



Higher National Unit specification: general information

Unit title: Journalism: Scots Law 1

Unit code: H1TH 34

Superclass: EC

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Unit purpose:

This Unit is aimed at those who wish to work in Journalism. The Unit is designed to equip the candidate with knowledge of the essential aspects of Scots Law relevant to a journalist working in Scotland. The candidate will apply the knowledge gained to reach conclusions on the consequences of the publication of material from given situations. The Unit sits at SCQF level 7. It provides progression into further study in Higher Education or into employment.

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

- 1 Describe the institutions and procedures involved in the prosecution of crime, Children's Hearings and Fatal Accident Inquiries in Scotland.
- 2 Describe and apply the law of Contempt of Court in Scotland in respect of journalistic activity.
- 3 Describe and apply the law of Defamation in Scotland in respect of journalistic activity.
- 4 Describe and apply the laws regulating the reporting of criminal cases, Children's Hearings and Fatal Accident Inquiries.

Recommended prior knowledge and skills

Access to this Unit is at the discretion of the Centre. However, candidates would normally be expected to have competence in communication skills at SCQF level 6 or equivalent. This could be demonstrated by the achievement of one of the following:

- ◆ Higher English (C270 12) or its component Units
- ◆ Communication (FA1W 12) and Literature 1 (FA58 12)
- ◆ Communication (F3GB 12)

Or, evidence from relevant work experience.

General information (cont)

Credit points and level

2 Higher National Unit credits at SCQF level 7: (16 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.*

Core Skills

Opportunities to develop aspects of Core Skills 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. This Unit is a mandatory Unit within the HNC/D Practical Journalism.

The assessment exemplar for this Unit provides assessment and marking guidelines that exemplify the national standard for achievement. It is a valid, reliable and practicable instrument of assessment. Centres wishing to develop their own assessments should refer to the assessment exemplar to ensure a comparable standard. Assessment exemplars are available on SQA's secure website.

Higher National Unit specification: statement of standards

Unit title: Journalism: Scots Law 1

Unit code: H1TH 34

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

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 be 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

Describe the institutions and procedures involved in the prosecution of crime, Children's Hearings and Fatal Accident Inquiries in Scotland.

Knowledge and/or Skills

- ◆ Sources of Scots Law (statutory/common law)
- ◆ Criminal law terminology
- ◆ Branches of the Legal Profession in Scotland
- ◆ Institutions, structure and function of Public Prosecution System in Scotland
- ◆ Structure, jurisdiction, personnel and procedure of the criminal courts in Scotland
- ◆ Function, personnel and procedure of the Children's Hearing system in Scotland
- ◆ Function, personnel and procedure of Fatal Accident Inquiries in Scotland

Evidence Requirements

This Outcome is assessed on a sample basis. All items of Knowledge and Skills must be taught and be 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.

The candidate will need to provide evidence to demonstrate his/her Knowledge and/or Skills by showing that he/she can:

- ◆ describe all of the assessed items of Knowledge and Skills accurately as it relates to journalists accessing information, understanding terminology and appreciating procedures.

Responses should be well-presented and well-structured and should be supported by evidence, for example, facts, quotes and specific legal detail. The responses should be concise and coherent.

The candidate will be assessed by timed, closed-book assessments in a supervised setting. The candidate will not be allowed access to notes, text books, VLE or any other materials during these assessments. Questions will be unseen. It is anticipated that if this were a written exam, the time allocated would be no more than two hours.

Higher National Unit specification: statement of standards (cont)

Unit title: Journalism: Scots Law 1

On each assessment occasion, three of the seven items of Knowledge and Skills must be assessed. A different sample should be chosen on each assessment occasion, including reassessment.

Outcome 2

Describe and apply the law of Contempt of Court in Scotland in respect of journalistic activity.

Knowledge and/or Skills

- ◆ Contempt of Court Act 1981
- ◆ Effect of Strict Liability Rule
- ◆ When criminal cases are 'active'
- ◆ Meaning in practice of substantial risk of serious prejudice with reference to relevant case law
- ◆ Defences specified in Contempt of Court Act 1981
- ◆ Miscellaneous provisions of sections 8–10 of the Contempt of Court Act 1981

Evidence Requirements

This Outcome is assessed on a sample basis. All items of Knowledge and Skills must be taught and be 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.

