

NALP Level 4 Certificate for Associate Paralegals

Qualification Specification

This document covers the following Qualification:

TITLE	Qualification Reference No
NALP Level 4 Certificate for Associate Paralegals	610/5266/8

National Association of Licensed Paralegals

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1. Introduction

The National Association of Licensed Paralegals (NALP) is an Awarding Organisation recognised by the Office of Qualifications and Examinations (Ofqual) to offer regulated qualifications in England respectively. NALP specialises in providing qualifications for persons working, or looking to work, as a Paralegal. NALP is also an End Point Assessment Organisation and was closely involved with the development of the new Level 3 Paralegal Apprenticeship Standard.

NALP is also the oldest established professional membership and self-regulatory body for paralegals in the UK, having been established in 1987. NALP advocates for its members and for full recognition of the paralegal profession as an integral part of the legal sector as a whole. NALP introduced the Paralegal Technician membership level specifically for those who have gained a Level 3 legal qualification or has successfully completed the Level 3 Paralegal Apprenticeship.

2. Summary of the Qualification Covered by this Specification

2.1. NALP Level 4 Certificate for Associate Paralegal

The NALP Level 4 Certificate for Associate Paralegal enables Learners to gain or strengthen their knowledge of key areas of law. The subjects covered have been chosen to provide a solid foundation for new paralegals to build upon as they start in their chosen profession.

2.2. Rules of Combination

All units of this qualification are mandatory in order for Learners to achieve the qualification.

3. Objectives of the Qualifications

The aim of the Level 4 Certificate for Associate Paralegals is to develop your knowledge of the underlying concepts and principles relating to the English Legal System and how this impacts on the professional environment paralegals practice in.

For those who have completed the Level 3 Certificate for Paralegal Technicians the Level 4 qualification will enable you to develop your criticality skills in relation to the core subject of English Legal System enhancing your depth of understanding but will also introduce you to three new substantive law areas further strengthening and enhancing your legal knowledge. It is possible to undertake Level 4 without completing Level 3 for those who have already successfully completed an alternative acceptable Level 3 qualification.

Please note that these qualifications are specifically written with English law at their base. These qualifications are therefore best suited to those who seek to work in the UK or abroad where the system of law is based on English Common Law.

Students completing the Level 4 Certificate will develop the qualities and transferable skills for paralegal practice requiring the exercise of some personal responsibility.

Successful completion of the Level 4 Certificate for Associate Paralegals will allow graduates to be eligible for the professional status of Associate Member of the National Association of Licensed Paralegals and to use the post nominals: A. NALP

4. Entry Requirements

As a Level 4 Qualification maps to the first year of a degree level in terms of education, it is expected that Learners will be aged 18 or over.

All Learners must hold at least Affiliate Membership of NALP whilst undertaking this qualification. One year's free Affiliate Membership is provided to all Learners upon enrolment for this qualification, but this must be renewed for those whose studies continue beyond that period at the Learner's expense.

NALP has some specific entry requirements to ensure that Learners embarking on the NALP Level 4 Certificate for Associate Paralegals have the best chance to achieve their goals. These are listed below:

- NALP Level 3 Certificate for Paralegal Technicians;
- NALP Level 3 Certificate or Diploma in Paralegal Practice;
- Level 3 Paralegal Apprenticeship;
- Two 'A' Levels;
- 'A' or 'T' Level Law;
- International Baccalaureate Diploma;
- BTEC National Diploma (NVQ/GNVQ Level 3 or above);
- ILSPAs Legal Secretary Diploma;
- Access to HE Diploma;
- Foundation Year Degree;
- Non-UK Equivalent Qualifications. Please contact us to confirm eligibility.

Evidence of the above must be provided on request.

Mature Students Welcome (over 25) without any of the above, however, please contact your chosen Training Centre to discuss whether this is the correct level for you.

A reasonable standard of written English is required (equivalent to a Level 2/3 in English such as a GCSE grade 4/5 (old grade C), A-Level etc.). However, Training Centres delivering this course are required to ensure that learners who undertake these programmes have sufficient capability at the right level to be suitable to undertake a Level 4 assessment.

Please Note: The NALP Level 4 Diploma in Paralegal Studies is only available in English. If your first language is not English then you must be able to provide evidence that your spoken and written command of the English Language is adequate for the qualification for which you have applied. We will accept assessments undertaken by your chosen Training Centre.

5. Recognition of Prior Learning

NALP allows exemptions for Learners who have passed relevant qualifications with other awarding organisations and a full list of these is provided on NALP's website.

NALP will also consider qualifications not on this standard list, dependent upon individual circumstances and the content of those qualifications.

All applications for exemptions must be completed and submitted with the relevant evidence and will only be considered after payment of the appropriate administration fee. Full details of the exemptions allowed and the process to be followed can be found at: <https://www.nationalparalegals.co.uk/>

6. Progression for Learners

The NALP Level 4 Certificate for Associate Paralegals provides opportunities to progress to other qualifications at the same or higher levels such as the NALP Level 5 Diploma for Senior Associate Paralegals* (to be launched Q2 2025).

