

*Professional Skills
Course
Handbook*

2010



Professional Skills Course Handbook 2010

Presented by

BPP Professional Education

We pride ourselves on our client-focused approach and strive to continually improve our courses; a process which is helped considerably by your input. We would be very grateful if you could please spare a couple of minutes to complete the feedback questionnaire, which will be provided on each of your training courses. Please leave your completed questionnaire to be collected at the end of the day.

If have any queries or problems during the course, please inform the presenter.

We look forward to welcoming you to future BPP courses.

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Section 1

Introduction

Welcome

Thank you for choosing BPP Professional Education (“BPP”) to guide you through your Professional Skills Course (“PSC”).

We recognise how invaluable you are to your firm and understand the demands on a trainee’s time in and out of the work place. At BPP we are committed to ensuring that our PSC programme gives you the flexibility to choose when and where to complete your PSC as well as offering a wide variety of electives intended to add value to your training.

We fully understand your legal training needs and appreciate the nature of the environment within which you work. This is why BPP unlike many other course providers, has its own dedicated employed staff of solicitors and barristers from all practice areas striving hard to ensure that you receive the highest level of training. Our mission is to ensure that you successfully complete your PSC and take away the necessary skills, practical hints and tips given on our courses so you can implement these in practice.

We are confident that you will be satisfied with the high level of service we provide and welcome your comments and feedback. As trainees of today, we recognise that you are the partners of the future and we look forward to supporting you through your training needs today and in the future.

We wish you every success in your legal career!

Presenter Biographies

- Roderick Goddard** Rod is the Head of Law Enforcement programs and is a Barrister with extensive experience of the Criminal Justice System. Formerly a Detective Inspector with the Metropolitan Police, he has lectured widely in Criminal Law. He is a member of Middle Temple.
- Mike Hackett** Mike has been the head of the Financial and Business Skills Core Module for many years. He has been a presenter for BPP since 1995. He presents all three PSC core modules as well as CPD to lawyers at all stages of their careers.
- Karen Hammond** Karen is Head of Advocacy at BPP. A former barrister, she has been involved in the design, writing and delivery of training for the legal profession for over 10 years. As an Inns Accredited Advocacy Trainer, she has specialist knowledge and expertise in tutoring advocacy.
- Trevor Hellowell** Trevor is a solicitor and legal training consultant working with BPP. He has recently been appointed Head of Compliance for BPP. He has lectured extensively on Money Laundering, Professional Conduct, Management Skills and Financial Services, as well as mainstream academic law subjects. He presents on Financial and Business Skills and Client Care.
- Angela Kainth** Angela is a qualified solicitor and previously worked at Eversheds LLP specialising in contentious and non contentious insolvency and has been involved in a number of high profile cases whilst in practice. Angela now presents full time on the Advocacy and Client Care modules as well as other CPD modules.
- Geoff Pollard** Geoff is Head of Client Care and Professional Standards. He is a qualified solicitor specialising in all areas of general practice and has acted as advocate in the Magistrates and County Court. He has been a presenter for BPP since 1993 and teaches all the Core modules.
- Ayesha Nayyar** Ayesha was a Partner at Donns Solicitors in Manchester until she left to take up working for BPP as a Trainer. She specialises in Personal Injury and has been a member of the Association of Personal Injury Lawyers and the Association of Trial Lawyers of America. She is now Head of Personal Injury and Insurance Law at BPP. She teaches Client Care as well as a number of Personal Injury, Civil Litigation and Interpersonal Skills CPD courses

- Akbar Khan** A Barrister, from 1993, Akbar practiced in all fields of civil and commercial litigation, specialising in international law. Akbar has been seconded from private practice on several occasions and has provided legal advice and advocacy representation to the United Nations in international Arbitration matters. Akbar assumed the position of Director of the Legal and Constitutional Affairs to the Secretary-General of the Commonwealth Organisation in October 2009. He has worked as a freelance lecturer for BPP since 2002 teaching Advocacy & Communication skills on the Professional skills course.
- Rob Price** Rob worked as a trainee for Beachcroft Wansboroughs before moving to Eversheds to work in the Litigation team - acting for corporate claimants & defendants on complex civil, commercial & environmental litigation matters. Rob has since worked as a consultant training on the LPC, taking responsibility for revising materials on some of the financial products and reporting to external examiners and taking on the role of Head of Year 2 on the Part Time LPC, along with teaching on all the Core Modules and many of the litigation electives.
- Linda Pratt** Linda is a solicitor and Director of Ridings Law Solicitors and an experienced lecturer specialising in many areas of practice management including solicitors' accounts, marketing and development, solicitors' financial services and client care. Linda is a member of the Executive committee of the Probate Section of the Solicitors Regulations Authority and a founding member of Solicitors for the Elderly.
- Helen David** Helen is a qualified solicitor who previously worked at Slaughter and May. Her most recent practice work centred on regulatory work (European and UK)/Global/European/UK contracts (drafting and negotiation)/acquisitions/commercial contracts and global projects. She presents on Client Care, Management Skills, Code of Conduct and Companies Act courses.
- Stephen Hammett** Stephen is a solicitor with over 30 years of practice experience. He is former Law Society Council Member and member of the Training Committee and a past Chairman of the Standards Committee where he was responsible for the Rules of Conduct and guidance to the profession. Stephen has been a freelance trainer for BPP for a number of years and presents some of the core modules as well as taking workshop courses on advocacy skills, negotiations skills and management in general.

