



## Higher National Unit specification: general information

**Unit title:** Children's Reporter Practice: Appeals and other Court Processes

**Unit code:** FW6J 37

**Superclass:** EC

**Publication date:** November 2014

**Source:** Scottish Qualifications Authority

**Version:** 02

### Unit purpose

This Unit is designed to ensure candidates understand the appeals process as it applies to the Children's Hearing system and are able to apply relevant case law knowledge to support the submission of appeals in the context of individual Hearings. The Unit is also designed to ensure that candidates understand their role in relation to other related court processes.

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

- 1 Apply the role of the Children's Reporter throughout the process of appeals to the Sheriff Court.
- 2 Explain the role of the Children's Reporter throughout the process of appeals to the Sheriff Principal/Court of Session.
- 3 Application of the Reporter involvement in Sheriff Court proceedings not covered by applications and appeals.

### Recommended prior knowledge and skills

Because of the specialised nature of this Unit (and others linked to the Professional Development Award for Children's Reporter Practice) all candidates must be employed by SCRA. In most cases this will be in the role of the Children's Reporter. For those candidates who are not employed in the role of Children's Reporter but employed by SCRA, case studies will be used to enable the candidate to achieve the Evidence Requirement for this Unit. Candidates will find it beneficial to have a background/experience in the field of law, social work and/or education.

## **General information (cont)**

### **Credit points and level**

1 Higher National Unit credit at SCQF level 10: (8 SCQF credit points at SCQF level 10\*)

*\*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.*

### **Core Skill**

There are opportunities to develop the Core Skill of *Problem Solving* and *Communication* at SCQF level 6 in this Unit, although there is no automatic certification of Core Skills or Core Skill components. Opportunities to develop aspects of Core Skill are highlighted in the support notes in this Unit specification.

### **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**

Assessment for this Unit could take the form of written papers, performance evidence, casework and/or oral evidence and can be undertaken during a suitable course of study or in the candidate's work context. Assessment may be completed in time set aside from work or in the candidate's own time.

All evidence should be relevant to the role of the Children's Reporter in delivering services to children, young people and their families.

## Higher National Unit specification: statement of standards

**Unit title:** Children's Reporter Practice: Appeals and other Court Processes

**Unit code:** FW6J 37

The sections of the Unit stating the Outcome, Knowledge and/or Skills, and Evidence Requirement are mandatory.

Outcomes 1, 2 and 3 will be assessed holistically. Evidence Requirement and Assessment Guidelines for these Outcomes will appear after Outcome 3.

Where evidence for Outcome 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

Apply the role of the Children's Reporter throughout the process of appeals to the Sheriff Court.

#### Knowledge and/or Skills

- ◆ Conduct appeal applying effective advocacy
- ◆ Timescales involved in lodging and answering appeals and its application
- ◆ Identify who has title to appeal and who are the parties to an appeal
- ◆ Grounds of appeal
- ◆ Analyse scope of appeal
- ◆ Prepare productions for appeals
- ◆ Procedure at appeal and its application
- ◆ Produce answers to appeal
- ◆ Disposals open to Sheriff
- ◆ Analyse and apply current appeals case law and legislation
- ◆ Apply Practice Instruction in relation to appeals

### Outcome 2

Explain the role of the Children's Reporter throughout the process of appeals to the Sheriff Principal/Court of Session.

#### Knowledge and/or Skills

- ◆ Appealable decisions
- ◆ Identify who has title to appeal to Sheriff Principal or Court of Session
- ◆ Timescales for appeals to Sheriff Principal or Court of Session Procedures for appeals to Sheriff Principal and Court of Session

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

**Unit title:** Children's Reporter Practice: Appeals and other Court Processes

- ◆ Apply scheme of delegation in relation to appeals to Sheriff Principal or Court of Session
- ◆ Liaise with practice team and legal agent
- ◆ Apply roles and responsibilities within SCRA

### Outcome 3

Application of the Reporter involvement in Sheriff Court proceedings not covered by applications and appeals.

#### Knowledge and/or Skills

- ◆ Variation or recall of child protection orders
- ◆ Rehearing of evidence
- ◆ Exclusion Orders
- ◆ Assessment Orders
- ◆ Current legislation

#### Evidence Requirements for the Unit

Candidates will need to provide written or oral evidence to demonstrate their Knowledge and/or Skills in the form of:

- (a) A portfolio of evidence derived from candidate's casework with at least two examples of appeals to the Sheriff Court, demonstrating:
  - Prepared answers to the appeal to the Sheriff which demonstrate understanding and analysis of the issues involved in the cases and evaluate the Children's Hearing's decisions.
  - Inventories of documents lodged.
  - Submissions for court which demonstrate analysis of legislation and case law in relation to appeals.
  - Case authorities lodged.
- (b) A minimum of one observed practice session of at least one appeal case in the Sheriff Court or a simulated court setting, demonstrating:
  - Application of case law, legislation and practice instruction to the conduct of one appeal.
  - Application of effective advocacy to the conduct of one appeal.

