

PEAT 2: LAW SOCIETY OF SCOTLAND PROFESSIONAL EDUCATION AND TRAINING STAGE 2 TRAINING PLAN

Executive Summary

This document is the Law Society of Scotland's ('the Society's') Professional Education and Training Stage 2 ('PEAT 2') Training Plan and explains the key features of PEAT 2.

All training solicitors should read this document. It sets out the features of PEAT 2 and the responsibilities for training supervisors¹, training solicitors² and trainees over the two years of PEAT 2. This handbook should be used as a reference document over the period of the traineeship.

The key principles of PEAT 2 are that:

- PEAT 2 is based around the PEAT 2 Outcomes (articulated in Section 5 of this document). As outlined in Regulation 19 of the Admission as a Solicitor (Scotland) Regulations 2011, all trainees must achieve the PEAT 2 Outcomes to be admitted as a solicitor.
- For the first time practice units³ know what can be expected of a 'Day 1 Trainee' (the entrance standard) and a 'qualifying solicitor' (the exit standard)
- PEAT 2 Quarterly Performance Reviews ('PQPRs') should assist both trainer and trainee to assess development needs over the course of the two year traineeship and assist achievement of the 'standard of the qualifying solicitor'.
- Trainee Continuing Professional Development ('TCPD') should assist trainees to meet the PEAT 2 Outcomes. TCPD should be focused on the development needs of individual trainees. As outlined in Regulation 19 of the Admission as a Solicitor (Scotland) Regulations 2011, all trainees must complete the required TCPD to be admitted as a solicitor.
- Trainees are required to record their achievements through their 'PEAT 2 Record' see section 2.4, hosted online. These records will include reflection on the work that they have undertaken; TCPD; informal reviews and PQPRs.

¹ As defined in the Glossary to this document, at Appendix A

² As defined in the Glossary to this document, at Appendix A

³ As defined in the Glossary to this document, at Appendix A

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1. Overview of Professional Education and Training (PEAT)

PEAT is a landmark development in Scottish legal education.

PEAT comprises PEAT 1 (the vocational stage; formerly the Diploma in Legal Practice and now the Diploma in Professional Legal Practice) and PEAT 2 (the work-based stage; the traineeship). PEAT should be regarded as the whole, with PEAT 1 and PEAT 2 forming two components of that whole. PEAT will facilitate the development of legal skills and will integrate these with legal knowledge and ethical behaviours.

PEAT 1 is the stage of legal education where knowledge, skills, attitudes and values are learned in a simulated environment. PEAT 2 is the stage of legal education where the knowledge, skills, attitudes and values are built upon and honed in a workplace setting.

PEAT 1 and PEAT 2 should be viewed as a three year process with similar learning outcomes which are continually assessed over those three years. The vocational element links to the work-based stage and work-based stage builds upon what is learned in the vocational stage.

This means that there are a series of outcomes which apply across PEAT – PEAT 1 Outcomes and PEAT 2 Outcomes. For the first time, solicitors will know the minimum of what can be expected from a Day 1 Trainee, as that is demonstrated by the PEAT 1 Outcomes.

2. Key elements of PEAT 2

This guidance note is not intended to deal with PEAT 1 (the vocational element of legal education and what was formally known as the Diploma in Legal Practice). For further information on the nature of PEAT 1 please see the section of the Society's website dealing with [PEAT 1](#) (or contact the Society directly).

PEAT 2, or the traineeship, is comprised of:

1. An entry standard – the standard of the 'Day 1 Trainee'. This is the minimum standard that a PEAT 1 graduate will have met by successfully achieving the [PEAT 1 Outcomes](#)
2. PEAT 2 Outcomes – or in other words key behaviours, in the areas of *Professionalism, Professional Communication, Professional Ethics and Standards, and Business, Commercial, Financial and Practice Awareness*, which trainees are expected to demonstrate in the lead up to qualification.

Substantive and relevant legal knowledge underpins all of the outcomes.

3. TCPD - used to assist development and the achievement of the PEAT 2 Outcomes
4. Ongoing review mechanisms - including PEAT 2 Quarterly Performance Reviews ('QPRS'), the PEAT 2 Record (a bespoke area for trainees on the Society's website, in which trainees will record progress, log TCPD, prepare for QPRS), and informal reviews.
5. The Fit and Proper Person's Test – all individuals wishing to become solicitors must demonstrate to the Society that they are a fit and proper person.
6. An exit standard - the 'standard of the qualifying solicitor'. A trainee meets the 'standard of the qualifying solicitor' if they: have fulfilled the obligations of their training contract; can demonstrate the achievement of the PEAT 2 Outcomes; are deemed to be fit and proper; and have completed the required TCPD.

2.1 The Standard of the Day 1 Trainee

The standard of the Day 1 Trainee is the minimum standard that a PEAT 1 graduate will have met by successfully achieving the [PEAT 1 Outcomes](#). For the first time, the profession will have a defined entrance standard for the traineeship (PEAT 2) which clearly demonstrates what, during PEAT 1, a trainee will have achieved.

As the standard of the Day 1 Trainee is the exit point of PEAT 1, it provides a baseline against which the trainee's ongoing competence can be assessed.

The Society has also, for the first time, outlined the exit standard - the 'standard of the qualifying solicitor'. This is the exit standard at the end of PEAT 2 and is defined in Section 2.6.

2.2 PEAT 2 Outcomes

The Society has introduced learning objectives, known as outcomes, for all PEAT 1 graduates/Day 1 Trainees to achieve (PEAT 1 Outcomes) and all 'qualifying solicitors' to achieve (PEAT 2 Outcomes).

The PEAT 1 Outcomes and PEAT 2 Outcomes are very similar. There are common topics, as outlined below, with the PEAT 2 Outcomes building on the PEAT 1 Outcomes, to reflect that the PEAT 1 graduate is now experiencing the work-based stage of training. These common areas are:

- o Professionalism
- o Professional communication
- o Professional ethics and standards
- o Business, Commercial, Financial and Practice awareness (this builds on outcomes at PEAT 1 stage which are similar, although entitled 'Business, Financial and Practice awareness during PEAT 1)

Substantive and relevant legal knowledge underpins all of the outcomes. The Society has not defined 'substantive and relevant legal knowledge' because this could vary massively depending on the nature of the training firm or the area of law that the trainee is working in.

The outcomes span the two stages of legal education meaning that organisations know exactly what they can expect of a Day 1 Trainee and know what their trainees need to achieve over the course of PEAT 2. The PEAT 2 Outcomes are analysed in depth in Section 5 below.

How the outcomes span the stages

An example of how the outcomes span the two stages is that students may learn the strategies of negotiation and may undertake simulated negotiation during the vocational stage.

During the work-based stage, trainees will build upon their knowledge and skills by observing skilled practitioners undertaking negotiations with clients, undertaking negotiations as part of a team and, in time, leading such negotiations

Over the course of the 2 year PEAT 2 programme, trainees should be given work, tasks and activities which allow them to work towards, and achieve, the PEAT 2 Outcomes and achieve the 'standard of the qualifying solicitor'. The 'standard of the qualifying solicitor' – the exit standard of PEAT 2 – is defined in section 2.6.

A trainee's achievement of the PEAT 2 Outcomes should be aided by undertaking TCPD.

2.3 TCPD

Throughout the 2 year PEAT 2 programme, trainees will be required to undertake TCPD. TCPD is structured learning undertaken over and above the office commitments of trainee solicitors with a view to such learning assisting the achievement of the PEAT 2 Outcomes and the 'standard of the qualifying solicitor'.

As a whole, TCPD does not have an objective in its own right. TCPD is intended to support the trainee's achievement of the PEAT 2 Outcomes.

How to identify TCPD needs

As well as assisting the achievement of the PEAT 2 Outcomes, TCPD is the first stage of undertaking relevant learning and training to an individual's development as a professional. After qualification as a solicitor, individuals will require to comply with the Society's Continuing Professional Development requirements.

TCPD activities should be identified by the trainee and trainer (either when conducting a PQPR or during the work-based training itself, including at informal reviews).

TCPD activities undertaken should assist the development of legal knowledge, skills or ethical behaviour and, ultimately, the achievement of the PEAT 2 Outcomes. TCPD should enhance the practical experience that a trainee obtains during PEAT 2.

TCPD can be identified both proactively and reactively. For example, if a training solicitor knows that a trainee is going to undertake Commercial Conveyancing work as part of their traineeship,

suitable TCPD might be a course on 'Concluding Missives in Commercial Conveyancing' and this could be identified in advance of a seat in Commercial Conveyancing.

Equally, if a trainee has had little experience of negotiation and needs further assistance, suitable TCPD might be a course on 'Tactics in Negotiation'. If a trainee has a good grasp of the basics, has observed experienced practitioners negotiating and has taken part in some negotiations, suitable TCPD might be a negotiation course which is tailored to a specific practice area 'Negotiation Skills For The Conveyancer'. A trainee undertaking Dispute Resolution work may gain benefit from a 'Facilitated Negotiation Workshop'.

