



Higher National Unit specification: general information

Unit title: Children's Reporter Practice: Obtaining and Assessing Evidence

Unit code: FW6C 37

Superclass: EC

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Version: 01

Unit purpose

This Unit is designed to enable candidates to understand criminal and civil evidence, source and assess evidence and apply relevant legal authority to the assessment of individual cases.

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

- 1 Analyse evidence in the context of criminal law.
- 2 Analyse evidence in the context of civil law.
- 3 Obtain evidence to support casework.

Recommended prior knowledge and skills

Because of the specialised nature of this Unit (and others linked to the Professional Development Award for Children's Reporter Practice) all candidates must be employed by SCRA. In most cases this will be in the role of the Children's Reporter. For those candidates who are not employed in the role of Children's Reporter but employed by SCRA, case studies will be used to enable the candidate to achieve the Evidence Requirements for this Unit. Candidates will find it beneficial to have a background/experience in the field of law, social work and/or education.

Credit points and level

1 Higher National Unit credit at SCQF level 10: (8 SCQF credit points at SCQF level 10*)

**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.*

General information (cont)

Unit title: Children's Reporter Practice: Obtaining and Assessing Evidence

Core Skills

There are opportunities to develop the Core Skills of *Problem Solving* and *Communication* at SCQF level 6 in this Unit, although there is no automatic certification of Core Skills or Core Skill components. Opportunities to develop aspects of Core Skills are highlighted in the support notes in 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.

Assessment

Assessment for this Unit could take the form of written papers, casework and/or oral evidence and can be undertaken during a suitable course of study or in the candidate's work context. Assessment may be completed in time set aside from work or in the candidate's own time.

All evidence should be relevant to the role of the Children's Reporter in delivering services to children, young people and their families.

Higher National Unit specification: statement of standards

Unit title: Children's Reporter Practice: Obtaining and Assessing Evidence

Unit code: FW6C 37

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

Outcomes 1, 2 and 3 will be assessed holistically. Evidence Requirements and Assessment Guidelines for these Outcomes will appear after Outcome 3.

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. Candidates 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

Analyse evidence in the context of criminal law.

Knowledge and/or Skills

- ◆ Analyse and apply the rules of evidence in the context of criminal law
- ◆ Analyse and apply evidential sufficiency in the context of criminal law
- ◆ Special defences
- ◆ Categories of admissible evidence
- ◆ Apply current case law and legislation in the context of criminal law

Outcome 2

Analyse evidence in the context of civil law.

Knowledge and/or Skills

- ◆ Analyse and apply rules of evidence in the context of civil law
- ◆ Analyse and apply evidential sufficiency in the context of civil law
- ◆ Admissible evidence in civil law cases
- ◆ Apply current case law and legislation in the context of civil law

Outcome 3

Obtain evidence to support casework.

Knowledge and/or Skills

- ◆ Current law and protocols governing access to different sources of evidence and its application
- ◆ Identify appropriate evidence
- ◆ Identify sources of evidence

Higher National Unit specification: statement of standards (cont)

Unit title: Children's Reporter Practice: Obtaining and Assessing Evidence

Evidence Requirements for the Unit

Candidates will need to provide written or oral evidence to demonstrate their Knowledge and/or Skills in the form of:

- (a) A report, equivalent to 4,000–4,500 words. Candidates should:
- Describe and explain the rules of evidence in a criminal and civil law context.
 - Analyse the impact of the leading case law and legislation in the area of criminal and civil law of evidence.
 - Explain the special defences in relation to criminal law.
 - Explain the categories of admissible evidence in criminal and civil law.
 - Explain the current law and protocols governing access to different sources of evidence.
 - Explain how evidence is obtained from a variety of sources (with reference to current law and protocols).
 - Explain the non-offence conditions not covered in the portfolio of evidence derived from the candidate's casework.

Candidates should undertake research and quote current best practice where relevant. They should justify their references on the basis of what they believe or have experienced and explain how it will influence their practice.

- (b) A portfolio of evidence derived from candidate's casework with at least five examples of cases of the most commonly referred offences and five examples of the most commonly referred non-offence cases, demonstrating:
- Analysis of the most commonly referred offences.
 - Analysis of the most commonly referred non-offence conditions.
 - The candidate's assessment of the sufficiency of evidence in offence conditions.
 - The candidate's assessment of the sufficiency of evidence in non-offence conditions.
 - Application of current case law and legislation to the assessment of sufficiency of evidence.
 - Where evidence has been obtained correctly.
 - Where evidence has been applied correctly.