The NALP Level 4 Certificate for Associate Paralegals may also assist learners in their careers where they are required to have a good understanding of the English Legal System, Tort, Criminal Law and/or Employment Law.

7. Guided Learning Hours (GLH) and Total Qualification Time (TQT)

"Guided Learning Hours" (GLH) is defined by Ofqual as being "The activity of a Learner in being taught or instructed by – or otherwise participating in education or training under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training" and includes "the activity of being assessed if the assessment takes place under the Immediate Guidance or Supervision of a lecturer, supervisor, tutor or other appropriate provider of education or training".

The NALP Level 4 Certificate for Associate Paralegals has been designed to be able to be delivered in a number of ways, such as:

Distance learning – the Learner completes the course work one word via a majority of self-study, using the workbooks provided by NALP, and/or e-learning packages provided by the training centre. NALP would expect any Centres providing this qualification via self-study to also provide tutorial support to their learners, usually on demand or 'ad hoc'.

Blended learning – the Learner attends some classroom-based activity (can be in a physical classroom or face to face via a live video link) and also conducts a larger proportion of self-study, the latter often being set by their teacher/tutor as a form of homework.

Classroom based learning – the Learner attends a more traditional form of learning environment where the majority of the learning is undertaken in the presence of a teacher or tutor, whether in a physical classroom or via a remote classroom environment.

The majority of Learners will likely undertake either classroom-based or blended learning activities to study for this qualification, therefore NALP has calculated that the GLH for the NALP Level 4 Certificate for Associate Paralegals will equal approximately 60% of the overall study time necessary to pass the units needed to attain this qualification. Please note that this is based on the 'average learner' as being one who has previously studied law in some form at level 2 or 3, or who has had previous experience in working in a legal, or legal adjacent, field and so is starting from a basis of having some previous knowledge or understanding of the subject. Some learners may take longer to achieve the qualification than others and some, particularly those who already work in the legal sector but wish to enhance and formalise their knowledge, may well be able to achieve the NALP Level 4 Certificate for Associate Paralegals in a shorter timeframe

GLH is only applicable to those who have chosen a classroom based or blended way of learning. Those choosing to study via distance learning may not have any learning hours that fall under the definition of 'guided learning'. In that case, the total TQT will still apply as the number of hours an average learner will take to achieve the NALP Level 4 Certificate for Associate Paralegals.

The following is a summary of the units underpinning the NALP Level 4 Certificate for Associate Paralegals with their respective GLH and Total Qualification Time (TQT). The TQT represents the total time an average Learner might spend studying for each unit and how long the assignment for each unit might take, together with the total TQT for each unit:

Unit	Title	Unit ref. Number	GLH	Self-study and assignment	Total TQT
1	English Legal System for Associate Paralegals	D/651/4660	57	38	95
2	Law of Tort for Associate Paralegals	F/651/4661	57	38	95
3	Criminal Law for Associate Paralegals	H/651/4662	57	38	95
4	Employment Law & Practice for Associate Paralegals	J/651/4663	57	38	95
	TOTAL		228	152	380

8. Credits

Credits are used by some educational providers to assign a value to the units, or modules, undertaken, and achieved, by a Learner. Whilst not compulsory, these are seen as useful tools to make it easier to identify the depth, complexity and intellectual demand of the learning that has been undertaken. Credits can often be helpful when looking at recognition of prior learning at a similar level, or for entry to higher education.

Credits have been allocated to the units attached to the NALP Level 4 Certificate for Associate Paralegals as follows:

Unit	Title	Level of Unit	Credit Value
1	English Legal System for Associate Paralegals	4	10
2	Law of Tort for Associate Paralegals	4	10
3	Criminal Law for Associate Paralegals	4	10
4	Employment Law & Practice for Associate Paralegals	4	10
Total Credit Value for the NALP Level 4 Certificate for Associate Paralegals			40

9. Learning Materials and Support

NALP provides full Course Workbooks for each unit of study which are provided to Centres for onward provision to the Learners that enrol on the NALP Level 4 Certificate for Associate Paralegals. NALP also provides full Learner Guides which provides lots of information, hints and tips regarding how to complete the assessments that are set for each unit of study. These guides

are also available to download from NALP's website at www.nationalparalegals.co.uk. The workbooks are only available to enrolled learners via their chosen training centre/college.

As part of their approval process, NALP ensures that all approved training centres have suitably trained and experienced staff who are able to provide Learners with any support they may require in order to attain their NALP qualification. Learners should therefore contact their chosen training centre in the first instance should they have any queries or concerns.

10. Assessment

10.1. Assessment Methodology and Time Restrictions

The NALP Level 4 Certificate for Associate Paralegals is assessed via multiple choice question papers, which account for 60% of the final mark and which are undertaken monthly at pre-arranged dates/times, and written assignments (Problem Based Questions – PBQ's) which are undertaken on demand by the Learner as they complete each unit of study and account for 40% of the final mark.

