



Higher National Unit specification: general information

Unit title: Supply Chain: Associated Law

Unit code: H35F 35

Superclass: EC

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Unit purpose

This Unit is designed to introduce the learner to the specialised and technical legal areas of procurement within the overall context of supply chain management. The Unit will examine the legal aspects of tendering, competition law, intellectual property and the legal aspects of international trade.

This is a specialist Unit primarily intended for learners who aspire to take up a management position in any type of organisation where the supply chain plays a major role. It would also be appropriate for those involved in distribution planning and procurement functions.

Outcomes

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

- 1 Evaluate and apply the law as it affects tendering.
- 2 Evaluate and explain competition law.
- 3 Evaluate and apply the law as it relates to intellectual property.

Credit points and level

1 Higher National Unit 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.*

Higher National Unit specification: general information (cont)

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Recommended entry to the Unit

Access to this Unit is at the discretion of the centre. However, learners are expected to have work experience relevant to the activities of the supply chain. It is not necessary that learners hold a team leader, supervisory or management position.

Learners are also expected to have obtained the Unit *Legal Aspects of Commercial Transactions* (A614 34). In addition, learners are expected to have competency in numeracy and communication skills to at least SCQF level 5. This may be evidenced by possession of the Core Skills Units in *Numeracy* and *Communication* or similar qualifications or experience.

Core Skills

Opportunities to develop aspects of Core Skills are highlighted in the Support Notes for this Unit specification.

There is no automatic certification of Core Skills or Core Skill components in this Unit.

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.

The Assessment Support Pack (ASP) for this Unit provides assessment and marking guidelines that exemplify the national standard for achievement. It is a valid, reliable and practicable Instrument of Assessment. Centres wishing to develop their own assessments should refer to the ASP to ensure a comparable standard. A list of existing ASPs is available to download from SQA's website (<http://www.sqa.org.uk/sqa/46233.2769.html>).

Equality and inclusion

This Unit specification has been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners should be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence.

Further advice can be found on our website www.sqa.org.uk/assessmentarrangements.

Higher National Unit specification: Statement of standards

Unit title: Supply Chain: Associated Law

Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the Unit specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

Outcome 1

Evaluate and apply the law as it affects tendering.

Knowledge and/or Skills

- ◆ Tendering contracts
- ◆ EU Procurement Directives
- ◆ Redundancy
- ◆ Transfer of Undertakings (Protection of Employment) Regulations (TUPE)

Evidence Requirements

Learners will need evidence to demonstrate all aspects of their Knowledge and/or Skills in this Outcome by showing that they can:

- ◆ evaluate contractual obligations relating to pre-tender undertakings, post-tender negotiation and letters of comfort
- ◆ evaluate the rules that relate to public procurement and when they are applicable
- ◆ apply the law of redundancy and the procedures the employer must follow
- ◆ apply the most recent Transfer of Undertakings (Protection of Employment) Regulations (TUPE) in a tendering context

Evidence will be generated under open-book supervised conditions. Where the assessment takes the form of a case study with extended response questions, the case study may be distributed in advance of the assessment event to enable learners to undertake the necessary research of legislation and case law that applies to the particular case study material. Learners will be allowed one A4 sheet of notes, prepared prior to the assessment, to act as prompts for providing extended response answers to a specific set of questions.

Higher National Unit specification: Statement of standards (cont)

Unit title: Supply Chain: Associated Law

Outcome 2

Evaluate and explain competition law.

Knowledge and/or Skills

- ◆ UK Competition Law
- ◆ EU Competition Law
- ◆ World Trade Organisation (WTO)

Evidence Requirements

Learners will need evidence to demonstrate all aspects of their Knowledge and/or Skills in this Outcome by showing that they can:

- ◆ evaluate the current legislation that controls anti-competitive practices and the abuse of a dominant position within UK Competition Law
- ◆ evaluate the current legislation that controls anti-competitive practices and the abuse of a dominant position within EU Competition Law
- ◆ evaluate the role of the WTO in controlling anti-competition and explain how the law works in practice

The assessment of this Outcome will be in two parts.

The first part of the assessment can take the form of a case study relating to UK and EU Competition Law. The case study may be distributed in advance of the assessment event to enable learners to undertake the necessary research of legislation and case law that applies to the particular case study material. Learners will be allowed one A4 sheet of notes, prepared prior to the assessment, to act as prompts for providing extended response answers to a specific set of questions. Assessment will be carried out under open-book supervised conditions.