Such TCPD would not necessarily in and of itself mean that a trainee has met the PEAT 2 Outcome. However, combined with, for example, observing skilled practitioners, feedback on performance from training solicitor(s), practise over the two years and reading, an Outcome may be achieved.

TCPD requirements

Over the course of the two years of PEAT 2, all trainees require to undertake a minimum of 60 hours of TCPD:

- between months 9 and 15 of a traineeship, all trainees will require to undertake the Mandatory Ethics Course. This is the only mandatory element of TCPD and must be of at least 4 hours training⁴.
- a minimum of 40 hours of the minimum 60 hours must come from an Authorised⁵ provider of TCPD.
- a minimum of 30 hours of TCPD should normally have been undertaken by month 15 of the traineeship.

To aid transition, the Professional Competence Course can be deemed to be TCPD until 31 August 2013.

Guidance regarding non-authorised TCPD

As outlined above trainees can undertake TCPD from non-authorised providers. This is for two reasons.

- a) Some practice units may not come forward for a licence to offer Authorised internal TCPD but may offer courses internally to staff that are relevant to the development of trainees.
- b) Some organisations may not wish to come forward to offer Authorised external TCPD but may offer very good courses for solicitors and trainee solicitors. Some non-exhaustive examples include:
 - Local Faculties or other lawyers groups – Some Faculties will come forward for TCPD authorisation but most are unlikely to do so. If your local faculty does offer CPD courses – and those CPD courses are relevant to a trainee's achievement of the PEAT 2 Outcomes – then this could be counted as non-authorised TCPD
 - Advocates stables often organise CPD events which are relevant to trainee solicitors. Again, such courses may be eligible to count as non-authorised TCPD.
 - Other regulatory bodies – it may be that other regulatory bodies or government agencies offer CPD that is relevant to a trainee's development needs and such activity might be able to be counted as non-authorised TCPD. Such examples might include an update session from the Registers of Scotland or a workshop from the Scottish Legal Complaints Commission.

⁴ <http://www.lawscot.org.uk/members/legal-reform-and-policy/education--training-policy>

⁵ As defined in the Glossary to this document, at Appendix A

- Non-legal organisations – it might be appropriate for a trainee doing private client work to go to a seminar organised by an accountancy firm or one of the accountancy professional bodies. Alternatively, a seminar organised by a business organisation (e.g. a Chamber of Commerce or CBI Scotland) may be similarly useful.

A list of TCPD providers is available in the Education and Training section of the Society's website. This will be updated on a monthly basis.

All non-authorized TCPD **must**:

- Support the achievement of the PEAT 2 Outcomes
- Must be pitched at the appropriate level for trainees
- Must be able to be verified (e.g. via an attendance sheet)
- Relevant to the individual trainee's development needs

Non-authorized TCPD must be recorded with the Society in the same way as TCPD from an Authorized provider is recorded.

Trainees do not need to do non-authorized TCPD. It is perfectly acceptable to undertake the minimum of 60 hours from Authorized providers of TCPD. If you are in any doubt about whether or not something can be claimed please contact the Society.

Reading and other forms of private study cannot count as either Authorized or non-authorized TCPD.

2.4 PEAT 2 Quarterly Performance Reviews, PEAT 2 Record and Informal Reviews

PEAT 2 Quarterly Performance Reviews

The principles of the PQPR system are:

- PQPRs are based on the PEAT 2 Outcomes, allowing a trainee's performance in the PEAT 2 Outcomes to be measured over the course of two years, with the ultimate goal being attainment of the 'standard of the qualifying solicitor'.
- Part of the 'standard of the qualifying solicitor' is that the PEAT 2 Outcomes are achieved by the end of the 2 year traineeship. As each trainee will develop differently over the course of the two years, there is no standard that a trainee should meet by any other point of PEAT 2. The work-based training, informal reviews, TCPD, and each PQPR should be based around assisting the achievement of the Outcomes by the end of the two years. The focus on a trainee's development throughout PEAT should remove an undue focus on achievement of the PEAT 2 Outcomes, but trainees and trainers will work naturally towards month 24 of the traineeship.
- PQPRs focus on the development needs of trainees and, from that, should help form the basis of work allocation and TCPD for the upcoming quarter(s).
- PQPRs allow for reflection on the previous quarter, including progress on any development needs previously identified, through work allocation and TCPD undertaken since.
- There is therefore a move away from the 1-9 grading structure and status of 'competent' or 'no opportunity to demonstrate', found in the previous version of the Society's QPRs.

The Society offers a support service to trainees and training solicitors on 'the standard of the qualifying solicitor'. Please contact the Manager of the Registrar's Department of the Society in the first instance. If a trainee is marked 'below the standard required' on the PQPR, the trainer

should raise this with the trainee and assist them by allocating appropriate work, finding relevant TCPD and using other support mechanisms available to assist the trainee.

Timing of and Preparation for PQPRs

Towards the end of every three months of a trainee's traineeship, the training supervisor – or another training solicitor - should undertake a formal PQPR. Both the trainee and training supervisor should prepare for the PQPR by considering:

- the PEAT 2 Outcomes
- how, in the last quarter, the trainee has performed in relation to PEAT 2 Outcomes
- the previous PQPR and whether the development needs that were identified have been achieved or if more work requires to be undertaken
- the PEAT 2 Record
- any informal reviews during the last quarter
- any TCPD that has been undertaken

The Society requires that both the training solicitor and trainee should prepare adequately for these reviews, which should focus on both the work done and progress made in the preceding three months. The PQPR should also identify development needs for the next quarter – this should include identifying areas of work where the trainee needs to improve and, where necessary, identify relevant TCPD.

The Society requires that the trainee uploads the PQPR to the Society's website not later than 14 days after every quarter and with the agreement of the training supervisor.

It is important to remember that PQPRs should be conducted on the current rate of development, and with the view to the trainee meeting the 'standard of the qualifying solicitor'. Trainees are not required to have achieved competence in any of the PEAT 2 Outcomes after 3, 6, 9, 12 or 15 months. Moreover there is no other standard set for different points of PEAT 2, merely the 'standard of the qualifying solicitor'.

The PQPR form identifies how, via working practices, development needs identified and TCPD, the practice unit can support the trainee in the achievement of the PEAT 2 Outcomes.'

PEAT 2 Record

The PEAT 2 Record is an online tool which each trainee will complete throughout their traineeship. This will be held in a bespoke, secure online area at the Society's website. It will capture trainee achievement.

The PEAT 2 Record will include:

- A reflective area, in which activities undertaken in achievement of the PEAT 2 Outcomes can be logged under their respective headings and sub-headings
- Records of PQPRs
- Recording of any TCPD undertaken (either from an Authorised or non-authorised provider)

This system encourages trainees to record achievements that they have made during their training in the context of the PEAT 2 Outcomes.

It is of the utmost importance that trainees do not upload confidential information to their PEAT 2 Record. This includes:

- **Client names, information and details**

- Anything that could identify a client
- Project or matter terminology (including project names)
- Details which could identify a specific project or matter

Informal Review

Training solicitors should provide regular feedback to the trainee on his or her performance. This is in addition to the 8 PQPRs that either the training solicitor or the training supervisor must give to the trainee during the traineeship.

As well as the PQPR, regular informal performance reviews and feedback will benefit a trainee's progress greatly. Such informal feedback will also assist preparation for PQPRs.

Frequency

The training solicitor should ensure that sufficient time is taken for informal review and to consider the trainee's development. Informal reviews should cover experience, skills, development needs, confidence, stage of training and complexity of work. The Society **does not** prescribe how often organisations should conduct informal reviews and the frequency/necessity will vary from trainee to trainee but the following may be useful:

- **Daily** – hands-on, morning and evening reviews, dealing with any issues
- **Weekly** – planning ahead, reviewing the past week
- **Monthly** – Review of trainee's training record, reflecting on work done, knowledge gained, skills used and any training needs.

Feedback should not be left until the PQPRs but should be a constant feature of PEAT 2. For example, if a trainee sits in on an interview, the trainer should take time to explain the purpose of the interview and should take time to take part in a '*post mortem*' after the interview discussing with the trainee what went well, what could have been improved upon and any other pertinent aspects.

To support this informal feedback, trainees should use their PEAT 2 Record as a tool to help them reflect on and learn from the work – and TCPD – that they have undertaken. Equally trainers may choose to leave comments for the trainee in the trainee's PEAT 2 Record.

Content

The reviews need not be lengthy or minuted but their role should:

- assist in building a working relationship between trainer and trainee
- give open and honest feedback
- be two-way
- be task-oriented, considering
 - i. tasks recently completed
 - ii. ongoing performance and progress made
 - iii. skills development
 - iv. ethical issues
 - v. personal development and areas for improvement
 - vi. identification of training needs

Not all informal review sessions need to cover all of the above. One of the main purposes of informal reviews is to help the trainee improve their performance and continue to keep their PEAT 2 Record which is required by the Society.

Upon completion of PEAT 2, the training solicitor must decide whether they are able to certify that the trainee has reached the 'standard of the qualifying solicitor'.

To be sure of this, and for trainees to learn from their experience in practice, develop their skills, cultivate their ethical behaviours and improve on performance generally, trainees require feedback on the tasks that they have performed.

