T Level Technical Qualification in Legal Services

Mark Scheme (Results)

Autumn 2024

Paper 2: Application of Law

Legal Services Paper 2: Application of Law

General Marking Guidance

• All students must receive the same treatment. Examiners must mark the first student in exactly the same way as they mark the last.

• Marking grids should be applied positively. Students must be rewarded for what they have shown they can do rather than penalised for omissions.

• Examiners should mark according to the marking grid not according to their perception of where the grade boundaries may lie.

• All marks on the marking grid should be used appropriately.

• All the marks on the marking grid are designed to be awarded. Examiners should always award full marks if deserved. Examiners should also be prepared to award zero marks if the student's response is not rewardable according to the marking grid.

• Where judgment is required, a marking grid will provide the principles by which marks will be awarded.

• When examiners are in doubt regarding the application of the marking grid to a student's response, a senior examiner should be consulted.

Points-Based Mark Scheme Guidance

Points-based mark schemes are made up of:

1) Mark scheme rubric
A mark scheme rubric instructs an examiner as to how each mark is awarded.

2) Example responses
These demonstrate the type of acceptable responses that a student might provide and where each mark is awarded.

3) Additional marking guidance
This informs examiners about any parameters which should be applied e.g. 'accept any other appropriate/alternative responses.'

4) Error Carried Forward (ECF)

ECF marks are awarded for calculations when a student makes an error in an early part of a question, but subsequently uses a correct method in later parts, based upon the incorrect earlier answer.

Applying the points-based mark scheme guidance

Examiners should follow the mark scheme rubric and use the example responses as a guide for the relevance and expectation of the responses. Students must be credited for any appropriate response. Should candidates provide answers that meet the rubric but in an alternative order, credit should be given.

Levels-Based Mark Scheme Guidance
Levels-based mark schemes (LBMS) have been designed to assess students' work holistically. They consist of two parts:

1. Indicative content

Indicative content reflects content-related points that a student might make but is not an exhaustive list. Nor is it a model answer. Students may make some or none of the points included in the indicative content as its purpose is as a guide for the relevance and expectation of the responses. Students must be credited for any appropriate response.

2. Levels-based descriptors
Each level is made up of a number of traits which when combined together articulate the quality of response that a student needs to demonstrate. The traits progress across the levels to demonstrate the different expectations of each level. When using a levels-based mark scheme, the 'best fit' approach should be used.

Applying the levels-based descriptors

- Examiners should take a 'best fit' approach to determining the mark.

- Examiners should first make a holistic judgement on which level most closely matches the student's response. Students will be placed in the level that best describes their answer. Answers can display characteristics from more than one level, and where this happens markers must use any additional guidance (e.g. weighting of traits) and their professional judgement to decide which level is most appropriate.

- The mark awarded within the level will be decided based on the quality of the answer and will be modified according to how securely all traits are displayed at that level:

    - marks will be awarded at the top of that level if the student has evidenced each of the descriptor traits securely.
    - where the response does not securely meet all traits, the marks should be awarded based on how closely the descriptor has been met.

Section A

Question Number	Name **one** feature of bylaws in England and Wales. Answer:	Mark 13.1.6
1	Award **one** mark for one feature. • They are made by local authorities/councils/companies (1) • They only apply to a specific area/set of circumstances (1) • Local authorities have the responsibility of enforcing bylaws (1) • They are made with the authority of Parliament/through an enabling Act (1) Accept any other appropriate/alternative responses.	**(1)**

Question Number	Name the court that deals with summary offences in criminal cases. Answer:	Mark 13.1.3.1
2	Award **one** mark for naming the correct court. • The Magistrates' court (1) Only acceptable response.	**(1)**

Question Number	Give **two** rights that are protected by the Human Rights Act 1998. Answer:	Mark 4.6.2.3
3	Award **one** mark for naming a right, up to a maximum of **two** marks. • Freedom from torture/inhuman treatment/degrading treatment/punishment (1) • Freedom from slavery/servitude (1) • Freedom from forced/compulsory labour (1) • Freedom from arbitrary arrest/detention (1) • Freedom from discrimination based on race/religion/sex/sexual orientation/other grounds (1) • Freedom from being denied the right to a fair trial (1) • Freedom from being denied the right to freedom of expression (1) Accept any other appropriate/alternative responses.	**(2)**

