

Higher National Unit specification

General information for centres

Unit title: Central and Local Government

Unit code: F1A1 34

Unit purpose: This Unit is designed to expand the candidates' knowledge of the law as it applies to mechanics of central and local government in modern Britain. This specialist Unit will concentrate particularly upon the most important constitutional principles which underpin the British State and the ways in which these principles influence the legislative process. The Unit will address the importance of local government, the impact of devolution and British membership of the European Union. Finally, candidates will be expected to demonstrate an understanding of the ways in which public finances are raised and distributed by government.

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

- 1 Explain the constitutional principles of the British parliamentary system.
- 2 Explain the structure and the role of Local Government in Scotland.
- 3 Explain how central government finance is raised, apportioned and monitored.

Credit points and level: 2 HN credits at SCQF level 7: (16 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, candidates would normally be expected to have competence in Communication at SCQF (level 6).

These may be demonstrated by the achievement of Core Skill Communication at Higher level or by possession of Higher English and Communication or an HN Communication Unit at SCQF level 6. It is recommended that candidates should also have completed the HN Unit entitled *Scottish Legal System* (F1A7 34).

Core Skills: There are opportunities to develop the Core Skills of Communication, Problem Solving and Numeracy 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.

General information for centres (cont)

Assessment: Assessment for this Unit is carried out on a holistic basis, with candidate being presented with a scenario in the form of a case study to which they have to provide written evidence of being able to carry out the tasks covered in the Outcomes. In addition, candidates will provide written/oral evidence of knowledge on a sampled basis under open-book conditions.

Centres will have discretion in designing assessments so that they can assess outcomes individually or combine outcomes where they consider it appropriate.

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

Explain the constitutional principles of the British parliamentary system

Knowledge and/or Skills

- ◆ The unwritten British Constitution; Sources of the British Constitution; The Westminster Parliament
- ◆ The Royal Prerogatives
- ◆ Legislative supremacy and European Union
- ◆ Legislative instruments
- ◆ The Doctrine of the Separation of Powers
- ◆ Political culture
 - The Civil Service
 - External advisers
- ◆ Devolution and regional government

Outcome 2

Explain the structure and the role of Local Government in Scotland

Knowledge and/or Skills

- ◆ Local authorities
- ◆ Structure and remit of local authorities
- ◆ Councillors
- ◆ Council Officers
- ◆ Law-making powers
- ◆ The electoral system
- ◆ Local government finance
- ◆ Auditor General for Scotland
- ◆ Audit Commission
- ◆ The Public Services Ombudsman
- ◆ Relationship with Westminster and Scottish Parliaments
- ◆ Convention of Scottish Local Authorities (COSLA)
- ◆ Quangos

Higher National Unit specification: statement of standards (cont)

Unit title: Central and Local Government

Outcome 3

Explain how central government finance is raised, apportioned and monitored

Knowledge and/or Skills

- ◆ The Chancellor of Exchequer
- ◆ The Treasury
- ◆ The Bank of England
- ◆ The Budgetary process
- ◆ The House of Commons
- ◆ The Parliament Acts
- ◆ Finance Bills and Acts
- ◆ Parliamentary Committees
 - Public Accounts Committee
 - Treasury Committee
- ◆ HM Revenue and Customs
- ◆ Comptroller and Auditor General
- ◆ Audit Commission

Evidence Requirements for the Unit

Candidates will provide written/oral evidence to show that they can apply their knowledge to a particular legal problem associated with the operation of central or local government. Candidates will be given a case study (or case studies), consisting of a scenario where candidates could take on **ONE** of the following roles:

- ◆ A civil service lawyer who is expected to give advice to a British Government Minister or a Minister of the Scottish Executive

OR

- ◆ A local government solicitor who is expected to give advice to the leader or officials of a local council

The candidate should:

