



National Unit specification: general information

Unit title: Scots Law: An Introduction (SCQF level 6)

Unit code: FN4Y 12

Superclass: EC

Publication date: March 2012

Source: Scottish Qualifications Authority

Version: 03

Summary

The purpose of this Unit is to provide candidates with a broad knowledge and understanding of Scots Law including the sources of law and how new law is made. They will learn about the differences between the criminal law and the civil law and about the structure, jurisdiction and appeals of both the civil and the criminal courts. They will develop knowledge and understanding of the system of criminal prosecution in Scotland, about the tribunal system, and about the roles, appointments and responsibilities of the legal profession.

The Unit is suitable for candidates who are undertaking the study of this subject for the first time and wish to develop a basic understanding of the Scottish legal system.

Candidates completing this Unit may be able to progress to HNC in Legal Services.

Outcomes

- 1 Explain the legal problems typically encountered in society today.
- 2 Explain the formal sources of Scots law.
- 3 Explain the roles performed by key legal personnel.
- 4 Explain the nature and role of a tribunal/lay-tribunal..
- 5 Explain the system of the Scottish civil courts and the main principles of negligence.
- 6 Explain the system of the Scottish criminal courts and the system of criminal prosecution in Scotland.

Recommended entry

While entry is at the discretion of the centre, candidates would normally be expected to have attained one of the following, or equivalent:

- ♦ National 5 English or equivalent.

National Unit specification: general information (cont)

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Credit points and level

2 credits at SCQF level 6: (12 SCQF credit points at SCQF level 6*)

**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 Skills

Achievement of this Unit gives automatic certification of the following:

Complete Core Skill None

Core Skill component Critical Thinking @ SCQF level 4

There are also opportunities to develop aspects of Core Skills which are highlighted in the Support Notes of this Unit Specification.

National Unit specification: statement of standards

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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

Explain the legal problems typically encountered in society today.

Performance Criteria

- (a) Explain the differences between civil and criminal law.
- (b) Identify and explain crimes committed in society today in relation to the nature of the offence and the role of the police and prosecution services.
- (c) Explain the nature of disputes arising between private individuals, businesses and consumers, employers and employees, individuals and public authorities.
- (d) Explain the ways in which disputes and grievances can be resolved.

Outcome 2

Explain the formal sources of Scots law.

Performance Criteria

- (a) Explain the factors influencing the shaping of laws.
- (b) Explain the principal classifications of law.
- (c) Explain the nature of statutory law.
- (d) Explain the nature of common law.

Outcome 3

Explain the roles performed by key legal personnel.

Performance Criteria

- (a) Explain the differing roles of legal practitioners.
- (b) Explain the system of appointment and functions of the judiciary.
- (c) Explain the system of appointment and functions of the law officers of Scotland.

Outcome 4

Explain the nature and role of a tribunal/lay-tribunal.

Performance Criteria

- (a) Explain the reasons for instituting statutory tribunals.
- (b) Explain the functions of the Scottish Courts and Tribunals Service.
- (c) Describe the composition, role and powers of a tribunal/lay-tribunal.

National Unit specification: statement of standards

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Outcome 5

Explain the system of the Scottish civil courts and the main principles of negligence.

Performance Criteria

- (a) Explain the composition, jurisdiction, remedies and appeal structure of the Scottish Civil courts.
- (b) Explain the main principles of negligence with reference to the duty of care.

Outcome 6

Explain the system of the Scottish criminal courts and the system of criminal prosecution in Scotland.

Performance Criteria

- (a) Explain the age of criminal responsibility in Scotland and the safeguards afforded to young persons.
- (b) Describe the role of the crown agencies in the prosecution of crime.
- (c) Explain the differences between solemn and summary procedure.
- (d) Explain the composition, jurisdiction, powers and appeal structure of the Scottish criminal courts.

Evidence Requirements for this Unit

Written and/or oral recorded evidence is required to demonstrate that all Outcomes and Performance Criteria have been achieved. Evidence will be produced using a combination of open and closed-book assessment under supervised and non supervised conditions to prepare candidates for progression to employment and/or further study where independent research as well as exam based assessment skills may be required. Where open-book conditions are specified candidates should have access to notes if evidence is written up under supervised conditions. In all cases centres must be satisfied and be able to authenticate that the evidence submitted is the work of individual candidates.