The Professional Skills Course

The PSC was introduced by the Solicitors Regulations Authority in 1994 and is a compulsory training requirement for all trainees. It is designed to build on the foundations laid by the Legal Practice Course (“LPC”) and to ensure that all trainees build upon the experience of the LPC to develop their professional skills. The core modules (“Core Modules”) consist of Client Care and Professional Standards (“Client Care”), Advocacy and Communication Skills (“Advocacy”) and Financial and Business Skills (“F&BS”). The PSC along with your training contract constitute the final elements of pre-admission training.

Enrolment and required materials

Confirmation of booking

Upon booking your PSC pack you will receive confirmation and a schedule showing all modules that you have booked. Enclosed with your Joining Instructions that are sent 14 days prior to the date of each course, will be your timetable setting out the date of the PSC modules that you have booked so far with BPP.

We advise you to keep a note your BPP ID number stated in your joining letter. Your candidate number is both your booking reference number and your examination candidate number, which will be required for examinations.

Course manuals will be handed out at the beginning of each module but we ask you to please bring enough paper, pens and pencils to last the duration of your course. Post it notes and a highlighter pen are very useful for F&BS.

There is no preliminary work required for the Core Modules. We have outlined the assumed knowledge from the LPC. You will need to do some homework on F&BS at the end of each of the three days.

If you have any queries in relation to any of the courses that you have been booked onto or want to discuss any changes, please contact our dedicated PSC team who will be happy to assist.

Attendance

Please note that satisfactory completion of the PSC modules requires attendance at **all** of your timetabled tuition days, for each full day. All courses start at 9.30am and we ask that delegates arrive promptly.

For security reasons please bring along both your BPP ID number and an item with photographic ID on for the F&BS exam. This can either be the new driving licence or a passport.

Correspondence

If your firm is paying your course fees we are obliged to send all correspondence to you at your sponsoring firm’s address. If you would like to alter this, please ask your **firm** to request this in writing.

You can contact the PSC Registrars by phone **0845 226 2422** fax 0161 237 9650 or email psc@bpp.com

Transfer of course

Even the best-laid plans can go awry and with this mind, BPP operates a flexible booking system. If you cannot attend a booked course, please let us know. We ask that you give as much warning as possible if you need to transfer a course.

Prior to making any changes, please ensure that you have familiarised yourself with our terms and conditions which are set out on your application form and in our PSC brochure. If you require a further copy of our full terms and conditions, please contact a member of the PSC team.

Training Elective Programme

In addition to the compulsory core modules, all delegates are required to complete 24 hours training in electives. We recommend that these are completed after the compulsory courses therefore building on the skills of those courses.

If you book your core programme with BPP without selecting your electives, you will be contacted upon completion of your core subjects, to discuss your elective options.

Important Client Care Information

The Solicitors Regulations Authority requires you to have completed six months of your training contract before you complete the whole of your Client Care course. You may take the first 1½ days of our Client Care course within your first six months, but you must wait until later to take the final half-day. Alternatively, you may take the full two days after your first six months in your training contract.

Admission as a solicitor

In order to be admitted to the roll as a solicitor you must have completed all modules of the PSC, received all examination results and completed your training contract. For each module, a certificate of attendance will be provided by BPP. (You will only receive your F&BS certificate upon passing the examination) Copies of these certificates are required for admittance.

The Solicitors Regulations Authority requires all completed applications for admissions to be received at least 28 days before the admission date. Please bear this in mind when arranging your PSC timetable as any delay in completing the PSC will delay your admittance. The F&BS examination results can take up to 6 weeks to be released following an examination, please ensure you complete this examination within plenty of time to receive your results and apply to the Solicitors Regulations Authority.

For the list of the admission dates set by the Solicitors Regulations Authority for 2010 please see Appendix I at the back of this handbook.

Feedback/complaints

BPP is committed to providing a quality service. In order to ensure that our delegates are satisfied with our level of service and to ensure continued improvements, we provide delegates with feedback questionnaires to be completed at the end of each course. Your feedback is important to us and we welcome any comments or suggestions you may have. If you have a concern or complaint about a course then please also note this on the feedback form or alternatively, please contact the Director of Law Products who will investigate this further.

