Module Specification

Private Client (Estate Planning)

Version: 2023-24, v2.0, 21 Jun 2023

Contents

Part 1: Information

Module title: Private Client (Estate Planning)

Module code: UJXTT9-10-M

Level: Level 7

For implementation from: 2023-24

UWE credit rating: 10

ECTS credit rating: 5

Faculty: Faculty of Business & Law

Department: FBL Dept of Law

Partner institutions: None

Delivery locations: Not in use for Modules

Field: Law - non modular

Module type: Module

Pre-requisites: None

Excluded combinations: None

Co-requisites: None

Continuing professional development: No

Professional, statutory or regulatory body requirements: None

Part 2: Description

Overview: The elective will develop knowledge and understanding specifically acquired in stage 1 of the LPC in taxation, wills and administration of estates, professional conduct, financial services and the course skills as identified in the indicative teaching scheme.

Features: Not applicable

Educational aims:

Statement of Outcomes

The LPC outcomes and the vocational elective outcomes will be met by students undertaking the type and range of tasks identified in the indicative teaching scheme set out in the Outline Syllabus.

The elements of law and practice to be covered on the elective are primarily identified in the syllabus, expanded upon in this statement and in the indicative teaching scheme.

Ethical, professional conduct and taxation issues will pervade the teaching of this subject. In particular, but without prejudice to the generality of this statement, students will consider client care and conflicts of interest (eg the problem of third party instructions, possible undue influence and the need to ensure that will instructions are confirmed by the testator himself), relevant taxation issues (including the gift with reservation of benefit rules) and the financial services regulatory framework (in relation to financial and investment planning).

The course skills which pervade this elective as identified in the indicative teaching scheme are writing, drafting and interviewing.

Outline syllabus: Basic principles of estate planning – taxation and other legal and practical implications

Principles of IHT, CGT and IT affecting lifetime and death provision by outright gifting or by use of trusts. Anti avoidance legislation

Will drafting: drafting of simple wills; executors and trustees; guardians; legacies; residuary clauses; administrative provisions

Drafting of more complex wills involving use of life interest trusts, contingent trusts and discretionary trusts

Problems of capacity. Enduring Powers of Attorney and Lasting Powers of Attorney

Post death rearrangements: variations and disclaimers; family provision legislation

Indicative Teaching Scheme

Study Unit 1:
Introduction to Estate Planning (I)

Study Unit 2:
Estate Planning (II) - taxation

Study Unit 3:
Will drafting (I)

Study Unit 4:
Will drafting (II)

Study Unit 5:
Will drafting (III)

Study Unit 6:
Post death variations

Study Unit 7
Capacity issues and course review

Self Study Unit
Mental capacity and Lasting Powers of Attorney

Part 3: Teaching and learning methods

Teaching and learning methods: Self-study preparation and research in order to acquire knowledge and understanding;

Large group sessions in order to consolidate and develop knowledge and understanding;

A mixture of individual and group work centred on problem-based learning, involving management of information, analysis of complex facts and application of knowledge;

Role play and oral presentations to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;

Preparation of written communications (primarily in the form of office memoranda and letters of advice to clients) to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;

Drafting and amending of legal documents, often involving the use of precedents, to demonstrate synthesis and application of knowledge, and the ability to reach autonomous, competent decisions;

Reviews of topics in the form of both large group sessions (where ideas can be pooled and debated) and critical self-evaluation.
The teaching and learning strategy pervading all modules on the Legal Practice Course is a student-centred approach through the provision of a stimulating educational environment.

Face to face teaching and learning in a workshop environment is at the heart of the Teaching & Learning strategy, for students to participate fully in challenging activities, undertaking a wide variety of exercises as individuals and in groups. Full participation is encouraged and expected. Students are encouraged to ask questions during the workshops and to take responsibility for their own learning. Feedback will be given on these exercises both by students and tutors.

Outside of the workshop students are required to take responsibility for their own learning undertaking a variety of preparatory tasks. These may be undertaken by students either as individuals or working in office groups, including include provision of information using recorded lectures, reading from course manuals and from practitioner texts, reading and research from primary source material, completion of electronic tests, preparing documents or presentations and attending large group sessions.

The final component of each Study Unit will be a consolidation task or tasks designed to broaden and deepen students' understanding of an aspect or aspects of work covered in the relevant Study Unit

Each Study Unit involves the student undertaking 11.5 Notional Learning Hours, of which (with the exception of the Self Study unit) 2.5 hours will be a Small Group Sessions

Module Learning outcomes: On successful completion of this module students will achieve the following learning outcomes.

MO1 Undertake drafting of simple wills and, with appropriate supervision, more complex ones involving the use of trusts.

MO2 Be able to advise a client on the taxation implications of gifts, lifetime settlements and wills.

MO3 Understand the need for appropriate estate planning; the main methods of achieving this and the pitfalls to be avoided.

MO4 Identify situations where a capacity issue arises and the appropriate course of action.

MO5 Advise on Enduring and Lasting Powers of Attorney and understand the legal test of capacity.

MO6 Demonstrate understanding of the solicitor's role in this area and the professional conduct implications.

Hours to be allocated: 100

Contact hours:

Independent study/self-guided study = 76 hours

Face-to-face learning = 24 hours

Total = 100

Reading list: The reading list for this module can be accessed at readinglists.uwe.ac.uk via the following link https://uwe.rl.talis.com/modules/ujxtt9-10-m.html

Part 4: Assessment

Assessment strategy: The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that:

Assessment arrangements will be robust, consistent, fair and secure, to ensure that academic standards will meet the threshold set by the SRA.

Assessments will revolve around transactions of the type encountered in practice.

Assessments will address depth and realism as well as coverage.

Individual assessments cover a representative and robust selection of the relevant outcomes. Where an assessment does not include coverage of all of the outcomes for a particular subject, students will nevertheless be prepared to be assessed on all outcomes and will not be informed of what (or will not) be assessed in any particular assessment.

Student achievement will be measured appropriately in accordance with the LPC outcomes.

All diligent students have an opportunity to achieve and demonstrate the LPC learning outcomes.

The needs of disabled students will be taken into account ensuring equal accessibility of assessments to all students.

Assessment components:

Examination (First Sit)
Description: 3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%
Weighting: 100 %
Final assessment: Yes
Group work: No
Learning outcomes tested: MO1, MO2, MO3, MO4, MO5, MO6

Examination (Resit)
Description: 3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%
Weighting: 100 %
Final assessment: Yes
Group work: No
Learning outcomes tested:

Examination (Resit)
Description: 3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50%
Weighting: 100 %
Final assessment: Yes
Group work: No
Learning outcomes tested:

Part 5: Contributes towards

This module contributes towards the following programmes of study:

Advanced Legal Practice [Sep][PT][Frenchay][3yrs] LLM 2022-23

Advanced Legal Practice [Frenchay] LLM 2022-23