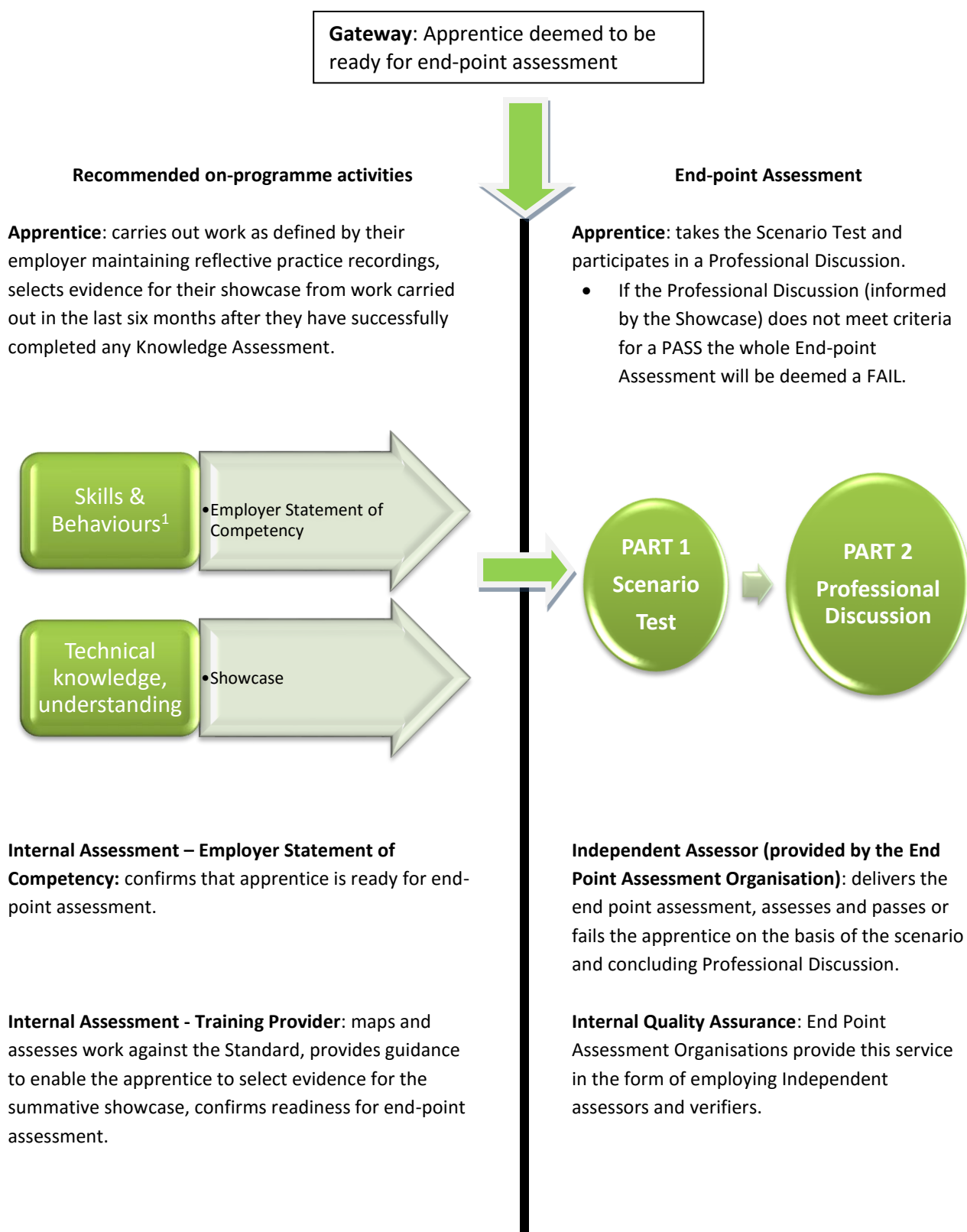


Level 4 Probate Technician Apprenticeship Approach to Assessment: Summary

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Probate Technician Apprenticeship: Summary of Approach to Assessment



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1. Duration

This is minimum eighteen month apprenticeship, but an apprentice is likely to take up to two years to ensure they have had the opportunity to develop all areas of the Standard.

