SQA Advanced Unit Specification

General information

Unit title: Marine Law and Management: An Introduction (SCQF level 7)

Unit code: HW73 47

Superclass:	ZS
Publication date:	November 2017
Source:	Scottish Qualifications Authority
Version:	01

Unit purpose

This unit will introduce the learner to the relationship between law, codes and other forms of guidance. It develops an awareness of the law, codes and guidance relating to ship and crew safety and operations. It also covers the principles of personnel management at operational level. It is primarily aimed at learners who intend to seek sea-going employment as a Merchant Navy Deck Officer. However it could also be studied by someone with an interest in the subject area.

Outcomes

On successful completion of the unit the learner will be able to:

1   Explain the systems of law and guidance operating at national* and international level.
2   Describe the legal and guidance regulations relating to different areas of operations and safe practices on-board a ship.
3   Analyse leadership & management techniques used on-board and explain factors affecting management of personnel on-board at the operational level.

*National legal systems are those of England and Wales as applicable to British registered vessels.

Credit points and level

1 SQA Credits at SCQF level 7: (8 SCQF credit points at SCQF level 7)

Recommended entry to the unit

Access to this unit is at the discretion of the centre. However learners would benefit most from this unit if they have successfully completed the unit *Maritime Industry: An Introduction (F7HH 12).*

Core Skills

Achievement of this unit gives automatic certification of the following Core Skills component:

Complete Core Skill   None

Core Skill component   Critical Thinking at SCQF level 5

There are also opportunities to develop aspects of Core Skills which are highlighted in the support notes of 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.

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**.

SQA Advanced 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.

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. Learners 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 systems of law and guidance operating at national and international level.

Knowledge and/or skills

♦ The English legal system including statute law, common law and application of international law
♦ Criminal and civil law including examples and court procedures
♦ Legal and non-legal regulations and compliance

Outcome 2

Describe the legal and guidance regulations relating to different areas of operations and safe practices on-board a ship.

Knowledge and/or skills

♦ Content and application of maritime legislation relating to safety, environmental protection and quality
♦ Content and application of maritime legislation relating to employment, certification and training of seafarers
♦ The source and content of legislation and guidance concerning operational procedures and practices
♦ Implementation of standards through port and flag state control
♦ Record keeping and providing evidence on occurrence of incidents

Outcome 3

Analyse leadership and management techniques used on-board and explain factors affecting management of personnel on-board at the operational level.

Knowledge and/or skills

♦ Shipboard and shoreside management structures
♦ Principles of management adopted on-board ship
♦ Applying management techniques in the workplace
♦ The importance of a safety conscious, communicative environment

Evidence requirements for this unit

Written and/or recorded oral evidence is require for Outcomes 1–3. Outcome 1 should be combined with Outcome 2 for assessment purposes and take place under closed-book supervised conditions. Outcome 3 will take place under open-book under supervised conditions.

All knowledge and skills are assessed, however there is sampling within each of the knowledge and skills. On each assessment occasion a different sample should be used.

Outcome 1

Learners will need to provide written and/or recorded oral evidence to demonstrate their knowledge and/or skills across all outcomes by showing that they can:

1   Provide an outline of the English legal system including statute law, common law and international law as applicable to the marine industry.

This can be achieved by a sample of one question from the following areas:

♦   Fundamental doctrines — rule of law, separation of powers
♦   The main bodies of the English legal system and their function
♦   Primary and secondary legislation including statutory interpretation
♦   Explain the basis of common law including the doctrine of precedent
♦   Acceptance and implementation of international conventions

Correct terminology should be used, where appropriate, with cited examples.

2   Define criminal and civil law including examples and court procedures.

This can be achieved by a sample of one question from the following areas:

♦   Hierarchy of the courts
♦   Statutory and common law offences/actions
♦   Criminal law definition including levels of crime and punishments
♦   Civil law actions: contract and tort

Correct terminology should be used, where appropriate, with cited examples.

3   Explain legal and non-legal regulations and compliance.

This can be achieved by a sample of one question from the following areas:

♦   Primary and secondary legislation
♦   Convention provisions — regulations and codes
♦   Flag state recommended practices and guides
♦   Industry recommendations

Correct terminology should be used, where appropriate, with cited examples.

Outcome 2

Learners will need to provide written and/or oral recorded evidence to demonstrate their knowledge and/or skills by showing that they can:

1 Describe the source and content of legislation and guidance concerning safety, environmental protection and quality.

This can be achieved by a sample of one question from the following areas:

♦ Contents of international law relating to safety on-board ships
♦ Contents of international law relating to marine pollution and environmental protection
♦ Application of codes regarding fire and lifesaving equipment and provisions
♦ Application of codes relating to safety management on-board ships
♦ Application of codes relating to security on-board ships

2 Describe the source and content of maritime legislation relating to employment, certification and training of seafarers.