- ◆ Explain clearly how central and local government in Britain is structured
- ◆ Apply the jurisdiction of each tier of British government in relation to legislative and budgetary powers correctly
- ◆ Explain the impact of devolution on the British State
- ◆ Explain how public policy is influenced by European Union legal principles
- ◆ Explain how public finance is raised, apportioned and monitored by different tiers of government in Britain
- ◆ Explain clearly the dominant position of the Westminster Parliament in legislative matters, its relationship with the Scottish Parliament, the European Union and local authorities
- ◆ Explain the need to ensure that legislation and public policies comply with human rights obligations

Higher National Unit specification: statement of standards (cont)

Unit title: Central and Local Government

Sampling of knowledge is permitted and at least three items from the knowledge and skills within each Outcome should be sampled.

The assessment will be conducted in controlled conditions. The assessment will be conducted under open-book conditions and candidates will be permitted to make full use of class handouts, textbooks and other relevant material. Candidates will not be permitted to see the case study or case studies in advance of the assessment.

Assessment Guidelines for this Unit

The case study will afford candidates the opportunity to display a sound grasp of the most important constitutional principles of the British State, to demonstrate an understanding of the relationships between different tiers of government in Britain and to explain the means by which public finance is raised, apportioned and monitored.

The Unit could be assessed by means of a single assessment comprising a case study or set of case studies. Given the complexity of the material, Centres may prefer to assess the Unit by way of two separate assessments. If this option is preferred, it is therefore sufficient for the Evidence Requirements to be met across both assessments rather than for a single case study having to address all of the Evidence Requirements.

The main body of the case study or case studies could focus on the knowledge and/or skills contained in a specific Outcome or a combination of Outcomes from the Unit. Knowledge and/or skills which are not addressed in the main case study could be sampled by means of a series of supplementary questions as part of the assessment strategy. These supplementary questions could be in the format of restricted response questions which can be used to demonstrate that candidates have a sound grasp of the material covered in the Unit.

Candidates will be expected, as much as possible, to apply the theoretical legal position to the scenario within the case study in order to resolve problems, so it is important that the case study is sufficiently complex to allow this to happen. Candidates will need to provide evidence to show that they can give an accurate and clear explanation of the law as it relates to a given case study or case studies.

Should there be ambiguity regarding a candidate's response to the assessment, or authenticity of the candidate's response, oral questioning may be used to eliminate any doubt as to the candidate's understanding of the legal principle. The lecturer should note questions and responses.

Administrative Information

Unit code: F1A1 34

Unit title: Central and Local Government

Superclass category: EA

Original date of publication: March 2007

Version: 02

History of changes:

Version	Description of change	Date
02	Assessment guidelines amended to allow centres greater discretion in designing assessments. Wording revised relating to guidance for candidates with additional support needs.	20/07/10

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Higher National Unit specification: support notes

Unit title: Central and Local Government

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 80 hours.

Guidance on the content and context for this Unit

The Unit is primarily intended to give candidates a practical and theoretical insight into the operation of central and local government and their inter-relationship with each other. For those candidates who have relevant work experience, this Unit will give them a theoretical understanding of the legal principles which govern the operation of the various tiers of government in Britain.

This Unit is specifically geared towards Scottish Law. It is highly recommended that candidates be familiar with the following areas:

- ◆ Sources of modern Scots Law especially statute law, judicial precedents and European Union law
- ◆ The legislative process in the Westminster and Scottish Parliaments
- ◆ The distinction between reserved and devolved powers
- ◆ The constitutional implications of British membership of the European Union
- ◆ The growing influence of human rights on the legislative process

The Unit should also demonstrate how legislation has, and is being developed, the use of case law in settling legal matters and how this affects the relationships between the different tiers of government in modern Britain.

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

- ◆ Outcome 1 – 40%
- ◆ Outcome 2 – 30%
- ◆ Outcome 3 – 30%

The Unit can be approached by using relevant case studies which are related to events which require to be acted upon, or explained in terms of legal solutions or relevant case law. Wherever possible, Centres should adopt a proactive approach towards the teaching of this Unit by using reported cases from current law journals and other relevant sources. Likewise, candidates should be encouraged to source all information eg the internet, professional journals and newspapers. Candidates should also be encouraged to use these articles as discussion topics in the classroom environment.