Special Needs, Diversity and Equality of Access

BPP aims to provide the widest possible access to those who wish to benefit from its educational activities and to remove any barriers which already exist to candidates with special needs arising from disabilities, illness or any other cause. However we must also consider the constraints imposed by the building, finance and other matters outside of BPP's control.

Upon receipt of a request, BPP will endeavour to provide clear and accurate information about the physical environment at each of the BPP examination venues and the facilities that BPP can provide to support candidates.

Identifying Needs

BPP acknowledges that it is important that candidates with special needs arising from disability, illness or any other problem are identified as early as possible so that necessary arrangements may be made to meet and support these needs. As indicated in the Assessment Regulations and in the section above, candidates are asked to identify any special needs that they may have in writing at the time of their application to sit the PSC. Such application must be accompanied by appropriate written medical evidence, which must not be more than **12 months old** at the date of the application. Candidates are requested to notify BPP at least one month prior to the Financial and Business Skills examination sitting.

Support

BPP may be able to provide a range of special facilities to assist candidates with special needs in sitting the examination. Such provision is at BPP's discretion and where appropriate, and may include:

- Separate examination accommodation
- Individual invigilation
- Computer use in examination
- Services of readers/amanuenses
- Additional time

Disclaimer

BPP will make every reasonable effort to provide the candidate with services that meet that candidate's needs. However, there may be occasions where such needs cannot be met due to financial and other constraints outside BPP's control.

This disclaimer is an express condition of any contract or agreement that the candidate may have with BPP for the provision of services. BPP will give the candidate as much notice as possible of any limitation that has to be put on the above.

Section 2

Examination Information and Regulations

F&BS Examination Information

BPP advises you to take your F&BS Examination as soon as possible after you have completed the course so that you are examined on subjects that you were taught face-to-face. The law can change frequently and substantially and therefore, if you do not take the exam following the course, the materials may become out of date or obsolete. Where requested in writing to do so, we will as soon as reasonably practicable provide free updated F&BS materials for a period of up to three months after you have taken the course. Thereafter, there will be a charge for any further materials supplied.

Venue and Attendance

For security reasons please take to the F&BS examination your BPP ID number and an item with photographic ID. This can either be the new driving licence or a passport.

You will be notified of the Examination venue in good time. In certain circumstances we will run the examination In-House at a client's premises, however this is for clients that run the actual F&BS course In House at their premises in the first instance. The examination in this instance is conducted under examination conditions on behalf, and with the approval, of BPP. Public course examinations will be held at BPP premises or other venues approved by BPP. It is not possible to alter the venue of public course examinations to suit the needs of individual candidates.

Permitted materials

Candidates are permitted **ONLY** the following materials in the F&BS exam room:

- Pens, pencils and calculator
- The Solicitors Code of Conduct
- BPP F&BS course manual
- A lever arch file of their own notes and course handouts.

Provided materials

Candidates will be provided with the examination paper and an answer booklet.

Timing

F&BS - 90 minutes

Candidates will not be allowed to enter the exam room after thirty minutes have elapsed since the beginning of the examination. Any candidate starting late will not be entitled to additional time and the examiner will be informed.

Candidates are not allowed to leave the room during the last thirty minutes.

Deferrals and Concessions

This information is provided to help you take the correct action if you think your performance in the Financial and Business Skills examinations will be, or has been, adversely affected by illness or some other problem.

The Financial and Business Skills examination has a 'fit to sit' policy. Attendance at an examination confirms a candidate is fit and able to attempt the exam they have attended. If this is incorrect, candidates should not attend the examination and instead seek evidence to confirm why they were not able to attend.

Deferrals

A deferral is when a candidate requests to sit a scheduled examination at a later date. BPP ask that a deferral is put in writing to the PSC registrars at the earliest opportunity.

Candidates must submit a deferral in writing and stipulate the date of the subsequent examination they wish to sit; this must be received by the registry at least 3 days before the date of the examination. The registry will then defer the examination to the date requested, if it is not possible to book a candidate to this date they will be booked onto the next available sitting of the examination. If a deferral is received within 3 days of the examination there will be a late deferral charge of £25.00 to amend the booking.

If you are unwell leading up to or on the day of the examination and can supply medical documentation the £25.00 fee will be waived.

We would urge you to strongly exercise this option and consider withdrawing from the examination if you believe beforehand that your performance will be adversely affected by illness or other circumstance.

Concessions

A concession is an application to disregard an examination due to a concessionary factor.

Concessions on the grounds that there are extenuating circumstances affecting the candidates performance will be considered by the exam board if they are communicated in writing within five days of the exam sitting together with supporting evidence. If accepted, the grounds may cause that attempt at the exam to be ignored; they cannot be used to upgrade a script originally assessed as a fail, to a pass.

