



Higher National Unit specification

General information for centres

Unit title: Health and Safety Law

Unit code: F0NC 35

Unit purpose: This Unit is designed to enable the candidate to develop knowledge and understanding of the legal framework essential for the successful health and safety management of an organisation.

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

- 1 Explain and demonstrate understanding of the importance of the different sources of health and safety law.
- 2 Explain and demonstrate understanding of the distinguishing features and operation of the different types of health and safety law.
- 3 Explain the main general duties, common to all workplaces, imposed by health and safety law.

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 the knowledge, skills and/or experience equivalent to SVQ level 3 in occupational health and safety practice. A minimum level of Core Skills at SCQF level 5 or equivalent is essential in Communication.

Core Skills: There is no automatic certification of Core Skills in this Unit. However, there may be opportunities to develop aspects of Core Skills in *Communication*.

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: Two instruments of assessment are recommended for this Unit. Outcomes 1 and 2 could be assessed by extended answer questions based on work-based case studies. These should be completed by the candidate to set deadlines under open-book, unsupervised conditions. Outcome 3 could be assessed by restricted response questions completed under examination conditions.

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 and demonstrate understanding of the importance of the different sources of health and safety law

Knowledge and/or Skills

- ◆ Statute law
- ◆ Common law
- ◆ European influences
- ◆ Case law

Evidence Requirements

To achieve the Outcome, the candidate should produce evidence in an appropriate medium to demonstrate all aspects of the Knowledge and/or Skills section. The candidate should produce accurate responses demonstrating knowledge and understanding of the operation of the rules of health and safety law.

Assessment Guidelines

The candidate could be required to provide extended answers to questions on a work-based case study.

Questions should require the application of knowledge so that the candidate can demonstrate understanding of the relative contributions of the sources of health and safety law and the ways in which they interact. This assessment could be integrated with the assessment of Outcome 2.

Outcome 2

Explain and demonstrate understanding of the distinguishing features and operation of the different types of health and safety law

Knowledge and/or Skills

- ◆ Key features and operation of Criminal law in relation to health and safety
- ◆ Key features and operation of Civil law in relation to health and safety
- ◆ Enforcement

Higher National Unit specification: statement of standards (cont)

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Evidence Requirements

To achieve each Outcome, the candidate must produce written evidence to demonstrate all aspects of the Knowledge and/or Skills section. The candidate will be required to produce accurate written responses demonstrating knowledge and understanding of the distinguishing features and operation of the different types of health and safety law.

Assessment Guidelines

The candidate could be required to provide extended answers to questions on a work-based case study.

Questions should require the application of knowledge so that the candidate can demonstrate understanding of the relationships between and the significance of the different types of law. This assessment could be integrated with the assessment for Outcome 1.

Outcome 3

Explain the main general duties, common to all workplaces, imposed by health and safety legislation

Knowledge and/or Skills

- ◆ Employers
- ◆ Employees
- ◆ Third parties
- ◆ Manufacturers and suppliers
- ◆ Responsible/competent persons
- ◆ Provision of information and consultation
- ◆ Emergency planning

Evidence Requirements

To achieve the Outcome, the candidate should provide evidence in an appropriate medium to demonstrate all aspects of the Knowledge and/or Skills section. Candidates should produce accurate written explanations which demonstrate their knowledge and understanding of the main requirements of specified health and safety legislation.

Assessment Guidelines

The candidate could be assessed by one restricted response paper. This should be completed under closed-book examination conditions.

Administrative Information

Unit code: F0NC 35
Unit title: Health and Safety Law
Superclass category: 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: Health and Safety Law

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

The Unit forms part of the Professional Development Award in Occupational Health and Safety Practice, and may be delivered as part of this or similar SCQF Level 8 Group Award. It is designed to meet ENTO occupational standards at level 4, and is a likely qualification route for full-time professional occupational safety and health professionals aspiring to Membership of professional institutions.

This Unit is designed to provide candidates with the knowledge and understanding of occupational health risks and associated control/monitoring measures and strategies.

The following areas should be covered:

Outcome 1

Statute:

- ◆ European Directives and Regulations
- ◆ Acts of Parliament
- ◆ Statutory Instruments
- ◆ Approved Codes of Practice and guidance
- ◆ Role of decided cases
- ◆ Economic assessment of legislative/regulatory change

Common:

- ◆ Nature and development
- ◆ Judicial precedent
- ◆ Role of decided cases
- ◆ Concept of Duty of Care

Outcome 2

Criminal:

- ◆ Purpose, penalties, burden of proof
- ◆ Types of duty and defences
- ◆ Prosecution and appeals procedures
- ◆ Enforcement of health and safety law
- ◆ Future developments, eg manslaughter, corporate manslaughter
- ◆ Role of Employment Tribunals

Higher National Unit specification: support notes (cont)

Unit title: Health and Safety Law

Civil:

- ◆ Purpose, remedies, burden of proof
- ◆ Procedures for pursuing civil actions
- ◆ Defences, appeals and calculation of damages
- ◆ Delict of negligence
- ◆ Breach of statutory duty
- ◆ Other relevant forms of liability, eg strict, joint/several, vicarious
- ◆ Interaction with other areas of law, eg contract, employment
- ◆ Role of Employment Tribunals

Outcome 3

It is important that the **most recent** version/amendment for any legislative instrument be taught at the time of delivery.

