



## Higher National Unit specification

### General information for centres

**Unit title:** Wastes Industry: Managing Legal and Environmental Issues

**Unit code:** F0VL 34

**Unit purpose:** This Unit is designed to provide candidates with a working knowledge of the key principles of environmental and legal issues as they pertain to the Wastes Industry.

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

- 1 Explain the role of UK and European agencies as ‘sources of law’ and practice within the Wastes Industry.
- 2 Explain the relevant and current environmental legislation and control regulations as they apply to the collection, keeping, treating and disposal of wastes.
- 3 Explain the law of contract.
- 4 Explain the key elements of the law of employment.

**Credit points and level:** 1 HN credit at SCQF level 7: (8 SCQF credit points at SCQF level 7\*)

*\*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:** Access to this Unit is at the discretion of the centre. However, it would be beneficial if the candidates possessed Communication at SCQF level 5 or equivalent.

**Core Skills:** There are opportunities to develop the Core Skills of *Written Communication* at SCQF level 5 and *Problem Solving* at SCQF level 5 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.

## General information for centres (cont)

**Assessment:** Outcome 1 could be assessed by a presentation where candidates work in a small group (two or three members) which allows the candidates to demonstrate their understanding of the legislation and control regulations as they pertain to the collection, keeping, treating and disposal of wastes.

Outcome 2 could be assessed by a report which investigates the legislation and control regulations that apply during the collection, keeping, treating and disposal of each of waste materials. The topics for the report may be issued 7–10 days in advance and the candidates could agree the two types of wastes that will be covered in the report with their tutor in advance of the assessment event.

Case studies and scenarios could be used to assess Outcome 3 and Outcome 4. The case studies could be carried out under open-book conditions and would allow the candidates to demonstrate their knowledge and understanding of the key elements of the law of contract, law of obligation, the law of employment and environmental legislation.

## **Higher National Unit specification: statement of standards**

**Unit title:** Wastes Industry: Managing Legal and Environmental Issues

**Unit code:** F0VL 34

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**

Explain the role of UK and European agencies as ‘sources of law’ and practice within the Wastes Industry

#### **Knowledge and/or Skills**

- ◆ Sources of law
- ◆ Central and local government
- ◆ European Environmental Agencies
- ◆ Environment agencies in UK
- ◆ Pressure groups

#### **Evidence Requirements**

All the knowledge and skills will be assessed on each occasion. Candidates will need to provide evidence to demonstrate that they understand all the Knowledge and Skills in this Outcome by showing that they can explain the role of UK and European agencies in developing current legislation and practice within the Wastes Industry.

A candidate’s response can be judged satisfactory where the evidence shows that the candidate can:

- ◆ identify the relevant sources of law from both European and UK sources
- ◆ explain the role played by the environment agencies in UK in particular SEPA and SEERAD in Scotland and/or Environment Agency and DEFRA in England in developing current legislation and practice within the Wastes Industry
- ◆ explain the role played by local and central government in developing current legislation and practice within the Wastes Industry
- ◆ explain the role played by two significant pressure groups in helping to develop current legislation and practice within the Wastes Industry

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Wastes Industry: Managing Legal and Environmental Issues

### **Assessment Guidelines**

This Outcome could be assessed by a presentation where a small group of candidates (two or three) present to their Tutor and peers in which they explain the role of UK and European agencies in developing current legislation and practice within the Wastes Industry. Each group could prepare the presentation and produce 'handouts' which provide evidence. The presentations could be peer assessed and a checklist completed for evidence and feedback. Each individual candidate could submit an evaluation of their contribution and that of other group members to the success of the Outcome. This evaluation could be no more than 1,000 words.

Each group presentation could last no more than 20 minutes.

### **Outcome 2**

Explain the relevant and current environmental legislation and control regulations as they apply to the collection, keeping, treating and disposal of wastes

#### **Knowledge and/or Skills**

- ◆ Environmental legislation
- ◆ Controlled wastes
- ◆ Control regulations
- ◆ Duty of Care
- ◆ Shipment and transportation of Wastes

#### **Evidence Requirements**

All elements of the Knowledge and Skills will be assessed on each occasion.