This can be achieved by a sample of one question from the following areas:

♦ Hours of rest and employment conditions
♦ Achieving a standard of competence
♦ Safe watchkeeping and fitness for duty
♦ Specialist ship training
♦ Non-mandatory requirements of international law

3 Describe the source and content of legislation and guidance concerning operational procedures and practices.

This can be achieved by a sample of one question from the following areas:

♦ Contents of health and safety legislation applicable to merchant ships
♦ Contents of industry guidelines for safe working practices
♦ Application of safe procedures and practices from guidelines
♦ Industry standards for safe operation on vessels by type

4 Describe the implementation of standards through port and flag state control. This can be achieved by a sample of one question from the following areas:

♦ Role and responsibility of the flag state
♦ Port state control framework
♦ Requirements of port state control inspections
♦ Grounds for detention and remedies

5   Outline the requirements for record keeping and providing evidence on the occurrence of incidents.

This can be achieved by a sample of one question from the following areas:

♦   Marine accident reporting criteria
♦   Marine accident investigation procedures
♦   Forms of records: written, mechanical, electronic
♦   Rebuilding the event from recorded evidence

Outcome 3

Learners will need to provide written and/or recorded oral evidence to demonstrate their knowledge and/or skills by showing that they can:

1   Outline the structure of management ashore and on-board ship.

This can be achieved by sampling one of the following areas:

♦   Departmental requirements of shore based ship management
♦   Departmental requirements for ship based management
♦   Ship/shore interface
♦   On-board dynamics

2   Define principles of management adopted on-board ship.

This can be achieved by sampling one of the following areas:

♦   Management theory
♦   Management styles
♦   Assertiveness, leadership and motivation
♦   Teamwork principles

3   Apply management techniques in the workplace.

This can be achieved by sampling one of the following areas:

♦   Effective resource management
♦   Obtaining and maintaining situational awareness
♦   Management of fatigue and stress
♦   Management of emergencies
♦   Management and resolution of conflict

4   Describe the importance of a safety conscious, communicative environment.

This can be achieved by sampling one of the following areas:

♦   Safety management on-board
♦   The human element and influences on decision-making
♦   Risk assessment including human risk perception
♦   Effective communication
♦   Overcoming differences (race, culture, gender)

SQA Advanced Unit support notes

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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

The content of this unit forms part of the underpinning knowledge for a UK MCA officer of the Watch Certificate of Competency and accordingly reflects the content of International Maritime Organisation's Standards of Training Certification and Watchkeeping (STCW), as amended.

The unit is primarily intended for learners who are new entrants to the Merchant Navy via one of the Merchant Navy Training Board (MNTB) approved deck cadet training schemes. Ideally learners would have already accrued some shipboard experience prior to attempting this unit, although this is not a prerequisite.

Completion of the unit will also ensure that the learner complies with all the requirements laid down by the UK Maritime and Coastguard Agency (MCA) for the issue of an Officer of the Watch Unlimited Certificate of Competence as a Deck Officer. The required knowledge and skills for MCA Certification can be found in a document detailing the requirements for the issue of an Education and Training Certificate (A&B), which is available from the MNTB.

The following notes give additional information on the knowledge and skills for each of the four outcomes.

Outcome 1

Learners will understand the basis of the English legal system. They will be introduced to the fundamental doctrines and how these are implemented by the principle bodies; parliament as legislators, the government as the executive, and the courts as judiciary. The two main systems of law, statute and common law, and their application will be demonstrated through the use of case examples.

Civil and criminal trials will be discussed in relation to the hierarchy of the courts. This includes the application of statutory interpretation and the doctrine of precedent.

The applicability of international law to a national flagged vessel is discussed using a case example (i.e. Merchant Shipping Act, regulations and the international provisions it encompasses). This is further expanded by reviewing the application of legal and non-legal provisions of the shipping industry.

Outcome 2

Using the basic knowledge in Outcome 1, the learner can apply it to particular instruments of legislation and international law for the shipping industry.

Outcome 2 particularly focuses on safety and quality, pollution and the environment, operational procedures and practices, crew training and qualifications. It is designed to introduce the learner to the source and content of the Safety of Life at Sea Convention (SOLAS), Convention on the Prevention of Pollution from Ships (MARPOL), Convention for the Standards in Training, Certification and Watchkeeping of Seafarers (STCW) and the Maritime Labour Convention (MLC).

It also introduces the learner to other legal and non-legal guidance e.g. the merchant shipping acts and the code of safe working practices for merchant seaman.

Application of these areas of law will be viewed in relation to port state control, flag state inspection and record keeping.

Outcome 3

The learner will develop an understanding of the organisational structure of the company both on ship and ashore. By reviewing departments and roles of key personnel on-board, management principles can be defined and described.

Teamwork principles, including recognising team potential and limitations; considering the skills and abilities of the team when making decisions; and roles and responsibilities of a team leader.

Manage fatigue and stress with regard to causes and effects of fatigue; causes and effects of stress; relationship between fatigue and stress; identifying signs and symptoms of stress and fatigue; and developing stress and fatigue management strategies to prevent stress and fatigue from affecting safety.

