



## Higher National Unit specification: general information

**Unit title:** Children's Reporter Practice: Court Processes

**Unit code:** FW6H 37

**Superclass:** EC

**Publication date:** October 2014

**Source:** Scottish Qualifications Authority

**Version:** 02

### Unit purpose

This Unit is designed to enable candidates to demonstrate and apply knowledge to the effective preparation of cases which are to be heard and to enable candidates to operate effectively in court.

This Unit will help to develop candidate's knowledge of case law and procedures with specific reference to preparing documentation for court. It also aims to ensure that candidates are aware of their responsibilities in relation to the support of clients and the importance of ensuring the availability of any resources required to support the delivery of their case in court.

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

- 1 Explain and apply the process of application for proof.
- 2 Apply the process of preparing a case for proof.
- 3 Apply the various techniques of the examination of witnesses.
- 4 Use productions, case authorities and other court aids.
- 5 Present submissions.

### 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.

## General information (cont)

**Unit title:** Children's Reporter Practice: Court Processes

### Credit points and level

2 Higher National Unit credits at SCQF level 10: (16 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.*

### 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, performance evidence, 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: Court Processes

**Unit code:** FW6H 37

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

Outcomes will be assessed holistically. Evidence Requirements and Assessment Guidelines for these Outcomes will appear after Outcome 5.

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

Explain and apply the process of application for proof.

#### Knowledge and/or Skills

- ◆ Apply timescales for lodging court applications
- ◆ Apply legislative requirements to the application for proof
- ◆ Identify the parties to proceedings
- ◆ Prepare relevant documents

### Outcome 2

Apply the process of preparing a case for proof.

#### Knowledge and/or Skills

- ◆ Conduct precognitions of witnesses
- ◆ Identify and cite relevant witnesses
- ◆ Apply procedure for supporting vulnerable witnesses
- ◆ Obtain, prepare and lodge productions
- ◆ Apply timescales for different stages in preparation for proof
- ◆ Identify and analyse areas of dispute
- ◆ Negotiate Outcomes in cases with other parties to proceedings
- ◆ Apply Practice Instruction in relation to proofs
- ◆ Apply current case law and legislation

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

**Unit title:** Children's Reporter Practice: Court Processes

### **Outcome 3**

Apply the various techniques of the examination of witnesses.

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

- ◆ Conduct examination in chief, cross examination and re-examination of witnesses using different forms of questions
- ◆ Apply effective advocacy to the examination of witnesses
- ◆ Conduct examination of expert witnesses
- ◆ Apply relevancy in relation to examination of witnesses

### **Outcome 4**

Use productions, case authorities and other court aids.

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

- ◆ Apply productions in a court hearing
- ◆ Apply inventories of authorities in a court hearing
- ◆ Apply current legislation and rules of court

### **Outcome 5**

Present submissions.

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

- ◆ Apply effective advocacy to the presenting of submissions in court
- ◆ Apply relevancy to the presenting of submissions in court
- ◆ Analyse and apply case law and legislation
- ◆ Analyse evidence led in court case

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

**Unit title:** Children's Reporter Practice: Court Processes

### Evidence Requirements for the Unit

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

- (a) A portfolio of evidence derived from candidate's casework with at least five examples of cases which have been prepared for proof, demonstrating:
- The documentation that is lodged and intimated on parties.
  - Identification and analysis of areas of dispute.
  - Conduct of precognitions.
  - Witnesses cited.
  - Liaison and negotiation with other parties to the proceedings.
  - Use of the procedure for supporting vulnerable witnesses.
  - Identifying potential difficulties and planning for them.
  
  - Preparation and lodging of productions.
  - The application of legislation, case law and practice instruction to the preparation of cases for proof.
  - Submissions for court which demonstrate analysis of the issues involved in the case, evaluation of the evidence and analysis of the legislation and case law relating to the case.

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.

- (a) A minimum of one observed practice session in at least one case in a proof in court or simulated court setting, demonstrating:
- Use of productions, case authorities, and other court aids in a proof conducted by them.
  - Examination in chief, cross examination and re-examination of witnesses using different forms of questions (open, closed, specific, probing, hypothetical, reflective or leading).
  - Application of effective advocacy to the conduct of the proof.
  - Examination in chief of an expert witness.
  - Presentation of submissions.