Question Number	Explain **one** influence of international law on English and Welsh law. Answer:	Mark 7.1.2.5
4	Award **one** mark for identifying one influence and **one** mark for an appropriate linked justification, up to a maximum of **two** marks. • The European Convention on Human Rights (1) which led to the creation of the Human Rights Act 1998 (1) • The European Union (1) which meant that some EU directives were brought into effect in England and Wales (1) Accept any other appropriate/alternative responses.	**(2)**

Question Number	Explain what is meant by Parliamentary Sovereignty (Supremacy). Answer:	Mark 14.1.1.1
5	Award **one** mark for one example and **one** mark for an appropriate linked justification, up to a maximum of **two** marks. • Parliament is the supreme/highest law-making body (1) which can make or unmake any law it wishes (1) • Parliamentary law must be followed by the courts (1) even if the courts don't agree (1) Accept any other appropriate/alternative responses.	**(2)**

Question Number	Explain **two** advantages of the system of judicial precedent in English and Welsh courts. Answer:	Mark 13.1.4.1
6	Award **one** mark for an advantage and **one** mark for an appropriate linked justification, up to a maximum of **four** marks. • Judicial precedent can provide consistency (1) because judges will follow similar decisions (1) • Judicial precedent can provide flexibility (1) which means the law can be developed (1) • Judicial precedent can be time-saving (1) because time does not need to be spent by judges formulating a new decision (1) • Judicial precedent helps to fill gaps in the law (1) which are usually unintended consequences of Parliamentary drafting (1) Accept any other appropriate/alternative responses.	**(4)**

Question Number	Discuss the possible implications of this planned change for AEC. Answer:	Mark 14.2.2.2
7	Students might refer to some/all of the following in their responses, but students should be rewarded for other pertinent contextualised answers: **Positive implications of the planned change for AEC** • Client accounts offer greater transparency and accountability as client funds would be clearly separated from the AEC's funds, allowing for more accurate tracking and reporting. • By maintaining separate accounts, the risk of mixing AEC's funds is significantly reduced, minimising the likelihood of errors, disputes and regulatory issues. • The clear separation of AEC's funds from those of its clients fosters greater client trust and confidence in the firm's ability to protect their financial interests. **Negative implications of the planned change for AEC** • Establishing and maintaining separate client accounts may involve initial set-up costs and ongoing administrative expenses for AEC. • Managing multiple client accounts can increase the administrative burden, requiring efficient systems and procedures to ensure timely transactions and reconciliations. • Clear procedures and training for staff are crucial to ensure proper handling of client accounts and compliance with regulatory requirements given the move towards the new model. Accept any other appropriate/alternative responses. Answers will only be accepted if linked to or qualified with information from the context of the question.	**(6)**

Level	Mark	Descriptor - Discuss 6 marks ALL traits carry equal weighting
0	0	No rewardable material.
1	1-2	• Demonstrates a basic analysis of the situation by superficially breaking down the different aspects into component parts (AO3a) • Demonstrates basic application of knowledge and understanding that is partially relevant to the context of the question (AO2).
2	3-4	• Demonstrates a good analysis of the situation by breaking down the different aspects into component parts (AO3a) • Demonstrates good application of knowledge and understanding that is relevant to the context of the question (AO2).
3	5-6	• Demonstrates a thorough analysis of the situation by comprehensively breaking down the different aspects into their component parts (AO3a) • Demonstrates comprehensive application of knowledge and understanding that is consistently relevant to the context of the question (AO2)

Question Number	Explain the rights of audience that solicitors from Lettula Solicitors would have in relation to Sarah's claim. Answer:	Mark 14.1.1.2
8a	Award **one** mark for the service and **one** mark for an appropriate linked justification, up to a maximum of **two** marks. • Advocacy/action in county/High Court to defend Mark's claim against her (1) because only lawyers/solicitors/who have the appropriate rights of audience can represent clients in court (1) Only acceptable response.	**(2)**