Trainees should receive feedback on an informal basis, through regular informal reviews and through mandated PQPRs.

2.5 The Fit and Proper Person's Test

The Solicitors (Scotland) Act 1980 provides that a person shall not be admitted as a solicitor unless (inter alia) they have satisfied the Council that '*he is a fit and proper person to be a solicitor*'

More detailed guidance on the Fit and Proper Person's Test can be found on the [Society's website](#). Upon the successful completion of PEAT 2, training solicitors are asked to confirm that a trainee is a fit and proper person to be a solicitor.

2.6 The Standard of the Qualifying Solicitor

At the end of PEAT 2, as required by the Admission as a Solicitor (Scotland) Regulations [2011], the named training supervisor will be asked to confirm that the trainee has reached the standard of the 'qualifying solicitor'. The entire process of PEAT 2 should build towards successful achievement of this standard, the standard being as follows:

- *Based on the evidence presented and considering the regular reviews, development needs identified and improvements measured over the course of PEAT 2, the trainee has successfully achieved the PEAT 2 Outcomes;*
- The trainee is deemed to be fit and proper;
- The trainee can evidence the completion of the required TCPD; *and*
- The trainee has fulfilled the obligations of their training contract.

There has **always** been a requirement to "sign off" a trainee solicitor as a competent solicitor at the end of the traineeship. For the first time, the PEAT 2 Outcomes provide a framework on which to assess competence. This will assist both practice units and trainees.

3. Key responsibilities of PEAT 2: Practice Unit

It should be noted that the achievement of the PEAT 2 Outcomes is a shared responsibility of the practice unit and the trainee. In addition at the end of PEAT 2, as required by the Admission as a Solicitor (Scotland) Regulations [2011] the training supervisor will require to certify that the trainee has reached the 'standard of the qualifying solicitor'.

The key training responsibilities for practice units, supervising trainees over the course of PEAT 2 are that they should:

- Provide the trainee with the opportunity to acquire the knowledge, skills, attitudes and values necessary to meet the 'standard of the qualifying solicitor'.
- Offer additional training which allows trainees to gain practical experience in law and opportunities to develop their skills, knowledge and values.

- Provide the trainee with experience of applying the law in real life situations.
- Give regular feedback throughout their training including PQPRs which must be submitted to the Society. Guidance on undertaking PQPRs and giving informal reviews can be found in Section 2.4.
- Provide opportunities to undertake and assist trainees in identifying TCPD which supports achievement of the PEAT 2 Outcomes. Information in relation to TCPD can be found in Section 2.3 of this document.

4. Key responsibilities of PEAT 2: Trainee

The key training responsibilities for trainees undertaking PEAT 2 are that they should:

- Maintain a regular diary in their PEAT 2 Record, linking the experience that they have gained to the skills and knowledge that they have developed. This recording will link to the PEAT 2 Outcomes and PQPRs undertaken with their training solicitors.
- Prepare adequately for PQPRs including, where necessary, undertaking a self-assessment of their performance and considering what areas they feel they need to develop.
- Reflect upon the outcome of PQPRs and informal reviews and ensure that the lessons learned are incorporated into their practice.
- Update and expand knowledge of the law, legal practice and legal procedure in areas of expertise without prompting (Note: reading journals and other legal texts **does not** count for TCPD hours. It is expected that trainees will update and expand their knowledge of the law by reading relevant texts).
- Undertake a minimum of 60 hours TCPD over the course of PEAT 2 including undertaking the four hour mandatory ethics course from an Authorised provider
- Log all of the above in a bespoke trainee area hosted on the Society's website.

5. Training and the PEAT 2 Outcomes

The practice unit needs to ensure that all trainees are given opportunities to practice and develop the knowledge, skills, attitudes and values outlined in the PEAT 2 Outcomes (referred to in this section as "the Outcomes"). These Outcomes are detailed in sections 5.i to 5.iv below. Examples of work and TCPD activities which might assist in the achievement of each Outcome are also given in these sections.

In this next section, we explain how to read sections 5i to 5iv and discuss the Outcomes in the context of trainee inductions, work allocation and the acquisition of skills.

Background

It should be remembered that all Outcomes should be considered in the context of the traineeship taking place. It is important to remember that Outcomes are not weighted. This means that there is no requirement for a trainee to have a specific exposure to a certain type of work or to practise a particular skill, attitude or value a set number of times. The aim is for the trainee to achieve the Outcomes and, individually, this may require more or less "effort" depending on the trainee and the context of the traineeship. Therefore, the context of the traineeship and the relevant knowledge of the trainee is critical.

The Society has not overtly prescribed the activities which might assist the achievement of the Outcomes. It is for training solicitors, in discussion with colleagues and trainees, to decide what is appropriate. The Society has given some non-exhaustive examples of work and TCPD activities which might assist the achievement of each Outcome in sections 5i to 5iv.

How to read the Outcomes

Each Outcome is accompanied by a series of “positive indicators”. It should be noted that a trainee does not need to “tick off each positive indicator” – these are a guide as to how to assess whether a trainee has met the Outcome or not.

By the end of PEAT 2, a qualifying solicitor will be able to:

Take part in a negotiation

- Understands the theory of different approaches to negotiation, including facilitated negotiation
- Prepares for negotiation, developing a plan of action based on the factual and legal issues, an assessment of the client’s objectives, strengths and weaknesses of the case.
- Negotiates according to the situation and matter in hand (cooperative, problem solving, or adversarial as appropriate) and takes client instructions throughout negotiation, staying within agreed instruction and remit, or seeking instruction where is unclear.
- Leads negotiation strategically, responds to offers and makes concessions, and remains flexible.
- Negotiates according to the practice and conventions of his or her areas of practice.
- Develops own negotiating techniques and can reflect on their success, or otherwise, in the context of a transaction.
- Demonstrates an understanding of the rules of mediation.

In the above example, the ‘qualifying solicitor’ will be able to take part in a negotiation. This is what a trainee needs to be able to achieve, and demonstrate, over the course of the two years.

The bullet points below the Outcome above are ways in which this Outcome might be demonstrated and are ‘positive indicators’.

In this example, someone meeting the ‘standard of the qualifying solicitor’ will be able to take part in a negotiation and how that can be demonstrated (and assessed) include:

- Understanding the theory of different approaches to negotiation, including facilitated negotiation; and
- Negotiates according to the situation and matter in hand (cooperative, problem solving, or adversarial as appropriate) and takes client instructions throughout negotiation, staying within agreed instruction and remit, or seeking instruction where is unclear.

The Society understands that different areas of practice, and different practice units, will negotiate in different ways. However, the underlying skills are the same as are the positive indicators. This will be the same for many of the Outcomes but perhaps most obviously the Outcomes based around professional communication.

Induction

The Society recommends that all practice units provide an induction for all trainees.

The induction should be an opportunity: to clarify the roles and responsibilities of those who will be involved in the trainee’s training; to help familiarise the trainee with office procedures and protocol; to introduce fellow staff members (including non-solicitor staff); and to explain the nature of the work that they will undertake.

Inductions will vary from firm to firm but might cover the following:

- An introduction to your organisation, the training scheme, the PEAT 2 Outcomes and your expectations of the trainee
- How the training will be organised. This should include how training will be organised to assist the trainee to achieve the PEAT 2 Outcomes but should also include any other training to develop the trainee within the firm's overall business objectives
- The recording of training as mandated by the Society
- Arrangements for supervision, performance reviews including PQPRs, appraisals and other feedback
- Office procedures (hours, holidays, health and safety etc)
- Your IT and office equipment and systems for time-recording and billing (linking this to the firm's overall strategy)
- Library and research facilities
- Secretarial and administrative support (including how to work with secretaries)
- How to work with paralegals and other professional staff
- Practice Rules
- Accounts Rules and accounting procedures
- The regulatory environment, risk management and compliance
 - Equality and diversity issues
 - Talks by fee-earners
 - Cross-selling techniques
 - Talks by other trainees

The induction does not need to be done in a formal session particularly if the practice unit has only one or two trainees. In this instance, an induction could be given on a one-to-one basis and from that point the trainee could be given a number of weeks to shadow a solicitor, familiarise themselves with the practice etc.

Work Allocation

Practice units should ensure that the work and tasks allocated to trainees are of an appropriate level and that they are gradually ramped up in terms of difficulty, complexity, frequency and intensity over the course of PEAT 2.

Trainees should be encouraged to suggest solutions independently and are expected to update their legal knowledge without prompting (e.g. reading appropriate journals and texts and attending apposite events that will update their knowledge).

When delegating work to trainees, training solicitors should consider and plan the parameters within which the task is to take place, including time limits.

The training solicitors must always provide clear instructions on what needs to be done, give sufficient background information and research sources and ensure that the trainee understands what is required of them.

To ensure that the informal reviews, and PQPRs, are as effective as they can be, prior to giving the trainee a task to do, trainers should consider: (a) what the trainee needs to complete a task; (b) what is the best way of doing the task; and (c) what is the next opportunity for the trainee to perform that task.