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

**Unit title:** Children's Reporter Practice: Court Processes

(b) A written report, of between 2000-2500 words. Candidates should:

- Explain the current timescales for lodging court applications.
- Explain who the parties to proceedings are.
- Explain who receives notification.
- Explain two features of three of the different types of questions that can be used in the examination of a witness, giving the circumstances when it is beneficial to use them.
- Explain the procedure and timescales for preparing a case for proof.

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.

### 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, observed practice and oral evidence.

## Higher National Unit specification: support notes

### Unit title: Children's Reporter Practice: Court Processes

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

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.

This Unit will support the development of the advocacy skills required by candidates to deal effectively with clients and agencies involved in this aspect of the role of Children's Reporter.

#### Outcome 1

At the time of writing, relevant legislation, rules and case law include: Children (Scotland) Act 1995 and supporting rules and case law, Act of Sederunt (Child Care and Maintenance Rules) 1997, Vulnerable Witnesses (Scotland) Act 2004, Children's Hearings (Scotland) Act 2011 and supporting rules and case law.

At the time of writing, relevant SCRA documentation, protocols and guidance include: RAD, Practice Instruction, Operational Process Guidance.

#### Outcome 2

At the time of writing, relevant legislation, rules and case law include: Human Rights Act 1998, Children (Scotland) Act 1995 and supporting rules and case law, Children and Young Persons Act (Scotland) Act 1937, Criminal Procedure (Scotland) Act 1995, Criminal Law (Consolidation) (Scotland) Act 1995, Act of Sederunt (Child Care and Maintenance Rules) 1997, Administration of Justice (Scotland) Act 1972, Vulnerable Witnesses (Scotland) Act 2004 Children's Hearings (Scotland) Act 2011 and supporting rules and case law.

At the time of writing, relevant SCRA documentation, protocols and guidance include: Practice Instruction and Case Enquiries, Scheme of Delegation, Child and Vulnerable Witness Pack, Adult Vulnerable Witness Pack.

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

### Unit title: Children's Reporter Practice: Court Processes

Candidates should be encouraged to demonstrate knowledge and understanding of the use of items such as TV/Video/Audio Equipment, Inventories, Witness Lists, Screens, Labels, Translation/Interpretation, transcription, X-Ray machines.

#### Outcome 3

At the time of writing, relevant legislation, rules and case law include: Children (Scotland) Act 1995 and supporting rules and case law, Act of Sederunt (Child Care and Maintenance Rules) 1997, Vulnerable Witnesses (Scotland) Act 2004, Children's Hearings (Scotland) Act 2011 and supporting rules and case law, Child and Vulnerable Witness Pack, Adult Vulnerable Witness Pack.

#### Outcome 4

At the time of writing, relevant legislation, rules and case law include: Children (Scotland) Act 1995, supporting rules and case law, Act of Sederunt (Child Care and Maintenance Rules) 1997, Children's Hearings (Scotland) Act 2011 and supporting rules and case law.

At the time of writing, relevant SCRA documentation, protocols and guidance include: Practice Instruction, TV/Video/Audio Equipment, Inventories, Witness Lists, Screens, Labels, Translation/Interpretation, transcription X-Ray machines, Child Witness Pack.

#### Outcome 5

At the time of writing, relevant legislation, rules and case law include: Children (Scotland) Act 1995, supporting rules and case law. Act of Sederunt (Child Care and Maintenance Rules) 1997 Children's Hearings (Scotland) Act 2011 and supporting rules and case law.

#### All Outcomes

Care should be taken to ensure documentation which supports court cases complies with all relevant legislation.

Candidates should be able to demonstrate adherence to SCRA administrative procedures and assessors would be expected to have access to all relevant files from which to sample evidence.

Candidates should be able to deal with all aspects of the preparation of a case. In performing this role candidates should review and assess all relevant details. Candidates should also be encouraged to utilise internal support from line-managers in those cases where additional clarification or perspective would assist the preparation of the case.