Question Number	Explain **one** of the next steps of the pre-action process LS will follow. Answer:	Mark 13.6.3.1
8b	Award **one** mark for stage and **one** mark for an appropriate linked justification, up to a maximum of **two** marks. • LS must complete and return an acknowledgment of service within 14 days (1) which would confirm that Sarah has received the claim form (1) • LS must file a defence with the court within 28 days of receiving the claim form (1) with supporting evidence indicating that the cause of the accident was the furniture in the road (1) • LS would engage in alternative dispute resolution (1) to avoid any potential court hearing (1) Accept any other appropriate/alternative responses.	**(2)**

Question Number	Give **one** reason why Billy may not have breached his duty of care. Answer:	Mark 13.5.2.2
8c	Award **one** mark for a reason why and **one** mark for an appropriate linked justification, up to a maximum of **two** marks. • Billy would be judged by the standard of a reasonable 11-year-old (1) and a child of that age may have acted in the same way (1) Accept any other appropriate/alternative responses.	**(2)**

Question Number	Explain the special damages that may be awarded if her claim is successful. Answer:	Mark 13.5.4
8d	Award **one** mark for why, **one** mark for an appropriate linked justification and **one** mark for the further expansion, up to a maximum of **three** marks. • The purpose of damages is to put the claimant back in the position they were in before the incident (1) The judge would work out the expenses and losses up to the point of the trial (1) such as lost wages for the projects she didn't complete and missed out on (1) • Emily will claim for loss of earnings (1), which falls under the heading of special damages (1) and will amount to £5,500/will be £5,500 plus what she lost for the other projects (1) Accept any other appropriate/alternative responses.	**(3)**

Question Number	Examine YK's liability under the tort of negligence for the illness suffered by Emily, applying relevant legal authorities. Indicative content:	Mark 13.5.1
8e	Students might refer to some/all of the following in their responses, but students should be rewarded for other pertinent contextualised answers. Responses that do not refer to relevant legal authorities can only be awarded marks up to the top of level two. **Duty of care issues** • Duty is established using Robinson V CC West Yorkshire Police (2018) by firstly considering if the duty falls within an existing duty, or if there can be a duty established by clear analogy (i.e. the situation is similar but not exactly the same). If the situation (the facts) is new or novel, then the Caparo three-part test should be applied to establish a duty of care. • Here there is an established duty of care because a manufacturer owes a duty of care to consumers as supported by Donoghue v Stevenson (1932), or through the Consumer Rights Act 2015. **Breach of duty issues** • Breach of duty is established by comparing an ordinary person performing the particular task who is expected to perform it reasonably competently (the reasonable man/person test – Blyth v Birmingham Waterworks (1856)/Wells v Cooper (1954). • The standard of care for YB would be the standard of the reasonable bakery. • The standard can be altered through considering risk factors. • The risk factors that would apply in this case would be the likelihood of harm and practical precautions. It is likely that if kitchen hygiene is poor, customers may suffer some harm. It would also have been easy to take precautions, such as improving kitchen hygiene. It is likely that Yvonne's Bakery has breached it duty of care. **Causation issues** • Factual causation is established through the 'but for test' meaning but for the actions of the defendant, the consequences would not have occurred [Barnett v Chelsea and Kensington Hospitals (1969)]. • 'But for' the poor kitchen hygiene, Emily would not have suffered harm. • Legal causation means that the damage or injuries must be a foreseeable consequence [The Wagon Mound (1961)]. • The damage was a foreseeable consequence of the poor kitchen hygiene.	**(9)**

Responses that do not refer to relevant legal authorities can only be awarded marks up on the top of level two.

Level	Mark	Descriptor- Examine 9 marks The second trait (AO2) carries twice as much weighting as trait 1 (AO3a).
0	0	• No rewardable material.
1	1-3	• Demonstrates a basic analysis of the situation by superficially breaking • down the different aspects into component parts (AO3a) • Demonstrates basic application of knowledge and understanding that partially relevant to the context of the question (AO2).
2	4-6	• Demonstrates a good analysis of the situation by breaking down the different aspects into component parts (AO3a) • Demonstrates good application of knowledge and understanding that relevant to the context of the question (AO2).
3	7-9	• Demonstrates a thorough analysis of the situation by comprehensively breaking down the different aspects into their component parts (AO3a • Demonstrates comprehensive application of knowledge and understanding that is consistently relevant to the context of the questions (AO2).

