

# apprenticeship FRAMEWORK

## Higher Apprenticeship in Probate

### IMPORTANT NOTIFICATION FOR ALL APPRENTICESHIP STARTS FROM 14 OCTOBER 2016

Modifications to SASW came into effect on 14 October 2016. These changes relate to the **Essential Skills and Employer Rights and Responsibilities** requirements of a framework and they **ONLY** apply to new Apprenticeship starts on, or after, 14th October. Apprenticeship starts before this date must continue to meet the 2013 SASW requirements for Essential Skills and Employer Rights and Responsibilities.

For more details of the changes and how they will affect new apprenticeship starts, please read the following preface page to the framework document. NB: Please check the "Revising a Framework" section for information on any additional changes that may have been made to this framework.

### Latest framework version?

For any previous versions of this framework: [www.acwcerts.co.uk/framework\\_library](http://www.acwcerts.co.uk/framework_library)

Issue date: 23 March 2017

Published By

Skills for Justice (Justice, Community  
Safety and Legal Services)

Apprenticeship Certification  
Wales

<https://acwcerts.co.uk/web/>

Document Status:  
Issued



# Higher Apprenticeship in Probate

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# Framework information

## Information on the Issuing Authority for this framework:

Skills for Justice (Justice, Community Safety and Legal Services)

The Apprenticeship sector for occupations in fire and rescue services, policing and law enforcement, custodial care, courts service, prosecution service, forensic science (also includes Legal Services, Youth Justice, Probation/Offender Management, Community Justice).

Issue number: 1	<b>This framework includes:</b>
Framework ID: FR04001	Level 2 <input type="checkbox"/> Level 3 <input type="checkbox"/> Level 4-7 <input checked="" type="checkbox"/>
Date this framework is to be reviewed by: 31/03/2020	<b>This framework is for use in: Wales</b>

## Short description

This framework provides qualifications for those working in the provision of probate.

Achieving this apprenticeship will help to build a professional career in probate law and work on a range of standard non-contentious matters as a Probate Technician.

Probate Technicians support the fee earning activities of a principal probate practitioner by working on a brief defined by the supervisor to action legal and tax procedures related to the administration of an estate.

The work involves dealing with the affairs of a deceased person ("estate") and liaising with their representatives (executors or administrators) to administer the estate in accordance with their Will or under the Intestacy provisions (should they have not left a Will). Working in probate will be a varied role as no two Estates are the same and involves dealing with clients often at an emotional time therefore being able to show empathy and understanding is a must.

# Contact information

## Proposer of this framework

This framework was originally proposed by a number of employers from Wales who were involved with the Trailblazer developments in England and were keen to ensure there was parity between nations. Other employers supportive of the development of this framework include Griffiths Ings Wills & Probate Lawyers; Alexandra Chambers Lawyers and Advantage Legal. Employer input was collected through paper based surveys and employer engagement meetings which gathered the views of a wide range of individuals and organisations. The results of all the combined consultation informed the content and structure of this framework. The competence and knowledge qualifications in this framework are underpinned by National Occupational Standards (NOS). The framework has evolved to incorporate level 4 pathways for use in England, which has led to the subsequent development of this framework for Wales to ensure parity of opportunity.

## Developer of this framework

Name: Nanette Lane

Organisation: Skills for Justice

Organisation Type: Sector Skills Council

Job Title: Development Specialist

Phone: 0114 284 1930

Email: apprenticeship@sfjuk.com

Postal address: Consult House, 4 Hayland Street, Sheffield, S9 1BY

Website: www.sfjuk.com

## Issuing Authority's contact details

Issued by: Skills for Justice (Justice, Community Safety and Legal Services)

Issuer contact name: Contact Name

Issuer contact phone: 0114 284 1930

Issuer Email: issuing.authority@skillsforjustice.com

## Contact Details

Who is making this revision |Name|

Your organisation |Skills for Justice|

Your email address: |issuing.authority@skillsforjustice.com|

# Revising a framework

## Why this framework is being revised

|Framework Developer to complete with relevant info|

## Summary of changes made to this framework

|Framework Developer to complete with relevant info|

## Qualifications removed

|Framework Developer to complete with relevant info|

## Qualifications added

|Framework Developer to complete with relevant info|

## Qualifications that have been extended

|Framework Developer to complete with relevant info|

# Purpose of this framework

## Summary of the purpose of the framework

The UK Legal Services sector is large and diverse. The total value of legal services to the UK economy is £25.7 billion and in 2014-15 the sector grew by £1.9 billion (Law Society 2016). Individuals and small businesses often use legal service providers (both regulated and unregulated providers) at critical points in their life. Most commonly, buying and selling property, making Wills and dealing with an Estate in accordance with the wishes of a deceased family member or close friend.

