

Level 2 Technical Certificate for Legal Support Staff (7857-20-021)

Sample External Test

Duration: 1 hour, 30 minutes

General instructions

The maximum marks for each section within a question are shown

Answer all 11 questions

Total number of marks for this paper: 60

1a) State the burden of proof required in both a criminal and civil trial. (2 marks)

1b) State the **two** types of courts in which a criminal trial may be heard. (2 marks)

(Total marks 4)

2. Describe the role of a judge in a criminal trial. (4 marks)

(Total marks 4)

3. Explain the purpose of a probationary period and a notice period within a contract of employment. (4 marks)

(Total marks 4)

4. State **three** legal departments that can be found within a solicitors' practice and describe what each does. (6 marks)

(Total marks 6)

5. Describe the impact of the Computer Misuse Act 1990 on the work of a Trainee Legal Secretary within the Legal environment. (4 marks)

(Total marks 4)

6. Explain the importance of client satisfaction for an organisation. (4 marks)

(Total marks 4)

7 A person has been accused of driving without a valid licence.

a) State the type of court in which the case will be heard and explain why. (2 marks)

b) The person is found guilty but believes the trial is unfair. Explain, if he appeals, where the case will be heard and why. (2 marks)

(Total marks 4)

8. Explain the eligibility criteria to become a magistrate. (5 marks)

(Total marks 5)

9. Explain how the role of a Trainee Legal Secretary would support the working practices of a legal environment. (5 marks)

(Total marks 5)

10. Explain how a Trainee Legal Secretary could help maintain effective working relationships through their conduct and behaviour. (8 marks)

(Total marks 8)

11. Discuss how the Data Protection Act 1998 and the need for confidentiality impacts upon the role of a Trainee Legal Secretary. (12 marks)

(Total marks 12)

(Total marks 60)

Marking scheme

Question	Answer Guide	Marks	Ref
1a)	One mark for each of the following to a maximum of two marks; <ul style="list-style-type: none"> • Criminal: beyond reasonable doubts • Civil: on a balance of probability 	4	224, 1.2,
1b)	One mark for each of the following to a maximum of two marks; <ul style="list-style-type: none"> • Magistrates' court • Crown court 		
2	One mark for each of the following to a maximum of four marks; Judge: <ul style="list-style-type: none"> • presides over trial (ensures rules are observed) • explains law to jury • sums up case of both prosecution and defence for jury • if guilty verdict, passes sentence 	4	224, 2.2,
3	One mark for each of the following to a maximum of two marks; Probationary period: The purpose of a probationary period is to check the suitability (1) of the candidate for the job role so that the candidate can be confirmed as suitable (1) for the permanent role.	4	222, 1.2,
	One mark for each of the following to a maximum of two marks; Notice period: The purpose of a notice period is to give rights as to the minimum length of time (1) required to terminate the employment so that one party knows the responsibilities (1) of the other.		
4	One mark for each of the following to a maximum of three marks; <ul style="list-style-type: none"> • Conveyancing • Probate • Family • Corporate • Civil litigation • Criminal litigation <p>One mark for each point in the description of the work for each department to a maximum of three marks;</p> <ul style="list-style-type: none"> • Conveyancing: deals with sales and purchase of properties • Probate: deals with the administration of the estate of deceased persons. • Family: deals with matters of dispute within the family unit. • Corporate: deals with matters of company law and company acquisitions. • Civil litigation: deals with cases in the civil courts • Criminal litigation: deals with cases in the criminal courts. 	6	222, 1.1,
5	One mark for each of the following to a maximum of four marks; <ul style="list-style-type: none"> • The Trainee Legal Secretary must not access any material contained in a computer system unless authorised to do so. • The Trainee Legal Secretary must not access any material with the intention of committing, or facilitating, any crime. 	4	222, 3.1,

Question	Answer Guide	Marks	Ref
	<ul style="list-style-type: none"> The Trainee Legal Secretary must not modify any material within a computer system without authorisation which would include changing set-up settings or introducing a 'virus'. The Trainee Legal Secretary must safeguard, and regularly change, all passwords so that they do not become known to third parties. 		
6	<p>One mark for each of the following to a maximum of four marks;</p> <p>Client satisfaction is important because the organisation will gain a good reputation (1) which will likely result in repeat business (1), consequentially with a decline in complaints (1) and therefore resulting in a reduction of time in dealing with complaint (1) enabling more profitable work to be undertaken.</p>	4	222, 4.2,
7a)	<p>One mark for each of the following to a maximum of two marks;</p> <p>The Court in which the case will be heard is the Magistrates' court (1) because this court deals with less serious criminal offences (summary offences) (1)</p>	4	224, 1.2, 2.1,
7b)	<p>One mark for each of the following to a maximum of two marks ;</p> <p>The case will be heard in the Crown Court (1) because it is the next highest (1) in the Criminal Court hierarchy.</p>		
8	<p>One mark for each of the following to a maximum of five marks;</p> <p>There are minimum criteria which must be met for people applying to be a magistrate. This is to try to ensure that magistrates are representative of the area for which they are appointed. The applicant must be over the age of 18 years (1), be of good character (1) and have no serious criminal convictions (1), and be able to commit to a minimum period of time to the role (1). However, there is no requirement for formal qualifications (1).</p>	5	224, 2.3,
9	<p>One mark for each of the following to a maximum of five marks;</p> <p>A Trainee Legal Secretary would support the working practices of a legal environment effectively and efficiently by</p> <ul style="list-style-type: none"> ensuring that documents are prepared and files kept up to date so that staff always access the most up to date information (1) ensuring that all work is properly stored in either manual or electronic systems without delay so that staff can identify the progress made on any matter (1) efficiently handling both incoming and outgoing mail to ensure that there is no delay in routing incoming mail to the appropriate staff member and that all outgoing mail is despatched without delay (1) communicating effectively to ensure that staff are aware of the meaning of any communication, avoiding errors and delays (1) 	5	222, 2.1,