Acquiring Skills

During PEAT 2, trainees develop and apply the practice skills they will use upon qualification. Trainees develop these skills through a mixture of activities:

- Completing work, matters, transactions and tasks by themselves
- Assisting others with work, matters, transactions and tasks
- Observing and discussing law, legal practice and legal procedures with experienced practitioners

The presence and guidance of practitioners is crucial to good training and the successful completion of PEAT 2. The Society recognises that a lot of 'on-the-job training' is about observing the behaviour and work of experienced practitioners and also by discussing matters with practitioners on an ongoing basis.

Day 1 Trainees are well-skilled when they graduate from PEAT 1 and have substantial legal knowledge. However, the knowledge which they have learnt and the skills that they have developed during PEAT 1 need to be honed in a professional legal environment.. PEAT 2, simply, is the two-year process of turning a Day 1 Trainee into a 'qualifying solicitor'.

The Outcomes

Each of the Outcomes noted in sections 5i to 5iv below, is accompanied by a series of positive indicators. It should be noted that a trainee does not need to 'tick off' each positive indicator – these are a guide as to how to assess whether a trainee has met the Outcome or not.

Individual firms may wish to train to a higher standard than the one set out in the Outcomes. That, of course, is to be encouraged. The Society sets out a minimum standard for entrance to the profession in the Outcomes below.

5. i PROFESSIONALISM

Professionalism lies at the heart of PEAT. Practising law should not only be about legal knowledge and skills but also about values, attitudes, behaviours and conduct. These may be capable of being described but they are difficult to acquire out of context or in the classroom. Trainees should observe the behaviour of their supervisors, partners and other professional staff.

This could include the importance of punctuality, how to deal with support staff including secretaries and paralegals, how they behave generally in an office environment. Much of this will be learnt via observing their superiors within the firm.

By the end of PEAT 2, a qualifying solicitor will be able to demonstrate a commitment to:

The Interests of justice, democracy and the role of the legal profession in society

- Develops and maintains professional relationships with clients, colleagues and others.
- Understands the regulatory framework of the Law Society of Scotland in all its respects.

Delivering effective and competent legal services on behalf of a client/employer/the public (as appropriate)

- Updates and expands knowledge of the law and legal practice in

- areas of expertise without prompting
- Practices in a client-centred way and manages client service well.
- Displays good attention to detail in legal work
- Evaluates and improves on care of clients
- Can identify where clients and the public need to be protected from risks, and acts quickly
- Meets the Standards of Conduct and Services for Scottish solicitors

Ensuring their own continued professional development

- Takes part in, reflects on and implements what is learned from Trainee CPD in the workplace.
- Reflects on experiences and mistakes in order to improve future performance.
- Welcomes and deals with new ideas and methods, and challenges things which do not work.
- Evaluates accurately the strengths and weaknesses of his or her own professional skills and knowledge and is proactive in setting learning targets.
- Ensures Trainee CPD and personal developments is treated as a priority by setting and meeting goals to develop the knowledge and skills requires for areas of expertise.
- Adheres to rules issued by the Law Society of Scotland in respect of Trainee CPD.

Promoting Equality and Diversity in the workplace and in the profession

- Understands the responsibilities incumbent on the Law Society of Scotland, the Scottish legal profession and the Scottish solicitor in respect of equality and diversity.
- Can identify issues of culture, disability and diversity and respond appropriately and effectively to these issues in dealings with clients, colleagues and others from a range of social, economic and ethnic backgrounds..

Being trustworthy, acting with honesty and integrity at all times and showing respect to clients, colleagues and others

- Treats all clients, colleagues (solicitors, paralegals and all other support staff) and others with courtesy and respect.
- Acts with honesty and integrity at all times.
- At all times conducts self in a professional manner inspiring trust and confidence of clients, colleagues and others

Overview

Much of the above will be learnt 'on the job' by observing experienced practitioners, by incorporating feedback and via experience.

Activities which might assist the achievement of this outcome:

It is **fundamental** to remember that a key element of this outcome is '*Updates and expands knowledge of the law and legal practice in areas of expertise without prompting*'. Training solicitors should consider this throughout PEAT 2 and should expect '

- Updating and improving their knowledge of the law (This should be continuous throughout PEAT 2 in all seats).
- Discussing law and legal knowledge with experienced practitioners;
- Observing experienced practitioners or work-shadowing;
- Working on larger cases or transactions as part of a team
- Running smaller transactions under close supervision
- Reading and understanding the Society's Standards For Scottish Solicitors Document
- Reading journals, legal magazines

Examples of TCPD activities which might support the achievement of this outcomes

- Workshops offered by regulatory bodies
- Any TCPD activity which focuses on updating and expanding knowledge of the law, legal practice and legal procedure
- Client Care Workshops
- Equality and Diversity training
- Time management training

5.ii PROFESSIONAL COMMUNICATION

Successful solicitors not only have excellent legal knowledge but also highly developed legal and communication skills which include advocacy, interviewing, team-working, negotiation and providing legal advice.

PROFESSIONAL RELATIONSHIPS AND TEAM WORKING:

By the end of PEAT 2, a qualifying solicitor will in be able to:

Develop and maintain professional relationships

- Develops and maintains professional relationships with clients, colleagues and others.
- Helps generate an open, friendly work environment through demonstrating respect for others and through supportive, professional and polite behaviour at all times.

Work positively with others

- Respects the viewpoints of others.
- Can accurately summarise what a speaker has said for the purposes of accurate file notes.
- Can provide constructive criticism and receive constructive criticism, and remain positive in that process.
- Shows awareness of the impact of his or her actions on others and on the objectives of his or her employing organisation.

Work effectively as part of a team

- Works cooperatively and willingly with others in own and other's teams.
- Communicates effectively across all levels using appropriate means of communication.
- Recognises personal and professional strengths and weaknesses of self and others.
- Knows when to ask for support from, or to offer support to, other team members.
- Completes tasks allocated to him or her without prompting and within required timescales.
- Effectively delegates to support staff, and supervises tasks where appropriate.
- Exercises sound judgement as to when to refer issues outside own competency level to someone more senior.
- Takes responsibility for identifying, sharing and resolving issues and honouring commitments.
- Raises any concerns/issues relating to completion of tasks and delivery of objectives with team.
- Can represent the team with confidence.
- Shares knowledge.
- Understands and adheres to good practice in project and matter management.
- Avoids negative group dynamics, through positive approach.

Overview

Much of the above will be learnt 'on the job' by observing experienced practitioners, by incorporating feedback and via experience.

Activities which might assist the achievement of this outcome:

- Induction
- Peer Review
- PEAT 2 Quarterly Performance Reviews and other feedback
- Group work
- Work shadowing
- Observation of superiors
- Logging information in the 'PEAT 2 Record' area of the Law Society of Scotland website
- Reading journals, magazines and other legal texts to keep up to date in

Examples of TCPD activities which might support the achievement of this outcome:

- Time management training
- Equality and diversity training
- Any TCPD which uses team-work or role-play activities

By the end of PEAT 2, a qualifying solicitor will in be able to:

Communicate effectively with clients

- Agrees on the means and frequency of communication with the client.
- Issues letters of engagement or the equivalent explaining and defining the service to be carried out, who is responsible and the costs and fees associated with the service.
- Outlines the complaints procedure.
- Regularly updates clients on the status of matters.
- Communicates in a way which the client understands and which shows understanding of the client's objectives.
- Makes sure that the client has all relevant information in a format that is clear and understandable to the client.
- Communicates with the client at an appropriate time detailing all money relating to the client's matter which is handled by him or her.

Overview

Trainees should understand the need to hone their communication skills so that they can present face-to-face, in a written format or over the telephone in a way that achieves its purpose and is appropriate in terms of tone and content.

Trainee solicitors should be trained to communicate clearly and effectively with clients. Information should be comprehensive and, where necessary, confirmed in writing using clear and simple language. This should be linked to the client care obligations incumbent upon all solicitors.

Trainees should develop good working habits, and supervisors should check this regularly (incorporating feedback into PEAT 2 Quarterly Performance Reviews)

Activities which might assist the achievement of this outcome:

- Drafting letters, notes and memos;
- Reporting to clients, colleagues and others by telephone;
- Note taking and minute taking in meetings;
- Dictating notes and letters;
- Planning work by using their diaries.

Examples of TCPD activities which might support the achievement of this outcome:

- Client Care Workshops.
- Communication skills courses.
- Presentation skills courses
- Work and Case management workshops.

PROVIDE LEGAL ADVICE TO CLIENTS

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By the end of PEAT 2, a qualifying solicitor will in be able to:

Provide legal advice to clients

- Identifies the relevant law and legal implications associated with an issue.
- Applies effectively knowledge and understanding of the law to factual and legal issues that are relevant to a client's needs, objectives and priorities.
- Gives clear legal advice to clients based on a clear understanding of the facts and legal implications arising from those facts.
- Assists the client to come to a decision regarding the best course of action, taking into account costs, benefits and risks.
- Understands problems and identifies solutions.
- Takes appropriate steps to inform clients of key issues including relevant facts, progress towards their objectives, and costs.
- Manages client expectations about likely outcomes.