The apprenticeship end-point assessment combines: - scenario tests and a showcase of evidence tested by a Professional Discussion. The Assessment should be set at Level 4.

2. Gateway to End Point Assessment

- The decision as to when the apprentices are ready to pass through the **Gateway** from learning and on-programme assessment into the end-point assessment phase will be made by the employer in consultation with the training provider based on their monitoring of apprentices' progress. To move through the Gateway apprentices must have completed the Showcase and if appropriate Level 2 English and Maths.

3. End-point assessment

The end-point assessment will take place in the last six months of the apprenticeship, using two assessment methods: - Parts 1, and 2.

Part 1: Scenario test

Part 2: Professional Discussion (informed by a Showcase)

Part 1

A Scenario Test – conducted as an online test taking two hours and consisting of questions based on two Probate and estate administration scenarios. Each scenario will have to be passed to achieve Part 1 of the assessment.

Scenario 1 consisting of 6 multiple choice questions based on the Non-Contentious Probate Rules 1987 within Probate at Level 4. The apprentice will answer two short multiple choice questions on each topic a to c. Candidates should be given 45 minutes to complete the test. To achieve a pass, apprentices will need to identify the issues raised in the scenario and provide solutions by:

- Identifying the relevant legislation and relevant parts of legislation in relation to the scenario given
- Evaluating the implications of the legislation to the scenario given
- Applying the legislation in the context of the scenario given

Scenario 2 will be based on taxation elements and Trust and Property law within Probate at Level 4. Apprentices must answer one essay style question set in the context of advising the client. Candidates should be given 1 hour and 15 minutes plus 15 minutes reading time to complete the test. To achieve a pass, apprentices will need to identify the issues raised in the scenario and provide solutions by:

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- a) Selecting tax elements within probate that are relevant to the scenario given
- b) Applying these elements in the context of the scenario given
- c) Selecting relevant aspects of trust and property law to the scenario given
- d) Explaining these aspects in relation to probate
- e) Applying these aspects to the scenario given
- f) Providing accurate calculations, if required

Part 2

A Professional Discussion (informed by a Showcase) – The Showcase must include evidence demonstrating:

- Effective file management to include evidence of client care and communication/literacy skills
- Evidence of legal or tax advice provided to include evidence of undertaking legal research as appropriate
- Accurate numeracy skills in order to calculate the standard financial aspects of estates under management
- Evidence of working with competing priorities to include meeting deadlines within the administration of an estate

The Professional Discussion:

The purpose of the Professional Discussion is to assess the apprentice's occupational readiness by testing their ability to defend and explain the validity of courses of action evidenced in the show case. The assessor will use a structured template to ensure that the professional discussion is delivered consistently.

It will also show how an apprentice has demonstrated the skills and behaviours, especially around contact with others, team work and areas where they meet the threshold requirements of the role. Including:

- a) What the apprentice has shown they can do against the requirements of their job role;
- b) How the apprentice has approached and the way they have completed the task(s); and
- c) Who the apprentice has worked with demonstrating personal and interpersonal qualities they have brought to all their work relationships.

To achieve a pass in the Professional Discussion, candidates must be able to:

- d) Explain and evaluate the advice they gave to client/executor
- e) Describe the methods they used to communicate and evaluate how effective these were
- f) Discuss the importance of regulations and legislation in relation to the matter in the showcase
- g) Identify which aspects of the matter were straightforward and which were not – and how they dealt with those that were not straightforward

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- h) Identify the learning points from dealing with the matter and how it will impact on their own future professional practice

Together, the showcase and professional discussion will provide evidence of what the apprentice has done, and how they have approached the work in order to provide satisfactory outcomes pertinent to the Probate matter during the apprenticeship.

The process

The showcase must be completed before the candidate passes through the gateway. Part 1 must be achieved before Part 2 is submitted. Part 2, the Professional Discussion can take place within a reasonable period of time after the part 1 has been completed.

When the Apprentice FAILS either Part 1 or 2

Apprentices should be given two opportunities in total to pass Part 1 and Part 2.

Extension timescales

The extension timetable for retakes should be by agreement between the Apprentice, Training Provider, and Employer.