The candidate will need to provide evidence to demonstrate his/her Knowledge and/or Skills by showing that he/she can:

- 1 describe all of the assessed items of Knowledge and Skills accurately.
- 2 apply knowledge to reach correct conclusions on the consequences of publication of material arising from a situation.

This will include identifying and explaining the relevant area(s) of law, with reference, where appropriate, to relevant precedents or statutory provisions to explain the legal implications, although accuracy of citation is not a prerequisite. The candidate must also accurately identify what material must be included in or excluded from any publication in order to avoid legal pitfalls. The defences provided by the Contempt of Court Act should be explained with a view to their practical application in a journalistic context. The candidate must not reach conclusions that would clearly expose the hypothetical media outlet or journalist to criminal or civil liability.

Responses should be well-presented and well-structured and should be supported by evidence, for example, facts, quotes and specific legal detail. The responses should be concise and coherent.

Higher National Unit specification: statement of standards (cont)

Unit title: Journalism: Scots Law 1

The candidate will be assessed by timed, closed-book assessments in a supervised setting. The candidate will not be allowed access to notes, text books, VLE or any other materials during these assessments. Questions will be unseen. It is anticipated that if this were a written exam, the time allocated would be no more than two hours.

On each assessment occasion, three of the six items of Knowledge and Skills must be assessed. The Contempt of Court Act 1981 must be assessed on each assessment occasion. A different sample should be chosen on each assessment occasion, including reassessment.

Outcome 3

Describe and apply the law of Defamation in Scotland in respect of journalistic activity.

Knowledge and/or Skills

- ◆ Elements required to be proved by pursuer in defamation law: Identification, Communication, Defamation
- ◆ What makes a statement defamatory — including extended meaning and innuendo
- ◆ Presumptions in defamation law
- ◆ Common law defences and their limitations: Veritas, Fair Comment, Privilege
- ◆ Statutory privilege under Defamation Act 1996: Reports of court proceedings, Reports under Part 1 of Schedule 1, Reports under Part 2 of Schedule 1
- ◆ Offer of amends

Evidence Requirements

This Outcome is assessed on a sample basis. All items of Knowledge and Skills must be taught and be 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.

The candidate will need to provide evidence to demonstrate his/her Knowledge and/or Skills by showing that he/she can:

- 1 describe all of the assessed items of Knowledge and Skills accurately.
- 2 apply knowledge to reach correct conclusions on the consequences of publication of material arising from a situation.

This will include identifying and explaining the relevant area(s) of law, with reference, where appropriate, to relevant precedents or statutory provisions to explain the legal implications, although accuracy of citation is not a prerequisite. The candidate must also accurately identify what material must be included in or excluded from any publication in order to avoid legal pitfalls. The candidate must not reach conclusions that would clearly expose the hypothetical media outlet or journalist to criminal or civil liability.

Higher National Unit specification: statement of standards (cont)

Unit title: Journalism: Scots Law 1

Responses should be well-presented and well-structured and should be supported by evidence, for example, facts, quotes and specific legal detail. The responses should be concise and coherent.

The candidate will be assessed by timed, closed-book assessments in a supervised setting. The candidate will not be allowed access to notes, text books, VLE or any other materials during these assessments. Questions will be unseen. It is anticipated that if this were a written exam, the time allocated would be no more than two hours.

On each assessment occasion, three of the six items of Knowledge and Skills must be assessed. A different sample should be chosen on each assessment occasion, including reassessment.

Outcome 4

Describe and apply the laws regulating the reporting of criminal cases, Children's Hearings and Fatal Accident Inquiries.

Knowledge and Skills

- ◆ Postponement orders under s.4(2) Contempt of Court Act 1981
- ◆ 'Anonymity' orders under s.11 Contempt of Court Act 1981
- ◆ Legal restrictions on identification of children involved in criminal court proceedings
- ◆ Restrictions on reporting sexual offences
- ◆ Restrictions on identification of children involved in Children's Hearings
- ◆ Restrictions on reporting Fatal Accident Inquiries

Evidence Requirements

This Outcome is assessed on a sample basis. All items of Knowledge and Skills must be taught and be 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.

The candidate will need to provide evidence to demonstrate his/her Knowledge and/or Skills by showing that he/she can:

- 1 describe all of the assessed items of Knowledge and Skills accurately.
- 2 apply knowledge to reach correct conclusions on the consequences of publication of material arising from a situation.