The multiple-choice question (MCQ) papers are undertaken online via a secure proctoring service. MCQ assessments will be undertaken at pre-arranged dates and times, usually on the last Friday of every month. Learners will be provided with full details as to how to log into the proctoring service and will be required to ensure they have a suitable place in which to undertake their examination, with no distractions and no one else in the room (unless previously agreed under a Reasonable Adjustment arrangement). They will be required to have their ID ready and acknowledge that both their PC screen and themselves will be recorded and monitored throughout the exam to ensure that the assessment is undertaken compliantly. The time allocated for completion of the multiple-choice question paper will be 45 minutes unless the Learner has applied for, and been granted, Reasonable Adjustments prior to the examination taking place. Please see the table on the next page for details.

All units require a written assignment, consisting of problem based questions where the Learner needs to apply their knowledge to specific scenarios. This will be provided to the Learners who will then have 3 weeks to complete the assignment. For clarity, written assignments are provided to the Centre on demand when a Learner is ready to take their assessment for the unit they have studied. The decision as to whether or not a Learner is ready to take their assessment is for the Centre and the Learner to make. NALP makes no determination as to the readiness of the Learners undertaking their assessments.

When an assessment has been requested, NALP will:

- **For multiple-choice assessments** – inform the Centre of the next available assessment slot. This will usually be on the last Friday of every month with Learners having to have been registered for the assessment at least two weeks prior to the assessment date. NALP will pass the contact details of the Learner to the proctoring service to facilitate the delivery of the MCQ assessment. The proctoring service will then contact the Learner to provide instructions as to how to set up to take the assessment. It should be noted that the MCQ papers must be taken on a laptop or desktop computer and cannot be taken on a tablet or mobile device. This is due to not being able to remotely view the screen and ensure that the Learner is not accessing any other search engines or other online resources during the examination. The MCQ paper is a 'closed book' examination meaning that Learners are not allowed any assistance or access to any learning materials or other resources that could help them answer the questions on the assessment. The Learners must take their MCQ assessment in a suitable room, away from distractions and with no other people in the room (unless arranged due to Reasonable Adjustments, such as an Oral Language Modifier). The Learner will require a mobile phone with a camera as well as their laptop/desktop computer as this will be used as a second camera for security purposes.
- **For Assignments** – allocate a specific paper from NALP's bank of assignments and will upload this on the NALP Centre Portal for the Centre to download. As soon as the Centre downloads the assignment, the automated 'clock' will start its countdown until the date and time the assignment is due for submission. This clock will also stop as soon as the Centre has uploaded the completed assignment. It should be noted there is a maximum word limit of 4,000 words for all assignments for the NALP Level 4 Certificate for Associate Paralegals. Any Learner exceeding that will not attract marks for any words over the maximum limit of 4,000.

The following indicates the percentage of assessment that will be assessed via either method for all units of study undertaken by learners on the NALP Level 4 Certificate for Associate Paralegals:

- **Multiple Choice Question Paper – 60%**
 - 30 Questions
 - 45 Minutes
- **Written Assignment – 40%**
 - Problem Based Question (PBQs)
 - Maximum 4,000 words
 - Completion within 3 weeks

In order to achieve the desired qualification a Learner must have completed and achieved the required pass mark for all units within 2 years (24 months) of enrolment onto the qualification.

If a Learner fails to complete all necessary units within this timeframe they will be required to re-enrol, including payment of new enrolment fees. If they have passed some of the required units, these may or may not be considered under the criteria for Recognition of Prior Learning, dependent on any changes to English Law that may have occurred during the time since the original enrolment. Please see Section 5 above and refer to the NALP website for more details at: www.nationalparalegals.co.uk

10.2. Availability of Sample Assessments

Sample multiple choice questions and assignment questions can be found on the NALP website at: www.nationalparalegals.co.uk

10.3. Marking the Assessment and Issuing Results

Learners' outcomes will be graded as either Fail, Pass, Merit or Distinction. The Grade Boundaries at L4 are based on an **aggregate** of the mark awarded for the MCQ assessment plus the mark awarded for the assignment weighted according to whether the final mark is worth 60% (MCQ's) or 40% (assignment). The Grade Boundaries are:

Pass = 45% - 64%

Merit = 65% - 79% and

Distinction = 80%+

In order to Pass it is necessary to reach the Pass Mark for EACH element.

- a) Learners must answer correctly 21/30 MCQ's in order to Pass this element of the assessment which is worth 60% of the final mark.

AND

- b) In addition to the MCQ element above, Learners must also successfully Pass the Assignment. This will take the form of Problem Based Questions (PBQs) which will be divided into a number of scenarios testing Learners' ability to apply the relevant law and provide initial advice. In order to reach a Pass mark in this element Learners must achieve a minimum of 18/40. This is worth 40% of the balance of the final mark.