Overview

The Society understands that there are many different types of traineeship offered by firms across the country. Therefore, the knowledge necessary to provide legal advice to clients will differ from trainee to trainee and from practice to practice.

Activities which might assist the achievement of this outcome:

- Updating and improving their knowledge of the law, legal practice and legal procedure. (This should be continuous throughout PEAT 2).
- Discussing law and legal knowledge with experienced practitioners;
- Observing experienced practitioners or work-shadowing;
- Working on larger cases or transactions as part of a team
- Running smaller transactions under close supervision

Examples of TCPD activities which might support the achievement of this outcome:

- Any Trainee CPD which focuses on updating and improving knowledge of the relevant law (*e.g. A trainee is doing conveyancing work attending an 'Update on Residential Conveyancing' etc*).
- Practice Area Specific Training Event
- Client Care Workshops
- Problem-Solving Workshops
- Advising in a police station seminar
- Role-play activities

LEGAL RESEARCH

By the end of PEAT 2, a qualifying solicitor will in be able to:

Competently undertake legal research

- Uses research tools appropriately (cases, legislation, texts, periodicals/digests, citators and electronic tools Westlaw and LexisNexis).
- Interprets statutes and cases to assist client, applying to client problem.
- Effectively researches all sources, sufficiently far in advance to assist client, and records data for subsequent analysis.
- Knows how to update information and check accuracy.
- Analyses and prioritises factual issues.
- Identifies gaps, ambiguities and contradictions in information.
- Is confident in the correctness of facts ascertained.
- Identifies and prioritises legal issues raised by facts.
- Keeps a precise research record.
- Evaluates his or her performance in research and has displayed improvement in such evaluation to the point of qualification.

Overview

Trainees should learn to find solutions by investigating the factual and legal issues, analysing problems and communicating the results of their research.

Activities which might assist the achievement of this outcome:

- Updating and improving their knowledge of the law (This should be continuous throughout PEAT 2 in all seats).
- Discussing law and legal knowledge with experienced practitioners;
- Researching specific legal issues and factual, historical or commercial matters;
- Any work that makes use of traditional and computerised research tools and sources, business information and other relevant sources;

Examples of TCPD activities which might support the achievement of this outcome:

- WestLaw or LexisNexis Training event
- Library or research skills update

INTERVIEWING

Conduct a client-centred interview

- Prepares for the interview appropriately.
- Adopts a strategy for interview prior to its commencement.
- Explains structure of interview including producing an agenda if appropriate.
- Encourages the client to explain concerns.
- Can identify the client's goals, and help the client define priorities among the goals.
- Questions effectively through the use of open and close questions.

- Is generally able to listen and elicit required legal and factual information, and full instruction, from client with ease.
- Can focus on a fact pattern without losing sight of the whole.
- Confirms his/her understanding of the client's concerns and summarises the outcomes and action points of the interview before drawing the interview to a graceful close.
- Is courteous to client throughout.
- Evaluates own performance in interviewing to ensure progress.

Records matter timeously, accurately and in appropriate format

- Records all relevant factual, legal, procedural and evidential matters at the appropriate time and in appropriate format.
- Notes legal research to be carried out.
- Notes possible and actual courses of action.
- Confirms client action and own action in retainer letter or precognition or other document.
- Informs supervising colleagues of actions and timescales.
- Records file note for internal future reference.

Overview

Trainees should understand the importance of identifying client's goals along with the need to take clear instructions.

Activities which might assist the achievement of this outcome:

- Observing interviews by training solicitors
- Taking notes of meetings and interviews (both face-to-face and over the phone)
- Preparing a checklist of issues that need to be dealt with prior to the interview taking place (and recognising what action needs to be taken subsequent to the interview)
- Where relevant to the area of practice, attending police station interviews.
- Conducting interviews with clients, experts, witnesses and others (with supervision)
- Updating and improving their knowledge of the law (This should be continuous throughout PEAT 2 in all seats).
- Discussing law and legal knowledge (including interview techniques) with experienced practitioners;

The purpose of an interview should be explained to the trainee and the conduct of the interview should be reviewed afterwards.

Examples of TCPD activities which might support the achievement of this outcome:

- Interviewing skills workshop (including mock interviews)
- Advising in the police station workshop

NEGOTIATION

Take part in a negotiation

- Understands the theory of different approaches to negotiation, including facilitated negotiation
- Prepares for negotiation, developing a plan of action based on the factual and legal issues, an assessment of the client's objectives, strengths and weaknesses of the case.
- Negotiates according to the situation and matter in hand (cooperative, problem solving, or adversarial as appropriate) and takes client instructions throughout negotiation, staying within agreed instruction and remit, or seeking instruction where is unclear.
- Leads negotiation strategically, responds to offers and makes concessions, and remains flexible.
- Negotiates according to the practice and conventions of his or her areas of practice.
- Develops own negotiating techniques and can reflect on their success, or otherwise, in the context of a transaction.
- Demonstrates an understanding of the rules of mediation.

Overview

Trainees have exposure to the processes involved in negotiations relating to both contentious and non-contentious work. They should appreciate the importance to the client of reaching agreement or resolving a dispute.

They should be given opportunities to observe negotiations conducted by experienced practitioners and conduct negotiations under close supervision. They should be thoroughly debriefed after conducting a negotiation.

They should be given work that will help them understand the process of negotiation.

Where relevant to their area of practice, trainees may become familiar with contentious work and should gain a thorough knowledge of the skills and practices of resolving disputes (including alternative dispute resolution) in a way that is fair, cost-effective and timeous for their clients.

Training solicitors should explain how the work that the trainee undertakes fits into the strategies pursued in a case and into the context of litigation as a whole.

Activities which might assist the achievement of this outcome:

- Attending tribunal hearings or meetings dealing with other forms of dispute resolution;
- Observing proceedings;
- Assisting solicitors with the preparation of cases;
- Observing negotiations conducted by experienced practitioners;

- Conducting negotiations with close supervision.
- Discussing law and legal knowledge (including negotiation techniques) with experienced practitioners;

Examples of TCPD activities which might support the achievement of this outcome:

- Negotiation skills training (including mock negotiations)
- Mediation skills training
- Workshops on different forms of dispute resolution.

Facilitated Negotiation, Mediation and Alternative Dispute Resolution

- Trainees may become familiar with contentious work and gain a full understanding of the skills and practice of resolving disputes, including settling, mediation, and adjudication in a way which meets the client needs.

WRITING AND DRAFTING

Write letters or reports appropriate for audience and which achieve their purpose

- Knows how to distil complex legal information into clear, concise and unambiguous communications suitable for clients, fellow professionals who are non-solicitors, and others.
- Tailors his or her style of communication to suit the purpose of the communication and the needs of different clients and other recipients.
- Produces communications which meet client or training solicitor instructions and which are fit for purpose.

Follow internal protocols, convention and audience requirements

- Follows models preferred by employer organisation (e.g. in use of addresses, date, salutation, heading style, etc).
- Selects appropriate forms of communication according to message being conveyed (letter, email, phone).
- Knows what detail different clients require.
- Prioritises the information being communicated appropriately.
- Times communications carefully.
- Is sensitive to the implications of communications to clients.

Produce well-organised and factually accurate and valid documents

- Uses correct spelling and appropriate grammar, syntax and punctuation.
- Writing is fluent and reader-friendly.
- Lexical choice is appropriate to genre and audience.
- Ensures relevant legal and factual issues are addressed.
- Can articulate argument and identify options.
- Ensures legal documents, and legal advice are clear and free

from ambiguity.

- Exercises the appropriate standard of care.
- Ensures all documents are validly executed and where appropriate, registered in relevant registers.

Use precedent bank and drafts bespoke documents as appropriate.

- Where appropriate uses the appropriate form or style of document.
- Can adapt a style to a particular context, bearing in mind substantive and procedural legal context, audience, possible future audiences and possible litigation context.
- Drafts bespoke documents and contracts where this is appropriate.

Evaluate own performance in writing and drafting.

- Evaluates his or her writing skills and has displayed improvement in writing and drafting style to the point of qualification.

Overview

Trainees should recognise the importance of, and be able to produce, documents that are clear, precise and achieve their purpose.

The work given to trainees should enable them to:

- maintain a high standard of care that both protects client interest and meets client objectives
- address all relevant legal issues
- identify all relevant options
- demonstrate a critical use of standard forms and precedents

Training solicitors should ensure that the documents drafted by trainees are:

- consistent, coherent and accurate
- clear and precise
- meet any requirements of form and style laid down by the practice unit or by law

Activities which might assist the achievement of this outcome:

Writing and drafting all types of legal document, including but not limited to:

- Letters, notes and memos;
- Witness statements and affidavits;
- Corporate resolutions;
- Wills and trust deeds;
- Statements of case;
- Transfer or property documents;

- Leases;
- Instructions to counsel;
- Contracts.
- Pleadings
- Helping to prepare cases before trial;

The complexity of trainees' work should be increased incrementally, and they should be given opportunities to amend drafts of documents received from the other side and to practice using standard forms and precedents.

