

Higher National Unit Specification

General information for centres

Unit title: Criminal Justice System in Scotland

Unit code: F0EB 35

Unit purpose: This Unit is designed to enable candidates to analyse the key factors which influence contemporary criminal justice systems and to relate these to context of the criminal justice system within which they work.

On completion of the Unit the candidate should be able to:

- 1 Analyse the development of the Scottish criminal justice system
- 2 Analyse the delivery of criminal justice in Scotland

Credit points and level: 1 HN Credit at SCQF level 8: (8 SCQF credit points at SCQF level 8*).

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Candidates should have a good working knowledge of general police procedures gained through experience of working in a police environment. They should be aiming towards a promoted police post within the police service.

Core Skills: There are opportunities to develop the Core Skills of Communication and Information Technology at SCQF level 6 in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

Context for delivery: If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

Assessment: This Unit can be assessed holistically using a single instrument of assessment which should be an examination held in controlled conditions and based on a case study. The case study should present a scenario covering a number of aspects of the justice system in contemporary Scotland. Candidates will be expected to analyse the situation and draw conclusions from their analysis.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, knowledge and/or skills, and evidence requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Analyse the development of the Scottish criminal justice system

Knowledge and/or skills

- ◆ Social and historical development
- ◆ Fundamental principles of Scots criminal law
- ◆ Creation of new legislation
- ◆ Human Rights
- ◆ Contemporary influences

Outcome 2

Analyse the delivery of criminal justice in Scotland

Knowledge and/or skills

- ◆ Roles and responsibilities of main participants
- ◆ Scottish criminal courts
- ◆ Procedures
- ◆ Relationship between criminal justice system and contemporary Scottish society
- ◆ The criminal justice system and the work of the police

Evidence Requirements for the Unit

Candidates will need evidence to demonstrate their knowledge and/or skills by showing that they can obtain a mark of 50% or more in an examination covering knowledge and skills items from both Outcomes.

The examination should consist of a number of extended response questions, each of which should relate to a current or possible future aspect of the criminal justice system in contemporary Scotland. The questions should cover a minimum of two of the knowledge and/or skills items from each of the two Outcomes. Candidates must respond to three questions.

Higher National Unit specification: statement of standards (cont)

Unit title: Criminal Justice System in Scotland

The questions should enable candidates to demonstrate that they can:

- ◆ make use of relevant concepts to provide a critical and coherent analysis of the development of the criminal justice system in Scotland
- ◆ support their analysis with reasons and with suitable evidence
- ◆ make use of relevant concepts to provide a coherent and critical analysis of the delivery of criminal justice in Scotland
- ◆ refer to contemporary debates and alternative approaches within the Scottish criminal justice system in their analysis
- ◆ show in their analysis how different aspects of the criminal justice system in contemporary Scotland are integrated with each other
- ◆ show in their analysis how the criminal justice system in Scotland influences the work of police officers in Scotland

The examination should be closed book and be held in controlled conditions. It should last for 90 minutes.

Assessment guidelines for the Unit

Assessment for this Unit can be undertaken holistically by a closed book examination. The examination should consist of extended response questions which require candidates to analyse an aspect of the justice system in Scotland at the present time or one which could arise in the future.

In the examination candidates will be expected to analyse the situation using concepts taken from both Outcomes. They will be expected to demonstrate that they can relate key underpinning concepts to the criminal justice system in contemporary Scotland.

Administrative Information

Unit code:	F0EB 35
Unit title:	Criminal Justice System in Scotland
Superclass category:	EC
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History of Changes:

Version	Description of change	Date
02	Fourth bullet point of Evidence Requirements amended. 'Criminology has been replaced with 'the Scottish criminal justice system'.	27/4/07

Source: SQA

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Higher National Unit specification: support notes

Unit title: Criminal Justice System in Scotland

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

This Unit is intended for police officers who are seeking promotion in the police service in Scotland. Candidates will normally be following a recognised training programme such as that developed by the Scottish Police Service.

