client money may be withheld from a client account. Repayment of client money. Accounting entries required.

Client account: meaning, name of account and obligation not to use client account to provide banking facilities.

Requirement to keep client money separate from money belonging to the authorised body.

Withdrawals from client account. Accounting entries required.

Duty to correct breaches of rules promptly on discovery. Accounting entries required.

Requirement to pay interest on client money. Accounting entries required.



Requirement to keep and maintain accurate records in client ledgers, including requirement to carry out reconciliation of client accounts and to keep a record of bills. To include disbursements using the agency and principal methods; transfers; submission, reduction and payment of bills including the VAT elements.

Operation of joint account.

Operation of a client's own account

Third-party managed accounts

Obtaining and delivery of accountants' reports

Storage and retention of accounting records

**A4 Knowledge of the regulatory and fiscal frameworks within which business, legal and financial services transactions are conducted**

**Money laundering:** the legislation including the international context; circumstances encountered in the course of practice where suspicion of money laundering should be reported in accordance with the legislation, with particular reference to those types of legal work covered by the Objective Structured Clinical Examination (OSCE); the appropriate person or body to whom suspicions should be reported and the appropriate time for such reports to be made; the types of offences that solicitors might be liable to commit in the course of practice.

**Financial Services:** The purpose and scope of financial services regulation; the financial services regulatory framework in general (including authorisation), and how it applies to solicitors' firms; recognition of relevant financial services issues (including the identification of specified investments, specified activities and relevant exemptions); application of financial services provisions to the types of legal work covered by the OSCE; appropriate sources of information on financial services.

**Taxation**

**General:** tax years, financial years, accounting periods, tax periods. The date(s)



when payment of each of the following five taxes is due (see below).

**Income tax:** total income; personal allowances and reliefs; taxation at source and direct assessment; calculation of a taxpayer's liability or the refund due.

**Capital gains tax:** when a disposal occurs for capital gains tax purposes; relevant date of disposal; treatment of disposals between spouses and civil partners; chargeable and exempt assets; allowable expenditure; exemptions and reliefs; calculation of the gain or loss on a disposal; treatment of losses; calculation of a chargeable person's overall liability.

**Inheritance tax:** the charge to tax on death; lifetime transfers that are immediately chargeable and those that are potentially exempt when made; calculation of the value transferred; exemptions and reliefs in respect of transfers on death and lifetime transfers; the nil-rate band, the main residence nil-rate band and their transfer; calculation of a person's cumulative total; calculation of the tax payable in respect of transfers on death and lifetime transfers; loss relief on the sale of land and qualifying shares.

**Corporation tax:** income profits; chargeable receipts; deductible expenditure; capital allowances; trading loss relief; capital gains; capital loss relief; roll-over relief; charges on income; calculation of a company's tax liability.

**Value added tax:** classifications of supply; inputs and outputs; taxable supplies; taxable persons; meaning of 'business'; value of supply; compulsory and voluntary registration; tax points; calculation of the tax payable or refund due.

## **A5 Understanding of Contract law**

### **Existence/formation of contract:**

**Offers:** definition; distinguished from invitations to treat; including auction sales, tenders & shop sales; revocation and termination of offer.



**Acceptance:** definition; distinguished from counter offers and requests for information.

**Communication of acceptance:** bilateral and unilateral contracts; by conduct; postal acceptance rule and exceptions; silence.

**Certainty of terms & Intention to create legal relations:** incomplete agreements and vague terms; presumptions in social and commercial agreements.

**Capacity:** minors; lack of mental capacity; companies

**Consideration:** definition; executory/executed; past consideration; sufficiency of consideration; part payment of debt; promissory estoppel

**Privity of contract:** requirements and exceptions; including Contracts (Rights of Third Parties) Act 1999

**Content of contract:**

**Terms:** express terms and implied terms; classification and types of terms; incorporation and construction; distinguished from representations; terms implied by fact, law and custom; terms implied by statute including in relation to description, quality, title of goods and the provision of services.

**Exclusion clauses and unfair terms:** incorporation; construction; at common law; Unfair Contract Terms Act 1977; Consumer Rights Act 2015.