This will include identifying and explaining the relevant area(s) of law, with reference, where appropriate, to relevant precedents or statutory provisions to explain the legal implications, although accuracy of citation is not a prerequisite. The candidate must also accurately identify what material must be included in or excluded from any publication in order to avoid legal pitfalls. The candidate must not reach conclusions that would clearly expose the hypothetical media outlet or journalist to criminal or civil liability.

Higher National Unit specification: statement of standards (cont)

Unit title: Journalism: Scots Law 1

Responses should be well-presented and well-structured and should be supported by evidence, for example, facts, quotes and specific legal detail. The responses should be concise and coherent.

The candidate will be assessed by timed, closed-book assessments in a supervised setting. The candidate will not be allowed access to notes, text books, VLE or any other materials during these assessments. Questions will be unseen. It is anticipated that if this were a written exam, the time allocated would be no more than two hours.

On each assessment occasion, three of the six items of Knowledge and Skills must be assessed. A different sample should be chosen on each assessment occasion, including reassessment.

Higher National Unit specification: support notes

Unit title: Journalism: Scots Law 1

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

The purpose of this Unit is to provide the candidate with sufficient knowledge of the Scottish legal system to enable the accurate and legally safe reporting of the investigation and prosecution of crime through the criminal court and Children's Hearing systems in Scotland and of the proceedings of Fatal Accident Inquiries. The purpose of this Unit is also to provide the candidate with sufficient knowledge of the laws of defamation and contempt of court to enable the candidate to ensure that journalistic material produced by the candidate is safe for publication.

There are particular areas which, while not apparently necessary to the completion of the Unit, are a necessary background to assist a candidate in linking different legal and ethical concepts. For example, it is difficult to deal with legal concepts without a basic understanding of the differences between common law and statute law, and civil and criminal law. The Press Complaints Commission's Code of Conduct overlaps with some areas covered by the law and supplements the law in other areas. Where appropriate, it (along with any other relevant ethical codes) should be discussed. Material should be made available to enable the candidate to understand and apply those underpinning concepts.

On completion of the Unit the candidate will be able to identify situations where specific principles apply, explain how they apply and suggest approaches to be taken to ensure legal compliance.

Outcome 1

This Outcome introduces the candidate to the institutions and personnel involved in the investigation and prosecution of crime in Scotland, as well as to Children's Hearings and Fatal Accident Inquiries. The delivery of the content should take into account the role of the journalist in accessing information, understanding titles and other terminology, appreciating the procedures involved and the relevance of the various stages and, at each procedural stage, distinguishing the information that is legally safe to publish from that which is not.

Sources of Scots Law — a journalism candidate requires no more than a basic appreciation of the statutory sources of law (UK Acts; Acts of the Scottish Parliament; delegated legislation; EU law; ECHR), the relationships between the respective legislatures and the relationship between statutory sources and judicial precedent.

Higher National Unit specification: support notes (cont)

Unit title: Journalism: Scots Law 1

Criminal law terminology — a journalism candidate requires no more than a general understanding of the terminology used to describe the basic concepts (*actus reus*, *mens rea*) in criminal law. The candidate should also have a basic understanding of the terminology used to describe crimes commonly tried in the Scottish criminal courts.

Branches of the Legal Profession in Scotland — solicitors and advocates, including QCs.

Institutions, structure and function of Public Prosecution System in Scotland — the role of the Lord Advocate, the Solicitor General, the Crown Office (including Crown Counsel), the Procurator Fiscal and the police (including their respective relationships) in the investigation and prosecution of crime.

Structure, jurisdiction, personnel and procedure of the criminal courts in Scotland— District (including Stipendiary Magistrates) Courts, Sheriff Court (summary and solemn), High Court of Justiciary (trials and appeals), role of Privy Council in Human Rights appeals, main stages in solemn and summary procedure including detention, warrant, arrest, remand, bail, differences between respective pre-trial procedures in summary and solemn cases, trial procedure, sentencing powers and appeals. Particular attention should be given to the implications for journalistic reporting of the various stages.

Function, personnel and procedure of the Children's Hearing system in Scotland — role of the Reporter to the Children's Panel, membership of the Children's Panel, grounds for hearing, role of Sheriff, care orders.

Function, personnel and procedure of Fatal Accident Inquiries in Scotland.