The Unit is one of three units which make up Module 1 of the Professional Development Award: Diploma in Police Service Leadership and Management.

The Unit is designed to enhance the knowledge and understanding of candidates and to enable them to make use of this knowledge and understanding to analyse aspects of the criminal justice system in contemporary Scotland. The emphasis throughout is that the successful operation of the criminal justice system is a partnership among the various agencies and individuals involved. The police are a major partner and, throughout their study of the unit, candidates should be aware of the inter-relationships between the work of the police and the other partners in the criminal justice system. The unit should raise awareness among candidates of the criminal justice system in contemporary Scotland as well as current trends within the system and the factors which have influenced, and continue to influence, the system.

The following notes give some additional information on each Outcome. In many cases they contain examples which were current at the time the unit was written. The actual delivery of the unit should relate to legislation, practice and examples that are current at the time.

Outcome 1

Social and historical development:

- ◆ Judiciary — Development of the various levels of judicial office and their roles, College of Justice and Lords Ordinary in High Courts, Sheriffs, Justices of the Peace, Stipendiary Magistrates
- ◆ Courts — The emergence and development of the Criminal courts, High Court of Justiciary, Sheriff and District Courts
- ◆ Prosecution — The emergence and development of the roles of the Lord Advocate, Crown Office and Procurator Fiscal Service
- ◆ Defence — The development of the role of the defence agent and public provision of legal representation through Legal Aid.
- ◆ Youth justice — Emergence and development of the Children's Hearings system — Social Work (Scotland) Act 1968 and Children (Scotland) Act 1995
- ◆ Police — Emergence of paid police forces and their roles, their development from Burgh Police Acts etc. to present position, Police (Scotland) Act 1967
- ◆ Social work — The establishment and development of social work services and their interaction with the justice system eg Social Work (Scotland) Act 1968

Higher National Unit specification: support notes (cont)

Unit title: Criminal Justice System in Scotland

Fundamental principles of Scots criminal law: common and statute law; police functions; criminal responsibility — children and young persons, mental health; investigation and prosecution of offences; evidence; burden of proof

Creation of new legislation: process of policy to law — consultation; White Paper; Scottish Parliament; House of Commons; House of Lords; Royal Assent; internal influences (ie within UK) — political, pressure groups, media, changing societal beliefs and values, changing structure of society, legal profession; external influences (i.e. outwith UK) — European Union, changes in the international political environment, changes in international social and economic environment

Human Rights:

- ◆ Emergence — Post World War II United Nations Declaration – Council of Europe and European Convention on Human Rights
- ◆ Development — Council of Europe, European Court of Human Rights decisions, Human Rights Act 1998, Scotland Act 1998
- ◆ Impact on Scottish Justice System — Temporary Sheriffs & case law since Scotland Act 1998, duty to comply with ECHR, devolution issues
- ◆ Diversity — Underlying principles and legal framework eg disability, race, sex discrimination legislation, effect on work of police and justice system, Chokar inquiry

Contemporary influences:

- ◆ Justice policy — The current Scottish Executive programme of reform, eg summary courts, alternatives to prison, restorative justice measures
- ◆ Public pressure — Campaigns in media eg recent airgun murder, pressure groups, professional bodies eg Scottish Police Federation
- ◆ Accountability — Greater public access through Freedom of Information laws. Development of mechanisms for review eg Scottish Criminal Cases Review Commission
- ◆ Technology — The use of technology in the Criminal justice system (eg tagging, video link evidence) and its response to new technology (eg Internet crime)

Outcome 2

Roles and responsibilities of main participants in the criminal justice system in Scotland: Lord Advocate Solicitor General; Advocate Depute; Crown Office and Procurator Fiscal Service (COPFS) — Crown Agent, Area Procurator Fiscal, District Procurator Fiscal, Procurator Fiscal Depute; Court personnel — judge, sheriff, Justice of the Peace (JP), Sheriff Clerk; Legal personnel — QC, defence lawyer

Scottish criminal courts and other arrangements: petition procedure; solemn proceedings; summary proceedings; appeals; Children's Panel; Fatal Accident Inquiries; Interdicts

