



## Higher National Unit specification

### General information for centres

**Unit title:** Business Contractual Relationships

**Unit code:** F84N 34

**Unit purpose:** This Unit is designed to develop candidates' knowledge of the law as it applies within the business environment. The Unit will examine consumer legislation, the law in employment and the Law of Obligations as it relates to the contractual relationships between the business, their customers and their employees.

On completion of this Unit, the candidate will be able to:

- 1 Explain the protection provided to individuals when entering into a consumer credit agreement.
- 2 Explain the key elements of the law in employment.
- 3 Explain the key elements of the Law of Obligations.

**Credit points and level:** 1 HN credit at SCQF level 7: (8 SCQF credit points at SCQF level 7\*)

*\*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.*

**Recommended prior knowledge and skills:** Entry to this Unit is at the discretion of the centre. However it would be beneficial if candidates possess good communication skills. These may be demonstrated by the achievement of the Core Skill *Communication* at SCQF level 6, or Higher English or equivalent.

**Core Skills:** There are opportunities in this Unit to develop the Core Skills of *Communication* at SCQF level 6, *Problem Solving* at SCQF level 6, and *Information and Communication Technology* at SCQF level 5, although there is no automatic certification of Core Skills or Core Skills components.

## General information for centres (cont)

**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 all three Outcomes may take the form of open-book assessments based on stimulus material; either a case study, restricted response questions or a combination of both. Candidates may compile responses from their own research. Assessments may be integrated between Outcomes.

Centres will have discretion in designing assessments so that they can assess Outcomes individually or combine Outcomes where they consider appropriate.

An exemplar assessment pack and marking guidelines have been produced to indicate the National Standard of achievement required at SCQF level 7.

## **Higher National Unit specification: statement of standards**

**Unit title:** Business Contractual Relationships

**Unit code:** F84N 34

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

### **Outcome 1**

Explain the protection provided to individuals when entering into a consumer credit agreement.

#### **Knowledge and/or Skills**

Current legislation in terms of:

- ◆ Sale of goods
- ◆ Unfair contract terms
- ◆ Consumer credit
- ◆ False and misleading trade descriptions
- ◆ Product liability

#### **Evidence Requirements**

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ explain the main characteristics of the contract of sale
- ◆ explain the terms implied in contracts for the supply of goods
- ◆ explain the rights and duties of supplier and buyers of goods
- ◆ explain the protection provided by consumer credit legislation
- ◆ explain the protection provided by consumer protection legislation

Where legal terminology is used it should be explained in non-legal language.

#### **Assessment Guidelines**

Assessment could be via submission of a response based on stimulus material, which may take the form of restricted response questions or a case study. Responses may be written or oral.

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

**Unit title:** Business Contractual Relationships

### **Outcome 2**

Explain the key elements of the law in employment

#### **Knowledge and/or Skills**

- ◆ Contract of employment
- ◆ Dismissal and termination
- ◆ Discrimination

#### **Evidence Requirements**

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ identify the key elements of a contract of employment and explain, giving an example, the circumstances under which an employment contract may lawfully be terminated
- ◆ explain the key principles of unfair dismissal
- ◆ identify and explain, giving an example of each, direct and indirect discrimination in employment

#### **Assessment Guidelines**

Assessment could be via submission of a response based on stimulus material, which may take the form of restricted response questions or a case study. Responses may be written or oral.

### **Outcome 3**

Explain the key elements of the law of obligations

#### **Knowledge and/or Skills**

- ◆ General principles of delict
- ◆ Negligence
- ◆ Defences

#### **Evidence Requirements**

Candidates will need to provide evidence to demonstrate their Knowledge and/or Skills by showing that they can:

- ◆ explain the law of delict
- ◆ using an example, explain negligence and the potential liability resulting from it
- ◆ outline the specific rules of delict that apply in the employment context and the defences available in delictual claims
- ◆ explain the duty of care

#### **Assessment Guidelines**

Assessment could be via submission of a response based on stimulus material, which may take the form of restricted response questions or a case study. Responses may be written or oral.

## Administrative Information

<b>Unit code:</b>	F84N 34
<b>Unit title:</b>	Business Contractual Relationships
<b>Superclass category:</b>	EC
<b>Original date of publication:</b>	August 2010
<b>Version:</b>	02

### History of changes:

Version	Description of change	Date
02	Minor amendments to Unit purpose Title of Outcome 1 re-named Minor corrections to Evidence Requirements of Outcome 1	15/09/2015

**Source:** SQA

*In the UK outside of Scotland, Higher National Diploma (HND) or Higher National Certificate (HNC) is the registered trademark of Pearson Education Limited and the trademark is used under licence from Pearson Education Limited.*

© Scottish Qualifications Authority 2010, 2015

This publication may be reproduced in whole or in part for educational purposes provided that no profit is derived from reproduction and that, if reproduced in part, the source is acknowledged.