Candidates will need to provide evidence they can apply the relevant and current environmental legislation and control regulations in relation to the collection, keeping, treating and disposal of wastes.

A candidate's performance will be judged satisfactory when he/she can:

- ◆ explain the current legislation as it applies to the collection, keeping, treating and disposal of wastes
- ◆ explain the control regulations as they apply to the collection, keeping, treating and disposal of wastes
- ◆ explain where the duty of care lies in respect of the collection, keeping, treating and disposal of wastes
- ◆ explain the current environmental legislation as it applies to the shipment and transportation of wastes

## **Higher National Unit specification: statement of standards (cont)**

### **Unit title:** Wastes Industry: Managing Legal and Environmental Issues

Evidence for this Outcome will be sampled. Candidates will be required to produce evidence for each of the elements, above, relating to two different types of controlled wastes from:

- ◆ household
- ◆ commercial
- ◆ industrial
- ◆ clinical
- ◆ hazardous and non hazardous

as to how the current legislation and control regulations apply to that type of wastes at each stage of collection, keeping, treating and disposal.

A different sample must be used on each assessment occasion.

Evidence should be generated through supervised open-book conditions.

#### **Assessment Guidelines**

Candidates could be asked to produce a report in which they identify two different types of wastes and explain which legislation and control regulations apply at each stage during the collection, keeping, treating and disposal of each of these waste materials. The candidate could identify where the duty of care lay at each stage.

The topics for the report may be issued 7–10 days in advance and the candidates could agree the two types of wastes that will be covered in the report with their Tutor in advance of the assessment event.

Candidates are permitted to take one sheet of A4 notes to the assessment event and copies of any relevant statutory legislation.

The report could be 1,500 words to which any statutory documentation could be attached as appendices.

### **Outcome 3**

Explain the key elements of the Law of Contract

#### **Knowledge and/or Skills**

- ◆ Essentials of a contract
- ◆ Definition of a contract
- ◆ Rules of offer and acceptance
- ◆ Breach of Contract

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Wastes Industry: Managing Legal and Environmental Issues

### **Evidence Requirements**

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ identify the essentials of a contract
- ◆ explain a legally acceptable definition of a contract
- ◆ explain the rules of offer and acceptance within a contract
- ◆ explain the causes/reasons for breach of contract
- ◆ identify the relevant remedies arising from a breach of contract

### **Assessment Guidelines**

The assessment for this Outcome could be combined with Outcome 2. The assessment could consist of case studies or scenarios to which the candidates will give short answer responses to structured questions by which they can demonstrate their knowledge and understanding of the law of contract. If a case study (or studies) is used to assess this Outcome the case study (or studies) may be issued 7–10 day prior to assessment. However, candidates could be given a clean copy of the case study at the assessment event. Candidates could bring one side of A4 notes to the assessment event (or events).

Candidates should be encouraged to cite case law in their responses where appropriate. If the assessment for Outcome 1 and Outcome 2 is combined the candidates could be given 1 hour 30 minutes to complete their assessment. If this Outcome is assessed on it's own Candidates should be able to complete the assessment in 45 minutes.

## **Outcome 4**

Explain the key elements in the law of employment

### **Knowledge and/or Skills**

- ◆ Contract of service
- ◆ Contract for services
- ◆ Dismissal and termination
- ◆ Discrimination

### **Evidence Requirements**

Evidence must be provided for all Knowledge and Skills elements each time the Outcome is assessed. Candidates will need to demonstrate that they understand all the knowledge and skills in this Outcome by showing that they can explain the key elements of the law of employment.