How Grading is applied

For the MCQ element for all Units each question is worth 2 marks. A Pass will be determined as above. The purpose of the MCQ's is to demonstrate Learners' knowledge of the subject covered by each unit.

The Assignment will be made up of Problem Based Questions in the form of scenarios. These will be designed to test Learners' ability to apply the law and provide initial advice.

The assignments will be marked against the mark scheme with higher marks being awarded based on the following criteria:

Pass: (Descriptive): A Pass grade will be awarded if a Learner has fully covered all criteria indicated but this has been done in a basic (descriptive) way (18-26 marks).

Merit: (Explanatory): A Merit grade will be awarded if a Learner has shown a higher degree of aptitude, has demonstrated a thorough understanding of the material and has presented their findings in a clear and accurate manner (27-32 marks).

Distinction: (Showing evidence of implications): A Distinction will be awarded if a Learner has shown a mastery of the subject matter and has dealt with the questions in a professional manner. Attention will be given to spelling, grammar, layout and style and to the actual presentation of the assignment in addition to the content (33+ marks).

10.4. Reasonable Adjustments and Special Considerations

All requests for Reasonable Adjustments must be received **prior** to the assessment taking place. These will then be considered by the examination team prior to the assignments being assessed.

Requests for Special Considerations may be considered **at or after** the time of the assessment.

Where such a request includes provision of additional time to complete a qualification and/or assessment(s), the maximum time allowed will not exceed 25% of the usual required time for completion of the qualification and/or assessment(s). For the avoidance of doubt, if a learner has been granted an extension to their qualification, the maximum time they will be allowed to complete it under Reasonable Adjustments or Special Considerations is 2.5 years or 30 months from the date of enrolment.

In respect of the time allotted to the assessments, the following is the maximum amount of time allowed for learners with agreed Reasonable Adjustments or Special Consideration:

Unit	Title	Max Time Allowed for MCQ inc RA/SC	Max Time allowed for Assignment inc RA/SC
1	English Legal System for Associate Paralegals	56 Minutes	26 Calendar Days (3 weeks and 5 days)
2	Law of Tort for Associate Paralegals		
3	Criminal Law for Associate Paralegals		
4	Employment Law & Practice for Associate Paralegals		

Please note that the above are the **maximum times allowed** and learners could be granted extensions of differing lengths, dependent upon the reasons for the request, etc.

In respect of the Multiple-Choice question paper assessment, these will be delivered remotely via a proctored examination service. As such, other reasonable adjustments may be able to be made such as having the questions in larger font or different coloured backgrounds, etc. These will need to be arranged well in advance and so Centres must contact NALP regarding these arrangements on enrolment of the learner.

All requests for Reasonable Adjustments and Special Considerations will be considered on a case-by-case basis, in line with the NALP Reasonable Adjustments and Special Considerations Policy, a copy of which is available at the bottom of the NALP website:

<https://www.nationalparalegals.co.uk/>

11. Appeals

Should a learner wish to appeal an assessment decision, this will be handled under the NALP Appeals Policy, a copy of which is available at the bottom of the NALP website at:

<https://www.nationalparalegals.co.uk/>.

Learners should note that appeals are **not allowed** on the sole basis of disagreement with an academic judgment made by an assessor, such as the mark awarded, and must be accompanied by a full rationale as to why the appeal has been raised. Appeals should be made by the Centre on the Learner's behalf. However, if a Centre does not support the Learner's appeal or disagrees with the grounds of the appeal the Learner bases their appeal on the learner is entitled to raise this directly with NALP.

12. Quality Assurance and Moderation

As all assessments are marked externally by NALP (i.e. the Centres do not mark their Learners' papers), a Quality Assurance and Moderation Policy covering all assessment results has been put in place. This aims to ensure that all assessments have been marked in line with the standard mark scheme, that all members of the examining team are fully trained and that sufficient standardisation of results is undertaken.

A copy of the Quality Assurance and Moderation Policy is available on request from admin@nationalparalegals.co.uk.

13. Award and Publication of Results

Once assessments have been marked and all necessary internal quality assurance has been completed, the results will be uploaded to the Centre Portal and the Centre informed of their availability. NALP has a service standard of issuing results within 4 weeks of receipt of a completed assignment or 1 week of a multiple-choice question paper, whichever is the later.

If the Learner has successfully attained the full qualification, a Qualification Certificate will also be issued. NALP aims to issue all certificates within three weeks of successful completion of the full qualification and release of the final unit results.