**Vitiating elements:**

**Misrepresentation:** when actionable; types; remedies; Misrepresentation Act 1967; exclusion of liability

**Mistake:** common; mutual; unilateral; Non Est Factum

**Duress:** types; remedies



**Undue Influence:** actual and presumed; remedies; third parties.

**Illegality:** including provisions in restraint of trade

**Discharge of contract and remedies:**

**Discharge:** agreement; performance; breach; frustration – requirements and effect; Law Reform (Frustrated Contracts) Act 1943

**Remedies:**

- damages: types of loss, remoteness, measure, mitigation, liquidated damages/penalty clauses;
- equitable remedies: specific performance, injunction;
- restitutionary remedies

**A6 Understanding of Torts**

**Negligence**

- General principles of negligence: duty of care (standard and breach); causation; remoteness and loss (including principles of remedies for personal injury and death claims)
- Negligence claims for pure economic loss arising from either a negligent act or misstatement.
- Negligence claims for psychiatric harm.
- Negligence claims for employers' liability: operation and effect of the common law principles.
- General defences: volenti, illegality, contributory negligence, necessity.
- Vicarious liability

**Occupiers liability:** Occupiers Liability Act 1957; Occupiers Liability Act 1984.

**Breach of statutory duty:** the legal requirements for a claim of breach of statutory duty.

**Product liability:** Consumer Protection Act 1987.



## A7 Understanding of criminal law

**Nominate torts:** battery, assault and false imprisonment; trespass to goods/conversion and trespass to land; remedies and defences.

**Nuisance:** Public/private nuisance and Rylands v Fletcher; remedies (including injunctions) and defences.

**Defamation:** Libel/slander/malicious falsehood; remedies and defences.

### General Principles:

**General:** distinguishing a crime from a civil wrong; burdens and standards of proof: the different burdens and standards of proof and the circumstances in which they apply.

**Actus Reus:** conduct and result crimes; liability for acts/omissions; existence of any circumstances required before an offence can be committed; causation.

**Mens Rea:** motive; intent; oblique intention; virtually certain consequences; recklessness; transferred malice; crimes of negligence; crimes of strict liability; liability of corporations.

**Parties:** principal offender; requirements for secondary participation; joint enterprise; accomplice liability.

**Inchoate offences:** encouragement and assistance; attempt; conspiracy.

### Defences

- State of mind/capacity: insanity; automatism; intoxication; mistake.
- General defences: duress; public and private defence; necessity; infancy.
- Defences to specific offences (see below)  
Consent (assault and battery)
- Partial defences to murder (see below):  
loss of control; diminished responsibility.

### Specific Offences:

#### Homicide:

- murder.



- manslaughter: voluntary manslaughter (loss of control; diminished responsibility); involuntary manslaughter (unlawful act manslaughter; manslaughter by gross negligence); corporate manslaughter.

**Non-fatal offences against the person:**

assault; battery; consent; s47 Offences against the Person Act 1861; s20 Offences against the Person Act 1861; s18 Offences against the Person Act 1861.

**Theft and Related Offences:** theft; robbery; making off without payment.

**Other Offences under Theft Act 1968:**

burglary; aggravated burglary; blackmail; handling stolen goods.

**Offences under the Fraud Act 2006:** fraud by false representation; fraud by failing to disclose information; fraud by abuse of position; obtaining services dishonestly; possession of articles for fraud.

**Offences of Damage to Property under Criminal Damage Act 1971:** destroying or damaging property; destroying or damaging property with intent to endanger life; arson.

**A8 Understanding of property law**

**The nature of land:** the distinction between real property and personal property – fixtures/fittings.

**Estates and interests in land:** the freehold and leasehold estates; legal interest; equitable interests; formalities for creation of legal and equitable interests; requirements for a valid deed and a valid contract in relation to land.

**Principles of unregistered title to land:** role of title deeds; how to protect interests – registration of Land Charges and continuing role of doctrine of notice.

**Registration of title to land:** the estates that can be substantively registered; how to protect interests: interests that override



registration and interests that need to be protected by entry on the register.