The employer may be present, but will not be permitted to contribute to the discussion proceedings or the assessment outcome.

4. Ensuring independence

Independence and impartiality are achieved through the final end-point assessment being assessed by Independent Assessors who are employed by organisations that have been approved on the ESFA Register of Apprentice Assessment Organisations. The Independent Assessor will make a holistic judgement of each apprentice's work, including the PASS or FAIL grade to be awarded, on the basis of evidence supplied in Parts 1 and 2; the scenario test and professional discussion.

Minimum requirements for Independent Assessors

Individuals must have relevant occupational competence for the level they intend to assess or verify, and be able to provide current records of their skills and knowledge in the context of a recent role directly related to the area of probate they intend to assess or verify. Individuals must be familiar with, and must be able to interpret and make judgements on current working practices and technologies within the area of work.

Individuals should maintain their occupational competence by actively engaging in continuous professional development (CPD) activities annually in order to keep up to date with developments

Qualifications

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A qualification at a minimum of QCF Level 5/Level 6 respectively, or equivalent in English Law and/or probate.

Desirable experience

A minimum of two years in a relevant occupational role within probate practice and/or legal regulation, and/or teaching in England or Wales within the previous two years.

Employers are not an element of this process for their own apprentices and will not make any assessment judgement. All Independent Assessors should be managed by Assessment Organisations who will develop assessment materials.

5. Delivering consistent, reliable judgements

End Point Assessment Organisations should ensure that all assessments are designed to produce assessment outcomes that are consistent and reliable, allowing fair and proper comparison between apprentices employed in different types and sizes of organisation and assessed by different Independent Assessors

End Point Assessment Organisations will need to develop the tools, materials and techniques (e.g. pass/fail criteria, marking schemes, etc) to be used in making assessment judgements. Where there is more than one End Point Assessment Organisation, it is recommended that these tools/materials/techniques will be standardised using cross assessment organisation liaison meetings before being approved for implementation.

The tools/materials/techniques will be kept under review to ensure that they are applied consistently and produce comparable results. The tools/materials/techniques will be quality assured by the external quality assurance organisation - Ofqual - as part of the external quality assurance of the end-point assessment.

Assessment Organisations will then be responsible for having robust Internal Quality Assurance and Verification processes to ensure that the quality, consistency and validity of assessments are maintained within their organisations.

- Expertise in quality assuring assessment;
- Sector knowledge and understanding and have credibility with employers;
- Capability to recruit external assessors with relevant sector experience
- Experience of quality assure Internal Verification processes
- Have regulated quality assurance and quality control procedures;
- Robust governance, including leadership and management arrangements; and
- Provide an established assessment infrastructure with the ability to extend into a wide geographical coverage; and
- Commit to resource annual standardisation meetings.

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6. External Quality Assurance

Ofqual are the External Quality Assurance body for this standard.

7. Delivering accurate, valid judgements

The assessment process has been developed specifically for the Standard and is designed to test the totality of the Standard. The combination of two assessment methods in the final end-point assessment ensures that the assessment of each apprentice is based on their performance and reflects accurately the quality of their work and the application of skills; knowledge and behaviours specified in the Standard, to build a cumulative picture of performance against the Standard.

The Scenario enables theoretical application of knowledge into practice in circumstance when the apprentice has not been directly exposed to the area of work; such as Trust matters. The assessment of scenarios should allow the apprentice to show their ability to problem solve and use their critical thinking skills to resolve issues that are relevant to the role of a Probate Technician, but not necessarily common to their role in the business.

The Professional Discussion will confirm and validate judgements about the quality and appropriateness of work evidenced in the Showcase and will enable the assessor to explore aspects of the work; and if including how it was carried out and why a course of action was taken in more detail. The Showcase is based on real-work products which, taken together, cover the totality of the Standard, and provides a demonstration of the application of knowledge and competence in the work environment.

This increases accuracy and validity by providing the assessor with an opportunity to assess depth and breadth in the application of underlying knowledge, skills and behaviours combined to bring about satisfactory conclusion, under supervision for a range of standard probate matters.