Results

The results of the F&BS examination will be sent to you at your firm. Results are posted approximately **six weeks** after the exam sitting.

Please note that we are unable to release results over the telephone.

Finance and Business Skills

In order to assist any delegate who does not reach the standard required to pass the F&BS exam, BPP will upon request, provide such delegate an examination report, completed by an examiner. We reserve the right however, not to disclose original scripts. These remain the property of BPP and all rights in this respect are reserved.

Advocacy & Communication Skills

The Advocacy tutor will complete an assessment pack of your performance during the course which will be sent to you at your firm as soon as reasonably practicable following attendance.

The Financial and Business Skills (F&BS) Examination Regulations

These Examination Regulations ('the Regulations') govern the conduct of the F&BS Examination by BPP Professional Education (BPP).

1. The Examinations Board

1.1 The Examinations Board will comprise:

- Director of Law Products
- Head of Compliance
- Examinations Coordinator
- Examinations Officer
- External Examiner
- Examiners

1.1.1 When the Examinations Board is convened there shall be a quorum for the Examinations Board which shall consist of at least 2 Examiners (one of whom may be the External Examiner) and BPP's Director of Law Products or Head of Compliance or Examinations Coordinator. To review results, the Examinations Board must be quorate.

1.2 Functions, conduct and powers of the Examinations Board.

1.2.1 The Board will be chaired by the Director of Law Products or the Head of Compliance ('the Chairman'). In the event of the Chairman's absence or incapacity, the Examinations Coordinator will chair the Examinations Board.

1.2.2 The Examinations Board will be convened each year to review the final marks awarded to candidates.

1.2.3 The Examinations Board has overall authority in all matters concerning the F&BS Examination. When the Board is not convened, such authority is delegated to the Director of Law Products who may take such action as is necessary. The Director of Law Products will report any such action which he has taken to the Examinations Board when it is next convened.

2. Terms of reference for Examiners and External Examiners

2.1 Examiners and an External Examiner with appropriate experience and qualifications will be appointed for the F&BS Examination. The External Examiner will not be an employee of BPP.

2.2 Examiners will:

- mark each candidate's written Examination script in a timely and accurate manner.
- attend the Examinations Board.
- carry out any other reasonable duties required by the Examinations Board in relation to a particular Examination or candidate.

2.3 The External Examiner will:

- review updates to the F&BS Examinations and reject or revise if appropriate.
- ensure consistency of marking.
- review and moderate:
 - all Examination scripts that are 61% and below
 - a representative sample of Examination scripts per sitting.
- make decisions on the merits of an appeal.
- produce a yearly report that reviews consistency of marking, details marks changed by the External Examiner and any other relevant issues.
- attend the Examinations Board.
- carry out any other request reasonably made by the Examinations Board in relation to a particular Examination or candidate.

3. BPP Personnel

3.1 The Director of Law Products

- is the Chairman of the Examinations Board.
- will attend the Examinations Board.
- will carry out any other reasonable duties required by the Examinations Board in relation to a particular Examination or candidate.
- is responsible for ensuring consistency in Examination setting and consistency in Examination marking.
- has the right to make decisions on the merits of a concession at first instance.
- has executive responsibility for the F&BS Examinations when the Examinations Board is not convened, as referred to in Regulation 1.2.3.

3.2 The Head of Compliance

- is the alternate Chairman of the Examinations Board.
- will attend the Examinations Board.
- will carry out any other reasonable duties required by the Examinations Board in relation to a particular Examination or candidate.
- is responsible for ensuring consistency in Examination setting and consistency in Examination marking.
- has the right to make decisions on the merits of a concession at first instance.

- has executive responsibility for the F&BS Examinations when the Examinations Board is not convened, as referred to in Regulation 1.2.3.

3.3 The Examinations Coordinator

- is responsible for the administrative efficiency in the setting, marking and awarding of the F&BS Examination.
- is responsible for the effective communication between Examiners, the External Examiner the Director of Law Products, the Head of Compliance to ensure consistency in Examination setting and marking.
- will undertake an Examination review process with the Director of Law Products and the Head of Compliance. This process includes the preparation of interim reports and an Annual Report for submission to the Solicitors Regulation Authority.
- will liaise with the Solicitors Regulation Authority, as required.
- will co-ordinate the Examination setting and marking procedures.
- will bring to the attention of the External Examiner, the Director of Law Products, the Head of Compliance and the Examinations Board circumstances notified to him or her by candidates.
- is responsible for the timely dispatch of marking to all Examiners and the External Examiner.
- is responsible for the accurate recording and dispatch of all results.
- is responsible for arranging and attending the Examinations Board.

4. The Examinations

4.1 The Examination pass mark is 60%.

4.2 A candidate who has passed the Examination shall receive a certificate issued by BPP certifying that he/she has passed.