It is particularly useful that amendments made by training solicitors are thoroughly explained to the trainee. Without this feedback, it is possible that the last Outcome under this heading will not be met.

Examples of TCPD activities which might support the achievement of this outcome:

- Drafting Skills workshop
- Instructing advocates session
- Instructing expert witness session

USE OF TECHNOLOGY

Use telephony effectively to communicate with clients and others

- Can use telephone technology efficiently to carry out legal business on the telephone, and report on that thereafter.
- Can recognise passive, aggressive and assertive callers and respond appropriately (remaining calm, flexible and professional) whilst maintaining professionalism.
- Can handle complaints in accordance with relevant complaints processes whilst maintaining professionalism.
- Remains calm, flexible and professional where callers are assertive, aggressive or demanding.

Use electronic communications effectively in the provision of legal services taking care to protect client confidentiality

- Can use email format efficiently (clear subject line, use of signature file, appropriate timing of email).
- Understands and uses proper business and professional etiquette within an electronic environment.
- Understands the difference between letters and emails and when the latter are most appropriate.
- Avoids risk by properly managing e-communications and takes care to protect client confidential information.
- Can use technological aids such as electronic diaries and electronic tasks to plan time on task.
- Archives mail safely and accurately and uses relevant employer matter references to assist accurate filing.
- Can use other forms of e-communication where appropriate e.g.

client internet access, website form, blog, IM, wiki.

Use computers and associated technology to expedite progress in matters and work for client.

- Uses available technology effectively and efficiently in the provision of legal services to clients taking care to protect client confidential information.
- Uses computers and word processors to draft appropriately.
- Uses electronic bank of styles effectively.
- Uses case management systems and maintains electronic files where appropriate.
- Archives versions of documents in electronic folders or case management systems as appropriate.
- Checks changes to electronic documents using electronic comparison software where appropriate.
- Can use electronic dictation to a basic level

Overview

Trainees should understand the importance of working effectively to an efficient practice. They must develop the skills required to manage time, effort and resources effectively and understand how technology can assist their work.

Trainees should develop good working habits, and training solicitors should check this regularly.

Activities which might assist the achievement of this outcome:

- Using a diary for the trainee to plan a schedule of work
- Using email, word-processing, scheduling and organisational systems appropriately;
- Use file management systems;
- Work effectively with support staff;
- Opening and closing files;
- Taking part in meetings via telephone or video conference;
- Using Dictaphones to record meetings.

Examples of TCPD which might support the achievement of this Outcome:

- Any Trainee CPD focused on IT training.

ADVOCACY

The Society understands that not all trainees will appear in court during PEAT 2. With this in mind advocacy should only be considered where relevant to a trainee's area of practice. Therefore, all trainees should be able to demonstrate competence in practice in the PEAT 1 advocacy Outcomes.

'The Qualifying Solicitor' should be able to advocate a case on behalf of a client effectively and efficiently and exercise solicitors' rights of audience in both the civil and criminal courts in accordance with relevant rules and procedure.

On completing PEAT 2, trainee solicitors should be competent to exercise the rights of audience available to solicitors upon admission.

Activities which might assist the achievement of this outcome:

- attending court with a solicitor(s) to observe cases, bail applications, pleas in mitigation; and observing examination, cross-examination and re-examination in court;
- observing proceedings in family cases, industrial tribunals, planning tribunals, mental health tribunals or other tribunals or other forms of dispute resolution
- Sitting with, and observing, Counsel in any court including the High Court and the Court of Session.
- In first year of PEAT 2, appearing as an 'authorised lay representative in a Small Claim or Summary Cause'.
- In the second year of PEAT 2 (provided a Restricted Practising Certificate, with appropriate qualifications, has been granted to the second year trainee), appearing on behalf of clients in any matter in the Sheriff or Justice of the Peace Courts (although it is most unwise to appear in a Solemn case in the Sheriff Court at such an early stage).

Examples of TCPD activities which might support the achievement of this outcome:

- Advocacy workshops
- Public speaking skills workshop (see also Presentation)
- Cross-Examination skills workshop
- Moots and other Mock Court activities

PRESENTATION

Communicate effectively with the ability to present on a matter to clients, colleagues or others

- Confidently contributes to group discussions.
- Instigates, arranges and leads meetings on own matters.
- Is able to answer confidently when questioned by supervising colleagues or clients.
- Is articulate.
- Maintains good eye contact.
- Displays no distracting gestures.
- Displays confidence in own improving performance.
- Makes smooth transitions between topics.
- Can summarise the content of a discussion to convey key points.
- Thoroughly prepares the content of a presentation.
- Is up to date on the law and facts applicable to the presentation.
- Ensures that all presentations are clear and understandable to clients, colleagues or others.
- Allows for questions and is able to answer questions.

- Prepares suitable accompanying documentation for a presentation.

It may also be useful to consider the Advocacy and Communications with Clients outcomes when assessing achievement of this outcome.

Activities which might assist the achievement of this outcome:

- Becoming involved in presentations for clients or in preparing or delivering in-house training
- Observing experienced practitioners
- Conducting interviews and negotiations
- In first year of PEAT 2, appearing as an 'authorised lay representative in a Small Claim or Summary Cause'.
- In the second year of PEAT 2 (assuming a Restricted Practising Certificate has been granted), appearing on behalf of clients in any matter in the Sheriff or District Courts (although it is most unwise to appear in a Solemn case in the Sheriff Court at such an early stage).

Examples of TCPD activities which might support the achievement of this outcome:

It is absolutely competent that TCPD should be both proactive as well as reactive. For example, it might be useful to undertake presentation training prior to an individual giving a presentation.

- Public speaking skills training (including opportunities to speak in public)
- Client Care Workshops
- Moots
- Presentation skills training

5.iii PROFESSIONAL ETHICS AND STANDARDS

Ethics are an essential part of being a solicitor and learning ethical behaviours is a crucial part of PEAT 2. The Day 1 Trainee will have undertaken the Professional Responsibility Workshop at PEAT 1 level and Ethics is taught at PEAT 1. However, it is fundamental that this learning is continued throughout PEAT 2.

Trainees should not attempt to resolve ethical issues. The correct course of action upon identifying an ethical issue is to refer the matter to the relevant training solicitor or partner. However, it is crucial that trainees can identify the ethical issue in the first place and know the correct course of action for different ethical issues.

REGULATORY FRAMEWORK AND PROFESSIONAL STANDARDS

Understand the role of the Law Society of Scotland generally and the role it and other regulatory bodies have in relation to the profession in Scotland

- Maintains an awareness of the various functions of The Law Society of Scotland including representation and regulation.
- Understands the complaints regime in Scotland (service complaints dealt with the SLCC, conduct complaints dealt with by the Society).
- Understands and adheres to the regulations applying to the provision of legal services to the client.
- Appreciates the difference between conduct and service issues and negligence.

Adhere to the Standards of Conduct and Service for Scottish Solicitors laid down by the Law Society of Scotland from time to time

- Displays awareness of the Master Policy and other types of insurance required of solicitors in Scotland
- Understands and adheres to the regulations applying to the provision of legal services to the client
- Appreciates the difference between conduct and services issues and negligence
- Displays knowledge of, and compliance with, the Accounts Rules as they relate to his or her areas of practice
- Displays an awareness of the role of the Guarantee Fund
- Adheres to the Standards of Conduct and Service for Scottish Solicitors laid down by the Law Society of Scotland

Overview

Much of the above will be learnt 'on the job' by observing experienced practitioners, by incorporating feedback and via experience.

Activities which might assist the achievement of this outcome:

- Discussing ethical and regulatory issues with experienced practitioners
- Reads and understands the Standard For Scottish Solicitors

Examples of TCPD activities which might support the achievement of this outcome:

The only mandatory content of TCPD for all trainees is to undertake a minimum of four hours Ethics TCPD from an Authorised TCPD Provider,

It should be noted that the Ethics Course is a minimum of four hours and will not cover all of the Professional Ethics and Standards Outcomes.

Other TCPD which could be appropriate include:

- Any TCPD that covers the role of the regulatory bodies as they relate to the profession in Scotland
- Any TCPD that deals with risk management

Where relevant to his or her areas of practice, exhibit the professional obligations of a solicitor to the Court.

- Behaves with respect towards the court and states the law and the facts honestly and accurately.
- Understands the duty to the court to ensure that those give evidence only give truthful and honest statements which they can accurately remember
- Treat those who give evidence with the appropriate respect and courtesy
- In questioning a person in court who is representing him or herself without a solicitor, co-operates with the court in allowing that person to state their case
- Responds to letters, email and telephone calls from the courts within the appropriate timescale.

Where relevant to his or her areas of practice, resolve a breach of the duty to the Court

- Understands the options available where the duty has been breached
- Correctly identifies an appropriate solution to the breach
- Selects an appropriate method of communicating with the client or the Court (as appropriate)

Overview

As above, much of the above will be learnt 'on the job' by observing experienced practitioners, by incorporating feedback and via experience.