**Co-ownership of land:** the trust of land - legal and equitable title to land; differences between joint tenancies and tenancies in common; methods of severance of joint tenancies in equity; solving disagreements between co-owners by reference to sections 14 and 15 of Trusts of Land & Appointment of Trustees Act 1996.

**Leases:** formalities for leases; distinction between a lease and a licence; landlord and tenant covenants; remedies for breach of covenant (including forfeiture); assignments of leases (including both leases granted before and after 1 January 1996) and sublettings; the effect of assignments and sublettings; termination of leases.

**Easements and profits:** the essential characteristics of easements; the creation of easements and profits (including express, implied and prescriptive easements).

**Freehold Covenants:** the difference between positive and negative covenants; enforceability of covenants between original parties and successors in title - the running of the benefit and the burden.

**Mortgages:** creation of mortgages; mortgagee's remedies to enforce their security; protection of mortgagors & other third parties with an interest in land; priority of mortgages.

## **A9 Understanding of Equitable rights and obligations**

**Creation and requirements of express trusts:** the three certainties of intention to create a trust, subject matter and certainty of objects in both fixed interest and discretionary trusts; the formalities required for an express inter vivos trust; the constitution of express inter vivos trusts including transfers to trustees and declaration of self as trustee; the exceptions to the rule that equity will not assist a volunteer.

**Beneficial entitlement:** fixed; discretionary; vested; contingent.



**Resulting Trusts:** how they arise; when they are (or are not) presumed.

**Half secret and secret trusts:** creation

**Trusts of the Family Home: Establishment of a constructive trust:** legal title in name of both parties/sole party; express declaration or agreement as to equitable ownership; direct and indirect contributions; evaluating the share of each party.

**Charitable trusts:** The doctrine of Cy Pres; definition of charity (Charities Act 2011); heads of charitable purpose and Establishing Public Benefit under Principles 1 and 2.

**Non charitable purpose trusts:** The beneficiary principle; exceptional cases where purpose trusts can be upheld; unincorporated associations.

**The fiduciary relationship and its obligations:** duty not to profit from fiduciary position; trustees not to purchase trust property; fiduciary not to put himself in a position where his interest and duty conflict.

**Strangers as constructive trustees/ accountable as constructive trustees:** establishing recipient liability; establishing accessory liability.

**Trustees:** who can be a trustee; appointment, removal and retirement of trustees; trustees duty of care; trustees duty to invest (and powers in relation to investment); trustees' statutory powers of maintenance and advancement.

**Trustees liability:** breach of trust; measure of liability; protection of trustees; limitation period.

**Tracing trust property in equity:** establishing the right to trace; mixed and unmixed funds; the personal action in Diplock.

**Equitable remedies:** nature of equitable remedies; types of injunction; principles



## A10 Understanding of Human Rights

applicable to the issue of interim injunctions.

### **The Human Rights Act 1998 and the European Convention on Human Rights :**

role of the European Court of Human Rights (its approach to cases brought before it; the nature of its powers over member states; the legal status and enforceability of its judgments); statutory obligations, powers and limits that apply to the courts in England and Wales in human rights cases; Convention Rights and how they are applied by the courts in England and Wales.

**Advantages and disadvantages** of sole traders, partnerships, limited liability partnerships (LLPs), private limited companies:

**Sole traders:** Liability for debts.

**Partnerships:** formation; default provisions under Partnership Act 1890 (powers of partners to bind the firm, liability for debts and wrongdoing, holding out, liabilities of incoming and outgoing partners, partnership property, financial entitlements, management, matters requiring unanimity, duties, termination); taxation implications.

## A11 Understanding of the laws applicable to business structures and the concept of legal personality

**LLPs:** formation under Limited Liability Partnerships Act 2000; legal personality; rights and duties of members and designated members; liability for debts; taxation implications; termination; obligation to make certain documents publicly available

### **Companies**

Formation; constitution; legal personality; liability for debts; role and duties of directors; role of shareholders; taxation implications; obligation to make certain documents publicly available

## Day One Outcome B

Intellectual, analytical and problem-solving skills

**Outcomes**

**Indicative content**

**Further comments**



**B1 Ability** to review, consolidate, extend and apply knowledge and understanding

See academic stage/LPC and PRT for further detail.