Obtaining and maintaining situational awareness, including: the meaning of the term 'situational awareness'; the process of developing situational awareness; identifying the challenges to obtaining and maintaining situational awareness; and the meaning of the term 'shared mental models' ('shared situational awareness').

Apply the principles and practice of decision-making with regard to risk assessment; human perception of risk; factors that influence risk assessment; human risk behaviour; reasons why humans make mistakes; reasons why humans break rules; managing errors – stopping mistakes from becoming disasters; human and organisational factors that increase the likelihood of mistakes; and organisational influences on making mistakes.

Learners are introduced to the fundamentals of effective communication including, relevant use of verbal and non-verbal communications; identifying challenges to communications; developing strategies to prevent communication failures; identifying cultural aspects that can hinder the acquisition of a common understanding of messages communicated; effective questioning techniques; effective briefings and debriefings.

Concepts of effective resource management and the prioritisation of resources.

Safety management functions can also be described and developed in this way.

Successful completion of this outcome meets the requirements for the knowledge and understanding required by STCW and Maritime and Coastguard Agency for Human Element, Leadership and Management at the Operational Level (HELM-O).

Guidance on approaches to delivery of this unit

There are no directly linked units but learners will benefit most if this unit is delivered in conjunction with the following SQA Advanced units at SCQF level 7: *Bridge Watchkeeping*, *Marine Emergency Response* and *Communications and Marine Cargo Operations*. They should also be able to draw on the knowledge gained from the qualifications or units recommended as prior knowledge as well as experience gained from service at sea. This unit can be delivered in a classroom environment or through distance/blended learning techniques.

Learners will need to be given access to relevant legislation such as M-notices, statutory instruments and conventions.

Lecturers on this unit should come from a marine background and with experience of marine legislation or they should be in possession of law degree.

Successful completion of Outcome 3 meets the requirements for the knowledge and understanding required by STCW and Maritime and Coastguard Agency for Human Element, Leadership and Management at the Operational Level (HELM-O).

Guidance on approaches to assessment of this unit

Evidence can be generated using different types 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.

Outcomes 1 and 2 should be assessed by a closed-book written and/or recorded oral examination under supervised conditions. Outcomes 1 and 2 can be combined for assessment purposes. Outcome 3 may be assessed by an assignment using role-play/case study scenarios and asking learners to apply and identify management techniques and will be open-book under supervised conditions.

Where assignment work is used in generating evidence, this should be screened using suitable plagiarism detection software.

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

This unit has the Critical Thinking component of Problem Solving embedded in it. This means that when learners achieve the unit, their Core Skills profile will also be updated to show they have achieved Critical Thinking at SCQF level 5.

Through preparation of assignment and presentation work, the Core Skills of *Problem Solving*: Planning and Organising, and Reviewing and Evaluating at SCQF level 5 may be developed.

The oral form of assessment in conjunction with presentation assignment will provide an opportunity to develop the Core Skills of *Communication*: Oral, and *Working with Others* at SCQF level 6.

History of changes to unit

Version	Description of change	Date

FURTHER INFORMATION: Call SQA's Customer Contact Centre on 44 (0) 141 500 5030 or 0345 279 1000. Alternatively, complete our Centre Feedback Form.

General information for learners

Unit title: Marine Law and Management: An Introduction (SCQF level 7)

This unit is intended to provide you with an understanding of law in relation to national and international provisions for the shipping industry.

Through case examples you will be introduced to the law and its application to you as both an individual and a member of a ship's crew.

For many learners this will be an introduction to this area of learning for which new investigation and comprehension skills will be required to be developed. This includes use of legal terminology, research of legal documents, and an understanding of their application.

By looking at management theory, you will develop an understanding of the organisational structures adopted by your company both ashore and on-board.

You will also develop a knowledge of the factors which can affect decision-making such as stress, fatigue, culture and situational awareness and explain techniques to mitigate these factors.

On completion of the unit you should be able to:

1   Explain the systems of law and guidance operating at national* and international level.
2   Describe the legal and guidance regulations relating to different areas of operations and safe practices on-board a ship.
3   Explain personnel management provisions and principles adopted on-board at operational level.

You will be assessed by a closed-book assessment under supervised conditions for Outcomes 1 and 2. The assessment will include theory and/or case study type questions. There will be a group presentation on an area of Outcome 1.

Outcome 3 may be assessed by an open-book assessment under supervised conditions taking the form of a formal study or case study.

This unit has the Critical Thinking component of Problem Solving embedded in it. This means that when you achieve the unit, your Core Skills profile will also be updated to show you have achieved Critical Thinking at SCQF level 5.

Core skills in *Communication* and *Working with others* will be developed at SCQF levels 5 and 6 through the development and preparation for assessment and in the delivery of role-play scenarios.

Successful completion of Outcome 3 meets the requirements for the knowledge and understanding required by STCW and Maritime and Coastguard Agency for Human Element, Leadership and Management at the Operational Level (HELM-O).

*National legal systems are those of England and Wales as applicable to British registered vessels.