SQA acknowledges the valuable contribution that Scotland's colleges have made to the development of Higher National qualifications.

Additional copies of this Unit specification can be purchased from the Scottish Qualifications Authority. Please contact the Customer Contact Centre for further details, telephone 0845 279 1000.

## **Higher National Unit specification: support notes**

### **Unit title: Business Contractual Relationships**

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 to develop candidates' knowledge of the law as it applies within the business environment in relation to contractual agreements. This Unit is mandatory within HNC/HND Business (G9ML 15 and G9MM 16) but may form part of other group awards and may be delivered as a stand-alone Unit. This Unit focuses on Scots Law but may refer to aspects of English Law. On completion of the Unit, candidates should have gained a practical insight into aspects of law as it interacts with business enterprises, their customers, their suppliers and their employees.

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

This Unit could be delivered through the use of examples drawn from appropriate authoritative sources, or through hypothetical case studies based on the circumstances of appropriate precedent in each Outcome.

In Outcome 1 it may be appropriate to use three separate case studies that illustrate the rights and duties of suppliers and buyers of goods, that illustrate consumer credit and consumer protection rights afforded to consumers by current legislation.

In Outcome 2 it may be appropriate to use three separate case studies that illustrate the key elements of a contract of employment and the circumstances under which an employment contract may lawfully terminated, that illustrate the key principles of unfair dismissal, and that illustrate direct and indirect discrimination in employment.

In Outcome 3 it may be appropriate to use three separate case studies that: illustrate the law of delict, particularly the specific rules of delict that apply in the employment context and the defences available in delictual claims; illustrate negligence and the potential liability resulting from it; and illustrate the duty of care.

These case studies should be contextualised to meet the requirements of the students undertaking the Unit, and should relate to current events and developments.

Teaching sessions could be built around specific topics set out at the beginning of delivery of the Unit, and could be facilitated by the lecturer, rather than being based on lecturer exposition. Student input, either through whole class discussion or group work should be encouraged. The use of simulation as a teaching method fits well into the delivery of this Unit.

Extensive use of business publications that relate to these subjects is strongly recommended. Candidates should be encouraged to read quality newspapers to gather background information, and to listen to quality broadcasts, TV and radio that will help to illuminate the subject for them. Students should be given guidance from the lecturer on a range of appropriate newspapers and broadcasts, and should be directed to specific articles and programmes that are current and relevant.

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

**Unit title:** Business Contractual Relationships

### ***Opportunities for developing Core Skills***

Throughout the Unit, candidates should be able to develop the Core Skill of *Communication* at SCQF level 6 by reading, evaluating and understanding written communication of different types, and should be producing written documents that convey a range of information and ideas on legal matters. Through group discussion, candidates could have the opportunity to communicate orally to individuals and groups by presenting ideas and complex information to others, and listening to and understanding others' responses.

Candidates may also be able to develop the Core Skill component of Critical Thinking at SCQF level 6 by analysing legal issues and devising and recommending appropriate solutions.

Candidates may be able to develop the Core Skill of *Information and Communication Technology* at SCQF level 5 through carrying out a range of *ICT* activities, such as internet searches and word processing, in the course of any research.

### **Open learning**

If this Unit is delivered by open or distance learning methods, additional resources will be required for candidate support, assessment and quality assurance. It would require planning by the centre to ensure the sufficiency and authenticity of candidate's evidence.

### **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)

## General information for candidates

### Unit title: Business Contractual Relationships

This Unit is designed to develop your knowledge of the law as it applies within the business environment. The Unit examines consumer legislation, the law in employment and the law of obligations as it relates to the contractual relationships between the business, their customers and their employees.

The Outcomes of this Unit are:

- ◆ Explain the protection provided to individuals when entering into a consumer credit agreement
- ◆ explain the key elements of the law in employment
- ◆ explain the key elements of the law of obligations

On completion of this Unit, you should have gained an insight into aspects of law as it interacts with the business, their customers, their suppliers and their employees.

This Unit focuses on Scots Law but may refer to aspects of English Law. You will be provided with an overview of Statutory and Case Law and how these interact; in particular, where decisions from certain cases become precedent and the impacts this subsequently has on equivalent business transactions.

The Unit may be assessed by using examples of legal issues which require to be acted upon, or explained in terms of legal solutions or relevant case law. The Unit may be taught by using reported cases from current law journals and other relevant sources. Likewise, you may be encouraged to gather information from various sources, eg the internet, journals and newspapers. You may also be encouraged to use these articles as discussion topics in the classroom environment.

You may have the opportunity to develop Core Skills in *Communication* and *Problem Solving* at SCQF level 6, and *Information and Communication Technology* at SCQF level 5.