**B2 Ability** to frame appropriate questions to identify clients' problems and objectives, and to obtain relevant information

Outcome reflected at all stages but in particular in LPC.

**B3 Ability** to evaluate information, arguments, assumptions and concepts

See academic stage/LPC and PRT for further detail.

**B4 Ability** to identify a range of solutions

See academic stage/LPC and PRT for further detail.

**B5 Ability** to evaluate the merits and risks of solutions

See academic stage/LPC and PRT for further detail.

**B6 Ability** to communicate information, ideas, problems and problems and solutions to clients, colleagues and other professionals

Outcome reflected at all stages but in particular on LPC.

**B7 Ability** to initiate and progress projects

See LPC/PSC.

## Day One Outcome C

Transactional and dispute resolution skills

| Outcomes   | Indicative content  | Further comments |
|--|---|------------------|
| <b>C1 Ability</b> to establish business structures and transfer businesses | <ul style="list-style-type: none"> <li>• <b>LPC Outcomes</b> <ul style="list-style-type: none"> <li>◦ understand the nature and structure of the different business media and be able to select an appropriate medium and structure to meet the client's commercial requirements and to advise on the legal and taxation implications</li> <li>◦ be able to progress basic business transactions arising during the life and development of a business</li> <li>◦ understand the interests of different parties involved in the business including</li> </ul> </li> </ul> |                  |

- directors, shareholders and creditors of a business.
- And should also be able to:
  - interpret and apply primary source materials, constitutional documents and other relevant agreements
  - identify conduct and regulation issues, such as conflicts of interest and FSMA, as they arise in the context of relevant transactions
  - draft the relevant documentation and prepare the appropriate forms and filings.
- **Element 1: Business media**
  - be able to advise the client as to the advantages and disadvantages of different business media including sole traders, partnership and companies
  - be able to advise on form and legal structure and on the cost, procedures, formalities and taxation implications of setting up and running the business
  - be familiar with the procedures required to incorporate a company and/or form a partnership and understand the approvals, filings and procedures to enable the business to commence operating
  - be familiar with the roles, rights, responsibilities and liabilities of the participants
  - understand the procedures to alter the constitution of a company and to appoint and remove the officers of a company



- understand how to allot, issue and transfer shares.
- **Element 2: On-going operations and common transactions:**
  - progress common business transactions and advise and take steps relating to the business's on-going operations
  - advise on entering into contracts on behalf of the business (including issues arising from contracts in which directors have an interest)
  - advise on steps to protect the assets of the business
  - advise on issues arising from basic finance and lending
  - draft notices, agendas and minutes of meetings and complete and file routine statutory forms and maintain and up-date statutory books
  - advise on taxation of profits (income and capital) generated and distributed by the business
  - demonstrate an appreciation of the continuing duties, obligations and liabilities of the business and of its partners, directors and shareholders
  - advise on the options for and claims arising on insolvency, eg bankruptcy, winding up and administration
  - draft and review documentation to give effect to transactions.
- **Element 3: Stakeholders**
  - understand the different interests of parties involved in the business including the company, directors,



shareholders and creditors of the business

- be aware of potential conflicts between the different parties
- understand the importance of knowing the client.

- **Element 4: Business accounts**

- Understanding of the principles of business accounting and should be aware of the need to interpret business accounts to ensure clients are appropriately advised.

In particular, should:

- understand the terms used and basic accounting concepts
- be familiar with how accounting data is used to prepare a profit and loss account and a balance sheet
- understand the construction of and be able to analyse and interpret a simple balance sheet and profit and loss account of a sole trader, partnership and limited company
- understand the nature of shareholders' funds

**C2 Ability** to seek resolution of civil and criminal matters

- **LPC Outcomes**

- Candidates should:
  - understand the nature of civil and criminal litigation
  - be able to identify the critical steps in the process of litigation.