A candidate's response can be judged satisfactory where the evidence shows that the candidate can:

- ◆ distinguish between a contract of service and a contract for services and state the legal implication of each type of relationship
- ◆ briefly explain the statutory and common law rights and duties of employers and employees
- ◆ identify whether a dismissal is fair or unfair giving appropriate reasons
- ◆ identify situations in employment which might be regarded as unlawful

## **Higher National Unit specification: statement of standards (cont)**

## **Unit title:** Wastes Industry: Managing Legal and Environmental Issues

### **Assessment Guidelines**

The assessment for this Outcome could be combined with Outcome 1. The assessment could consist of case studies or scenarios to which the candidates will give short answer responses to structured questions by which they can demonstrate their knowledge and understanding of the law of contract. If a case study (or studies) is used to assess this Outcome the case study (or studies) may be issued 7–10 day prior to assessment. However, candidates could be given a clean copy of case law at the assessment event. Candidates could bring one side of A4 notes to the assessment event (or events).

Candidates should be encouraged to cite case law in their responses where appropriate. If the assessment for Outcome 1 and Outcome 2 is combined the candidates could be given 1 hour 30 minutes to complete their assessment. If this Outcome is assessed on it's own Candidates should be able to complete the assessment in 45 minutes.

## Administrative Information

<b>Unit code:</b>	F0VL 34
<b>Unit title:</b>	Wastes Industry: Managing Legal and Environmental Issues
<b>Superclass category:</b>	EC
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### History of Changes:

Version	Description of change	Date

**Source:** SQA

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## Higher National Unit specification: support notes

### Unit title: Wastes Industry: Managing Legal and Environmental Issues

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

On completion of this Unit candidates should have gained a practical insight into aspects of contract and employment law and environmental legislation as it interacts with the different stakeholders within the wastes industry. Candidates will have the opportunity to demonstrate their knowledge of the environmental and legal framework through cases studies and scenarios and their own work place where appropriate. Where such work place evidence is utilised, confidentiality of information must be observed at all times.

Wherever possible the delivering centre should adopt a proactive approach towards the delivery of this Unit by utilising reported cases from the press and media. Likewise candidates should be encouraged to source relevant information eg internet, journals, magazines, newspapers etc. Candidates should also be encouraged to use these articles as discussion topics in the classroom environment.

The suggested allocation of teaching time when delivering this Unit is as follows:

Outcome 1	15%
Outcome 2	45%
Outcome 3	20%
Outcome 4	20%

**It is intentional that the laws, regulatory bodies, agencies etc relating to the wastes industry have not been identified by name in most cases. This is to ensure that any changes can be addressed within the framework of this descriptor. There is therefore an onus on tutors and candidates to ensure that the most recent legislation and institutions are the focus of the work required for this Unit.**

#### Outcome 1

This Outcome looks at the sources of law. Tutors could explain the difference between common law and statute law as part of the background to this Outcome. The way in which Europe has influenced the laws in recent years should be studied, in particular the European directives which are the sources for much of the current environmental legislation in the UK.

The agencies such as SEPA and SEERAD in Scotland play a vital part in the regulation of the wastes industry and ensuring that legislation is complied with. Tutors should ensure that candidates are made fully aware of the role that they play.

Candidates should be encouraged to study the part played by pressure groups such as Friends of the Earth, Greenpeace and others in bringing about changes in legislations to protect the environment.

## **Higher National Unit specification: support notes (cont)**

### **Unit title:** Wastes Industry: Managing Legal and Environmental Issues

#### **Outcome 2**

Candidates should be made aware of the various legal powers and responsibilities of regulatory bodies governing the wastes industry.

Candidates should focus on the current legislation relating to the collection, keeping, treating and disposal of the different types of controlled wastes such as household wastes, commercial waste, industrial waste and clinical wastes, hazardous and non hazardous. Regulations regarding disposal on land, emissions of pollutions into the atmosphere and the release of pollutants into the aqueous environment should be fully addressed.

Candidates will be able to identify the different types of licenses and permits relating the controlled wastes and be aware that exemptions are given in certain circumstances. In this Outcome candidates will study the regulations relating to the vehicles used in the transportation of wastes and this will include the duties incumbent on consignors, consignees, and drivers of the vehicles.