4.3 Examination marking

4.3.1 All Examinations are conducted in English.

4.3.2 Candidates must write clearly and legibly. No marks will be awarded in respect of any part of a candidate's script which is incomprehensible and illegible .

4.3.3 Examination scripts will be first marked by the Examiners in accordance with relevant marking schemes.

4.3.4 All scripts achieving 61% and below of the available marks will be reviewed by the External Examiner.

4.3.5 In addition, there will be a review and moderation of scripts by the External Examiner in accordance with Regulation 2.

4.3.6 No marks will be awarded for verbatim copying, without application, from a Study Manual or from any other materials provided by BPP including example/mock Examinations and outline solutions.

4.4 Examination results.

Notification of the results of the Examination will be by email and post within approximately six weeks of the Examination date.

4.5 Examination resits.

4.5.1 A candidate who fails an Examination may resit it at any available examination date.

4.5.2 These Regulations apply to Examination resits.

4.5.3 A candidate may sit the F&BS Examination three times after attending the F & BS course. A candidate who does not pass within three sittings will be required to re-sit the whole F&BS course before sitting the Examination again.

4.6 Loss of examinations.

In the event that an Examination script is lost after a candidate has taken a Examination with BPP, BPP will make every reasonable endeavour to locate that script. If it is not located, the candidate will have the opportunity to sit the Examination again with BPP. In such event, the candidate will not be required to pay a further Examination fee. The candidate has twelve months from the date of the relevant Examination to sit that Examination again under this Regulation.

4.7 Special Needs.

A candidate who has special needs arising from disability, illness or any other circumstance, must identify those needs in writing at the time of his/her application to sit the Examination. Such application must be accompanied by appropriate written medical evidence, which must not be more than 12 months old at the date of the Examination.

5. Rights of Concession and Appeal

5.1 A candidate has no right of appeal against the academic judgment of the Examinations Board.

A candidate has a right of appeal where there has been a mistake or an administrative or procedural error in:

5.2.1 the conduct of the exams which may have materially affected the candidate's performance.

5.2.2 the recording of the candidate's results.

5.2 All appeals must follow the procedure set out in paragraph 5.3 below.

5.3 Appeals procedure.

5.3.1 All appeals must be submitted in writing on or before the **tenth** day following

the publication of results for the examination together with all supporting evidence including originals of any accompanying documentation. The appeal must be submitted to the Examinations Coordinator who will forward it within 7 days of receipt to the External Examiner.

5.3.2 On receipt of an appeal request within the procedural requirements of 5.4.1 the External Examiner will, within a reasonable time, determine whether or not the grounds of appeal fall within paragraph 5.2.

5.3.3 Where it is determined that the grounds of appeal do not fall within paragraph 5.2 paragraph 5.4.4.3 below will apply.

5.3.4 Where it is determined that the grounds of appeal do fall within paragraph 5.2, the External Examiner will within a reasonable time:

5.4.4.1 investigate where appropriate the conduct of the Examination and of the Examinations Board.

5.4.4.2 make a decision on the merits of the appeal.

5.4.4.3 inform the candidate in writing of his/her decision.

5.4 Concessions procedure.

5.4.1 All concessions applications must be submitted in writing within 5 days following the sitting of the relevant examination. The Director of Law Products or the Head of Compliance will consider and in their discretion take account of any medical or other evidence which may have materially affected the performance of a candidate. Such evidence must include the originals of any supporting documentation.

5.4.2 If the written evidence submitted in accordance with 5.4.1 is accepted the candidate will be treated as not having sat the relevant Examination, and will be given the opportunity to attempt the Examination again as a first attempt. Evidence cannot be used to change a script originally assessed as a fail, to a pass.

6. Cheating

6.1 Cheating is both an academic and a professional offence of an extremely serious nature. All candidates who enrol at BPP thereby undertake not to commit any cheating or examination irregularity offence.

6.2 Definition and examples of cheating.

A candidate who obtains, or attempts to obtain, an advantage in an examination whether for themselves or another, through unfair or improper means or assists someone else to do the same is guilty of cheating. The offence is committed where the candidate intends to deceive or acts recklessly in regard to whether or not his/her conduct is permitted conduct. The test of recklessness will be an objective one.

In accordance with guidelines issued by the Solicitors Regulation Authority, the Examinations are all 'open book'. Candidates are permitted to refer to any notes, texts (including study manuals) or resource materials during the examinations. The examinations require candidates to apply their knowledge to the facts of particular

questions. Verbatim copying from texts or study manuals without application to the facts constitutes plagiarism. Plagiarism is an examination offence.