- **Element 1: Case analysis**

- should be able to analyse factual material, identify the legal context in which factual issues arise, relate the central legal and factual issues to each other and be able to:
  - identify the elements of selected causes of action and criminal charges



- identify, analyse and, if necessary, research the propositions of fact going to the elements and be able to identify, analyse, secure and preserve evidence to support propositions of fact
  - identify, analyse and advise on the admissibility and relevance of evidence and assess the strengths and weaknesses of each side's case including, where appropriate, the opponent's evidence.
- **Element 2: Courses of action and funding**
- should be able to:
  - identify possible courses of action, demonstrate an awareness of the legal and non-legal consequences of selecting a course of action and advise the client on the attendant costs, benefits and risks
  - advise the client on the different ways of funding litigation, including the availability of public funding.
- **Element 3: Procedure**
- should be able to identify the steps and strategies that need to be taken in the preparation and conduct of litigation.
- **Element 4: Civil Litigation and Dispute Resolution**
- should be able to:
  - identify the appropriate forum for the resolution of the dispute, including appropriate methods of alternative dispute resolution
  - identify possible cost consequences of different outcomes, the effect of the different costs rules and the impact of the likely costs



orders on the conduct of litigation

- demonstrate an understanding of the Civil Procedure Rules, the overriding objective, and their application
- demonstrate an understanding of the court's role in the litigation process, in particular the court's case management powers and duties
- identify steps to be taken prior to commencement and be able to issue, serve and respond to claim forms
- advise on interim applications, prepare and conduct applications to the master or district judge
- understand the steps needed to prepare the case for trial and the procedure and evidential issues arising from expert witnesses, witnesses of fact and disclosure, and demonstrate an awareness of the basic elements of trial procedure
- demonstrate an awareness of the mechanisms which are available to enforce and appeal a judgment
- prepare the appropriate documentation and draft claim forms, particulars of claim, defences, application notices, orders and witness statements.

- **Element 5: Criminal Law and Practice**

- should be able to:
  - demonstrate an understanding of the Criminal Procedure Rules, their overriding objective, and their application



- demonstrate an understanding of the court's role in the litigation process, in particular the court's case management powers and duties
- demonstrate an awareness of police station representative accreditation schemes, and the court duty solicitor scheme
- explain the custody, review and detention limits under Police and Criminal Evidence Act 1984 and the role of the custody officer
- identify the steps involved in making an application for a representation order
- identify the steps involved in making or contesting a bail application
- identify the practical and tactical considerations involved in determining the mode of trial, including an awareness of the range of sentences available, and advise the client accordingly
- assist in the preparation and conduct of a summary trial, committal proceedings and a trial on indictment.
- Settlement, mediation, adjudication [PRT]

**C3 Ability** to establish and transfer proprietary rights and interests

- **LPC Outcomes**
- In the context of domestic or commercial transactions or both, and in relation to freehold and leasehold property:
  - appreciate the nature of a property transaction
  - be able to identify and perform the critical steps in a transaction
  - be aware of conflicts of interest that may arise when



acting for more than one party in a property transaction

- understand the requirements of lenders and the need to consider money laundering issues
- have a sufficient grasp of the tax aspects of a property transaction, including Stamp Duty Land Tax.

- **Element 1: Pre-contract stage**

- take preliminary instructions and advise on client care
- identify the steps needed to raise and the issues arising from pre-contract enquiries and pre-contract searches
- deduce and investigate title as appropriate to the transaction
- report on the transaction to the client
- decide, with the client where appropriate, what action needs to be taken and identify what action (if any) the client has to take
- analyse and draft a contract (and constituent clauses).

- **Element 2: Binding contract**

- Should understand when the contract becomes binding and should appreciate the need to:
  - advise the client on the terms of any offer of finance and make sure that adequate finance is available before committing the buyer to the contract
  - select a method of making the contract binding appropriate to the transaction.