The second part of the assessment will be a report evaluating the role of the WTO in controlling anti-competition law and explaining how the law works in practice. Learners should make reference to appropriate legislation and case law to support their response.

Higher National Unit specification: Statement of standards (cont)

Unit title: Supply Chain: Associated Law

Outcome 3

Evaluate and apply the law as it relates to intellectual property.

Knowledge and/or Skills

- ◆ Breach of Confidence and Protection of Trade Secrets
- ◆ Trademarks and passing
- ◆ Copyright
- ◆ Patents
- ◆ Design Rights

Evidence Requirements

Learners will need evidence to demonstrate all aspects of their Knowledge and/or Skills in this Outcome by showing that they can:

- ◆ apply the law of Breach of Confidence and the Protection of Trade Secrets
- ◆ evaluate the law of trademarks and the registration procedure. Under the delict of 'passing off' explain how unregistered trademarks are protected.
- ◆ apply the law of copyright to a given situation covering:
 - the rights of the copyright holder
 - the transfer of copyright
 - copyright protection
- ◆ evaluate the creation and the rights of the owners of design rights and patents

Evidence will be generated under open-book supervised conditions. Where the assessment takes the form of a case study with extended response questions, the case study may be distributed in advance of the assessment event to enable learners to undertake the necessary research of legislation and case law that applies to the particular case study material. Learners will be allowed to bring one A4 sheet of notes, prepared prior to the assessment, to act as prompts for providing extended response answers to a specific set of questions.

Higher National Unit: Support Notes

Unit title: Supply Chain: Associated Law

Unit Support Notes are offered as guidance and 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 likely to form part of an HN Supply Chain Management Group Award. It is designed to enable learners to evaluate, explain and, where applicable, apply the relevant law in the context of tendering, competition and intellectual property within a business context applicable to procurement and supply chain management.

Centres must refer to the appropriate case law and legislation in their teaching materials, and learners should be encouraged to use all available information sources, eg internet, journals and newspapers. Learners should also be encouraged to use these articles as discussion topics in the classroom environment.

Centres should keep up to date with any legal changes, which should be reflected in the assessments and teaching materials.

Outcome 1 looks at the application of the law as it affects tendering.

- ◆ Contractual obligations — pre-tender undertakings, post-tender negotiation, letters of comfort
- ◆ Public procurement — EU Procurement Directives
- ◆ Redundancy — employer procedures
- ◆ Transfer of Undertakings (Protection of Employment) Regulations (TUPE)

Outcome 2 covers competition law.

- ◆ UK Competition Law — anti-competitive practices; abuse of a dominant position
- ◆ EU Competition Law — anti-competitive practices; abuse of a dominant position
- ◆ World Trade Organisation (WTO) — role in controlling anti-competition

Outcome 3 focuses on the law as it relates to intellectual property.

- ◆ Breach of Confidence
- ◆ Protection of Trade Secrets
- ◆ Trademarks and passing
- ◆ Copyright
- ◆ Patents
- ◆ Design rights

It is also recommended that the learner should have experience of working in a supply chain environment or associated function.

There may be opportunities for learners who successfully achieve this Unit to gain exemptions from a number of professional bodies. Learners should contact the relevant professional bodies to ascertain their current exemption policies.

Higher National Unit: Support Notes (cont)

Unit title: Supply Chain: Associated Law

Guidance on approaches to delivery of this Unit

This Unit may be delivered as one of the Units within the HND Supply Chain Management.

It is anticipated that this Unit may be delivered to a variety of learner groups and, wherever possible, teaching and research should be slanted towards their individual needs. The latest materials and examples from current and business practice should be used to highlight and illustrate the differences between organisations.

Learners will be expected, as much as possible, to demonstrate their ability to relate the theoretical legal position to the assessments, which should be based on a case study or short case studies. A bank of case studies should be prepared to cover the knowledge and understanding of all Outcomes within this Unit.

Input from guest speakers specialising in these areas of law would be beneficial to learners.

Guidance on approaches to assessment of this Unit

Evidence can be generated using different types of Instruments of Assessment. The following are suggestions only. There may be other methods that would be more suitable to learners.

Centres are reminded that prior verification of centre-devised assessments would help to ensure that the national standard is being met. Where learners experience a range of assessment methods, this helps them to develop different skills that should be transferable to work or further and higher education.