A Will is a document in which a person states who should receive his or her property after his or her death. Probate is the process of verifying a person's will after their death. The process of applying for probate is a reserved activity limiting those who can provide the service. It is very important that consumers receive an appropriate standard of professional legal service in these situations because their outcomes are likely to have significant and long-lasting personal and financial consequences for the individuals affected.

There are just over 4,000 solicitor firms active in probate and estate administration in the UK, representing 39% of all solicitor firms (SRA data 2014). Other authorised providers provide probate services: these include licenced conveyancers and licensed probate practitioners (regulated by the Council for Licensed Conveyancers), notaries (regulated by the Master of Faculties), legal executives (regulated by CILEx Regulation), and authorised accountants (regulated by the Institute of Chartered Accountants in England and Wales).

Probate Technicians work under the direct supervision of an Authorised Person, e.g. a Licensed Probate Practitioner, a Solicitor, or a Fellow of the Chartered Institute of Legal Executives. These individuals are able to carry out the process of applying for a grant of probate. This framework will help employers to effectively train staff in this specialist field so that they understand the requirements and restrictions of working in an environment which is regulated together with consumer and legal requirements associated with probate matters.

Probate Technicians will work directly with other providers of professional services such as: financial services providers such as banks, building societies, accountants, and independent financial advisers.

Other probate providers include trust corporations, banks, charities and specialist will writers. Of specialist Will writers around 1,000 out of 1,600 providers offer some form of estate administration (Economic Insight (2016)).

The Skills for Justice 2010 Sector Skills Assessment highlights the key issues affecting the legal services sector:

- Recession has impacted on the sector in a number of ways. Corporate and commercial law firms have seen reductions in the volume of work e.g. reduced merger and acquisition work. For high street firms, the slow-down in the housing market will have reduced the number of probate transactions, whilst crime (especially acquisitive crime according to government modelling) tends to rise when recession produces a rise in unemployment, so

parts of the legal sector may see workloads increase.

- Part 5 of the Legal Services Act 2007 introduces Alternative Business Structures (ABS) An ABS is a relatively new form of business structure where external investment in the business can be made from non-lawyers in professional management or ownership roles. ABS structures offer much greater flexibility in the way Lawyers practise. The CLC licences ABS's.

These Higher Level Apprenticeships will also contribute to meeting the skills priorities for Wales by:

- providing flexible access to a high quality level 4 skills programme, which offers a real alternative to A Levels as an entry to the legal sector for those who prefer this style of learning and achievement
- creating new technical jobs as entry points with employers who historically have only employed a graduate workforce
- incorporating skills to improve the general literacy, numeracy and ICT competence in Wales
- using technical and competence qualifications, valued by employers, to increase
- productivity
- developing apprentices' employability skills, making them more attractive to all employers, whichever career they choose
- providing a career pathway into jobs and training at technician level and higher, to provide the skills which the economy needs to grow
  - building on the existing quality learning provision for the justice sector in Wales

## Aims and objectives of this framework (Wales)

### Aim

To create jobs and progression opportunities for young people and those new to the sector whilst helping employers increase the diversity and demographics of their workforce. To promote occupations within legal services as rewarding career pathways.

### Objectives:

- To develop a consistent national standard for probate services
- To contribute towards professionalising the probate workforce
- To aid recruitment and retention into probate roles
- To highlight career paths and provide progression routes into higher level jobs
- To create new jobs for young people in local, regional, national and international businesses
- To provide a vocational route into the sector which links with existing routes into legal professional roles
- To aid parity of opportunity and mobility within and across legal services in both England and Wales

# Entry conditions for this framework

There are no formal entry requirements for this framework. However, many employers will expect a high standard of literacy and numeracy e.g. GCSE grades A\*-C, A Levels or a proven ability to work at this level, such as experience gained through employment or voluntary work.

Trust, integrity and honesty are all characteristics valued by probate employers. Some employers may require successful applicants to undertake disclosure checks.