The following are indicative examples of cheating but the offence is not limited to the examples given below:

- writing in an Examination before being authorised to do so and/or after being told to stop writing.
- copying from another candidate's work.
- allowing another candidate to copy
- impersonation i.e. taking or submitting an Examination on behalf of, or pretending to be, another candidate or allowing another person to take, or submit, an Examination on a candidate's behalf.
- obtaining an unseen Examination in advance of the Examination date.
- bribery of a person thought to have some influence on a candidate's Examination.
- passing off the work of another, as the candidate's own. This includes verbatim copying from a study manual or any other materials provided by BPP.
- assisting in or facilitating any of the above.
- attempting to commit any of the above.

6.3 Definition of examination irregularity.

Conduct which breaches examination instructions and/or affects the conduct, security and/or integrity of the Examinations will constitute an examination irregularity. Such conduct may in addition constitute cheating.

6.4 Where there is an allegation of cheating or examination irregularity:

6.4.1 the candidate will be notified in writing of the allegation and be given an opportunity to submit written representations in respect of that allegation to the Examinations Board.

6.4.2 the Examinations Board will consider the allegation of cheating and any written representations made by the candidate and make a finding. The Director of Law Products or the Head of Compliance will then inform the candidate in writing of the finding and the consequence of it.

6.5 Penalties for cheating.

Cheating and examination irregularity are academic offences for which BPP Professional Development may impose one or more of the following penalties:

- failure of the particular examination(s)
- disregarding of the particular examination(s)

- recording the offence on the candidate's BPP Professional Development record; and/or
- such other penalty as may be appropriate in the circumstances.

In deciding the appropriate penalty the following will be taken into account:

- whether the candidate is guilty of cheating or of an examination irregularity.
- whether there was an intention to deceive, recklessness, negligence or incompetence in failing to appreciate the examination requirements.
- the advantage which could have been gained by the offence.
- whether the candidate has admitted the offence and shown remorse, and any other mitigating factors.

6.6 Reporting to Solicitors Regulation Authority.

Cheating is also a professional offence. BPP is obliged to report all cheating offences to the relevant professional body and there is no appeal against the making of such a report. The penalty imposed by the professional body may include the refusal of admission to the profession.

Examination irregularities may be reported to the relevant professional body at BPP's discretion.

Any report to be submitted to the Solicitors Regulation Authority will be submitted no later than 21 days following the Examinations Board meeting for the particular sitting at which the offence occurred.

Section 3

Core PSC Modules

Client Care and Professional Standards

Aims and objectives

On completion of this area of the compulsory core delegates will be able to:

1. Identify and deal with client care issues, including identifying, handling and avoiding complaints; communicate effectively with clients and others, and understand and manage client expectations (**Element 1**)
2. Identify and understand their ethical responsibilities towards clients and others, including identifying, handling and avoiding complaints (**Element 2**)
3. Implement appropriate methods of case file management, identifying and minimising risk, and personal time management (**Element 3**).

Course structure and delivery

This course will last for 2 days. Each day will run from approximately 9.30am to 5.00pm.

The course will build upon knowledge obtained by you during the LPC and will be split into the three elements outlined above. All delegates will be expected to demonstrate an understanding of all three elements during the course by participation in case study exercises.

Each day will be divided into approximately four 90-minute sessions. These will be a mixture of short lectures and small group practical case study exercises followed by feedback plenary sessions. The role of the tutor will be largely as a facilitator to encourage full and thorough discussion and involvement of the whole group in the practical work.

Financial and Business Skills

Aims and objectives

On completion of this area of the compulsory core delegates should:

1. Have developed improved financial awareness of accountancy and financial issues **(Element 1)**
2. Identify the main investment products, their main features and tax aspects, and their suitability for particular clients **(Element 2)**
3. Understand the regulatory framework for financial services and its implications for solicitors **(Element 3)** and know the Solicitors Regulations Authority rules **(Element 4)**
4. Apply the rules of professional conduct in connection with financial dealing, understand what is meant by money laundering and the Money Laundering Regulations and an outline of the anti-money laundering legislation **(Element 5)**
5. Have an understanding of mortgage fraud and be alert to its possibility **(Element 6)**.

Assumed knowledge from the LPC

As a consequence of completing the LPC delegates should have gained an understanding of:

Solicitors' Accounts and the Solicitors' Accounts Rules 1998 (SAR) including:

- the need to maintain separate office and client accounts
- the obligations regarding payment into and drawing from client account
- the need to record receipts and payments of office and client monies
- transfers between client accounts and between client and office accounts
- the obligation to prepare accounts in respect of clients accounts
- the power of the Council to secure compliance with the SAR
- the processes involved in recording transactions for the purposes of paying of VAT
- the processes involved in recording abatements, bad debts and split money
- the processes involved in preparing a statement for clients on completion of a matter
- the need to pay interest to clients when appropriate
- the distinction between interest earned in general deposit and designated deposit accounts and preparation of accounts as appropriate
- the requirements in respect of the holding of trust monies