Outcome 1

This will be an unsupervised open-book assessment.

- ◆ Explain three differences between the civil and criminal law.
- ◆ Identify and explain by giving three examples of crimes, the natures of the offence, the role of the police and the prosecution services.
- ◆ Explain four types of disputes that can arise.
- ◆ Explain four ways in which disputes can be resolved.

National Unit specification: statement of standards (cont)

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Outcome 2

This will be an unsupervised open-book assessment.

- ◆ Explain by giving four examples, different factors that have shaped our statutory laws.
- ◆ Identify three categories of public and three of private law.
- ◆ Explain the four categories of statutory law.
- ◆ Explain the four categories of the common law.

Outcome 3

This will be a closed-book assessment produced under supervised conditions.

- ◆ Explain two of the roles of a solicitor, two of the roles of an advocate and one of a solicitor-advocate.
- ◆ Explain one method of appointment and one function for both a sheriff and a judge.
- ◆ Explain the method of appointment for the Lord Advocate and the Solicitor-General and two of their functions.

Outcome 4

This will be an unsupervised open-book assessment.

- ◆ Explain the reasons for instituting tribunals.
- ◆ Explain two of the functions of the Scottish Courts and Tribunals Service(your version will be Administrativ Justice and Tribunals Council.)
- ◆ Describe one type of tribunal, explaining the composition, role and powers of that tribunal.

Outcome 5

This will be an open-book assessment produced under supervised conditions.

- ◆ Explain the composition, jurisdiction and give an example of the remedy of all the Scottish civil courts: the Sheriff Court, Court of Session (Inner and Outer Houses) and the UK Supreme Court.
- ◆ Explain the system of appeal in the Scottish civil courts. Explanation must include the three types of procedures in the Sheriff Court, both the Inner and Outer House in the Court of Session.
- ◆ Explain the main principles of negligence and explain the duty of care by giving three examples.
- ◆ Explain by giving two examples how statutory law has reinforced the duty of care.

National Unit specification: statement of standards (cont)

Unit title: Scots Law: An Introduction (SCQF level 6)

Outcome 6

This will be a closed-book assessment produced under supervised conditions.

- ◆ Identify the current age of criminal responsibility and explain two of the safeguards afforded to young people.
- ◆ Describe the role of the police, the Procurator Fiscal and the Crown Office in the prosecution of crime.
- ◆ Explain three differences between summary and solemn procedure.
- ◆ Explain the composition, jurisdiction and give two examples of the sentencing powers of each of the Scottish criminal courts: the Justice of the Peace, Sheriff Court, High Court as Court of Trial and Court of Appeal.
- ◆ Explain the system of appeal in the Scottish criminal courts. Explanation must include both summary and solemn procedure in the Sheriff Court.

National Unit specification: support notes

Unit title: Scots Law: An Introduction (SCQF level 6)

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

In this Unit, candidates will gain an understanding of the Scottish legal system. They will examine, by practical examples, the two main branches of the law — civil and criminal law. They will study the main sources of Scots law and how new laws are made. They will also study the key players in the legal profession, their methods of appointment, roles and responsibilities. They will have the opportunity to examine the tribunal system, what led to the creation of tribunals and look at one tribunal in more detail. They will study both the civil and the criminal court structure including appeals and the composition, powers and jurisdiction of each court. They will look at one area of substantive law, the law of negligence and apply that area with reference to case studies.

Where candidates are undertaking this Unit as part of the National Certificates in Legal Services, it will provide essential knowledge which can be built on in the other Units.

Outcome 1

This Outcome introduces the topic of what 'law' is and looks at the differences between the two main branches of the law — the civil and the criminal law. Candidates should identify what constitutes a crime, the nature of offences and the role of the police and prosecution services. Disputes arising between various parties should be discussed, including the various ways of settling disputes—litigation, settlement, mediation, Alternative Dispute Resolution (ADR) and arbitration. Candidates should be encouraged to carry out some independent research by locating relevant articles, of different types of crime and types of disputes.