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

### **Unit title:** Children's Reporter Practice: Appeals and other Court Processes

- (c) A portfolio of evidence derived from the candidate's casework with at least one example of appeal to Sheriff Principal/Court of Session and one example of involvement in Sheriff Court proceedings not covered by applications or appeals, demonstrating:
- An example of the application of the scheme of delegation to appeals to the Sheriff Principal or Court of Session.
  - Application of current legislation to either an application to vary or recall a child protection order; an application to rehear evidence; an application for an exclusion order or an application for an assessment order.
- (d) A written report of up to 2,500 words. Candidates should:
- Explain the timescales which apply to lodging appeals, answers to appeals and productions for appeal to the Sheriff Court.
  - Explain which decisions of a Children's Hearing can be appealed to the Sheriff Court.
  - Explain who has the right/title to appeal to the Sheriff Court and who the parties to the appeal are.
  - Explain the timescales and procedure for appeals to the Sheriff Principal and the Court of Session.
  - Explain the roles of the case holding reporter and other personnel in SCRA in appeals to the Sheriff Principal and the Court of Session, including application of the Scheme of Delegation.

Candidates should undertake research and quote current best practice where relevant. They should justify their references on the basis of what they believe or have experienced and explain how it will influence their practice.

Where a candidate has insufficient case examples from their casework to meet the Evidence Requirement a case scenario can be used as the basis for preparing the required documentation.

### **Assessment Guidelines for the Unit**

Assessment for these Outcomes can be undertaken during a suitable course of study or in the candidate's work context. Assessment may be completed in time set aside from work or in the candidate's own time.

All evidence should be relevant to the role of the Children's Reporter in delivering services to children, young people and their families.

The assessment for these Outcomes could take the form of a written reports/casework, observed practice and oral evidence.

## Higher National Unit specification: support notes

**Unit title:** Children's Reporter Practice: Appeals and other Court Processes

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 designed for those members of SCRA who are carrying out the role of Children's Reporter. This Unit is part of the Professional Development Award (PDA) for Children's Reporter Practice. Candidates undertaking the full Award should be encouraged to relate their work for this Unit to the others in the Award.

The candidate should be encouraged to reflect on their experience and skills development during this and all other Units which comprise the PDA. It is anticipated that candidates will maintain a work-based reflective journal. This journal could be used as a private reference mechanism by the candidate and can assist in progressing the candidate's personal development. This journal is not assessed and its purpose is to enhance the personal development of the candidates.

The focus of this Unit is primarily on Outcome 1 with the weighting of the Outcomes 1, 2 and 3 in the order of 60/30/10.

#### Outcome 1

At the time of writing, relevant legislation, rules and case law include: Children (Scotland) Act 1995 and supporting rules and case law, Act of Sederunt (Child Care and Maintenance Rules) 1997, Human Rights Act 1998, Children's Hearings (Scotland) Act 2011 and supporting rules and case law.

At the time of writing, relevant SCRA documentation and protocols include: Practice Instruction, Scheme of Delegation, Styles of Answers, case digest.

#### Outcome 2

At the time of writing, relevant legislation, rules and case law include: Children (Scotland) Act 1995 and supporting rules and case law, Act of Sederunt (Child Care and Maintenance Rules) 1997, Rules of Court of Session 1994, Human Rights Act 1998, Children's Hearings (Scotland) Act 2011 and supporting rules and case law.

At the time of writing, relevant SCRA documentation and protocols include: Practice Instruction, Scheme of Delegation.

#### Outcome 3

At the time of writing, relevant legislation and rules include: Children (Scotland) Act 1995 and supporting rules and case law, Act of Sederunt (Child Care and Maintenance Rules) 1997, Children's Hearings (Scotland) Act 2011 and supporting rules and case law.

At the time of writing, relevant SCRA documentation and protocols include: Practice Instruction, case digest.

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

**Unit title:** Children's Reporter Practice: Appeals and other Court Processes

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

This Unit can be delivered as part of the Professional Development Award (PDA) for Children's Reporter Practice or on a stand-alone basis.

Candidates will meet with assessors to agree an assessment plan which will include detail of what evidence will be produced by the candidate and the date it will be produced.

Candidates will be expected to prepare two cases where the decision of the hearing has been appealed and conduct one appeal.

Candidates are expected to produce portfolio evidence for the two appeal cases prepared by them in the form of answers to the appeal, inventories of documents lodged, submissions and case authorities. This should demonstrate analysis of the issues involved in the case, evaluation of the decision of the Children's Hearing and analysis of the case law and legislation relating to appeals.