## Relaxations and proxies:

Processes exist to make sure that applicants with prior knowledge, qualifications and experience are not disadvantaged by having to repeat learning. Training providers and awarding organisations will be able to advise on the current rules for accrediting prior learning and recognising prior experience. Please refer to the on and off the job training section for guidance about prior attainment and achievement. The following is a short summary:

There are no relaxations or proxies for any qualifications specified in a framework in the Specification of Apprenticeship Standards for Wales (SASW), however providers are encouraged to identify additional on the job training programmes that customise the learning to the new workplace.

## Essential Skills Wales:

If applicants already have GCSEs in English and Maths at Grade C and above they will not have to complete the relevant ESW, however apprentices can be encouraged to complete ESW at a higher level if appropriate.

If applicants already have achieved Key Skills at the relevant level, they will not have to complete the relevant ESW, however apprentices can be encouraged to complete ESW at a higher level if appropriate.

## Prior experience:

Applicants already working in the sector may be able to have their prior experience recognised by the awarding organisation and this would count towards the competence and the knowledge qualifications in this framework.

## Initial assessment:

Training providers and employers will use initial assessment to ensure that applicants have a fair opportunity to demonstrate their ability, to allow the tailoring of programmes to meet individual needs and to recognise prior qualifications and experience.



# Level 4

Title for this framework at level 4

## Probate

Pathways for the framework at level 4:

Pathway 1: Probate Technician

# Level 4, Pathway 1: Probate Technician

## Description of this pathway

The total number of credits the apprentice must attain for this pathway is 68 credits

The total on and off the job training hours for this framework is 871 hours. It is anticipated that an average learner will take between 24 and 36 months to complete.

## Entry requirements for this pathway in addition to the framework entry requirements

There are no additional entry requirements for this pathway

Job title(s)	Job role(s)
Probate Technician	Technicians work under the direct supervision of an Authorised Person. Their role is to support the fee earning activities of a principal Licensed Probate Practitioner by working on a brief defined by the supervisor to action legal and tax procedures related to the administration of an estate.

# Qualifications

## Competence qualifications available to this pathway

N/A

## Knowledge qualifications available to this pathway

N/A

## Combined qualifications available to this pathway

B1 – Level 4 Diploma in Probate Law and Practice					
No.	Ref no.	Awarding organisation	Credit value	Guided learning hours	UCAS points value
B1a	603/0166/1	SQA	50	250	X.

## Relationship between competence and knowledge qualifications

The learner must achieve B1

# Essential Skills

An apprenticeship framework must specify as a Welsh certificate requirement the expected achievement levels of Essential Skills in Communication and the Application of Number.

Where Essential Skills qualifications are specified in an apprenticeship framework, the apprenticeship framework must specify the acceptance of a recognised proxy qualification for Communication and Application of Number.

## Communication

For the current list of acceptable proxy qualifications and appropriate **minimum** grade/level requirements, please refer to the most recent version of [SASW](#) on the [gov.wales](#) website. Additional guidance materials can be found on the [Knowledge Base](#) section of the [ACW](#) website.

**Does this framework require Communication achievement above the minimum SASW requirement?**    **YES**    ☐ **NO** ☒

If YES, please state the grade/level required for English and give a brief **REASON** as to why this is required:

Enter alternative grade/level requirements and reasons here.

## Application of Number

For the current list of acceptable proxy qualifications and appropriate **minimum** grade/level requirements, please refer to the most recent version of [SASW](#) on the [gov.wales](#) website. Additional guidance materials can be found on the [Knowledge Base](#) section of the [ACW](#) website.

**Does this framework require Application of Number achievement above the minimum SASW requirement?**    **YES**    ☐ **NO** ☒

If YES, please state the grade/level required for Maths and give a brief **REASON** as to why this is required:

Enter alternative grade/level requirements and reasons here.

## Inclusion of Digital Literacy (ICT)

Digital Literacy (ICT) is an **optional** framework requirement.

Is Digital Literacy a requirement in this framework? **YES** ☒ **NO** ☐

## Digital Literacy (ICT)

**Please note that there are currently no acceptable proxy qualifications for Digital Literacy (ICT).**

For the current **minimum** grade/level requirements, please refer to the most recent version of [SASW](#) on the [gov.wales](#) website. Additional guidance materials can be found on the [Knowledge Base](#) section of the [ACW](#) website.