Where a candidate has insufficient case examples from their casework to meet the Evidence Requirements a case scenario can be used as the basis for preparing the required documentation.

Higher National Unit specification: statement of standards (cont)

Unit title: Children's Reporter Practice: Obtaining and Assessing Evidence

Assessment Guidelines for the Unit

Assessment for these Outcomes can be undertaken during a suitable course of study or in the candidate's work context. Assessment may be completed in time set aside from work or in the candidate's own time.

All evidence should be relevant to the role of the Children's Reporter in delivering services to children, young people and their families.

The assessment for these Outcomes could take the form of a written reports/casework, and/or oral evidence.

Higher National Unit specification: support notes

Unit title: Children's Reporter Practice: Obtaining and Assessing Evidence

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 for those members of SCRA who are carrying out the role of Children's Reporter. This Unit is part of the Professional Development Award (PDA) for Children's Reporter Practice. Candidates undertaking the full Award should be encouraged to relate their work for this Unit to the others in the Award.

The candidate should be encouraged to reflect on their experience and skills development during this and all other Units which comprise the PDA. It is anticipated that candidates will maintain a work-based reflective journal. This journal could be used as a private reference mechanism by the candidate and can assist in progressing the candidate's personal development. This journal is not assessed and its purpose is to enhance the personal development of the candidates.

Outcome 1

At the time of writing, relevant legislation, rules and case law include the following: Road Traffic Act 1988, Criminal Law (Consolidation) (Scotland) Act 1995, Civic Government (Scotland) Act 1982, Misuse of Drugs Act 1971, Criminal Procedure (Scotland) Act 1995, Rehabilitation of Offenders Act 1974, Criminal Justice (Scotland) Act 2003, Sexual Offences (Scotland) Act 2009, Vulnerable Witnesses (Scotland) Act 2004, Antisocial Behaviour, etc. (Scotland) Act 2004. For all Acts, reference should also be made to supporting rules and case law.

At the time of writing, the main reference books are Walker & Walker, *The Law of Evidence in Scotland*, 3rd Edition; Gordon, *Criminal Law*, 3rd Edition; Renton & Brown, *Criminal Procedure*; Harper & Hamilton, *Fingertip Guide to Criminal Law*, 5th Edition and James Chalmers, *Law Essentials, Evidence*, 2nd Edition.

Common offences are theft (all forms), assault, breach of the peace, vandalism and malicious mischief, reset, fire-raising, road traffic offences, sexual offences.

Outcome 2

At the time of writing, relevant legislation, rules and case law include: Civil Evidence (Scotland) Act 1988, Children (Scotland) Act 1995, Criminal Procedure (Scotland) Act 1995, Education (Scotland) Act 1980, Criminal Law (Consolidation) (Scotland) Act 1995, Children and Young Persons (Scotland) Act 1937, Rehabilitation of Offenders Act 1974, Sexual Offences (Scotland) Act 2009, Vulnerable Witnesses (Scotland) Act 2004, Adoption and Children (Scotland) Act 2007, Prohibition of Female Genital Mutilation (Scotland) Act 2005, Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005, Children's Hearings (Scotland) Act 2011. For all Acts, reference should also be made to supporting rules and case law.

Higher National Unit specification: support notes (cont)

Unit title: Children's Reporter Practice: Obtaining and Assessing Evidence

Outcome 3

At the time of writing, relevant legislation and rules include: Data Protection Act 1998, Children (Scotland) Act 1995 and supporting rules and case law, Civil Evidence (Scotland) Act 1988, Administration of Justice (Scotland) Act 1972, Criminal Procedure (Scotland) Act 1995, Children's Hearings (Scotland) Act 2011.

At the time of writing, relevant SCRA documentation, protocols and guidance include: Practice Instruction, stated cases, Practice Protocols, Inter-Agency contact and protocols, Child and Vulnerable Witness Pack, Adult Vulnerable Witness Pack.

Guidance on the delivery and assessment of this Unit

This Unit can be delivered as part of the Professional Development Award (PDA) for Children's Reporter Practice or on a stand-alone basis.

Candidates will meet with assessors to agree an assessment plan which will include detail of what evidence will be produced by the candidate and the date it will be produced.

Candidates will be expected to produce an assignment to support all of the Outcomes. In this assignment, candidates will be expected to provide evidence that some research/reading has been undertaken. This should be evidenced by quoting current/best practice or referring to material they have read. Candidates are expected to justify their references, eg because they agree or disagree based on what they believe/have experienced, or explain how it will influence their practice. Candidates will also be expected to reference the leading case law in the area. The assignment should be approximately 4,000–4,500 words.