- **Element 3: After the contract becomes binding**

- Should be able to:
  - deal appropriately with the deposit, obtaining



- undertakings and insurances
- prepare appropriate, clear and precise undertakings
- draft document(s) (whether paper-based or electronic) necessary to transfer the legal estate
- report on the title to the lender
- prepare the mortgage documentation
- prepare for completion and select a method appropriate to the transaction
- carry out the completion and the relevant post-completion steps
- complete the mortgage and protect the lender's security
- discharge any existing mortgage over the property.

**C4 Ability** to obtain a grant of probate and administer an estate

- Should have general overview of content, format and validity of wills, obtaining grants of representation and administration of an estate [LPC] and should be able to:
  - use the legal knowledge, skills, procedures and behaviours appropriate to the client
  - identify the client's goals and alternative means of achieving those goals, and deal appropriately with client care
  - recognise and act within the rules of professional conduct
  - identify the client's reasonable expectations as to quality and timeliness of service.
- Element 1: Pre-grant practice
- candidates should understand:
  - validity, revocation and alteration of wills and codicils



- total and partial intestacy
  - identification of property passing by will, intestacy or outside of the estate
  - valuation of assets and liabilities and the taxable estate.
- Element 2: Application for a grant of representation
- candidates should understand:
  - the necessity for and main types of a grant
  - the powers and duties of personal representatives and their protection
  - the main types of oath for executors or administrators.
- Element 3: Post-grant practice
- candidates should understand:
  - collection and realisation of assets, and claims on the estate
  - raising funds and the payment of inheritance tax and debts
  - pecuniary legacies, vesting of gifted property in the beneficiaries entitled and distribution of the residuary estate.

**C5 Ability** to draft legal documentation to facilitate the above transactions and matters

- LPC Outcomes
- Drafting
- candidates should:
  - understand the content and requirements of formal legal documents in the core practice areas
  - understand the principles of good drafting and editing
  - be able to explain their own and others' drafting.
- Element 1: Drafting and amending documents
- Should be able to draft and amend basic documents or provisions that:



- demonstrate an understanding of the relevant legal, factual and procedural issues
  - meet all formal legal or other requirements
  - demonstrate a considered choice, use and adaptation of templates or precedents
  - are in prescribed or generally accepted form.
- Element 2: Style of drafting and amending
- Should be able to draft and amend documents that:
  - use accurate, straightforward and modern language
  - use correct spelling, grammar, syntax and punctuation
  - are easy to follow, internally consistent and free of ambiguity
  - use recitals, definitions and boilerplate correctly and appropriately
  - have a clear, logical, consistent and appropriate structure, layout and use of numbering and schedules.
- Element 3: Explaining and editing
- Should be able to:
  - explain in clear and simple terms the meaning and effect of basic documents and the possible implications for the client
  - review and edit their own and others' drafting to identify and correct omissions, errors and unnecessary provisions.

**C6 Ability** to plan and progress transactions and matters

- Producing schedule for a case/transaction [LPC]
- Planning work including time, cost and risk management [LPC]

See detailed outcomes for the LPC and PRT.



expeditiously and  
with propriety

## Day One Outcome D

Legal, professional and client relationship knowledge and skills

| Outcomes   | Indicative content   | Further comments |
|--|--|------------------|
| <b>D1 Knowledge</b> of the legal services market   |  | See LPC.         |
| <b>D2 Knowledge</b> of commercial factors affecting legal practice                         |  | See LPC and PRT. |
| <b>D3 Ability</b> to undertake factual and legal research using paper and electronic media | <ul style="list-style-type: none"><li>• From primary sources [Academic stage]</li><li>• LPC Outcomes</li><li>• Candidates should:<ul style="list-style-type: none"><li>◦ understand the need for thorough investigation of all relevant factual and legal issues involved in a transaction or matter</li><li>◦ be able to undertake systematic and comprehensive legal research</li><li>◦ be able to present the results of their research.</li></ul></li><li>• Element 1: Legal and factual issues</li><li>• should be able to investigate legal and factual issues and:<ul style="list-style-type: none"><li>◦ determine the scope and identify the objectives of the research</li><li>◦ determine whether additional information is required and identify appropriate sources for factual investigation</li><li>◦ identify the legal context(s) and analyse the legal issues</li><li>◦ address all relevant legal and factual issues.</li></ul></li><li>• Element 2: Research</li></ul> | See also PRT.    |