Replacement certificates can be provided by completing the relevant form which can be found on the bottom of the NALP website and by paying the fee of £25. The form is available from the NALP website and you can pay the fee via the website also: <https://www.nationalparalegals.co.uk/>

14. Units for the Qualifications

NALP Unit Ref:	1	Ofqual Unit Ref:	D/651/4660
Unit Name:	English Legal System for Associate Paralegals		
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to be able to understand how the law is used to regulate human conduct within the State; be aware of how laws are made, altered and repealed; be aware of the various ways in which disputes are resolved and be aware of the different personnel involved in the enactment and interpretation of the law and the resolution of legal disputes.		
Learning Outcomes	Assessment Criteria	Indicative Content	
1. A thorough understanding of the structure of law	1.1. Describe the nature and purpose of law	Definition of law - including: <ul style="list-style-type: none"> - Its purpose and function - The development of common law and equity - What makes a good law 	
	1.2. Demonstrate an understanding of the classification of law	The ways in which law may be classified - including the differences between <ul style="list-style-type: none"> - Public and private law - Criminal and civil law e.g. burden of proof, standard of proof - Artificial and legal persons - Common law and equity e.g. meaning of equity, its relationship to common law, equitable maxims. Mortgages and trusts, equitable remedies, merger of equity and common law 	
	1.3. Define the rule of law	The principles of the rule of law – including <ul style="list-style-type: none"> - Legal aid deserts - Rise in Litigants in Person (LiP) 	

	1.4. Describe the work undertaken by the courts in England and Wales	The main work undertaken by the courts in England and Wales- including: <ul style="list-style-type: none"> - The jurisdiction and function of the Criminal Courts - The jurisdiction and function of the Civil Courts - The system of appeals
2. Understand the types of legal personnel	2.1. Demonstrate an understanding of the differences between Barristers, Solicitors, Chartered Legal Executives and Paralegals	The role of those working in the courts - including: <ul style="list-style-type: none"> - Training and work of barristers - Training and work of solicitors - Fusion of the professions - Training and work of paralegals - Lay magistrates and juries
	2.2. Explain the roles and types of judiciary	The work and types of judges- including: <ul style="list-style-type: none"> - Hierarchy - Judge only trials - The role of the Lord Chancellor
	2.3. Demonstrate an understanding of the role of non-legally qualified decision makers	Types of non-legally qualified decision makers – including: <ul style="list-style-type: none"> - Lay magistrates - Selection Powers - Juries - Secrecy - Prohibited conduct - Advantages and disadvantages
3. A detailed knowledge of how law is made	3.1. Demonstrate an understanding of the role of the Executive, the Legislature and the Judiciary	The role of the executive, the Legislature and Judiciary - including: <ul style="list-style-type: none"> - Sovereignty of parliament, - Separation of powers
	3.2. Explain how an Act of Parliament is created	The creation of an Act of Parliament - including: <ul style="list-style-type: none"> - The functions of green and white papers - First Reading

		<ul style="list-style-type: none"> - Second Reading - Committee Stage - Report Stage - Third reading - Royal Assent - Function of Parliament Acts 1911 and 1949
	3.3. Describe how secondary legislation is created and controlled	<p>Definition of secondary legislation - including:</p> <ul style="list-style-type: none"> - Statutory Instruments - Bye laws <p>Controls including:</p> <ul style="list-style-type: none"> - Publication - Laying before Parliament - Committee supervision - Judicial review - European Convention on Human Rights
	3.4. Explain how the law of precedent works	<p>The concept of case law - including:</p> <ul style="list-style-type: none"> - Which courts bind each other - The difference between ratio decidendi and obiter dicta - Binding and persuasive precedent - How a court can depart from a previous case - Judges: interpret the Act of Parliament
	3.5. Explain the rules of Statutory interpretation	<p>The methods of statutory interpretation – including:</p> <ul style="list-style-type: none"> - Literal rule, golden rule and mischief rule. - Other rules of language
4. Understand the importance of Alternative Dispute Resolution (ADR)	4.1 Demonstrate an understanding of Alternative Dispute Resolution (ADR)	<p>Methods of Alternative Dispute Resolution (ADR) – including:</p> <ul style="list-style-type: none"> - arbitration - conciliation - mediation - Tribunals

		- Legal Ombudsman - advantages and disadvantages
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NALP Unit Ref:	2	Ofqual Unit Ref:	F/651/4661
Unit Name:	Law of Tort for Associate Paralegals		
Aim of Unit:	The aim of this unit is to provide the learner with the practical skills to understand the rules requiring persons to have a duty of care towards other persons and to compensate others if there has been a breach of that duty of care. It will also provide awareness of which infringements constitute a tort in law and the remedies that are available for such infringements.		
Learning Outcomes	Assessment Criteria	Indicative Content	
1. Understand the nature of liability in Tort	1.1 Demonstrate an understanding of the characteristics of the law of tort	As a matter of law Role of fault in tort Tort v Contract Tort v Crime Statutory v Common law torts	
	1.2 Explain strict liability including the doctrine in Rylands v Fletcher	Escape of dangerous thing accumulated for non-natural use of land - relevance of third party activity and proprietor's knowledge	
	1.3 Demonstrate an awareness of the limitation of actions	Limitation period for action in tort of negligence Limitation period for personal injury	
	2.1 Explain what is meant by the duty of care	Where duty is pre established	