Procedures: Children's Panel; Fatal Accident Inquiries; Interdicts; Anti-Social Behaviour Orders (ASBOS)

Higher National Unit specification: support notes (cont)

Unit title: Criminal Justice System in Scotland

Relationship between criminal justice system and contemporary Scottish society: law enforcement and criminalisation; effect of social, economic and cultural changes on the criminal justice system and voluntary support agencies

The criminal justice system and the work of the police: police powers; the role of the police in enforcing criminal justice; policing by consent

Guidance on the delivery and assessment of this Unit

This Unit can be delivered on a stand-alone basis or as part of a development programme for police officers seeking promotion.

Delivery of this Unit will involve ensuring that candidates do acquire the relevant underpinning knowledge. In this respect the unit is ideally suited to distance learning. However, candidates must be able to use the knowledge that they have acquired to analyse aspects of the criminal justice system in contemporary Scotland. For this reason, they should be given case studies of aspects of the system. They can also be asked to research their own examples to illustrate the concepts and ideas in the unit as well as undertaking their own investigations into situations currently confronting the Scottish criminal justice system. This type of activity could be encouraged through self-assessment tasks incorporated into a Distance Learning Programme.

This investigative approach should help to prepare candidates for the type of analysis which they will be expected to undertake in the examination which forms the assessment for this Unit. In this they will be expected to make use of relevant underpinning concepts to analyse aspects of the criminal justice system in contemporary Scotland.

Opportunities for developing Core Skills

The Unit will develop skills in accessing and evaluating complex information and ideas as candidates analyse and apply knowledge from text books, Internet sites, DVD/CD based databases and news archives. Checklists to support analytical evaluation of information might include criteria to check on the currency, authority, accuracy and balance of all information accessed. Candidates will be familiar with effective and responsible use of ICT equipment and should develop efficient systems for collating, coding and storing notes for ease of reference.

Communication skills are not discretely assessed but candidates should be advised on the need to present accurate, analytical written responses which reach coherent and concise conclusions. Use of terminology should be accurate.

Open learning

This Unit is particularly suitable for Open Learning as candidates should be able to acquire the relevant knowledge by working through the distance learning material which will be available for this unit. Appropriate arrangements would need to be made for assessment and quality assurance. For information on this, please refer to the SQA document *Assessment and Quality Assurance of Open and Distance Learning*, which is available on SQA's website: www.sqa.org.uk.

Higher National Unit specification: support notes (cont)

Unit title: Criminal Justice System in Scotland

Candidates with disabilities and/or additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering alternative Outcomes for Units. Further advice can be found in the SQA document *Guidance on Assessment Arrangements for Candidates with Disabilities and/or Additional Support Needs* (www.sqa.org.uk).

General information for candidates

Unit title: Criminal Justice System in Scotland

This Unit forms part of Module 1 of the Diploma in Police Service Leadership and Management which is a Professional Development Award accredited by SQA. It has been designed to offer developmental opportunities to police officers who aspire to promoted posts.

The Unit enables you to analyse the underlying principles and issues which inform and influence a criminal justice system and the institutions and processes which it includes. It also enables you to relate these general ideas to the particular situation of the criminal justice system in contemporary Scotland. Throughout, the emphasis is that all involved are in partnership as all have a common interest in ensuring that the system works effectively. The police are a major partner and the Unit aims to increase your awareness of the inter-relationships between the police and the other partners in the system. As a result, the Unit should help you to appreciate important factors which will affect your work as a manager in police organisations. You will be given support material to help you work on this Unit on your own. It will include case studies of relevant situations and you will also be able to investigate situations for yourself. This will give you practice in analysing the criminal justice system which you will need for the assessment.

The assessment for the Unit is an examination which tests your ability to analyse current and possible future aspects of the criminal justice system in Scotland. The examination will be closed book. It will last for 90 minutes and you will be expected to achieve a mark of 50%, or more.

You will have succeeded in meeting all the requirements of this unit if you pass this assessment.