**Does this framework require Digital Literacy (ICT) achievement above the minimum SASW requirement?** **YES** ☐ **NO** ☒

If YES, please state the grade/level required for **Digital Literacy (ICT)** and give a brief **REASON** as to why this is required:

Enter alternative grade/level requirements and reasons here.

# Progression routes into and from this pathway

## Progression routes into this level 4 pathway

### Entry into this pathway may be:

- via direct entry from school or college after completing GCSEs and/or A Levels
- from a Welsh Baccalaureate, including the Principal Learning Qualifications for Business Administration and Finance and Public Services
- from a work-based programme such as Pathways to Apprenticeships
- via direct entry from another occupation e.g. paralegal, administration, customer service, etc.
- via direct entry for existing staff progressing within an organisation
- via direct entry from an Apprenticeship in Legal Services or the Legal Administration pathway of the Business and Administration framework

## Progression routes from this level 4 pathway

### Jobs:

- Probate Technician

### Further training and qualifications:

- Other Higher Apprenticeships such as Conveyancing Technician, Licensed Conveyancer, Legal Executive and Management.
- Professional legal services qualifications such as Level 6 Diploma in Probate Law and Practice.
- Level 4 and 5 qualifications in management and leadership.
- Higher education courses such as qualifying law degrees (LLB).
- Further education qualifications at level 5 and above.
- Apply for Registration with a Regulatory Body such as the CLC.

## UCAS points for this pathway:

N/A

# Employee rights and responsibilities

Please note that for Apprenticeship starts from 14/10/2016 onwards ERR is no longer a **mandatory** requirement in all frameworks.

However, it may still be included in some frameworks and where it is not explicitly stated that ERR is not a requirement then confirmation of an Apprentice's ERR achievement will still remain a requirement for Apprenticeship certification purposes.

Is ERR a requirement for this framework?    **YES**    ☐    **NO**    ☒

## Delivery and assessment

Employee Rights and Responsibilities (ERR) is no longer a mandatory part of all apprenticeships in Wales. It is important that apprentices understand their rights and responsibilities with regards to equal opportunities and health and safety and that they receive a thorough induction into their organisation. |

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# How equality and diversity will be met

There are particular equality and diversity issues across the sector in terms of both progression and retention. Although women and people from minority ethnic backgrounds are well represented amongst law undergraduates, this is not reflected throughout the profession.

Many of the larger corporate law firms recruit almost exclusively from Oxbridge (The Law Gazette, December 21st 2010). The distribution of female and minority ethnic workers varies greatly, for example females account for 44% of solicitors in private practice, 20% of partners and 80% of solicitors in health services ( "A Time of Change: Solicitor's Firms in England and Wales", Plesence, Balmer and Moorhead, The Law Society, Legal Services Board, Ministry of Justice 2012 ). The labour market in legal activities is dominated (in terms of employment numbers at least) by women in both the full-time and part-time areas, but not amongst the self-employed.

The CLC Regulatory Annual Return highlights a number of interesting statistics about the make-up of the legal sector:

- The majority of the UK legal services workforce is female; 73.7% of the people working in CLC-regulated practices are women.
- At a senior level males dominate and make up 26.3% of the total workforce, but have 57.6% of managerial roles.

The likely reasons for the demographics of this sector are:

- A perception of a number of roles within the legal sector as only being appropriate for either women or men.
- The predominant entry route into legal services is through higher education therefore certain social groups may be disadvantaged when trying to enter the sector, such as those from less affluent backgrounds.
- Vacancies may sometimes be advertised in areas where there are little or no minority ethnic communities.

Perhaps the main issue in this sector is the lack of vocational entry routes.

In order to address the issues in the sector, awareness of alternative routes into careers in the legal sector is being raised through:

- production of careers information, advice and guidance including, career progression pathways and case studies

development of apprenticeships to create vocational progression routes into and from occupations within legal services. This framework will help to open up new entry routes into the sector which will be more accessible to those from socially disadvantaged backgrounds than traditional entry routes.

Apprenticeships are seen as a vital route to encourage a greater diversity of individuals into the industry, therefore entry conditions to this framework are extremely flexible, mentoring has been included to offer additional support and increase the chances of apprentices staying in a position, and there is a mandatory unit for equality and diversity.