Candidates are expected to produce performance evidence for the appeal conducted by them in the form of witness testimony from their assessor, line manager or experienced reporter of their conduct of the appeal in court or in a simulated court setting. The performance evidence could be reviewed with the candidate in the form of a professional discussion to allow professional reflection.

Candidates are expected to produce portfolio evidence of examples of one case involving an appeal to the Sheriff Principal/Court of Session and one case where the candidate has been involved in an application to vary or recall a child protection order; an application to rehear evidence; an application for an exclusion order or an application for an assessment order, supplemented by the use of case scenarios where necessary.

The candidate must anonymise the cases in the portfolio by removing all references to names, addresses and date of birth. Candidates can use the unique identifying number from the case management system. In selecting cases for use to meet the Evidence Requirements for this Unit, candidates are encouraged to reflect on the Evidence Requirements for the other Units in this professional development award to try to select cases that will meet Evidence Requirements for other Units. Where a candidate has insufficient case examples from their own casework to meet the Evidence Requirements, case scenarios can be used. For example, the centre could provide a case scenario to the candidate of a mock appeal which has been received in respect of a child and the candidate could prepare answers and submissions in relation to the mock appeal. In addition, if the candidate does not have an appeal to the Sheriff Court, they could be given a mock appeal to conduct in a simulated court setting.

Candidates are also expected to produce an assignment as set out in the Evidence Requirements.

Work produced by the candidate could be supplemented by oral questions as required to ensure all Evidence Requirements are met.

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

**Unit title:** Children's Reporter Practice: Appeals and other Court Processes

Candidates may complete the Evidence Requirement in time set aside from work or in their own time. They may be supported in this through a course of study including workshops provided by the centre or external training courses.

To support them completing this Unit, candidates can access resources on the intranet including current case law, practice instruction and research articles.

### Opportunities for developing Core Skill

Elements of the Core Skill of *Problem Solving* — Critical Thinking and Reviewing and Evaluating may be developed and enhanced in this Unit, which requires the analysis of issues involved in a case and the legislation and case law applying to it and the evaluation of the children's hearing's decision.

Oral *Communication* skills may also be enhanced during the interaction with children, young people and their families in the workplace. Oral communication skills may also be enhanced during the conduct of an appeal at court and the presentation of submissions. This is likely to involve using a range of verbal and non-verbal communication techniques, such as questioning, giving information and responding to others in order to advise on and/or prepare a case. Written *Communication* skills may also be enhanced where candidates will be encouraged to produce clear, structured written work in the preparation of their casework.

### Open learning

All Outcomes are appropriate to open learning with assessor support at all stages. It is the responsibility of the delivering centre to ensure the authenticity of the candidate's work. Assessment evidence must be generated as described in the Evidence Requirements section. At the time of writing, candidates complete a paper portfolio but it is anticipated that e-portfolios will be developed in the future.

### Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website [www.sqa.org.uk/assessmentarrangements](http://www.sqa.org.uk/assessmentarrangements)



## History of changes to Unit

Version	Description of change	Date
02	Amendment to the word count required for the report at d) on page 5 from approximately 1,000 words to up to 2,500 words.	20/11/14

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## General information for candidates

### **Unit title:** Children's Reporter Practice: Appeals and other Court Processes

This Unit is designed to ensure you understand the appeals process as it applies to the Children's Hearing system and are able to apply relevant case law knowledge to support the submission of appeals in the context of individual Hearings. The Unit is also designed to ensure that you understand their role in relation to other related court processes.

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

This Unit is assessed by written papers, casework, observed practice or oral evidence and can be undertaken during a suitable course of study or in your work context. Assessment may be completed in time set aside from work or in your own time.

#### **You will learn about/how to:**

- ◆ Conduct appeal applying effective advocacy
- ◆ Timescales involved in lodging and answering appeals and its application
- ◆ Identify who has title to appeal and who are the parties to an appeal
- ◆ Grounds of appeal
- ◆ Analyse scope of appeal
- ◆ Prepare productions for appeals
- ◆ Procedure at appeal and its application
- ◆ Produce answers to appeal
- ◆ Disposals open to Sheriff
- ◆ Analyse and apply current appeals case law and legislation
- ◆ Apply Practice Instruction in relation to appeals
- ◆ Appealable decisions
- ◆ Identify who has title to appeal to Sheriff Principal or Court of Session
- ◆ Timescales for appeals to Sheriff Principal or Court of Session Procedures for appeals to Sheriff Principal and Court of Session
- ◆ Apply of Scheme of delegation in relation to appeals to Sheriff Principal or Court of Session
- ◆ Liaise with practice team and legal agent
- ◆ Apply roles and responsibilities within SCRA
- ◆ Variation or recall of child protection orders
- ◆ Rehearing of evidence
- ◆ Apply Exclusion Orders
- ◆ Apply Assessment Orders
- ◆ Current legislation