



<b>Unit title</b>	Comply with the law when working in journalism
<b>SQA Unit code</b>	H6PN 04
<b>SCQF level</b>	7
<b>SCQF credit points</b>	6
<b>SSC Ref</b>	CDM28



<b>UNIT TITLE</b>	<b>Comply with the law when working in journalism</b>
<b>Learning Outcomes</b>	<b>Assessment Criteria</b>
<b><i>The learner will</i></b>	<b><i>The learner can</i></b>
1. Understand the general principles of defamation in journalism	1.1 Explain what constitutes a defamatory statement, identifying who can sue, who can be sued, and where the burden of proof lies 1.2 Explain the scope and requirements of the defences available to broadcasters for use in defamation cases 1.3 Identify potential instances of defamation in journalism
2. Understand the consequences of libel in journalism	2.1 Describe the particular dangers of libel in: <ul style="list-style-type: none"> <li>• live television and radio</li> <li>• live streaming of audio and video online</li> <li>• websites inviting the audience to post comments and user generated content online</li> </ul> 2.2 Identify potential instances of libel in journalism
3. Understand commercial, contract, copyright and intellectual property rights laws and their relevance to journalism	3.1 Explain the significance of commercial, contract, copyright and intellectual property rights laws for the acquisition of materials for use in editorial content 3.2 Identify creative works to which copyright applies 3.3 Define the concept of fair dealing in relation to the use of copyright material 3.4 Describe potential penalties for infringing copyright and intellectual property rights laws 3.5 Confirm that own editorial content complies with commercial, contract, copyright and intellectual property rights laws

<p>4. Understand information gathering and reporting in the context of journalism</p>	<p>4.1 Identify rights of access to information under UK and European freedom of information legislation and the legal limitations on such access</p> <p>4.2 Identify legal limitations on access to information included in:</p> <ul style="list-style-type: none"> <li>• the Official Secrets Act</li> <li>• public order and prevention of terrorism information</li> <li>• legislation affecting race relations</li> <li>• protection of children legislation</li> </ul> <p>4.2 Explain the concepts of open justice and contempt of court and their implications for the rights, responsibilities and restrictions involved in court reporting, publication, access to information and freedom of expression in the context of journalism</p> <p>4.3 Identify reporting restrictions on journalists to protect:</p> <ul style="list-style-type: none"> <li>• the legal process when reporting active cases</li> <li>• the identity of juveniles and victims</li> </ul> <p>4.4 Explain how UK law protects individual privacy, what type of information the law considers to be private and what kind of activities may constitute an infringement of privacy</p> <p>4.5 Explain how the law of confidence protects confidential information from being improperly divulged</p> <p>4.6 Describe ways in which breach of confidence can arise</p> <p>4.7 Explain how the Data Protection Act regulates the collection and use of personal data and the criminal offence involved in procuring disclosure</p> <p>4.8 Define the concept of fair dealing in relation to the use of copyright material</p>
<p>5. Be able to access and gather information exercising own legal rights</p>	<p>5.1 Cultivate relationships with public liaison personnel and police officers</p> <p>5.2 Describe legal challenges available to attempts to limit own access to information</p> <p>5.3 Exert own legal rights to:</p> <ul style="list-style-type: none"> <li>• attend court cases</li> <li>• secure basic details from court officials and court documents</li> </ul>

<p>6. Be able to evaluate the legality of own editorial content</p>	<p>6.1 Check that own editorial content complies with any legal restrictions attached to court reporting</p> <p>6.2 Check that source information is relevant and reliable, particularly where there are consequences for ongoing investigations and active cases</p> <p>6.3 Check that own research undertaken does not breach:</p> <ul style="list-style-type: none"> <li>• the Data Protection Act</li> <li>• the Official Secrets Act</li> <li>• public order and prevention of terrorism information</li> <li>• race relations legislation</li> <li>• protection of children legislation</li> </ul> <p>6.4 Refer issues for expert advice in instances where legality is uncertain</p>
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<b>Additional information about the Unit</b>
<b>Unit purpose and aim(s)</b>
This unit assesses the skills, knowledge and understanding relating to UK law for journalists. Learners will know and understand the principles, processes and structure of the UK legal systems, and be able to comply with the law, in their own role as a journalist.
<b>Details of the relationship between the Unit and relevant national occupational standards (if appropriate)</b>
This Unit is based on the NOS (SKSJ3) developed by Creative Skillset.
<b>Details of the relationship between the Unit and other standards or curricula (if appropriate)</b>
N/A
<b>Assessment requirements specified by a sector or regulatory body (if appropriate)</b>
N/A

## Assessment (evidence) Requirements

Evidence for this Unit should be generated in the workplace or a real work environment under normal commercial operating conditions. Simulation is only acceptable under certain circumstances, please refer to section 4.1 of Creative Skillset's 'Principles of Assessment for use with SVQs and competency-based qualifications in the SCQF'

## Guidance on Instruments of Assessment

This Unit is designed to assess the skills and knowledge of candidates in the workplace.

### Acceptable types of evidence

The following sources of evidence can be used in the assessment of the competency based learning outcomes:

- Direct observation of learners carrying out the relevant task;
- Portfolios (hard-copy and digital);
- Inspection and evaluation of products produced (this includes electronic evidence where appropriate);
- Questioning of learners to support performance;
- Simulation where agreed (see section 4.1 of Creative Skillset's 'Principles of Assessment');
- Expert Witness where specific expertise is required;
- Supplementary evidence (i.e. Witness Testimony);
- Recorded Internal competency assessments carried out as part of a structured in-company approach (i.e. ISO9000). Assessors should carry out only confirmatory observation.

For knowledge based learning outcomes the following sources of evidence can be used:

- Oral or written exams/test;
- Portfolios (hard-copy and digital);
- Presentations;
- Simulation on where agreed (see section 4.1 of Creative Skillset's 'Principles of Assessment');
- Assignments;
- Projects;
- Case studies.
- Professional Discussion

Please note: This is not an exhaustive list, all of the assessment methods associated with effective delivery and assessment of qualifications that attest to occupational competency may be used.

SQA's Guide to Assessment is designed to provide support for everyone who assesses for SQA qualifications. It looks at the principles of assessment, and brings together information on assessment in general as well as on best practice in assessment. The Guide to Assessment can be downloaded free from SQA's website:

**[http://www.sqa.org.uk/files\\_ccc/GuideToAssessment.pdf](http://www.sqa.org.uk/files_ccc/GuideToAssessment.pdf)**