The principles of accounting and an awareness of the need to interpret business accounts to ensure clients are appropriately advised. This will have included:

- an understanding of the need for accounts, the principles of bookkeeping, the terms used in accounts and basic accounting concepts and their uses
- an understanding of the processes involved in recording transactions, familiarity with books used to record transactions and an understanding of how accounting data is used to prepare trial balances and profit and loss accounts and a balance sheet
- an understanding of the need to make provision for depreciation and other year end adjustments
- the ability to analyse and interpret entries in the balance sheet and profit and loss accounts of a sole trader, partnership and limited company

- an understanding of the nature of shareholders' funds and the need to account for taxation and the circumstances in which consolidated fund accounts are required

Course structure and delivery

This course will last for 3 days. Each day will run from approximately 9.30 am to 5.00 pm and consist of 6 tuition hours (plus 1½ hours for breaks).

The course will build upon knowledge obtained by delegates during the LPC and is split into the 6 core elements outlined above. All delegates must demonstrate an understanding of all 6 elements before completing the course.

Elements 2 - 5 will be assessed by means of an unseen written examination of 1½ hours' duration, which will follow the final day of the course.

Each day will be divided into approximately four 90-minute sessions. These will be a mixture of short lectures and small group case study exercises followed by plenary feedback sessions.

At the end of Days 1 and 2, delegates will complete a progress test relating to matters, which may be assessed in the examination. At the end of Day 3 delegates will complete a mock examination to be self-marked and discussed in plenary session.

Element 1 Accounting and financial issues

Delegates should be able to identify accounting and financial issues in the areas of work in which they or the training establishment are involved, and have an awareness of:

- the potential need to involve other professionals (e.g. accountants, financial services specialists) when advising business and/or private clients
- possible sources of financial information which can be utilised in advising business and/or private clients
- the need to determine whether additional accounting and financial information is required (including in appropriate cases the possibility of employing investigative accounting techniques) to meet the client's needs
- the financial regulatory environment in which clients' businesses operate and the need to identify the appropriate accounting regulatory regime applicable to a client's business

Element 2 Introduction to the market place

Delegates should also be able to identify the main investment products on the market, distinguish their main features (e.g. long or short term, safe or speculative) and determine their suitability for different types of client.

Delegates should be able to identify the tax and other advantages or disadvantages of particular types of investment.

Element 3 The regulatory framework

Delegates should have an understanding of the implications of the Financial Services and Markets Act 2000 (“FSMA”), the Solicitors’ Financial Services (Scope) Rules 2001 (“Scope Rules”), the Solicitors’ Financial Services (Conduct of Business) Rules 2001 (“Conduct of Business Rules”) and any Money Laundering Regulations (“MLR”).

Delegates should have an understanding of the role of the Financial Services Authority (“FSA”) and the role of the Solicitors Regulation Authority as a Designated Professional Body (“DPB”).

Delegates should also have an awareness of:

- what is regulated by the Financial Services Authority
- the requirements for FSA authorisation
- the consequences of carrying out a ‘*regulated activity*’ without FSA authorisation
- the method of obtaining FSA authorisation
- what constitutes a ‘*regulated activity*’ and the principal exclusions in the FSMA (Regulated Activities) Order 2001 (“RAO”)
- the exemption in ‘*Part XX*’ of the FSMA for professional firms not conducting ‘*mainstream regulated activities*’ but carrying on “*exempt regulated activities*”
- basic conditions which must be satisfied by firms wishing to undertake ‘*exempt regulated activities*’ (S327 FSMA & FSMA (Non-exempt Activities) Order 2001)
- relate the FSMA, the Scope rules and the Conduct of Business rules to the areas of work in which they or the training establishment are involved.

In the context of the regulatory structure set up by the FSMA and the concepts underpinning it, delegates should have an understanding of:

- the distinction between tied and independent sectors; (to be kept under review)
- the FSA and the major compliance obligations contained in the FSA Handbook
- the appropriate Solicitors Regulations Authority rules and guidance.

Delegates should know what constitutes a financial promotion and the principal exemptions in the FSMA (Financial Promotion) Order 2001

Element 4 The Scope Rules

Delegates should be able to identify the type of regulated activities which may be undertaken under the Scope Rules and be aware of the consequences of a breach of the Scope Rules.

Delegates should be able to identify the steps needed to comply with the Scope Rules, the Conduct of Business Rules and the Practice Rules relevant to regulated activities under the FSMA.

Delegates should have an understanding of the role of the solicitor in the financial services industry and should understand the implications of:

- the solicitor’s independence
- the employment of investment specialists, the establishment within a practice of a specialist financial services department and the mechanisms for such an establishment

- the inter-relationships of financial services work with other areas of work in the training establishment

Delegates should be able to identify the steps needed to comply with the Conduct of Business rules for exempt regulated activities.