	Assessment Method	Behaviours	Pass definition
1	Scenario test	Critical Thinking	Analyse, interpret and evaluate information in order to apply the law (or regulatory code of conduct) appropriately to progress a matter.
2	Professional Discussion	Motivation and Enthusiasm	Demonstrate a positive and proactive approach to work. Take accountability and responsibility for own actions.
3	Professional Discussion	Relationship Management	Build and maintain client and third party relationships in a professional and ethical manner. Communicate with clients in a caring and understanding manner to support them through difficult circumstances; and be able to work sensitively with empathy, acting with integrity and honesty to support the provision of proper legal outcomes on behalf of client(s).
	Assessment Method	Skills	Pass Definition

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4	Professional Discussion	Adaptability and Resilience	Demonstrates an ability to analyse and prioritise the current workload. This should include taking into consideration any deadlines and show an ability to re-prioritise accordingly, when necessary.
5	Professional Discussion	Client management	Provide excellent levels of client care and communication through regular client contact that is appropriate to the outcome. Meet reasonable expectation of clients and provide clear and appropriate advice.
6	Scenario test	Communication and Literacy skills	Convey information to clients and others in a clear and simple manner (where appropriate, interpret technical language using plain English) in both written and oral communication.
7	Professional Discussion	File management	Create and maintain accurate file records in line with employer's policies and procedures, taking into account Data Protection and Confidentiality issues.
8	Professional Discussion	Legal Advice and Compliance	Apply attention to detail in all work to ensure correct legal and tax advice is provided. Accurately follow internal (and external) processes and carry out procedures to ensure a matter is fully compliant. Uphold all relevant codes of conduct.
9	Professional Discussion	Legal Rigour	Draft accurate and complete legal documentation, taking pride in the delivery of high quality work. Identify legal or tax resources to undertake relevant research to progress a matter; and escalate when a matter becomes complex or beyond own agreed level of accountability.
10	Professional Discussion	Numeracy	Understand, interpret and be able to apply numbers accurately in order to calculate the standard financial aspects of a small case load of non-inheritance tax and non-complex estates; and maintain compliant and complete record keeping.
11	Professional Discussion	Planning	Manage time autonomously to ensure deadlines, agreed performance targets and milestones are achieved, as applicable.
	Assessment Method	Knowledge	Pass Definition
12	Professional Discussion	Business	Understand the differing legal services delivery business models, including those used by their employer. Understand and apply commercial practices of the employer.
13	Professional Discussion	IT	Understands and applies the technology that is available to achieve the outcomes within the area of probate.
14	Scenario test	Legal and Technical	Working knowledge of probate and succession law to include: <ul style="list-style-type: none"> - awareness of and understanding of the Non Contentious Probate Rules 1987; and - knowledge and application of taxation elements within probate; and - awareness of Trust and Property law and relationship with probate.

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15	Professional Discussion	Risk and Compliance	Has an understanding of the regulatory policies and procedures, to include those applicable to the employer.

The role of the End Point Assessment Organisation is critical, ensuring that assessments are only assessed by suitably qualified and trained assessors, using approved tools and materials, with documented criteria, as well as robust internal verification and quality control processes.

8. Grading

Independent Assessors will PASS or FAIL apprentices using all the information gained in the final two Part end-point assessment against defined criteria. Apprentices must pass both the scenario test (70% pass mark) and the professional discussion (70% pass mark) to achieve a pass overall. The criteria and exemplars for assessing PASS and FAIL will be developed by Assessment Organisations.

9. Affordability

20% of the maximum funding Cap should be allocated to pay for the End Point Assessment. Electronic platforms, including online e-learning tools, e-portfolios, and video technology are recommended for use to increase accessibility and affordability.

10. Manageability/Feasibility

Interviews can also be conducted using any live feed video technology to optimise geographical accesses and time and cost efficiencies. Volumes are expected to be in the region of 150-200 apprentices.

11. Professional Body Registrations

Meeting the competency standard of the apprenticeship will enable the successful apprentice to apply for professional membership with the Society of Estate and Trust Practitioners. Apprentices wishing to register as a Probate Technician with the CLC, the Regulator for the sector, are expected to have completed appropriate recognised (by OFQUAL, QAA or HEI) Level 4 legal qualifications as part of the on-programme element of the Apprenticeship.