#### **Outcome 3**

In this Outcome candidates will study the law of contract and in particular the definition of contract and the essential components of a contract.

Candidates will also acquire knowledge of the rules of offer and acceptance within a contract. Tutors should ensure that such issues as illegality and errors including misrepresentation are covered. Criteria for the performance of contracts including breach of contract are part of this Outcome. Candidates will also study remedies for breach of contract.

Candidates will learn about the concept of delict and obligation placed on individuals and/ business not to harm other individuals and /or businesses or their property. Negligence and the liability which may arise as a result of acting negligently are covered in this Outcome as are an explanation of the defences available to the accused party in an attempt to mitigate the level of liability.

#### **Outcome 4**

In this Outcome candidates will study the legal implications of employment law. Tutors should address the differences between contract for employment and contract of employment. The statutory and common law rights and duties of employers and employees are studied in this Outcome. The important aspect of dismissal and termination of employment is included and candidates will need to be able to identify whether a dismissal is fair or unfair. Discrimination in employment has a high profile, therefore Tutors will need to ensure that candidates understand the types of situations which could be regarded as unlawful discrimination.

The Tutor should emphasise to candidates the changing nature of legislation and ensure that current legislation is identified and addressed as appropriate.

Tutors should direct students to the relevant government and legal web-sites for current thinking, legislation and current practice.

## Higher National Unit specification: support notes (cont)

**Unit title:** Wastes Industry: Managing Legal and Environmental Issues

### Guidance on the delivery and assessment of this Unit

This Unit is primarily designed to prepare candidates for employment within the Wastes Industry or related areas. The emphasis should be on encouraging the learner to investigate and research current legislation, regulations and policy and their applications within the wastes industry.

Independent study should be encouraged by using candidate-centred, resource-based methodologies.

Outcome 1 could be assessed by means of a group presentation in which the group explain the role of UK and European agencies in developing current legislation and practice within the Wastes Industry. The candidates could submit an evaluation of the working of the group and the contribution of each individual member to the success of the Outcome.

Outcome 2 could be assessed by means of a report in which the candidate will apply the current and relevant environmental legislation and control regulations to the collection, keeping, treating and disposal of two different types of wastes such as household waste, industrial waste, commercial waste, clinical waste, hazardous and non-hazardous. The report may be produced in supervised open-book conditions.

The assessment of Outcome 3 and Outcome 4 can be completed through a series of structured questions relating to cases studies and scenarios to which the candidates produce their responses and justify their responses by quoting case law. This assessment is conducted under supervised open-book conditions.

#### *Opportunities for developing Core Skills*

The delivery of this Unit may contribute towards the components *Oral Communications* of the Core Skills *Communication* at Higher. In particular this development could be appropriate if an oral presentation was used as the instrument of assessment for Outcome 3.

In both formative and summative assessments the candidates should be encouraged to present all essential ideas/information and supporting detail in a logical and effective order; to use a structure that takes account of purpose and audience and links major and minor points in ways which assist the clarity and impact of the writing; use conventions which are effective in achieving the purpose and adapted as necessary for the target audience and use spelling, punctuation and sentence structures which are consistently accurate.

These skills can be developed through formative activities such as short essays/reports on each element or debate/issue without being formally assessed for certification of the Core Skill.

The delivery and assessment of this Unit could also contribute towards the component *Critical Thinking* of the Core Skill *Problem Solving* at Intermediate 2 because of the requirement to 'apply the relevant and current environmental legislation and control regulations'. In developing their report the candidate will have to decide which legislations and/or control regulations applies to the specific wastes and give reasons for this decision.

## **Higher National Unit specification: support notes (cont)**

### **Unit title:** Wastes Industry: Managing Legal and Environmental Issues

There will be an opportunity to develop the Core Skill *Working with Others* through the group presentation and also at other times throughout the delivery of this Unit when candidates will be required to work in groups to complete some formative assessments.