Outcome 2

This Outcome introduces the candidate to the dangers which may trap the unwary journalist whose reporting creates a substantial risk of serious prejudice to active court proceedings. Although the Contempt of Court Act applies in respect of both civil and criminal cases, the emphasis should be on the implications for the reporting of the investigation and prosecution of crime. The potential for prejudicing a case by influencing either jurors or witnesses should be explored. Reference should be made to the possibility of contempt at common law when a publication prejudices a case which is not active. However, the emphasis should be on the potential for creating a risk of prejudice to cases which are active at the time of publication.

This Outcome should be taught in as practical a way as possible, linking in with Outcome 1 in terms of how contempt of court dangers operate at the various procedural stages of a prosecution. Emphasis should be placed on what in practice would be dangerous to include in a published report, and, with reference to recent case law, what arguments may be used to support publication of material which could create a less than substantial risk of prejudice.

The defences provided by the Contempt of Court Act should be explained again with a view to their practical application in a journalistic context. Thus, the kinds of enquiries required to satisfy the s.3 defence, and the kinds of article that may be covered by the s.5 defence, should be discussed. The practical requirements for a publication to satisfy s.4(1) (including how to ensure compliance with s.4(2) or s.11 orders) should be explored in detail.

Higher National Unit specification: support notes (cont)

Unit title: Journalism: Scots Law 1

The dangers of approaching jurors and taking recording equipment into court should be emphasised. Recent case law may be used to explore the extent to which the protection of journalists' sources is recognised by the courts.

Outcome 3

This Outcome introduces the candidate to the legal dangers which may trap the unwary journalist whose reporting unjustifiably damages an individual or organisation's reputation. The material should be delivered in a way that stimulates the candidate's understanding and application of the relevant law in journalistic contexts. Thus, reference to actual defamation cases involving journalistic activity should be used as much as possible.

The distinction between those elements of a defamation case which must be proved by the pursuer and those elements which then become legal presumptions should be explored, with particular emphasis on the presumptions and onus of proof in respect of falsity and truth.

The practical situations where a pursuer may claim to be identifiable in a story without being identified individually or specifically should be explored with the candidate. The situations where a statement may only be defamatory by innuendo or because of the context in which it is published should also be explored. Reference should also be made to actionable non-defamatory statements.

On a day-to-day basis, privilege is enormously important to journalists in protecting the publication of stories which contain defamatory imputations. Thus, with particular reference to Schedule 1 of the Defamation Act 1996, the range of stories which enjoy privilege and the specific criteria which those respective stories must satisfy should be explored in detail. The impact of malice, and, in respect of reports covered by Part 2 of Schedule 1 of the Defamation Act 1996, how to deal with requests to publish 'their side of the story' by those who complain they may be or have been defamed by such reports should be discussed. The 'Reynolds defence' should be discussed, but the level of consideration should reflect the level of its practical impact on the media.

For non-privileged reports the distinction between statements of fact and statements of opinion should be discussed, with a view to exploring when veritas or fair comment may apply. The importance of evidence to support a veritas defence should be emphasised along with an exploration of the legal limitations of the defence, eg with reference to the Rehabilitation of Offenders Act 1974. The criteria which a publication must satisfy for the defence of fair comment to be reliable should be explained.

The statutory offer of amends scheme under the Defamation Act 1996 should be discussed as a 'last resort' which, for the careful journalist who before publication ensures that every story is legally sound, should never have to be considered.

Higher National Unit specification: support notes (cont)

Unit title: Journalism: Scots Law 1

Outcome 4

The circumstances in which a Sheriff or judge may make orders under the Contempt of Court Act which restrict reporting should be considered, with a view to discussing action a journalist should take if an order is *ultra vires*.

The restrictions on identification of children under 16 who are involved in proceedings before a criminal court should be explored in detail. The automatic nature of the prohibition, the fact that it applies only from when court proceedings take place, the range of persons to whom it applies (and the witnesses under 16 to whom it does not) and in particular what may be 'calculated' to lead to the identification of an unnamed child should be discussed. Reference should also be made to the restrictions on identification of juveniles under the Antisocial Behaviour etc (Scotland) Act 2004.

A discussion on the reporting of sexual offences should explore the basis (including reference to the PCC Code of Conduct) of the ethical conventions that are adopted by the media in the absence of legal rules in Scotland. The reporting of incest cases and the possibility of 'jigsaw' identification raising the corresponding need for consistency in reporting should also be discussed.