2. Understand the concept of negligence		When tests of foreseeability, proximity and fair just and reasonableness will be used level of duty of care
	2.2 Demonstrate an understanding of when a duty is breached and the factors to be taken into account and apply to a given scenario	Standard of care, foreseeability of harm and its severity, etc, objective standard.
	2.3 Explain the element of causation	Tests for causation in fact and law What may be amount to novus actus interveniens
3. Know how to apply the professional requirements of drafting client communications	3.1 Explain the tests for employer/employee	Tests for employment Relationship akin to employment
	3.1 Explain when an action may be in the course of employment	Authorised act in an unauthorised way Employers' liability for criminal acts
4. Understand occupiers' liability	4.1 Demonstrate an understanding of the protection afforded by the Occupiers' Liability Act 1957 and apply to a given scenario	Explain applicability of 1957 Act - Who is a lawful visitor Effect of: Common calling Independent contactors Children Warnings
	4.2 Demonstrate an understanding of the protection afforded by the Occupiers Liability Act 1984 and apply to a given scenario	Existence and extent of duty under OLA 1984 – relates to persons other than lawful visitors Effect of warnings
	5.1 Explain what is meant by volenti non-fit injuria	Willing consent to known risk or harm

5. Understand the general defences which may be available in Tort	5.1 Explain what is meant by ex turpi causa	Effect of illegality on any claim
	5.2 Explain effect of contributory negligence	Partial defence lowering percentage of damages
6. Understand remedies available in tort	6.1 Explain damages and their availability	Compensation Special General Multiplier X multiplicand Damages on death

NALP Unit Ref:	3	Ofqual Unit Ref:	H/651/4662
Unit Name:	Criminal Law for Associate Paralegals		
Aim of Unit:	The aim of this unit is to provide the learner with the skills to understand what constitutes a crime, the different categories of criminal offences, including murder and manslaughter and other lesser offences, the elements that are required to be present in order to convict an individual and the defences that may be available.		
Learning Outcomes	Assessment Criteria	Indicative Content	
1. Understand what requirements are necessary to make a contract legally binding	1.1. Explain what constitutes a criminal offence	- Definition of a crime including actus reus, mens rea	
	1.2. Demonstrate an understanding of the	- Crime - offence against the state with punishment attached	
	1.3. Distinction between crimes and Tort	- Tort - civil wrong, individual bringing a case against another individual	

2. Analyse the elements of a crime	2.1. Demonstrate an understanding of Actus Reus	The physical part of the crime – can be a positive act or an omission
	2.2. Demonstrate an understanding of Mens Rea including: Direct and oblique intent. Recklessness Negligence	Direct intent – aim or purpose Oblique intent – result was a virtual certainty and the defendant knew this Recklessness – taking of a unjustified risk Negligence – falling below the standard of behaviour of a reasonable person Transferred malice – where mens rea is transferred from one object or person to another
	2.3. Explain what is meant by strict liability offences	Actus reus only – no need to prove mens Rea Arguments for and against offences of strict liability
	2.4. Demonstrate an understanding of the rules of caution	Causation in fact – the but for test Causation in law – the result is not too remote The chain of causation – what amounts to a new intervening act
3. Understand vitiating factors and their consequences	3.1. Be able to clearly summarise the general defences including: Automatism Insanity Mistake Duress Self-defence and Intoxication	Automatism - an act which is done by the muscles without control by the mind External factor Insanity – defendant had a defect of reason arising from a disease of the mind so that either (a) they did not know the nature, or quality of their act, or (b) they did not know that what they were doing was wrong in law Internal factor Mistake – effect of mistake of fact compared to mistake of law Intoxication – circumstances when it may be a defence Effect of crime of basic and specific intent on availability of defence Duress by threats -

		<ul style="list-style-type: none"> defendant's will was overborne by a direct threat of harm to themselves or someone for whom they are responsible and a sober person of reasonable firmness with the characteristics of the defendant would have responded in the same way <p>Duress of circumstances –</p> <ul style="list-style-type: none"> defendant was compelled to act as they did because what they reasonably believed the situation to be, gave them good reason to fear that death or serious physical injury might result, and a sober person of reasonable firmness, sharing the characteristics of the defendant would have responded in the same way. <p>Necessity –</p> <ul style="list-style-type: none"> The act is done to avoid consequences which would have inflicted inevitable and irreparable evil, No more is done than is reasonably necessary for that purpose, and The evil inflicted by it is not disproportionate to the evil avoided. <p>Self defence Defendant used reasonable force:</p> <ul style="list-style-type: none"> To defend themselves from attack or To prevent an attack on another person or To defend their property. <p>Effect of Householder defence 76(5A and 8A-F) Criminal Justice and Immigration Act (2008)</p>
4. Understand the types of Homicide and the special defences available	4.1. Demonstrate an understanding of how a contract may be ended	<p>Discharge of a contract – including:</p> <ul style="list-style-type: none"> - By performance - By Breach - By Agreement - By Frustration