Training providers and employers MUST comply with the Equality Act 2010 to ensure that applicants are not discriminated against in terms of entry to and promotion within the industry, using the nine protected characteristics of:

1. age
2. disability
3. gender
4. gender reassignment
5. marriage and civil partnerships
6. pregnancy and maternity
7. race
8. religion and belief
9. sexual orientation.

More information about the Equality Act can be found here:

<https://www.gov.uk/guidance/equality-act-2010-guidance>

Skills for Justice will continue to monitor take up and achievement of all apprenticeships and take steps to address any barriers to take up and achievement.

#### Welsh language

Skills for Justice recognises the principle that the Welsh and English languages should be treated on a basis of equality.

Consideration should be given to those whose first language is Welsh or those who simply are able and choose to speak Welsh. Some law firms in Wales are keen to employ Welsh language speakers.

Awarding Organisations and training providers should take a proportionate approach to delivering the on programme and assessment elements of qualifications delivered in Wales in the Welsh language; based on a level of established demand to cater for both languages where needed and/or required when delivering this apprenticeship.

# On and off the job training

## Summary of on- and off-the-job training

| The total on and off the job training hours for this framework:

Level 4 Probate pathway - (minimum hours required) 821 hours

Off the job training:

Training hours delivered under an apprenticeship agreement may vary depending on the previous experience and attainment of the apprentice.

The amount of off the job training required to complete the apprenticeship under the apprenticeship agreement may then be reduced accordingly, provided the total number of off the job hours for this framework can be verified for apprenticeship certification.

Previous attainment:

Where a learner enters an apprenticeship agreement having previously attained parts or all of the relevant qualifications, this prior learning needs to be recognised using either credit transfer for achievements, or through recording of exemptions for certificated learning outside of the RQF, for example Principal Learning qualifications.

For apprentices who have already achieved the relevant qualifications, they must have been certificated within 5 years of applying for the apprenticeship certificate.

Previous experience:

Where a learner enters an apprenticeship agreement with previous work-related experience, this prior learning needs to be recognised. To count towards apprenticeship certification, previous experience must be recorded using the appropriate awarding organisation's "Recognition of Prior Learning" procedures and the hours recorded may then count towards the off the job hours required to complete the apprenticeship.

For apprentices with prior un-certificated learning experience, the off the job learning must have been acquired within 5 years of application for the apprenticeship certificate or the apprentice must have been continuously employed in the relevant job role in the industry for 2 years.

On the job training:

On the job training must be received whilst working under an apprenticeship agreement

Previous attainment and experience:

On the job training hours may vary depending on previous experience and attainment of the apprentice. Where a learner enters an apprenticeship agreement having previously attained or acquired the appropriate competencies or knowledge, this prior learning needs to be recognised and documented using the relevant Recognition of Prior Learning (RPL) procedures (as off the job above). The amount of on the job training required to complete the apprenticeship under the apprenticeship agreement may then be reduced accordingly, provided the total number of on the job hours for this framework can be verified for apprenticeship certification.

Apprentices who commence training under a new apprenticeship agreement with a new employer may bring a range of prior experience with them. When an apprentice can claim towards the on the job framework total through prior learning acquired from previous full-time education, employment or other vocational programmes, then the apprentice's learning programme should include 'customisation'. Training providers are encouraged to identify additional on the job training programmes that customise the learning to the new workplace. Customisation programmes may involve:

- selecting appropriate additional unit(s) from qualifications,

- relevant units recognised as Quality Assured Lifelong Learning (QALL) through aCQFW recognised body,
- following Essential Skills Wales at a level higher than that specified in the framework
- including other competency-based qualifications / units relevant to the workplace.

For apprentices who have already achieved the relevant qualifications, they must have been certificated within 5 years from the date of application for the apprenticeship certificate or the apprentice must have been continuously employed in the industry for 2 years.

Job roles within legal services require a thorough level of technical competence and knowledge, which will be undertaken through work-based training, practice and experience.