Identification of children in reports of Children's Hearings and Fatal Accident Inquiries should also be discussed — especially consideration of whether prohibitions on identification are automatically laid down by law or require an order to be made to take effect.

For the underpinning knowledge to remain current and valid, it is imperative for centres to review and update, where appropriate, the content of this Unit on a regular basis.

On completion of this Unit, candidates would be expected to continue to develop their knowledge of Scots law as it relates to Journalists. This could be through the achievement of the Unit *Journalism: Scots Law 2* (H1VK 34) and through the application of legal knowledge in all journalistic work or further study.

Guidance on the delivery of this Unit

This is a mandatory Unit within the HNC/HND Practical Journalism Group Award.

Teaching should be focused on helping the candidate to understand and apply the principles and main provisions of the relevant areas of law rather than to memorise details of case law.

Wherever possible, links should be drawn which will enable the candidate to understand the connection between knowledge and its application in the context of familiar situations relating to relevant areas of media law. Close liaison with other tutors teaching on the HNC/HND Practical Journalism course is recommended in order to enhance subject integration and to emphasise the importance of a sound legal underpinning to all journalistic activity.

Higher National Unit specification: support notes (cont)

Unit title: Journalism: Scots Law 1

Regular visits to criminal courts for the purposes of reporting are strongly advised for the successful completion of this Unit. The candidate should be encouraged to take effective and accurate shorthand notes during these visits to emphasise the cross-course importance of Shorthand and to provide additional real world practical Shorthand experience within a relevant legal context.

The Outcomes and Knowledge and Skills can be delivered in any order to suit the individual centre and the overall course design and integration of Units.

It would be expected that the Unit would run alongside and inform relevant journalistic Units including Shorthand, News Writing, Feature Writing and Public Affairs.

References

Scots Law for Journalists (8th ed): Rosalind McInnes, W. Green, Edinburgh
Scottish Legal System Law Basics (3rd revised ed): (25 August 2011) Robert S. Shiels, W.Green, Edinburgh
Press Complaints Commission Editor's Code of Practice (December 2011)
McNae's Essential Law for Journalists (21st ed); (April 2012) Mark Hanna and Mike Dodd, Oxford
Media Law (5th ed): Geoffrey Robertson & Andrew Nicol, Sweet & Maxwell, London

Guidance on the assessment of this Unit

The candidate will be assessed by timed, closed-book assessments in a supervised setting. The candidate will not be allowed access to notes, text books, VLE or any other materials during these assessments.

Evidence can be generated using different types of instruments of assessment. Methods should be chosen that best meet the needs of individual candidates. The following instruments of assessment are suggestions only. There may be other methods that would be more suitable.

Outcome 1, 2, 3 and 4

- ◆ Assertion/reason questions
- ◆ Structured unseen questions
- ◆ Extended response questions
- ◆ Restricted response questions
- ◆ Case studies seen in advance with unseen questions in the assessment
- ◆ Case studies seen in advance with unseen oral questions in the assessment
- ◆ Question papers

Responses can be written or oral depending on the needs of the candidate or choices made by the centre. A centre might want to choose a mixture of instruments of assessment across a cohort as it might be more suitable for some candidates to produce responses orally and some to produce responses in written form. Where candidates experience a range of assessment methods, this helps them to develop and strengthen different skills that should be transferable to work or further and higher education.

Higher National Unit specification: support notes (cont)

Unit title: Journalism: Scots Law 1

Where oral evidence is generated, the centre must record this, for example, on a DVD or digital recorder, and retain the recordings for External Verification purposes. In the case of oral presentations, these must be done individually as each candidate must meet all of the Evidence Requirements. A group presentation would not be acceptable. In addition, as assessment is closed-book, it would not be acceptable for a candidate to use visual aids, rather he/she would be expected to sustain the presentation without the use of, for example, a Power Point presentation or notes.

Centres are reminded that Prior Verification of centre devised assessment instruments would help to ensure that the national standard is being met. In addition, the language used in each assessment instrument should reflect SCQF level 7 and facilitate a response from the candidate at this level also.