Outcome 2

This Outcome relates to the factors which have influenced legislation. Candidates should be able to discuss and identify from the following factors — religious, moral, social, economic, political — and which one(s) have led to the creation of new laws. The classifications of law, — private and public, civil and criminal — are also discussed. The four main types of Statutory law — UK Parliament, Scottish Parliament, European legislation and delegated legislation — are explained and as well as how new acts are passed in both the UK and the Scottish Parliament. The effect that EU law has on UK law should also be discussed. The four main types of the Common Law — equity, custom, case law and the institutional writers should also be covered and candidates are expected to explain all these main sources.

National Unit specification: support notes (cont)

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Outcome 3

This Outcome should cover how the key legal personnel are appointed and their roles and responsibilities. In it, candidates should examine the differences between solicitors, solicitor-advocates and advocates. The judiciary, sheriffs and judges should also be examined and the role and appointment of the three law officers — the Lord Advocate, Solicitor-General and Advocate-General — should be covered.

Outcome 4

In this Outcome candidates will examine the reasons for tribunals and the differences between the court system and the tribunal system. Reasons will include the growth in government administration and the advantages of tribunals over the court system ie time, expense and informality, which led to their creation. Candidates should find out about the role of the Scottish Courts and Tribunals Service (in your version Janet, it will be Administrative Justice and Tribunals Council) in advising, overseeing, recommending and reporting. It is recommended that candidates are given the opportunity to select and to discuss a particular tribunal, its composition, role and powers. In the case of younger learners, the Children's Hearings System, which is an example of a lay-tribunal, would be an appropriate one to choose. Alternatively, candidates may wish to select one of the nine tribunals that the Scottish Courts and Tribunal Service supports. As there are many good websites, it is suggested that candidates should be encouraged to carry out their own independent research and write up this assessment in the form of a report.

Outcome 5

This Outcome introduces the candidate to the civil courts structure in Scotland. All the civil courts in Scotland should be covered:

- ◆ the Sheriff Court
- ◆ Court of Session (Inner and Outer Houses)
- ◆ the UK Supreme Court

The jurisdiction of the courts over subject matter and geographical area should be discussed as well as the small claims, summary cause and ordinary cause procedure in the sheriff courts. The remedies of each of the courts and the appeal structure should be taught. A visit to the courts would be highly beneficial for this part of the Outcome.

Candidates should also learn about the main principles of the law of negligence. The duty of care, not to cause unjustifiable harm when a loss results, should be explained and reference to case studies would enhance learning and teaching. Candidates should learn about the main ways whereby statutory provisions have reinforced this and will discuss examples given in the Health and Safety at Work Act 1974 and the Consumer Protection Act 1987.

National Unit specification: support notes (cont)

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Outcome 6

This Outcome introduces candidates to the criminal courts structure in Scotland. All the criminal courts in Scotland should be covered:

- ◆ the Justice of the Peace
- ◆ Sheriff Court
- ◆ High Court as Court of Trial and Court of Appeal

The jurisdiction, the sentencing powers and the differences between summary and solemn procedure should be explained. Candidates should be taught about the crown agencies, the role of the police, the Procurator Fiscal, the Crown Office. The current age of criminal responsibility and the way that child offenders are treated differently from adults should be discussed.

A visit to the courts would again be highly beneficial for this outcome.

Guidance on learning and teaching approaches for this Unit

Where possible, delivery of the Unit content should be based on real situations. This is relevant to all the Outcomes and candidates could be encouraged to locate relevant newspaper articles or carry out research on the Internet and other sources.

A range of delivery techniques should be employed, including group work and discussion on the candidates' views on the issues involved. They should be encouraged to think about the different ways the law could affect them.

Centres should have access to a range of law resources, including non-subscription legal databases. This is especially useful for Outcome 2 but is also relevant for all the other outcomes as candidates should be encouraged to support their findings with reference to relevant case and/or statute law.