Question Number	Explain **one** non-contentious issue that could be carried out by Heavei Legal on behalf of its clients. Answer:	Mark 14.1.3
9a	Award **one** mark for identifying a non-contentious issue and **one** mark for an appropriate linked justification, up to a maximum of **two** marks. • HL may draft contracts (1) for its business clients who are merging with other businesses (1) • HL may provide legal advice (1) for the challenging of wills (1) • HL may help with immigration administration (1) challenging the rejection of visa applications for its clients (1) Accept any other appropriate/alternative responses.	**(2)**

Question Number	Explain **one** impact of Weronika not attending physiotherapy appointments. Answer:	Mark 13.5.4.4
9b	Award **one** mark for a possible impact, **one** mark for an appropriate linked justification and **one** mark for a further expansion, up to a maximum of **three** marks. • Werokina's damages would be reduced (1) as she has not attended the physiotherapy which was advised (1) meaning she has failed to mitigate her losses (1) Only acceptable response.	**(3)**

Question Number	Evaluate the impact of Heavei Legal introducing more non-regulated products and services. Indicative content:	Mark 3.4.1.1
9c	The evaluation should be based on the candidate's own analysis and applied knowledge and understanding provided. It will draw on the evidence provided by the candidate to come to a supported conclusion. Students might refer to some/all of the following in their responses, but students should be rewarded for other pertinent contextualised answers. **Positive impacts** • Providing non-regulated services means that HL may be able to offer lower prices for its products and services, which may lead to the firm gaining more clients/increasing profit. • Providing non-regulated services means that HL may have more flexibility in how it operates, which can lead to innovation and becoming a go-to-firm as it would be a provider of more comprehensive legal services. • Providing a more comprehensive service would enable clients to trust the firm with a wider range of legal issues and improve the firm's reputation. **Negative impacts** • Clients may be at risk of receiving low-quality products or services because the staff would be new or need to be retrained. • Clients may not have access to adequate recourse if they are harmed by a non-regulated provider. • Providers of non-regulated services may be more likely to engage in unethical or illegal practices. Accept any other appropriate/alternative responses. Answers will only be accepted if linked to or qualified with information from the context of the question.	**(9)**

Level	Mark	Descriptor - Evaluate 9 marks ALL traits carry equal weighting.
	0	No rewardable material.
1	1-3	• Demonstrates a basic analysis of the situation by superficially breaking down the different aspects into component parts (AO3a) • Demonstrates basic application of knowledge and understanding that is partially relevant to the context of the question (AO2) • Demonstrates a basic evaluation which partially considers different factors/events and competing points, leading to a conclusion which is superficial or unsupported (AO3b).
2	4-6	• Demonstrates a good analysis of the situation by breaking down the different aspects into component parts (AO3a) • Demonstrates good application of knowledge and understanding that is relevant to the context of the question (AO2) • Demonstrates a good evaluation which considers different factors/events and competing points, leading to a conclusion which is partially supported (AO3b).
3	7-9	• Demonstrates a thorough analysis of the situation by comprehensively breaking down the different aspects into their component parts (AO3) • Demonstrates comprehensive application of knowledge and understanding that is consistently relevant to the context of the question (AO2) • Demonstrates a thorough evaluation which comprehensively considers different factors/events and competing points, leading to a conclusion which is well supported (AO3).