Employers:

- ◆ Health and Safety at Work etc. Act 1974 (HSWA)
- ◆ Management of Health and Safety at Work Regulations (MHSWR)

Employees:

- ◆ Health and Safety at Work etc. Act 1974 (HSWA)
- ◆ Management of Health and Safety at Work Regulations (MHSWR)

Self-employed:

- ◆ Health and Safety at Work etc. Act 1974 (HSWA)
- ◆ Management of Health and Safety at Work Regulations (MHSWR)

Third parties:

- ◆ Health and Safety at Work etc. Act 1974 (HSWA)
- ◆ Management of Health and Safety at Work Regulations (MHSWR)
- ◆ Construction (Design and Management) Regulations
- ◆ Occupiers Liability (Scotland) Act 1936

Manufacturers and suppliers:

- ◆ Health and Safety at Work etc. Act 1974 (HSWA)

Responsible/competent persons:

- ◆ Health and Safety at Work etc. Act 1974 (HSWA)
- ◆ Management of Health and Safety at Work Regulations (MHSWR)
- ◆ Construction (Design and Management) Regulations

Provision of information and consultation:

- ◆ Health and Safety at Work etc. Act 1974 (HSWA)
- ◆ Management of Health and Safety at Work Regulations (MHSWR)
- ◆ Health and Safety (Information for Employees) Regulations

Higher National Unit specification: support notes (cont)

Unit title: Health and Safety Law

- ◆ Health and Safety (Consultation with Employees) Regulations 1996
- ◆ Safety Representatives and Safety Committees Regulations 1972

Emergency planning:

- ◆ Control of Major Accident Hazards Regulations
- ◆ Emergency preparedness
- ◆ Consequence minimisation
- ◆ Contingency plans
- ◆ Emergency plans

Guidance on the delivery and assessment of this Unit

This Unit should be completed before the other Units that form an Occupational Health and Safety Practice Group Award at SCQF level 8, as it provides the necessary underpinning knowledge. Delivery and assessment should include reference to the workplaces of candidates.

Outcomes 1 and 2

These two Outcomes should be assessed together at the completion of Outcome 2. The candidate should show a clear understanding of the meaning and use of legal terms in the context of a work-based case study.

While the order of teaching of these two Outcomes does not matter in relation to each other, both should have been taught before Outcome 3 due to the nature of the content and its logical progression.

Outcome 3

The candidate should show an accurate knowledge of the general requirements of basic health and safety legislation.

Bibliography

An Introduction to the Law of Health and Safety at Work in Scotland — Professor Victor Craig and Professor Kenneth Miller; 2nd edition, W. Green 2000

Health and Safety Law — Jeremy Stranks; 4th edition, Prentice Hall 2001

Redgrave, Fife and Machin: Health and Safety — John Hendy and Michael Ford; 2nd edition, Butterworths 1993

Scottish Business Law — Moira MacMillan and Sally MacFarlane; 2nd edition, Pitman 1993

The Legal System of Scotland — Derek Manson-Smith; Scottish Consumer Council 1995

Higher National Unit specification: support notes (cont)

Unit title: Health and Safety Law

Opportunities for developing Core Skills

There may be opportunities to develop aspects of the Core Skill in *Communication* (written) through the assessments for this Unit.

Open learning

Open Learning implies that candidates study out with Centres using learning materials provided. However, it would be necessary to attend the Centre at intervals for workshops and assessments. For further information of Open and Distance Learning, please refer to the SQA publication, *Assessment and Quality Assurance of Open and Distance Learning* (SQA 2000).

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: Health and Safety Law

This Unit establishes the legal framework within which health and safety at work operates, and the general duties imposed by the fundamental legislation. It provides the underpinning knowledge necessary for the subsequent units that form the Professional Development Award in Occupational Health and Safety Practice (or similar SCQF level 8 Group Award).

The Unit follows a logical sequence divided into three sections:

- 1 The different sources of health and safety law (statute and common).
- 2 Features and operation of the different types of health and safety law (criminal and civil).
- 3 General duties common to all workplaces imposed by health and safety legislation.

Assessment requires you to meet 3 Outcomes which correspond to the sections listed above.

On completion of this Unit you should be able to use legal terminology correctly and appropriately in the context of the workplace. You will be able to identify and analyse workplace situations in terms of the appropriate legal obligations. You will also be able to identify the main types of duty holder and describe their general statutory duties.

The first two Outcomes (sources and types of health and safety law) could be assessed by extended answers to questions on a work-based case study, completed unsupervised. Outcome 3 (general statutory duties) could be assessed using restricted response questions completed under examination conditions.