- should be able to undertake systematic and comprehensive research and:
  - identify and apply current case law, statute law, statutory instruments, regulations and rules to the research problem
  - identify, prioritise and use relevant primary and secondary sources
  - locate and update cases and statutes, and use indices and citators
  - use periodicals, digests and standard practitioner texts
  - select and use appropriate paper and electronic research tools.
- Element 3: Presentation of results
- should be able to:
  - keep a methodical, accurate and complete record of the research undertaken
  - draw clear conclusions and identify courses of action
  - present the results of their investigation and research in a way which meets the skills outcomes.

**D4 Knowledge** to use technology to store, retrieve and analyse information

See academic stage and PRT.

**D5 Knowledge** to communicate effectively, orally and in writing, with clients, colleagues and other professionals

- Understanding and ability to choose the appropriate method of communication [LPC/PRT]
- Understanding and ability to apply principles of good writing [LPC/PRT]
- **LPC Outcomes writing**
- Candidates should be able to communicate effectively in writing and should:

See outcomes for all stages.



- understand and be able to choose the appropriate method of communication
  - understand and be able to apply the principles of good writing.
- **Element 1: Appropriate use of media**
- Candidates should:
  - understand the appropriate uses of emails, letters, memoranda and other forms of written communication
  - be able to choose the appropriate medium, form and style
  - be able to tailor the written communication to suit the purpose of the communication and the needs of different clients or recipients.
- **Element 2: Writing style**
- should be able to produce written work which is appropriate for the chosen medium and the recipient and which:
  - uses accurate, straightforward and modern language
  - uses correct spelling, grammar, syntax and punctuation
  - has a clear, logical, consistent and appropriate structure and format
  - has been checked and edited.
- **Element 3: Content**
- should be able to produce written work which:
  - forms a coherent whole and, where appropriate, advances the matter;
  - addresses accurately and correctly all the relevant legal and factual issues and, where appropriate,



- identifies practical options including the costs, benefits and risks of those options
  - identifies clearly clients' objectives and priorities, addresses their concerns and carries out their instructions
  - accurately and systematically records a meeting or presentation and its outcomes.
- LPC Outcomes I and A
- should demonstrate an understanding of the principles and techniques of the skills of interviewing and advising.
- **Element 1: Interviewing**
- Should:
  - be able to choose an appropriate way to obtain relevant information
  - be able to plan, prepare for and identify the objectives of an interview
  - understand how to conduct an effective interview that elicits the relevant information, allows the client to explain any concerns, anticipates the client's questions and has clear outcomes
  - be able to listen actively and use appropriate questioning techniques
  - be able to establish a professional relationship.
- **Element 2: Advice and follow up**
- Should be able to:
  - advise the client taking into account the client's objectives, priorities and constraints and addressing all relevant factual, practical and legal issues
  - identify possible courses of action, the legal and non-



legal consequences of a course of action (including the costs, benefits and risks) and assist the client in reaching a decision

- identify any further decisions to be made or steps to be taken and manage the client's expectations including likely outcomes and timescales
- accurately record an interview, advice given orally, decisions made by the client and follow-up steps and, where appropriate, confirm instructions in each case in accordance with the outcomes for Writing
- identify the circumstances in which to take instructions or seek advice from a supervising solicitor.

**D6 Ability** to advocate a case on behalf of a client

- understand basic skills in presentation of cases before courts and tribunals [LPC/PRT/PSC]
- ability to formulate and present a coherent submission [LPC/PRT/PSC]
- **LPC Outcomes**
- should:
  - understand the importance of preparation and the best way to undertake it
  - understand the basic skills in the presentation of cases before courts and tribunals
  - be able to formulate and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner.