Guidance on the delivery and assessment of this Unit

Centres are recommended to follow the sequence of Outcomes which will provide the candidates with a clear understanding of the legal issues which apply to central and local government in accordance with current professional standards.

Higher National Unit specification: support notes (cont)

Unit title: Central and Local Government

Centres should emphasise to candidates that they require to transfer knowledge gained from the completion of the HN Unit *Scottish Legal System* especially with regard some of the main sources of Scots Law ie statute law and European law. The Central and Local Government Unit will also be particularly useful for those candidates who intend to undertake the following HN Units *Administrative Law, European Law and Environmental Law*.

Candidates will be expected, as much as possible, to apply the theoretical legal position to each of the assessments, in order to resolve problems within the context of the case study. It is recommended that a bank of case studies should be prepared to cover the knowledge and understanding of all Outcomes within this Unit.

Opportunities for developing Core Skills

In formative and summative activities there will be opportunities to enhance oral and written communication skills as candidates summarise complex key ideas and information accurately and concisely, using appropriate terminology. In preparation for a response to complex case studies candidates will access and analyse a range of sources which provide current legal information on the constitutional principles underpinning the British State and ways in which they influence the legislative process. Discussion of current case studies formatively would support and stimulate analytical reflection and strengthen oral communication skills.

As candidates devise a response which could form the basis of client advice they will have to consider and apply relevant solutions to the issues raised by case studies. Understanding of relationships between all tiers of government and evaluation of the ways in which they operate and influence one another will be a critical aspect of competence.

Evidence should be presented using coherent structures and accepted conventions. Oral evidence should be confidently and clearly expressed. Written evidence should use accurate language, spelling and punctuation.

Accuracy in interpreting, calculating, applying and explaining complex financial principles will be necessary to demonstrate ways in which public finances are raised, distributed and monitored by government. Candidates should have formative opportunities to enhance skills in the interpretation and presentation of financial data with an emphasis on Numeracy as a tool to be applied efficiently and critically in practical contexts.

Open learning

If this Unit is delivered by open or distance learning methods, additional resources will be required for candidate support, assessment and quality assurance. For further information and advice please refer to the SQA guide: *Assessment and Quality Assurance for Open and Distance Learning* (A1030, February 2001).

Higher National Unit specification: support notes (cont)

Unit title: Central and Local Government

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: Central and Local Government

This Unit is designed to serve as an introduction to the different levels of government operating in contemporary Britain. Particular emphasis will be placed on the relationship between central and local government and, hopefully, this approach will ensure that you will be able to understand the ways in which all tiers of government operate and influence one another.

There are three Outcomes in this Unit, which will be assessed on a holistic basis. All Outcomes will be assessed by use of a case study or case studies to test your understanding of the legal principles and how they can be applied. The assessment will take the form of an open-book exercise; you will be permitted to use textbooks and class handouts during the assessment event.

In this Unit, you will cover:

- ◆ The nature of the British Constitution
 - ◆ Sources of the British Constitution
 - ◆ The legislative supremacy of the Westminster Parliament
 - ◆ The doctrine of the separation of powers
 - ◆ The structure of devolved government in Scotland
 - ◆ The relationship between the Westminster and Scottish Parliaments
 - ◆ The constitutional implications of British membership of the European Union
 - ◆ How local government is structured in Scotland
 - ◆ The impact of devolution on Scottish local government
 - ◆ The protection of human rights
 - ◆ The budgetary process in the Westminster Parliament
 - ◆ How government finance is raised and distributed
 - ◆ How the Executive and public expenditure are scrutinised
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- ◆ The assessment answers which you will provide will be in response to a specific question or questions contained in a case study or case studies. In these answers, you will need to provide evidence to show that you can give an accurate and clear explanation of the law as it relates to a given case study or case studies.