	<p>4.2. Demonstrate an understanding of manslaughter:</p> <p>Voluntary Manslaughter – definition, mens rea and actus reus</p> <p>Involuntary Manslaughter – definition, mens rea, actus reus</p>	<p>Voluntary Manslaughter - the defendant killed with intention to either kill or cause GBH but did so due to:</p> <ul style="list-style-type: none"> • Diminished responsibility or • Loss of control <p>Involuntary Manslaughter – an unlawful killing where the defendant did not intent death or GBH:</p> <ul style="list-style-type: none"> • Unlawful and dangerous act manslaughter • Gross negligence manslaughter
5. Understand the remedies available when a contract has been breached	5.1. Identify the remedy available for a breach of contract at common law and when and how this applies	<p>Damages for breach of contract – including:</p> <ul style="list-style-type: none"> - Types - Causation - Remoteness - Mitigation
	5.2. Identify the various equitable remedies available for breach of contract and when and how they apply	<p>Equitable remedies for breach of contract – including:</p> <ul style="list-style-type: none"> - Specific performance - Injunction
	5.3. Demonstrate an understanding of the offences under the Fraud Act 2006 definitions, mens rea and actus reus	<p>Fraud – Fraud Act 2006</p> <ul style="list-style-type: none"> • S2 – fraud by false representation • S3 – fraud by failing to disclose information • S4 – fraud by abuse of position
	5.4. Demonstrate an understanding of the offences of robbery and burglary under the Theft Act 1968- definitions, mens rea and actus reus and the differences between them	<p>Robbery – s8(1) Theft Act 1968 when a person steals and immediately before or at the time of doing so and in order to do so uses force on any person or puts or seeks to put any person in fear of being then and there subject to force</p> <p>Burglary - Section 9(1)(a) Theft Act 1968 D entered a building as a trespasser</p>

		<p>with the intention of: Stealing inflicting GBH or committing unlawful damage. Section 9(1)(b) having entered a building as a trespasser D formed the intention to: steal or inflicted grievous bodily harm upon a person Difference – burglary requires proof of trespass and will not necessarily entail violence whereas robbery always involves violence or the threat of it</p>
	<p>5.5. Demonstrate an understanding of the offences under the Criminal Damage Act 1971 - definitions, mens rea and actus reus</p>	<p>Basic Criminal Damage</p> <ul style="list-style-type: none"> • S1(1) - defendant without lawful excuse destroyed/damaged property belonging to another • intending to destroy or damage any such property or • being reckless as to whether any such property would be destroyed or damaged. <p>Aggravated Criminal Damage</p> <ul style="list-style-type: none"> • s1(2) - defendant without lawful excuse destroyed/damaged property belonging to another • intending to destroy or damage any such property or • being reckless as to whether any such property would be destroyed or damaged and • intended by the destruction or damage to endanger the life of another, or • were reckless as to whether the life of another would be thereby endangered. <p>Arson s1(3) where basic or aggravated offence is committed by fire,</p>
<p>6. Understand how an offence may be attempted</p>	<p>6.1. Demonstrate an understanding of criminal attempts under the Criminal Attempts Act 1981 -</p>	<p>Attempts S1(1) Criminal Attempts Act 1981 With intent to commit a full offence, a person does an act which is more than merely preparatory to the commission of the offence</p>

	definition, mens rea and actus reus	
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NALP Unit Ref:	4	Ofqual Unit Ref:	J/651/4663
Unit Name:	Employment Law & Practice for Associate Paralegals		
Aim of Unit:	The aim of this unit is to provide the learner with a sound understanding of employment law and practice. It will enable the learner to engage with substantive employment rights and duties so that they can then effectively take part in the practice of employment law by contributing to the drafting of advice. The practical nature of this subject will further allow learners to enhance their employability skills as well as developing a contextual understanding of ethics and professional conduct.		
Learning Outcomes	Assessment Criteria	Indicative Content	
1. Demonstrate a sound understanding of the distinction between employees, workers and self-employed and identify the terms within a Contract of Employment and their scope and impact	1.1 Define an employee	1.1 Definition of an employee - including: - differences with a worker or self-employed (independent contractors) - the nature of an agency worker - why these distinctions are important in law and leading cases to illustrate how the law makes such distinctions	
	1.2 Know, evaluate and apply the tests to distinguish between employees and other types of worker or self-employed	1.2 How case law establishes legal tests to determine the status of an employee, worker or self-employed and - why these tests matter in terms of legal status and legal rights - how to determine in practice if a 'valid' employment contract exists	