Delegates should be able, under appropriate supervision, to maintain the required records and follow the firm's complaints procedure.

Delegates should understand how the receipt of commission should be dealt with under the Solicitors Code of Conduct (Rule 2.06) and the Scope rules and should also understand the significance of the receipt of commission in connection with some of the exclusions in the RAO.

Delegates should:

- have a good understanding of when an activity “arises out of or is complementary to” a particular professional service to a particular client
- know who is able to act as an authorised person
- be able to identify the appropriate authorised person for use in any particular situation

Element 5 Money laundering

Delegates should be able to apply the rules of professional conduct in connection with financial dealings and in particular should understand what constitutes money laundering and the steps necessary to comply with any MLR.

Element 6 Mortgage fraud

Delegates should be able to apply the rules of professional conduct in connection with financial dealings and understand the need to be alert to the possibility of mortgage fraud.

Advocacy and Communication Skills

Aims and objectives

On completion of this area of the compulsory core delegates should be able to exercise the rights of audience available on admission in the civil and criminal courts.

Course structure and delivery

This course will last for 3 days. Each day will run from 9.30am to 5.00pm and consist of 6 hours tuition.

The course will build upon advocacy skills obtained by you during the LPC. Delegates will have the opportunity to demonstrate the development of these skills in relation to a range of presentations throughout the course. Many of these will be assessed and in your performance will be reviewed by a tutor who will provide feedback. This feedback will be given verbally and will also be noted on an assessment form.

In all cases, there will be a short lecture on the next practical presentation followed by preparation time.

On completion of this core module, delegates should be able, to:

- identify and act upon the ethical problems that arise in the course of a trial.
- use language appropriate to the client, witness(es) and triers of fact and law
- listen, observe and interpret the behaviour of triers of fact and law, clients, witness(es) and other advocates and be able to respond to this behaviour as appropriate
- speak and question effectively and thereby competently use appropriate presentation skills to open and close a case
- use a variety of questioning skills to conduct examination in chief, cross examination, and re-examination
- prepare and present a coherent submission based upon facts, general principles and legal authority in a structured, concise and persuasive manner
- present a submission as a series of propositions based on the evidence
- organise and present evidence in a coherent and organised form.

Accounts

Delegates who started their LPC in or after Autumn 1997 will not need to study Accounts in the PSC, as this material is now covered in the LPC. Delegates who completed their LPC that started before Autumn 1997 will not have covered the accounts material and will therefore need to complete a PSC Accounts module.

BPP offer the Accounts module as distance learning. Delegates will receive a study manual and will need to complete 3 assignments to be able to pass the module.

The PSC Accounts module will fulfil 12 hours of the elective requirement. The remaining 12 hours of electives must be taken as face to class room courses.

Appendix I

The Solicitors Regulations Authority

Admission Dates

The Solicitors Regulations Authority admission dates

The Solicitors Regulations Authority must receive your application for admission 28 days before the date you wish to be admitted. Illustrated below are the Admission dates, and the date by which the Solicitors Regulations Authority must receive your completed application form.

Please note: You cannot be admitted until you have completed your training contract and successfully completed your Professional Skills Course.

During this 28 days period your application will be processed and a Petition list drawn up and sent to the Master of the Rolls.

If the Solicitors Regulations Authority does not receive your application for admission by the cut off date you will automatically be allocated the next admission date.

Please note that these dates may be subject to change by the Solicitors Regulations Authority and so we would advise you to check them with the Solicitors Regulations Authority's Admissions Department (www.solicitors/online.com).

Admissions take place on the 1st and the 15th of every month (barring weekends and public holidays).

The Solicitors Regulations Authority will send you an application form for admission as a solicitor, to your work address - the BPP PSC Registrar does not have the application forms to send out.

Once your application for admission has been processed, you will be sent a letter confirming your admission date.

Admission dates 2010	Latest date by which your application must be received by the Solicitors Regulations Authority
4 January 2010	7 December 2009
15 January 2010	18 December 2009
1 February 2010	4 January 2010
15 February 2010	18 January 2010
1 March 2010	1 February 2010
15 March 2010	15 February 2010
1 April 2010	4 March 2010
15 April 2010	18 March 2010
4 May 2010	6 April 2010
17 May 2010	20 April 2010
1 June 2010	4 May 2010
15 June 2010	18 May 2010
1 July 2010	3 June 2010
15 July 2010	17 June 2010
2 August 2010	5 July 2010
16 August 2010	19 July 2010
1 September 2010	4 August 2010
15 September 2010	18 August 2010
1 October 2010	3 September 2010
15 October 2010	17 September 2010
1 November 2010	4 October 2010
15 November 2010	18 October 2010
1 December 2010	3 November 2010
15 December 2010	17 November 2010