### **Open learning**

If this Unit is delivered by open or distance learning methods, additional planning and resources may be required for candidate support, assessment and quality assurance. A combination of new and traditional authentication tools may have to be devised for assessment and reassessment purposes.

### **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](http://www.sqa.org.uk)).

## General information for candidates

### Unit title: Wastes Industry: Managing Legal and Environmental Issues

This HN Unit is a 1 credit SCQF level 7 Unit. It is designed to give you a basic knowledge of the environmental and legal issues as they relate to the wastes industry. The Unit is particularly useful to candidates who are currently working within the wastes industry or who wish to prepare themselves for employment within the waste industry. The Unit address legal issues which are of benefit to a manager in any industry sectors as well as the more specific environmental legislations relating to the wastes industry.

In **Outcome 1** the role of the UK and European agencies in developing current legislation and practice within the wastes industry will be explored. You will learn how the European legislation influences the management of wastes within the UK. In Scotland SEPA and SEERAD are charged with monitoring the protection of the environment and you will study the role that they play and the role of similar agencies across the UK. Pressure has always been influential in the formation of legislation and in addition you will look at the work of some of the major pressure groups active within the wastes industry.

In **Outcome 2** the legislation and control regulations relating to the collection, keeping, treating and disposal of wastes will form the basis of your study. You will gain a sound knowledge of the current legislation relating to the collection, keeping, treating and disposal of the different types of controlled wastes such as household wastes, commercial waste, industrial waste and clinical wastes, hazardous and non hazardous. Regulations regarding disposal on land, emissions of pollutions into the atmosphere and the release of pollutants into the aqueous environment will be fully addressed.

You will be able to identify the different types of licenses and permits relating the controlled wastes and be aware that exemptions are given in certain circumstances. In this Outcome candidates will study the regulations relating to the vehicles used in the transportation of wastes and this will include the duties incumbent on consignors, consignees, and drivers of vehicles used in the transportation of wastes.

In **Outcome 3** you will study the law of contract and the law of obligations. You will learn about the essentials elements of a contract and be able to identify agreements which are contractually binding. You will learn about the cause and reasons for terminations of contract and to recognise the relevant remedies arising from a breach of contract.

You will also study the law of obligation and learn about the concept of delict and the obligation placed upon individuals and/or businesses not harm other individuals and/or businesses or their property. You will also study the concept of negligence and the liability which may arise as a result of acting negligently as well as the 'defences' available to the accused party to mitigate the level of liability.

**Outcome 4** addresses the key elements of the law in employment. You will learn to distinguish between a contract for services and a contract of service and understand the legal implications of each type of relationship. You will study the statutory and common rights and duties of employers and employees. You will also study dismissal and termination of employment and learn to recognise whether a dismissal is fair or unfair. You will learn how to recognise situations in employment that might be regarded as unlawful discrimination.

## **General information for candidates (cont)**

**Unit title:** Wastes Industry: Managing Legal and Environmental Issues

### **Assessment**

**Outcome 1** could be assessed by means of an individual or group presentation in which you may demonstrate your knowledge and understanding of the role of the UK and European agencies in developing current legislation and practice within the Wastes Industry. Your presentation could last 20 minutes and your group may produce handouts to support the presentation. Each candidate may produce an evaluation of their own and other members of the group's contribution to the successful Outcome.

**Outcome 2** could be assessed by means of a report in which you will track the collection, keeping, treating and disposal of two different types of wastes from household, commercial, industrial and clinical, hazardous and non-hazardous. You will apply the relevant and current environmental legislation at each stage and also explain the control regulations that apply at each stage. This report may be completed in approximately 1,500 words.

**Outcome 3 and Outcome 4** could be assessed together under supervised open-book conditions. You may be required to respond to a series of structured questions to demonstrate your understanding of the law of contract, the law of obligation and the law relating to employment. These questions may be attached to mini case studies or scenarios. You may be permitted to take into the assessment event one sheet of notes. You should be able to complete the assessment in one hour thirty minutes.