Question number	Evaluate which of these **two** options would be more suitable for HL. Indicative content:	Mark 5.1.2
9d	The evaluation should be based on the candidate's own analysis and applied knowledge and understanding provided. It will draw on the evidence provided by the candidate to come to a supported conclusion. Students might refer to some/all of the following in their responses, but students should be rewarded for other pertinent contextualised answers. **Improving privacy and confidentiality measures** **Advantages** • Building Trust: If HL protects sensitive information, it will instill a sense of trust among clients, colleagues and stakeholders. This trust is essential for building strong relationships and may help to improve the business and generate greater profits. • Protecting sensitive information: Confidentiality safeguards sensitive information, which has been leaked in the past, financial data and personal details, preventing their misuse, unauthorised access or exploitation. • Enhancing business image: HL's commitment to privacy and confidentiality will enhance or improve its reputation as a trustworthy and responsible organisation. This positive image can help attract new clients, retain existing ones and foster a positive work environment, meaning that profit goals may be reached. **Disadvantages** • Increased costs: Implementing and maintaining robust confidentiality and privacy measures can be expensive, requiring investments in technology, training and personnel, which means that HL may not reach its profit goals. • Reduced efficiency: Some privacy-protective measures, such as encryption and anonymisation, can add complexity to processes and slow down operations. • Limited data sharing: Strict privacy controls can restrict the ability of HL to share data with partners or third-party providers, which may hinder collaboration and innovation. • Potential for further legal challenges: Misinterpretations of privacy regulations or inadvertent data breaches can lead to legal liabilities and reputational damage. • Reduced transparency: Strong privacy measures may make it more difficult for HL to be transparent about its data practices, which could raise concerns among consumers and regulators and hinder HL's wish to become a trusted firm.	**(12)**

Question Number	Cont.	Mark 5.1.2
9d	**Not improving privacy and confidentiality systems** **Advantages** • Shorter decision-making processes: In some cases, neglecting privacy and confidentiality concerns could lead to quicker decision-making processes and sharing of information to stakeholders, as HL might not consider the potential impact on sensitive information. • Reduced costs associated with data security: Not investing in robust data security measures and privacy compliance procedures could lead to cost savings in the short term and greater profits. **Disadvantages** • Damage to reputation: Breaches of privacy and confidentiality may further damage HL's reputation, eroding trust among clients, colleagues, stakeholders and the general public. This can lead to lost business, decreased market value and difficulty attracting new clients. This is a particular problem given that HL is recovering from previous breaches. • Financial losses and legal liabilities: Data breaches, disclosure of confidential information and non-compliance with data protection regulations have previously resulted in financial losses due to legal fees, fines, compensation claims and remediation costs. • Compliance issues and regulatory scrutiny: Non-compliance with data protection regulations and privacy laws can lead to further regulatory scrutiny and sanction. Accept any other appropriate/alternative responses. Answers will only be accepted if linked to or qualified with information from the context of the question.	**(12)**

Level	Mark	Descriptor - Evaluate 12 marks Trait 2 (AO2) carries twice as much weighting as trait 1 (AO3a) and trait 3 (AO3b)
	0	No rewardable material.
1	1-4	• Demonstrates a basic analysis of the situation by superficially breaking down the different aspects into component parts (AO3a) • Demonstrates basic application of knowledge and understanding that is partially relevant to the context of the question (AO2) • Demonstrates a basic evaluation which partially considers different factors/events and competing points, leading to a conclusion which is superficial or unsupported (AO3b).
2	5-8	• Demonstrates a good analysis of the situation by breaking down the different aspects into component parts (AO3a) • Demonstrates good application of knowledge and understanding that is relevant to the context of the question (AO2) • Demonstrates a good evaluation which considers different factors/events and competing points, leading to a conclusion which is partially supported (AO3b).
3	9-12	• Demonstrates a thorough analysis of the situation by comprehensively breaking down the different aspects into their component parts (AO3) • Demonstrates comprehensive application of knowledge and understanding that is consistently relevant to the context of the question (AO2) • Demonstrates a thorough evaluation which comprehensively considers different factors/events and competing points, leading to a conclusion which is well supported (AO3).