Activities which might assist the achievement of this outcome:

- Discussing ethical issues with experienced practitioners
- Observing experienced practitioners
- Reading relevant legal texts

Examples of TCPD activities which might support the achievement of this outcome:

The only mandatory content of TCPD for all trainees is to undertake a minimum of four hours Ethics TCPD from a licensed provider. Please see details here.

It should be noted that the Ethics Course is a minimum of four hours and will not cover all of the Professional Ethics and Standards Outcomes. The Course focuses on confidentiality, conflict of interest and anti-money laundering and the Proceeds

of Crime Act

Other TCPD activities which could be appropriate include:

- Any TCPD that covers the Duties to the Court (e.g. additional ethics-based TCPD)

DUTIES TO THE PROFESSION

Treat other solicitors with respect and in a manner consistent with persons who have mutual trust and confidence in each other.

- Understands the options available where the duty has been breached
- Correctly identifies an appropriate solution to the breach
- Selects an appropriate method of communicating with the client or the Court (as appropriate)
- Acts with other solicitors in a manner consistent with persons having mutual trust and confidence in each other
- Does not knowingly mislead other solicitors or, where they have given their word, go back on it
- Only communicates with a person believed to be the client of another solicitor in accordance with the Standards of Conduct laid down by The Law Society of Scotland.
- Responds to letters, emails and telephone calls within an appropriate or agreed timescale
- Treats other solicitors with politeness and respect taking into account diversity and rules of non-discrimination
- Understands that it is against the law for anyone, including solicitors to discriminate because of race, sex, marital status, disability, sexuality, religion and belief or age and this applies to all their professional dealings with employees or other lawyers.
- Negotiates ethically, treating all those involved with truthfulness, honesty and civility.

Overview

As above, much of the above will be learnt 'on the job' by observing experienced practitioners, by incorporating feedback and via experience.

Activities which might assist the achievement of this outcome:

- Discussing ethical issues with experienced practitioners
- Observing experienced practitioners
- Reading relevant legal texts.

Examples of TCPD activities which might support the achievement of this outcome:

The only mandatory content of TCPD for all trainees is to undertake a minimum of four hours Ethics TCPD from a

licensed provider. Please see details here.

It should be noted that the Ethics Course is a minimum of four hours and will not cover all of the Ethics Outcomes. The Course focuses on confidentiality, conflict of interest and anti-money laundering and the Proceeds of Crime Act

Other TCPD activities which could be appropriate include:

- Any TCPD that covers the Duties to the Profession (e.g. additional ethics-based TCPD)

THE CLIENT-SOLICITOR RELATIONSHIP

Comply with all rules, regulations and any internal processes of his or her employer organisation to client identification and client and matter acceptance

- Is sensitive to how the situation of clients affects client care.
- Is aware of statutory requirements e.g. Anti-Money Laundering regulations and their impact on the client relationship
- Demonstrates an awareness of diversity and equality issues in relation to clients and their affairs.
- Complies with all rules, regulations
- Complies with all rules, regulations and any internal processes of his or her employer organisation relating to client identification and client and matter acceptance.

Act in the best interest of his or her client

- Acts in the client's best interest by identifying the client's objectives and best interests in a matter and representing the same.
- Balances this duty with the duties he or she has to others such as the courts and others in the legal profession and his or her duty to remain independent.
- Where there is a conflict between the client's wishes and his or her other duties, identify an appropriate solution to the conflict in compliance with the Standards of Conduct for Solicitors laid down by the Law Society of Scotland.

Act only on the instructions of the client

- Can identify that they have their client's permission to act, and, if not, are confident that they are merely progressing routine work for which it is impossible or impractical to get the client's permission.
- Understands that they may be required to act in response to an instruction from a court with authority on the matter.
- Understands that work must not be done which is illegal or contrary to solicitors' professional standards other than advising on the law and implications of suggested courses of action.
- Understands that working for a client does not equal support for

the client's political, social or moral views or activities.

Adopt strategies to achieve client goals and practise good client care.

- Can carry out effective fact analysis, take account of commercial considerations and what the client is trying to achieve in the context in which they are seeking advice, advise on options, consequences and potential costs of actions.
- Suggests courses of action which optimise results for client even if not legally the most obvious route.
- Is aware of and acts according to professional rules that apply in a given situation, e.g. Standards of Conduct, retainer letter, terms & conditions, etc.
- Gives objective advice to a client. At all times acts professionally towards the client and to third-party professionals.

Act competently on behalf of client

- Maintains the relevant legal knowledge and skill to provide a competent and professional service in all areas of his or her practice.
- Is thorough and prepared.
- Ensures that those to whom work is delegated are properly supervised.
- Understands the principle of only agreeing to work for client and carry out work if the nature and complexity of the work is something which they have the appropriate level of professional skills to do.
- Ensures that they maintain their competence through continuing professional development.

Act diligently on behalf of client

- Delivers on commitments.
- Maintains and reviews systems of work, ensures there are prompt and transparent fee arrangements.
- Responds to letters, emails and telephone calls within an appropriate or agreed timescale.
- Only agrees to act where work can be done within a reasonable timescale and with adequate service to the client.
- Ensures fees to be charged are promptly notified to client and that a clear explanation and breakdown is provided.
- Ensures that where there is variation in fees previously discussed that this is explained.
- Promptly responds to clarification sought by the client.

Withdraw from acting if appropriate

- Understands that solicitors must have good reason to stop working for a client.
- Informs the client of the reason when work is stopped.
- Gives client reasonable notice that they will no longer work for

them and that they should seek another source of legal advice.

Evaluate the relationship with clients.

- Regularly looks at ways to improve their relationship with clients.

Overview

As above, much of the above will be learnt 'on the job' by observing experienced practitioners, by incorporating feedback and via experience.

Activities which might assist the achievement of this outcome:

- Discussing ethical issues (including anti-money laundering and The Client-Solicitor Relationship) with experienced practitioners
- Observing experienced practitioners
- Reading relevant legal texts

Examples of TCPD activities which might support the achievement of this outcome:

The only mandatory content of TCPD for all trainees is to undertake a minimum of four hours Ethics TCPD from a licensed provider.

One of the areas that must be covered in the mandatory Ethics Course is Anti-Money Laundering and the Proceeds of Crime.

It should be noted that trainees can undertake longer courses on ethics if it is deemed necessary or desirable.

Other TCPD activities that might support the achievement of this outcome:

- Attending a risk management event
- Attending an anti-money laundering event

CONFLICT OF INTEREST

Deal with conflict situations, both legal and commercial

- Is aware of and remains within the boundaries set by practice rules and the Standards of Conduct for Solicitors.
- Demonstrates an awareness of the impact of a conflict of interest to a client, to the solicitor and to the business of his or her employer organisation.
- Understands the difference between legal conflicts (i.e. a conflict of interests under practice rules and the Standards of Conduct for Solicitors) and commercial conflicts.

Anticipate conflicts of interest and acts appropriately

- Is aware of the possibility of a conflict of interest arising and the implications of that.
- Identifies conflict scenarios (both actual and which might reasonably arise) and refers to supervising colleagues.
- Able to apply the practice rules and the Standards of Conduct for Solicitors correctly.

Prevent a potential conflict from arising

- Ensures conflict checks are undertaken before instructions are accepted.
- Reviews progress of a transaction to ensure no conflict has subsequently arisen or might reasonably arise.

Resolve a conflict of interest

- Understands the options available in a conflict situation.
- Correctly identifies an appropriate solution to the conflict.
- Selects an appropriate method of communicating with the client when conflict is identified.
- Even where conflict is only a potential conflict acts carefully and with the full knowledge and agreement of all relevant clients.

Identify and disclose a personal interest

- Notifies the client of any personal interest he or she has in a matter, allowing the client to decide whether or not they should continue to act in the transaction.
- Declines to act and advises client to seek another solicitor when the personal interest is so significant it would affect the independence of the solicitor's advice.
- Discloses to clients information about payments received for referring clients to others such as mortgage brokers.
- In particular in relation to the drafting of wills does not write a will where they, or anyone close to them such as a spouse or business partner, would benefit from the will.
- Appreciates that exceptions exist for his/her own spouse, or when only a token is left to the solicitor but understands that the general rule is to advise the client to use another firm of solicitors.

Overview

As above, much of the above will be learnt 'on the job' by observing experienced practitioners, by incorporating feedback and via experience.

Activities which might assist the achievement of this outcome:

- Discussing ethical issues (including conflict of interest) with experienced practitioners
- Observing experienced practitioners
- Reading relevant legal texts

Examples of TCPD activities which might support the achievement of this outcome:

The only mandatory content of TCPD for all trainees is to undertake a minimum of four hours Ethics TCPD from a licensed provider.

One of the areas that must be covered in the mandatory Ethics Course is the Conflict of Interest. It should be noted that trainees can undertake longer courses on ethics if it is deemed necessary or desirable.

CONFIDENTIALITY

Respect the confidentiality of clients and matters

- Adheres to all practice rules and Standards of Conduct relating to client confidentiality; knows that the client, Parliament or court can override this duty.
- Knows that confidentiality does not apply if a client informs them that they intend to commit a crime.
- Understands that a client can consent to the disclosure of confidential information.