Candidates should be able to plan and manage the order of cases. Reflective practice should be a feature of this Unit. It is intended that candidates develop the skill of being able to anticipate potential areas of difficulty within the case or in relation to individuals, timings, availability of individuals/evidence, etc.

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

**Unit title:** Children's Reporter Practice: Court Processes

### 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 are expected to produce a review and analysis of five cases from the candidate's case work which have been referred for proof, supplemented by the use of case scenarios where necessary. The review and analysis of cases could be reviewed with the candidate in the form of a professional discussion to allow professional reflection.

This review and analysis should include the documentation that was lodged; identification of the parties to the proceedings; the areas in dispute; liaison and negotiation with other parties; identification of witnesses and consideration of special measures necessary to support them; anticipation of potential difficulties and plans to deal with them; analysis and application of the leading legislation and case law in this area and submissions for court which demonstrate analysis of the issues involved, evaluation of the evidence and analysis of the law in the area.

Candidates are expected to produce performance evidence in the form of witness testimony from their assessor, line manager or experienced reporter in relation to their conduct of a proof in court or in a simulated court setting. This should include different types of examination of witnesses including an expert witness; use of productions, case authorities and other court aids and the presentation of submissions.

The candidate must anonymise the cases in the portfolio 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 case which has been referred to the Sheriff Court for proof and the candidate could demonstrate how they would prepare the case for proof. In addition, if the candidate does not have a case proceeding to proof at the Sheriff Court, they could be given a mock proof to conduct in a simulated court setting.

Candidates are also expected to produce an assignment to support all of the Outcomes. This should cover all of the areas outlined in the Evidence Requirements.

Work produced by the candidate could be supplemented by oral questions to ensure that all of the Evidence Requirements are met

For all Outcomes, work produced by the candidate could be supplemented by oral questions as required to ensure all Evidence Requirements are met.

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

**Unit title:** Children's Reporter Practice: Court Processes

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 of issues involved in a case and the legislation and case law applying to it and the evaluation of evidence in the case.

Oral *Communication* skills may also be enhanced during the interaction with children, young people and their families in the workplace. Oral communication skills may also be enhanced during the conduct of a proof at court and the presentation of submissions. 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.

### 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)

## History of changes to Unit

Version	Description of change	Date
02	Amendment to the word count required for the written report at b) on page 6 from approximately 1,000 words to between 2,000 - 2,500 words.	13/10/2014

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## General information for candidates

### Unit title: Children's Reporter Practice: Court Processes

This Unit is designed to enable you to demonstrate and apply knowledge to the effective preparation of cases which are to be heard and to enable you to operate effectively in court.

This Unit will help to develop your knowledge of case law and procedures with specific reference to preparing documentation for court. It also aims to ensure that you are aware of their responsibilities in relation to the support of clients and the importance of ensuring the availability of any resources required to support the delivery of their case in court.

While the exact time allocated to this Unit is at the discretion of your centre, the notional design length is 80 hours.

This Unit is assessed by written papers, casework, observed practice 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:

- ◆ Apply timescales for lodging court applications
- ◆ Apply legislative requirements to the application for proof
- ◆ Identify the parties to proceedings
- ◆ Prepare relevant documents
- ◆ Conduct precognitions of witnesses
- ◆ Identify and cite relevant witnesses
- ◆ Apply procedure for supporting vulnerable witnesses
- ◆ Obtain, prepare and lodge productions
- ◆ Apply timescales for different stages in preparation for proof
- ◆ Identify and analyse areas of dispute
- ◆ Negotiate Outcomes in cases with other parties to proceedings
- ◆ Apply Practice Instruction in relation to proofs
- ◆ Apply current case law and legislation
- ◆ Conduct examination in chief, cross examination and re-examination of witnesses using different forms of questions
- ◆ Apply effective advocacy to the examination of witnesses
- ◆ Conduct examination of expert witnesses
- ◆ Apply relevancy In relation to examination of witnesses
- ◆ Apply productions in a court hearing
- ◆ Apply inventories of authorities in a court hearing
- ◆ Apply current legislation and rules of court
- ◆ Apply effective advocacy to the presenting of submissions in court
- ◆ Apply relevancy to the presenting of submissions in court
- ◆ Analyse and apply case law and legislation
- ◆ Analyse evidence led in court case