Question Number	Explain **two** financial factors that may impact on the running of CC. Answer:	Mark 3.1.2
10a	Award **one** mark for a financial factor and **one** mark for an appropriate linked justification, up to a maximum of **four** marks. • Lack of regulation (1) which means CC may engage in risky business practices (1) • Speculation (1) which may mean that CC buys assets higher than their true value (1) • Costs from suppliers (1) which can mean loss of profits (1) • Interest rate rises (1) which could increase costs (1) • Customers not buying CC's products (1) which lead to a reduction in revenue (1) Accept any other appropriate/alternative responses.	**(4)**

Question Number	Explain **one** way CC could enforce the contract with its supplier. Answer:	Mark 7.1.4.2
10b	Award **one** mark for a possible factor, **one** mark for an appropriate linked justification and **one** mark for a further expansion, up to a maximum of **three** marks. • CC can sue in court for breach of contract (1) as the supplier has failed in its obligations (1) and damages would be awarded (1) • CC can sue for specific performance (1) which means that the supplier would be compelled to perform its obligations (1) meaning that CC would receive the textiles (1) Accept any other appropriate/alternative responses.	**(3)**

Question Number	Evaluate the possible implications for CC of engaging in court action with its supplier. Indicative content:	Mark 13.6.1.4
10c	The assessment should be based on the candidate's own analysis and applied knowledge and understanding provided. It will draw on the evidence provided by the candidate to come to a supported conclusion. Students might refer to some/all of the following in their responses, but students should be rewarded for other pertinent contextualised answers. **Positive implications for CC:** • Enforce contractual obligations: By going to court, CC can ensure that the supplier fulfills its contractual obligations and delivers the textiles as agreed upon. This can help CC avoid delays in production and ensure that it can meet its own commitments to its customers. • Recover damages: If the court finds in favor of CC, it may award damages to CC to compensate it for any losses it has incurred because of the supplier's breach of contract. These damages could include the cost of procuring textiles from a different supplier, lost profits and any other harm caused by the breach. • Costs: As the loser pays the costs in civil cases, CC's legal costs would be reduced if it wins the case. • Deter future breaches: Going to court can send a message to other suppliers that CC takes its contracts seriously and will not tolerate breaches. This could deter other suppliers from breaching their contracts with CC in the future. • Protect its reputation: By taking action to enforce its contracts, CC can protect its reputation as a reliable business partner. This could make it easier for CC to attract new customers and suppliers in the future. **Negative implications for CC:** • Cost: Court action can be very expensive. CC will need to pay for legal fees, court costs and other expenses related to the litigation. This would compound the losses made already and could be worse if CC loses the case and have to pay legal costs for the supplier. • Time: Court action can be very time-consuming. It can take months or even years to resolve a case, which means that the immediate issue of not having the correct textiles will not be resolved. • Uncertainty: There is no guarantee that you will win your case, even if you have a strong claim such as not having the textiles which forms the basis of the contract. • Damage to relationships: Court action can damage relationships between the CC and its supplier, especially as it is the regular supplier. This could have further knock on effects such as having to find a new supplier when the relationship might be otherwise sound.	**(9)**

	Accept any other appropriate/alternative responses. Answers will only be accepted if linked to or qualified with information from the context of the question.	

Level	Mark	Descriptor - Evaluate 9 marks ALL traits carry equal weighting.
	0	No rewardable material.
1	1-3	• Demonstrates a basic analysis of the situation by superficially breaking down the different aspects into component parts (AO3a) • Demonstrates basic application of knowledge and understanding that is partially relevant to the context of the question (AO2) • Demonstrates a basic evaluation which partially considers different factors/events and competing points, leading to a conclusion which is superficial or unsupported (AO3b).
2	4-6	• Demonstrates a good analysis of the situation by breaking down the different aspects into component parts (AO3a) • Demonstrates good application of knowledge and understanding that is relevant to the context of the question (AO2) • Demonstrates a good evaluation which considers different factors/events and competing points, leading to a conclusion which is partially supported (AO3b).
3	7-9	• Demonstrates a thorough analysis of the situation by comprehensively breaking down the different aspects into their component parts (AO3) • Demonstrates comprehensive application of knowledge and understanding that is consistently relevant to the context of the question (AO2) • Demonstrates a thorough evaluation which comprehensively considers different factors/events and competing points, leading to a conclusion which is well supported (AO3).