Deal appropriately with situations where there is a conflict between the duty of confidentiality and other professional duties

- Proposes an appropriate course of action where a conflict arises.
- Communicates an actual or potential breach of confidentiality to clients appropriately.
- Demonstrates awareness of the consequences of breaching the duty of confidentiality.

Overview

As above, much of the above will be learnt 'on the job' by observing experienced practitioners, by incorporating feedback and via experience.

Activities which might assist the achievement of this outcome:

- Discussing ethical issues with experienced practitioners
- Observing experienced practitioners
- Reading relevant legal texts

Examples of TCPD activities which might support the achievement of this outcome:

The only mandatory content of TCPD for all trainees is to undertake a minimum of four hours Ethics TCPD from a licensed provider.

One of the areas that must be covered in the mandatory Ethics Course is Confidentiality.

It should be noted that trainees can undertake longer courses on ethics if it is deemed necessary or desirable.

5.iv BUSINESS, COMMERCIAL, FINANCIAL AND PRACTICE AWARENESS

Business, Commercial, Financial and Practice Awareness is a crucial part of being a solicitor. Understanding the business context of their work is of fundamental importance to a trainee solicitor as is an understanding of the regulatory and fiscal frameworks that he or she operates in.

BUSINESS, COMMERCIAL AND FINANCIAL AWARENESS

Demonstrate an understanding of the external business context of his or her work

- Demonstrates an understanding of the financial, commercial, personal and other priorities and constraints of clients in respect of each matter in which he or she is engaged and shapes advice accordingly.
- Identifies the risks, costs and benefits of alternative courses of action in relation to business decisions and shapes advice accordingly.

Understand the regulatory and fiscal frameworks relevant to the work he or she conducts on behalf of a client

- Demonstrates an understanding of the potential tax implications of matters on which he or she is working (eg VAT, SDLT, IHT, Income Tax, CGT) and, where appropriate, provides advice or liaises with supervising colleagues or external experts on that.
- Understands the regulatory and fiscal frameworks relevant to the work which he or she conducts on behalf of a client.

Overview

As above, much of the above will be learnt 'on the job' by observing experienced practitioners, by incorporating feedback and via experience.

Activities which might assist the achievement of this outcome:

- Discussing law, legal knowledge, management matters and the external business environment with experienced practitioners
- Observing experienced practitioners or work-shadowing
- Working on larger cases or transactions as part of a team
- Running smaller transactions under close supervision
- Feedback from PEAT 2 Quarterly Performance Reviews
- Reading relevant legal and business texts
- Secondments to business clients

Examples of TCPD activities which might support the achievement of this outcome:

- Any Trainee CPD activity which focuses on update and expanding knowledge of the law and legal practice including seminars on tax, management skills, the economic climate
- Workshops by the regulatory bodies of Scotland
- Workshops by organisations such as Chambers of Commerce or other business bodies
- Financial and Business skills training
- Any training that covers the rules of professional conduct relating to financial and accounting matters, including money laundering and mortgage fraud.
- Any accountancy-based courses (Business Accounting, Trust Accounts, Stock Exchange Matters, Tax Updates)

PRACTICE AWARENESS AND WORK MANAGEMENT

Demonstrate an understanding of the internal business context of his or her work

- Demonstrates an awareness and understanding of the business model of his or her employer organisation.
- Demonstrates an understanding of the business objectives of his or her employer organisation and the role which he or she plays in achieving those objectives.
- Demonstrates an understanding of budgeting, cost control, time management, WIP management, matter management and billing.

Understand the key features of partnerships and limited liability partnerships, and alternative business structures.

- Understands the differences between partnerships and limited liability partnerships, as business structures for the provision of legal services.
- Is aware of the implications of alternative business structures delivering legal services in Scotland and the UK.

Demonstrate ability to manage personal workload and to manage effectively a number of concurrent client matters

- Manages personal workload with no noticeably detrimental effects on others.
- Manages a number of tasks concurrently so as to meet all objectives, priorities and deadlines relating to those tasks.
- Can switch effectively between different client matters.

Can manage time and risk capably in legal transactions/matters

- Exercises effective judgement regarding the effective use of his or her time.
- Exercises effective judgement in respect of realistic timescales for completion of tasks and delivery of objectives.
- Can plan deadlines, work to them and deal with unexpected work loads.

- Understands risk in the context of client care policy and any complaints procedure of his or her employer organisations.
- Seeks support or advice from other colleagues or experts when aware that expert knowledge and skills (beyond his or her knowledge and skills) are required.

Comply with all quality standards, risk management , HR and other policies and processes of his or her employer organisation; use business systems and resources appropriately

- Use all business systems and processes appropriately and effectively.
- Is punctual, can be relied on to arrive for work over the course of the working week, has a positive attitude to the demands of the office and is suitably dressed according to the rules of the office.
- Record accurately his or her work to a level of detail appropriate to the work and the employer organisation.

Adopt good file management practices

- Can open a new file.
- Files emails, documents and versions of documents in the course of a matter in date order.
- Maintains correspondence and paper files as appropriate.
- Keeps filing up to date during transaction.
- Takes accurate file notes of telephone exchanges and meetings and ensures these are documented in the file.
- Closes matter and associated file at the end of engagement.

Overview

As above, much of the above will be learnt 'on the job' by observing experienced practitioners, by incorporating feedback and via experience.

To develop these skills, trainees should work on larger cases or transactions as members of a team or running smaller transactions themselves, under close supervision.

The importance of keeping clients regularly informed of a matter and the client care procedures outlined in the Practice Rules and Solicitors Standards should be emphasised to trainees. Further, the organisation's client care policies and risk management policies should be explained to the trainees (including when and how a trainee should deal with risk issues).

Activities which might assist the achievement of this outcome:

- Producing a schedule for a case/transaction which is broken up – where appropriate – into phases
- Use of a file management system
- Planning out phase of work to include time, cost and risk

- management
- Keeping accurate records and attendance notes
- Effectively managing files
- Regularly and fully reporting back to clients
- Discussing risk management and client care procedures with experienced practitioners
- Co-ordinating teams to review progress

Examples of TCPD activities which might support the achievement of this outcome:

- Time management training
- Any training that deal with matters of ethics, professional conduct, risk management training and client care
- File management training/File management system training
- Business skills training (e.g. budgeting etc)

Appendix A: Glossary

"Authorisation Procedure" means the procedure whereby the Council approves a provider of TCPD;

"Authorised" means approved in terms of the Authorisation Procedure;

"Day 1 Trainee" is a trainee who, by virtue of the fact that they have completed PEAT 1 will have achieved and be competent in the PEAT 1 Outcomes.

"PEAT" means professional legal education and training comprising PEAT 1 and PEAT 2;

"PEAT 1" means the vocational learning stage of professional legal education and training;

"PEAT 2" means the work-based learning stage of professional legal education and training. This will often also be referred to as 'the traineeship'

"PEAT 2 Outcomes" means such outcomes as shall be prescribed by the Council from time to time under the core headings of professionalism, professional communication, professional ethics and standards and business, commercial and practice awareness. Substantive and Relevant Legal Knowledge underpins all of the PEAT 2 Outcomes.

"PEAT 2 Quarterly Performance Reviews" is a review which will be undertaken every three months between the training supervisor and trainee (or, where appropriate, a training solicitor and trainee). These Reviews will include the completion of a PQPR form which will be uploaded to the trainee's PEAT 2 Record.

"PEAT 2 Record" means the online resource which each trainee will complete throughout their traineeship. This will be held in a bespoke, secure online area at the Society's website.

"practice unit" means (i) a sole practitioner, (ii) a firm of regulated persons, (iii) an incorporate practice, (iv) a multi-national practice, (v) a licensed provider, (vi) a solicitor in employment, otherwise than in the private practice, being the sole solicitor within the employing organisation or (vii) two or more solicitors in employment, otherwise than in private practice, within the same employing organisation;

"trainee" means an intransit who is a party to a training contract;

"Trainee Continuing Professional Development (TCPD)" means continuing professional development training for trainees. The requirements of which the Society will, from time to time, define. Required TCPD means, in relation to a standard training contract, sixty hours over the term of that contract of which a minimum of forty hours shall be provided by an Authorised provider of TCPD. A minimum four of the minimum forty hours must be a Mandatory Ethics Course provided by an Authorised provider of said course.

"training supervisor" means a natural person who is a training solicitor, who has been in continuous practice as a solicitor for a period of at least three years immediately prior to designation and who is designated by a practice unit in terms of regulation 14(2) of the Admission as a Solicitor (Scotland) Regulations 2011; In this document, the training supervisor is an individual training solicitor who is the Society's point of contact at a practice unit.

"training solicitor" means a solicitor who holds a practising certificate and who (i) is engaged as a principal in private practice; or (ii) is in employment as a solicitor, otherwise than in private practice. Such individuals are also known as 'trainers' within this document. In this document, the training solicitor is any solicitor who is responsible for supervising, or gives work to, a trainee and, in particular, those solicitors undertaking a PEAT 2 Quarterly Performance Review, or series of PEAT 2 Quarterly Performance Reviews, with a trainee.