### Certification

Providers will be responsible for ensuring that the minimum requirement for on the job training has been met when applying for apprenticeship certificates via Apprenticeship Certificates Wales (ACW). For more details, see: <https://acwcerts.co.uk/web/>

## Off-the-job training

The total of off the job training hours for this framework are: 571 hours

### How this requirement will be met

The requirement for off the job training is calculated as follows:

250 hours for the combined qualification  
60 hours Level 2 Essential Skills Wales in Communication  
60 hours Level 2 Essential Skills Wales in Application of Number  
60 hours Level 2 Essential Skills Wales in ICT  
36 hours appraisals related to this Apprenticeship programme  
105 hours minimum for mentoring

Off the job training needs to:

- achieve clear and specific outcomes which contribute directly to the successful achievement of the framework and this may include accredited and non-accredited elements of the framework
- be planned, reviewed and evaluated jointly between the apprentice and a tutor, teacher, mentor or manager
- allow access as and when required by the apprentice either to a tutor, teacher, mentor or manager
- be delivered during contracted working hours
- be delivered through one or more of the following methods: individual and group teaching; e-learning; distance learning; coaching; mentoring; feedback and assessment; collaborative / networked learning with peers; guided study and induction
- be recorded, for example in a log book or diary.

Evidence of off the job training:

- The completion certificate for the relevant combined qualification
- Level 3 (or higher) Essential Skills Wales certificate in Communication for the level 4 pathways
- Level 2 (or higher) Essential Skills Certificates for Application of Number and ICT
- Coaching and mentoring record, log or diary - not required at certification

## On-the-job training

The total of on the job training hours for this framework are: 250 hours

### On-the-job training

On the job training is defined as skills, knowledge and competence gained within normal work

duties.

*How this requirement will be met*

On the job training needs to:

- achieve clear and specific outcomes which contribute directly to the successful achievement of the framework and this may include accredited and non-accredited elements of the framework
- be planned, reviewed and evaluated jointly between the apprentice and a tutor, teacher, mentor or manager
- allow access as and when required by the apprentice either to a tutor, teacher, mentor or manager
- be delivered during contracted working hours
- be delivered through one or more of the following methods: individual and group teaching; e-learning; coaching; mentoring; feedback and assessment; collaborative/networked learning with peers
- be formally recorded, either in a diary, workbook, portfolio, or be verified by attendance records. This evidence needs to be checked and signed by the assessor and employer. These records of hours may need to be submitted to the Certifying Authority when applying for an apprenticeship completion certificate

On-the-job-training should be carried out under the supervision of an Authorised Person. Apprentices should be mentored to understand and apply commercial practices of the employer. They will do this by being exposed to areas of work which will help them to build and maintain client and third party relationships in a professional and ethical manner.

Apprentices should have frequent opportunities to communicate with clients and be guided on how to provide caring and understanding legal service to support clients through difficult circumstances; and be able to work sensitively with empathy, acting with integrity and honestly to support the provision of proper legal outcomes on behalf of client(s).

Employers should be responsible for ensuring that the Apprentice has an understanding of:

- the regulatory policies and procedures governing Probate, to include those applicable to the appropriate regulator, professional body, and the employer;
- the importance of File Management, to create and maintain accurate file records in line with employer's policies and procedures, taking into account Data Protection and Confidentiality issues;
- the scope of legal Advice and compliance, to ensure correct legal and tax advice is provided;
- how to follow internal (and external) processes and carry out procedures to ensure a matter is fully compliant, to uphold all relevant codes of conduct;
- what constitutes Legal Rigour, to draft accurate and complete legal documentation,
- when to escalate, when a matter becomes complex or beyond own agreed level of accountability.

On-the-job-training should take place throughout the period when the Apprentice is undertaking the off-the job training. To qualify for Registration with the CLC as a Registered Probate Technician the Apprentice will need to undertake a further 6 months practical experience after the successful completion of the off-the-job training

*Evidence of on the job training*

The completion certificate for the relevant combined qualification

# Wider key skills assessment and recognition

While Wider Key Skills are not a **mandatory** part of the framework, training providers are encouraged to provide apprentices the opportunity to achieve them.

For this framework, there are natural opportunities for Wider Key Skills to be embedded within the mandatory units of the following qualifications:

Enter Qualification Names
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## Improving own learning and performance

Give examples - signpost to specific units in framework qualifications that would meet these requirements

## Working with others

Give examples - signpost to specific units in framework qualifications that would meet these requirements

## Problem solving

Give examples - signpost to specific units in framework qualifications that would meet these requirements

# apprenticeship FRAMEWORK

For more information visit-  
[www.acwcerts.co.uk/framework\\_library](http://www.acwcerts.co.uk/framework_library)