- **Element 1: Case analysis and preparation**
- should be able to:
  - identify and analyse the relevant facts, the legal context in which the factual issues arise, and how they relate to each other
  - summarise the strengths and weakness of the case from each party's perspective
  - prepare the legal framework of the case, and a simple narrative outline of the facts
  - prepare the submission as a series of propositions based on the evidence
  - identify, analyse and assess the purpose and tactics of examination, cross-examination and re-examination to adduce, rebut and clarify evidence.
- **Element 2: Oral presentations**
- Should be able to:
  - identify, analyse and assess the specific communication skills and techniques employed by a presenting advocate
  - demonstrate an understanding of the ethics, etiquette and conventions of advocacy.

**D7 Ability** to exercise solicitors' rights of audience

**D8 Ability** to recognise clients' financial, commercial and personal priorities and constraints

- civil and criminal courts [PSC]

See outcomes for LPC/PRT/PSC

See outcomes for LPC/PRT/PSC

**D9 Ability** to exercise effective client relationship management skills

- dealing with difficult clients [PSC]

**D10 Ability** to act appropriately if a client is dissatisfied with advice or services provided.

- avoiding complaints/identifying potential complaints [PSC]
- handling complaints [PSC]

See also PRT.

## Day One Outcome E

Personal development and work management skills

| Outcomes   | Indicative content | Further comments |
|--|--------------------|------------------|
| <b>E1 Ability</b> to recognise personal and professional strengths and weaknesses                |                    | See LPC and PRT. |
| <b>E2 Ability</b> to identify the limits of personal knowledge and skills                        |                    | See LPC and PRT. |
| <b>E3 Ability</b> to develop strategies to enhance professional performance                      |                    | See PRT.         |
| <b>E4 Ability</b> to manage personal workload  |                    | See PRT and PSC  |
| <b>E5 Ability</b> to employ risk management skills   |                    | See PRT and PSC  |
| <b>E6 Ability</b> to manage efficiently, effectively and concurrently a number of client matters |                    | See LPC/PRT/PSC  |
| <b>E7 Ability</b> to work effectively as a team-member   |                    | See PRT          |

## Day One Outcome F

Professional values, behaviours, attitudes and ethics

| Outcomes  | Indicative content | Further comments |
|---|--------------------|------------------|
| <b>F1 Knowledge</b> of the values and principles upon which the rules of professional conduct have been developed |                    |                  |
| <b>F2 Ability</b> to behave professionally and with integrity   |                    |                  |
| <b>F3 Ability</b> to identify issues of culture, disability and diversity   |                    |                  |



**F4 Ability** to respond appropriately and effectively to the above issues in dealings with clients, colleagues and others from a range of social, economic and ethnic backgrounds

See LPC/PSC

**F5 Ability** to recognise and resolve ethical dilemmas

See  
LPC/PRT/PSC.

#### **4 stages to qualification in the domestic route (Academic stage, LPC, PRT and PSC)**

- Academic stage refers to the Learning Outcomes from the [Joint Statement](https://indemnity.sra.org.uk/become-solicitor/legal-practice-course-route/qualifying-law-degree-common-professional-examination/academic-stage-joint-statement-bsb-law-society/) [https://indemnity.sra.org.uk/become-solicitor/legal-practice-course-route/qualifying-law-degree-common-professional-examination/academic-stage-joint-statement-bsb-law-society/]
- LPC refers to the [Legal Practice Course outcomes 2011](https://indemnity.sra.org.uk/globalassets/documents/students/lpc/LPC-Outcomes-Sept2011.pdf?version=4a5b05) (PDF, 31 pages, 270K) [https://indemnity.sra.org.uk/globalassets/documents/students/lpc/LPC-Outcomes-Sept2011.pdf?version=4a5b05]
- PRT refers to the [Period of Recognised Training](https://indemnity.sra.org.uk/become-solicitor/legal-practice-course-route/period-recognised-training/) [https://indemnity.sra.org.uk/become-solicitor/legal-practice-course-route/period-recognised-training/]
- PSC refers to the [Professional Skills Course Information Pack](https://indemnity.sra.org.uk/become-solicitor/legal-practice-course-route/professional-skills-course/professional-skills-course-information-pack/) [https://indemnity.sra.org.uk/become-solicitor/legal-practice-course-route/professional-skills-course/professional-skills-course-information-pack/] and written standards