To achieve this Unit, the learners must produce satisfactory assessment evidence that shows they have achieved all of the Unit Outcomes. The assessments for this Unit may take the form of open-book reports undertaken in the learner's own time and case studies. It is recommended that centres build up a bank of appropriate case studies.

Learners are required to support all assessment evidence by referring to appropriate legislation and case law.

There will be separate assessments for each of the three Outcomes.

Outcome 1

This Outcome may be assessed by extended response questions based on a case study. The case study material may be issued to learners in advance of the assessment event so that they can undertake the necessary research of legislation and case law that applies to the particular case study material. Learners should be allowed to bring one sheet of A4 notes, prepared prior to the assessment, to act as prompts for providing extended response answers to a specific set of questions. It is recommended that there be a minimum of four questions (one per Evidence Requirement) and the responses would be expected to generate approximately 1,000 words in total. Assessment should be carried out under restricted open-book conditions.

Higher National Unit: Support Notes (cont)

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Outcome 2

This may be assessed in two parts. Part one may be assessed by extended response questions based on a case study. The case study material may be issued to learners in advance of the assessment event so that they can undertake the necessary research of legislation and case law that applies to the particular case study material. Learners should be allowed to bring one sheet of A4 notes, prepared prior to the assessment, to act as prompts for providing extended response answers to a specific set of questions. There should be a minimum of one question for each of the first two Evidence Requirements. The responses are expected to generate 500–600 words each. Assessment should be carried out under restricted open-book conditions.

Part two will require a report on the role of the WTO in controlling anti-competition and an explanation of how the law works in practice. It is recommended that the report, produced in open-book conditions, be approximately 500 words. Learners must support their answers with the appropriate legislation and case law.

Outcome 3

This Outcome may be assessed by extended response questions based on a case study. The case study material may be issued to learners in advance of the assessment event so that they can undertake the necessary research of legislation and case law that applies to the particular case study material. Learners should be allowed to bring one sheet of A4 notes, prepared prior to the assessment, to act as prompts for providing extended response answers to a specific set of questions. It is recommended that there be a minimum of four questions (one per Evidence Requirement) and the responses would be expected to generate approximately 1,000 words in total. Assessment should be carried out under restricted open-book conditions.

Opportunities for e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or social software. Centres which wish to use e-assessment must ensure that the national standard is applied to all learner evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. The most up-to-date guidance on the use of e-assessment to support SQA's qualifications is available at www.sqa.org.uk/e-assessment.

Opportunities for developing Core and other essential skills

There are no Core Skills embedded in this Unit. However, there are opportunities for developing the Written Communication component of the Core Skill of *Communication* at SCQF level 6 and the Reviewing and Evaluating component of the Core Skill of *Problem Solving* both at SCQF level 6.

Higher National Unit: Support Notes (cont)

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***Communication* — Written Communication at SCQF level 6**

All three Outcomes provide learners with the opportunity to develop their written communication skills.

Opportunities will occur where learners present written responses as part of their work throughout the Unit, but especially in the assessment where evidence may be presented as responses to specific questions and in Outcome 2 a report. Learners will have to produce well-structured responses which make reference to particular legislation.

***Problem Solving* — Reviewing and Evaluating at SCQF level 6**

Learners will have to review and evaluate the findings of their research legislation when responding to specific questions and when preparing the report for Outcome 2.

History of changes to Unit

Version	Description of change	Date

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General information for learners

Unit title: Supply Chain: Associated Law

This section will help you decide whether this is the Unit for you by explaining what the Unit is about, what you should know or be able to do before you start, what you will need to do during the Unit and opportunities for further learning and employment.

This Unit has been designed to enable you to learn about the legal technical areas of procurement — tendering, competition law and intellectual property.

There are three Outcomes in this Unit.

In Outcome 1, you will look at the law as it affects tendering. This will include tendering contracts, EU Procurement Directives, Redundancy and Transfer of Undertakings (Protection of Employment) Regulations (TUPE).

In Outcome 2, you will learn about competition law — both UK and EU competition law — and the World Trade Organisation (WTO).

In Outcome 3, you will look at the law as it relates to intellectual property including trademarks, copyright and patents.

It can be studied as a standalone Unit if you simply wish to gain knowledge/skills of the legal technical areas of procurement — tendering, competition law and intellectual property.

The assessment for this Unit will be based on the individual Outcomes. The assessments may take the form of case studies or reports.

If you achieve this Unit there may be opportunities for you to gain exemption from a number of professional bodies. It will be your responsibility to ascertain, from the professional body, what is included in their current exemption policies.