	1.3 Demonstrate a detailed understanding of the contractual relationship between employer and employee and the impact and requirements of 'particulars of employment'	- the legal duties owed by and to different types of worker 1.3 Identify the nature, form and scope of the employment contract and be able to differentiate between <ul style="list-style-type: none"> - express terms - implied terms - the impact of Employment Rights Act (ERA) 1996 on the form and content of employment contracts - the significance of the above in practice including failure to comply
	1.4 Explain how statute and common law impact and effect a contract of employment	1.4 Identify and appreciate the significance of the main sources of employment law including: <ul style="list-style-type: none"> - Common law - Statute law
2 Demonstrate a sound understanding of how the employment relationship can be lawfully terminated	2.1 Explain how employment may be terminated by mutual agreement	2.1. Termination by mutual agreement - including: <ul style="list-style-type: none"> - mutual consent - periods of notice required under employment law - establishing potentially 'fair reasons' for ending the employment contract - procedures to be followed
	2.2 Explain 'dismissal' at common law	2.2. Completion of Part 7 Claim form (Form N.1 - for monetary claims) <ul style="list-style-type: none"> - particulars of claim - court fee – sent to court for issue - copy sent to the defendant with a response pack giving five options <ul style="list-style-type: none"> ♦ admitting the claim and paying in full ♦ admitting part of the claim ♦ defending the claim ♦ admit the claim but also file a counterclaim

		♦ do nothing
3 Demonstrate a sound understanding of the principles and practice of 'unfair dismissal'; 'wrongful dismissal' and redundancy	3.1 Explain and apply the requirement of a 'termination' for a wrongful dismissal claim	3.1. Governed by The Tribunals, Courts and Enforcement Act 2007 <ul style="list-style-type: none"> - originally created to make it easier, quicker, and less costly to settle disputes - less formal than going to court - most common cases involve employment, social security, land, immigration and asylum.
	3.2 Know and be able to apply the remedies for 'wrongful dismissal'	3.2. Most important form of ADR <ul style="list-style-type: none"> - complies with overriding objectives of CPR to encourage settlement - can be used at any time throughout civil process to find solutions to issues in dispute - neutral mediator agreeable to both parties should be appointed - role is to encourage compromise and settlement
	3.3 Describe and apply the requirements to establish a claim for an 'unfair dismissal'	3.3. Different to mediation <ul style="list-style-type: none"> - conciliator can make suggestions as to terms of settlement - ACAS
	3.4 Know and apply the potentially fair reasons for dismissal	3.4. Arbitration Act 1979 and 1996 <ul style="list-style-type: none"> - Governs arbitration process - independent specialist appointed will make a decision (an award) which is final. - Negotiation is first method of settling a dispute before going to court
	3.5 Understand and apply the importance of an employer	3.5 Correct procedure must be followed by employer - including: <ul style="list-style-type: none"> - giving adequate notice to employee

	following the correct procedure and acting fairly	<ul style="list-style-type: none"> - allowing the employee to make adequate representations - allowing the employee to have a witness present
	3.6 Be able to identify the court or tribunal where an employment case may be heard, why that venue is appropriate and the potential remedies available	3.6 The tribunal or court and remedies – including: <ul style="list-style-type: none"> - Employment Tribunal - routes of appeal - damages - reinstatement - reengagement
	3.7 Explain the contents of an ET1 in commencing an employment claim	3.7 This will include: <ul style="list-style-type: none"> - contact details of employee - commencement and end date of employment - statement detailing grounds for claim
	3.8 Explain the circumstances where a redundancy can occur	3.8 Be able to: <ul style="list-style-type: none"> - define 'redundancy' and - the legal grounds where a redundancy may occur
	3.9 Demonstrate a sound understanding of the steps to be taken to comply with a 'fair' redundancy	3.9 Be able to evidence: <ul style="list-style-type: none"> - the need for redundancy consultation and procedure - identification of selection criteria for redundancy - avoiding redundancies
4 Demonstrate an understanding of and ability to apply the law on employees' rights under both statute and common law	4.1. Explain the right of an employee to request flexible working	4.1. Understand and apply the ERA 1996 (as amended) in order to advise on flexible working
	4.2. Describe and apply the entitlement to paternity and adoption leave and pay in given	4.2. Be able to identify, discuss and apply: <ul style="list-style-type: none"> - paternity and - maternity provisions, entitlements and payments

	scenarios	- entitlement to adoption leave and qualification requirements
	4.3. Describe and apply the right to maternity leave and pay	4.3. Be able to identify, discuss and apply: - paternity and maternity provisions, entitlements and payments - parental leave entitlement and payments
	4.4. Explain the right to time off and unpaid leave for dependants	4.4. Be able to: - identify the circumstances when an employee has a right to unpaid leave - identify and apply the relevant legislation to different factual scenarios
	4.5. Explain how an employee may claim harassment under the Equality Act 2010	4.5. Be able to identify and apply the legal provisions under the Equality Act (EA) 2010 relating to: - discrimination including the definition of and types - harassment - establishing the Protected Characteristics under Part 2 EA
	4.6. Understand the difference between 'direct' and 'indirect' discrimination	4.6. Be able to identify and understand the difference between 'direct' and 'indirect' discrimination and appreciate how this applies in practice
	4.7. Understand and appreciate the protection against discrimination to people with disabilities	4.7. Be able to identify and understand the meaning of 'disability' under the Equality Act 2010