In relation to the assignment, particular areas which could be covered include:

- ◆ The burden and standard of proof for both civil and criminal cases.
- ◆ A subject relating to criminal law and candidates will be expected to describe and explain the subject and analyse the impact of the leading case law and legislation in the area. Examples of topics include the Moorov doctrine, corroboration, art and part, implications of the Cadder case.
- ◆ Explanation of the special defences of alibi, self defence and insanity.
- ◆ Explanation of admissibility in relation to criminal evidence including relevancy, position in relation to confessions and evidence improperly obtained.
- ◆ A subject relating to civil law and candidates will be expected to describe and explain the subject and analyse the impact of the leading case law and legislation in the area. Examples of topics include hearsay evidence, opinion evidence.
- ◆ Explanation of admissibility in relation to civil evidence including relevancy.
- ◆ Explanation of the non-offence conditions not covered by the case studies referred to below.
- ◆ Explanation of the different sources of evidence and how to obtain them.

Higher National Unit specification: support notes (cont)

Unit title: Children's Reporter Practice: Obtaining and Assessing Evidence

Candidates are also expected to produce case studies of at least five examples of cases of the most commonly referred offences and five examples of cases of the most commonly referred non-offence conditions. These should be cases where the candidate has assessed the sufficiency of evidence. The review and analysis should demonstrate the candidate's application of knowledge to casework. The candidate must anonymise the cases by removing all references to names, addresses and date of birth. Candidates can use the unique identifying number from the case management system. In selecting cases for use to meet the Evidence Requirements for this Unit, candidates are encouraged to reflect on the Evidence Requirements for the other Units in this professional development award to try to select cases that will meet Evidence Requirements for other Units. Where a candidate has insufficient case examples from their own casework to meet the Evidence Requirements, case scenarios can be used. For example, the centre could provide a case scenario to the candidate of a mock referral which has been received in respect of a child and the candidate could assess the evidential sufficiency of this mock referral.

The assignment and case studies could be reviewed with the candidate in the form of a structured interview to allow professional reflection and to ensure all Evidence Requirements are met.

Candidates may complete the Evidence Requirements in time set aside from work or in their own time. They may be supported in this through a course of study including workshops provided by the centre or external training courses.

To support them completing this Unit, candidates can access resources on the intranet including current case law, practice instruction and research articles.

Open learning

All Outcomes are appropriate to open learning with assessor support at all stages. It is the responsibility of the delivering centre to ensure the authenticity of the candidate's work. Assessment evidence must be generated as described in the Evidence Requirements section. At the time of writing, candidates complete a paper portfolio but it is anticipated that e-portfolios will be developed in the future.

Opportunities for developing Core Skills

Elements of the Core Skill of *Problem Solving* — Critical Thinking and Reviewing and Evaluating may be developed and enhanced in this Unit, which requires the analysis and evaluation of rules of evidence in the context of criminal and civil law and their application to casework.

Oral *Communication* skills may also be enhanced during the interaction with children, young people and their families in the workplace. This is likely to involve using a range of verbal and non-verbal communication techniques, such as questioning, giving information and responding to others in order to advise on and/or prepare a case. Written *Communication* skills may also be enhanced where candidates will be encouraged to produce clear, structured written work in the preparation of their casework and will be required to analyse complex written communication.

Higher National Unit specification: support notes (cont)

Unit title: Children's Reporter Practice: Obtaining and Assessing 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

History of changes to Unit

Version	Description of change	Date

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General information for candidates

Unit title: Children's Reporter Practice: Obtaining and Assessing Evidence

This Unit is about the knowledge and skills you need to understand criminal and civil evidence source and assess evidence and apply relevant legal authority to the assessment of individual cases.

While the exact time allocated to this Unit is at the discretion of your centre, the notional design length is 40 hours.

This Unit is assessed by written papers, casework or oral evidence and can be undertaken during a suitable course of study or in your work context. Assessment may be completed in time set aside from work or in your own time.

You will learn about/how to:

- ◆ Analyse and apply the rules of evidence in the context of criminal law
- ◆ Analyse and apply evidential sufficiency in the context of criminal law
- ◆ Special defences
- ◆ Categories of admissible evidence
- ◆ Apply current case law and legislation in the context of criminal law
- ◆ Analyse and apply the rules of evidence in the context of civil law
- ◆ Analyse and apply evidential sufficiency in the context of civil law
- ◆ Admissible evidence in civil law cases
- ◆ Apply current case law and legislation in the context of civil law
- ◆ Current law and protocols governing access to different sources of evidence and its application
- ◆ Identify appropriate evidence
- ◆ Identify sources of evidence