Question	Answer Guide	Marks	Ref
	<ul style="list-style-type: none"> • observing all policies and procedures to ensure compliance with the requirements of the business (1) to try to avoid complaints • minimising waste to help reduce overheads and general costs. (1) so that budget can be spent in something else. 		
10	<p>One mark for each of the following to a maximum of eight marks; It is important for a Trainee Legal Secretary to maintain effective working relationships through their conduct and behaviour in order to develop good teamwork, a helpful attitude and work more efficiently. This can be achieved by</p> <ul style="list-style-type: none"> • being reliable so that workloads can be planned effectively (1) • guard confidences and develop trust so that people feel confident in their dealings (1) • being conscientious so that work as planned is completed by any deadline with a high level of accuracy (1) • being fair and honest so that mutual trust develops (1) • being prepared to share resources and information to help others work effectively including helping those who are not meeting deadlines (1) • being open and prepared to exchange ideas and express opinions to improve work practices (1) • developing good communication skills including listening, pitching at the right level depending on the audience and context skills to minimise confusion (1) • showing respect and being polite to all members of staff and clients, irrespective of personal attitudes (1) • having a good friendly personal attitude to minimise conflict and stress with other staff members (1) • maintaining a professional and courteous attitude to develop a reputation of helpfulness without any element of discrimination (1) • projecting a good personal image to enhance working relationships (1) 	8	222, 4.2, 4.3
11	<p>Indicative content</p> <p>In the legal environment it is crucial to treat all client information as confidential since a business which has a reputation for breaching confidentiality will likely lose business and possibly be subject to civil or criminal proceedings, or disciplinary proceedings by regulatory authorities. Because the role of the Trainee Legal Secretary involves dealing with confidential information it is important that they are fully aware of the need to comply with the Data Protection Act 1998. The Impact upon the role includes:</p> <ul style="list-style-type: none"> • the need to understand the nature of confidentiality • understanding the potential consequences of breaching the Act and confidentiality generally • ensuring compliance with organisation policies and procedures 	(0-12)	222, 2.1, 3.1;

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	<ul style="list-style-type: none"> • knowing and implementing appropriate security safeguards to prevent confidential data being disclosed to those who do not need to know in line with the DPA 1998 or organisational policies and procedures • never disclosing any information to any third party without the authority of a senior staff member • effectively using high level passwords for internal information systems • changing passwords regularly and never disclosing them to anybody else • ensuring that all paper based files and documents are held securely when not in use • preventing documents being left in office equipment (such as photocopiers, scanners) after they have been used • never discussing any confidential information relating to the business or clients with third parties • adopting a good telephone response to ensure that confidential information is not disclosed unintentionally <p>Band 1: (1 – 4 marks) Limited response-with a simplistic discussion of the impact of the Data Protection Act 1998 and the need for confidentiality upon the role of a Trainee Legal Secretary, with few, if any, examples of safeguards and consequences of breach. To access the higher marks in the band, the response will include a clearer understanding of the need for data protection and confidentiality including a wider range of examples of impact, and consequences of breach on the role.</p> <p>Band 2: (5 – 8 marks) Detailed response with a more developed understanding demonstrated, with a mostly coherent discussion of the impact of the Data Protection Act 1998 and the need for confidentiality upon the role of a Trainee Legal Secretary. There is evidence of limited confusion but adequate examples of the impact, and consequences of breach. To access the higher marks in the band, the response will include a deeper and more extensive discussion of the Data Protection Act 1998 and need for confidentiality including a wider range of detailed, clear and accurate examples of impact, and consequences of breach on the role.</p> <p>Band 3: (9 – 12 marks) Thorough, clear and structured response with a fully developed understanding of data protection and confidentiality impacts on the role of a trainee legal secretary with well chosen examples. To access the higher marks in the band, the response will include a comprehensive and fully developed discussion of the Data Protection Act 1998 and need for confidentiality including a whole range of detailed, thorough examples of impact, and consequences of breach on the role.</p>		

Question	Answer Guide	Marks	Ref
	No answer worthy of credit: 0 marks		