The following visits and speakers are suggested for the delivery of this Unit:

- ◆ a visit to both the civil and criminal courts will enhance learning in Outcomes 5 and 6
- ◆ a police officer as guest speaker would also support Outcome 6
- ◆ a guest speaker from one of the branches of the legal profession would be appropriate in Outcome 3

By adopting some or all of the above learning and teaching approaches and/or through the Outcomes and corresponding Evidence Requirements, the Unit should provide candidates with an opportunity to develop the following skills for life, learning and work:

- ◆ technical skill in terms of accuracy and literacy
- ◆ organisational skills in terms of personal management
- ◆ communication skills in terms of oral, written and electronic communication
- ◆ interpersonal skills in terms of working cooperatively with others
- ◆ practical research and personal study skills
- ◆ time management skills through requirements to plan and submit work on time

National Unit specification: support notes (cont)

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Guidance on approaches to assessment for this Unit

The following approaches to assessment are suggested in order to expose the candidate to a variety of types of assessments. There is scope within the unit for a holistic approach to be taken by combining assessments where appropriate. Outcomes 1 and 2 for example would lend themselves to this approach.

Outcomes 1 and 2

It is suggested that these Outcomes are assessed by the candidate producing a folio of evidence, which would include relevant articles covering types of crimes and types of disputes.

Outcome 3

This Outcome could be assessed by means of extended responses questions.

Outcome 4

This could be a home directed piece of research in the form of a report. Candidates should be required to append a bibliography to their report. Candidates should be made aware of the centre's policy on plagiarism.

Outcome 5

This could be assessed with extended response questions and allowing the candidate to have access to 2 sides of A4 notes. For the appeals structure, the answer could be given by means of a diagram.

Outcome 6

This could be assessed by extended response questions and again the appeals structure could be illustrated by means of a diagram.

Opportunities for the use of 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 e-checklists. Centres which wish to use e-assessment must ensure that the national standard is applied to all candidate evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. Further advice is available in *SQA Guidelines on Online Assessment for Further Education (AA1641, March 2003)*, *SQA Guidelines on e-assessment for Schools (BD2625, June 2005)*.

National Unit specification: support notes (cont)

Unit title: Scots Law: An Introduction (SCQF level 6)

Opportunities for developing Core Skills

In this Unit candidates will develop a broad knowledge and understanding of Scots law.

Candidates will:

- ◆ distinguish between civil and criminal law
- ◆ carry out research for example to find out the natures criminal offences , role of the police and the prosecution services Outcome 2
- ◆ explain factors that have shaped our statutory laws
- ◆ identify different categories law
- ◆ research and explain the roles and responsibilities of a range of occupations in the legal sector
- ◆ investigate the tribunal and courts systems
- ◆ explain legal principles

In this way, candidates will develop aspects of the Core Skills of *Communication* and *Problem Solving* through completion of the Outcomes and Evidence Requirements.

In addition, whilst completing this Unit, candidates may develop aspects of the following Core Skills where specific learning and teaching approaches are adopted:

- ◆ *Communication* — through class and group discussions, and through providing any written explanations that are required. If candidates present information orally then the oral component of *Communication* may be developed.
- ◆ *Working with Others* — any group research/work undertaken could develop the *Working Co-operatively with Others* component of this core skill.
- ◆ *Problem-solving* — if the candidate can analyse the impact of current legislation and case law as well as analyse case studies and give appropriate and correct advice, then the *Critical Thinking* element of *Problem Solving* could also be developed.
- ◆ *Information and Communication Technology* — where a candidate undertakes internet research, which may be required in this Unit and where findings are written up using a word processing package.

This Unit has the Critical Thinking component of Problem Solving embedded in it. This means that when candidates achieve the Unit, their Core Skills profile will also be updated to show they have achieved Critical Thinking at SCQF level 4.

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

History of changes to Unit

Version	Description of change	Date
03	Administrative and Justice and Tribunals Council abolished in 2013 and superseded by the Scottish Courts and Tribunal Service as of April 2015.	10/05/16
02	Core Skills Component Critical Thinking at SCQF level 4 embedded.	26/03/12

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