Question Number	Evaluate which of these **two** options is most appropriate for FSP. Indicative content:	Mark 4.3.1
10d	The evaluation should be based on the candidate's own analysis and applied knowledge and understanding provided. It will draw on the evidence provided by the candidate to come to a supported conclusion. Students might refer to some/all of the following in their responses, but students should be rewarded for other pertinent contextualised answers. **Advantages of training staff in professional scepticism** • Improved accuracy and reliability: Training can help staff to identify risks, which would lead to a consistent approach to professional scepticism. This may help to ensure that FSP is not making mistakes or overlooking important information and will be more consistent in its approach. • Reduced risk of fraud and error: Training can help staff to identify risks, which would lead to better fraud prevention and will make sure its past mistakes don't happen again. By being alert to potential risks, staff will become more aware of red flags indicating inaccurate information and be alert to inaccurate or fraudulent information and FSP can take steps to mitigate the losses. • Enhanced decision making: Training can lead to better decision making as staff will be more confident. By considering all of the available evidence and alternative explanations, FSP will be able to decide if the case is one, it should take on. • Increased client trust: Hiring an external training provider will help to build trust with clients, by demonstrating a commitment to integrity. This will improve its reputation. **Disadvantages of training staff in professional scepticism:** • Increased time and cost: Training in professional scepticism can take time and effort, which can increase the cost. This could put pressure on the firm. • Potential for paralysis: Training may lead to FSP becoming overly sceptical. By becoming rigid in its approach, rather than relying on its own experience, it may be hesitant to make decisions or take action. This can lead to delays, which may mean its client base might seek new representation, especially as they may be concerned about their own profit in the difficult economic climate. • Damage to relationships: Ineffective training may damage relationships between FSP and its clients. Its client may feel that their lawyer is not trusting them if the lawyer is constantly questioning them.	**(12)**

Question Number	**Cont.**	Mark
10d	**Advantages of using mentors:** • Cost-effectiveness: This approach can be more cost-effective than organising formal training, as it does not require hiring external trainers or paying for training materials. • Enhanced team collaboration: By working together to develop their professional scepticism skills, FSP teams can build stronger relationships and foster a more collaborative work environment. • Knowledge sharing: Staff can share their individual expertise and insights with each other, leading to a more comprehensive understanding of professional scepticism and its application in legal practice. • Personalised learning: This approach can be tailored to the specific needs and interests of individual staff members, ensuring that they receive relevant and meaningful training. **Disadvantages of using mentors:** • Inconsistent training: The quality of training may vary depending on the expertise and experience of the staff members providing it. • Potential for bias: Staff may be hesitant to provide constructive feedback to their colleagues, leading to a less rigorous approach to professional scepticism. • Limited scope: This approach may not cover all aspects of professional scepticism as comprehensively as formal training. • Time commitment: Staff may need to dedicate additional time to providing and receiving peer-to-peer training, which could impact their productivity on other tasks. Accept any other appropriate/alternative responses. Answers will only be accepted if linked to or qualified with information from the context of the question.	**(12)**

Level	Mark	Descriptor - Evaluate 12 marks Trait 2 (AO2) carries twice as much weighting as trait 1 (AO3a) and trait 3 (AO3b)
	0	No rewardable material.
1	1-4	• Demonstrates a basic analysis of the situation by superficially breaking down the different aspects into component parts (AO3a) • Demonstrates basic application of knowledge and understanding that is partially relevant to the context of the question (AO2) • Demonstrates a basic evaluation which partially considers different factors/events and competing points, leading to a conclusion which is superficial or unsupported (AO3b).
2	5-8	• Demonstrates a good analysis of the situation by breaking down the different aspects into component parts (AO3a) • Demonstrates good application of knowledge and understanding that is relevant to the context of the question (AO2) • Demonstrates a good evaluation which considers different factors/events and competing points, leading to a conclusion which is partially supported (AO3b).
3	9-12	• Demonstrates a thorough analysis of the situation by comprehensively breaking down the different aspects into their component parts (AO3) • Demonstrates comprehensive application of knowledge and understanding that is consistently relevant to the context of the question (AO2) • Demonstrates a thorough evaluation which comprehensively considers different factors/events and competing points, leading to a conclusion which is well supported (AO3).

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