Remediation could be done by oral clarification for minor omissions or to clarify minor detail. If additional information is required, this can be added as long as it amounts to 100 words or less. Otherwise, a completely new assessment would need to be undertaken. In oral presentations or explanations, candidates can be questioned by the assessor at the end of the presentation or oral explanation where minor omissions have occurred or some minor clarification is required. However, where more work is required to meet the Evidence Requirements, a completely new assessment would need to be undertaken.

An exemplar Instrument of Assessment and marking guidelines have been produced for this Unit to reflect the national standard of achievement at SCQF level 7.

Online and Distance Learning

This Unit could be delivered by open or distance learning. Suitable learning materials and formative and summative assessments would need to be developed for each Outcome.

Arrangements would have to be made to ensure that assessments were undertaken in timed, closed-book and supervised conditions. Where oral evidence was generated by the candidate, this would need to be recorded and retained for External Verification purposes.

Higher National Unit specification: support notes (cont)

Unit title: Journalism: Scots Law 1

Opportunities for developing Core Skills

Case Studies and real world legal examples from the media should be used wherever possible to allow candidates to contextualise and apply the law as it relates to media issues.

The delivery and assessment of this Unit may contribute towards the component 'Written Communication' of the Core Skill in *Communication* at SCQF level 6 if the evidence produced by the candidate takes the form of a piece of writing. The general skill for this component is 'Produce well-structured written communication on complex topics'.

In teaching and learning activities and both formative and summative assessment candidates should be encouraged to:

- ◆ present all essential ideas/information and supporting detail in a logical and effective order
- ◆ use a structure which takes account of purpose and audience and links major and minor points in ways which assist the clarity and impact of the writing
- ◆ use conventions which are effective in achieving the purpose of the piece and adapted as necessary for the target audience
- ◆ use spelling, punctuation and sentence structures which are consistently accurate
- ◆ vary sentence structure, paragraphing and vocabulary to suit the purpose and target audience

These skills can be developed through formative activities, such as short essays discussing each aspect of the law and how it applies in practice, without being formally assessed for certification of the Core Skill. You should encourage the candidate to use an appropriate referencing method, especially in respect of case law, for any formative essays.

The delivery and assessment of this Unit may contribute towards the component 'Oral Communication' of the Core Skill in *Communication* at SCQF level 6 if the evidence produced by the candidate takes the form of an oral presentation or oral explanation. The general skill for this component is 'Produce and respond to oral communication on a complex topic'.

In teaching and learning activities and both formative and summative assessment candidates should be encouraged to:

- ◆ use vocabulary and a range of spoken language structures consistently and effectively at an appropriate level of formality
- ◆ convey all essential information, opinions or ideas with supporting detail accurately and coherently and with varied emphasis as appropriate
- ◆ structure communication to take full account of purpose and audience
- ◆ take account of situation and audience during delivery
- ◆ respond to others, taking account of their contributions

These skills can be developed through formative activities, such as short oral presentations discussing each aspect of the law and how it applies in practice, without being formally assessed for certification of the Core Skill. You should encourage the candidate to use appropriate referencing methods, especially in respect of case law.

Higher National Unit specification: support notes (cont)

Unit title: Journalism: Scots Law 1

The delivery and assessment of this Unit may also contribute towards the component 'Critical Thinking' of the Core Skill in *Problem Solving* at SCQF level 6 because of the requirement for assessment to include identifying and unravelling legal issues arising in one or more scenarios. The general skill for this component is 'Analyse a complex situation or issue'.

In teaching and learning activities and both formative and summative assessment candidates should be encouraged to:

- ◆ identify the factors involved in the situation or issue
- ◆ assess the relevance of these factors to the situation or issue
- ◆ develop and justify an approach to deal with the situation or issue

These skills can be developed through formative activities, such as short essays discussing each aspect of the law and how it applies in practice or reports of court proceedings attended while undertaking the Unit, without being formally assessed for certification of the Core Skill.

The delivery and assessment of this Unit may contribute towards the component 'Accessing Information' of the Core Skill in *Information and Communication Technology (ICT)* at SCQF level 5. The general skill for this component is 'Use ICT independently, effectively and responsibly to access information within a range of tasks'.

In teaching and learning activities and both formative and summative assessment candidates should be encouraged to:

- ◆ make effective, independent and responsible use of IT
- ◆ carry out searches for information using a range of electronic sources
- ◆ evaluate results of the search strategy using given criteria

These skills can be developed through formative activities such as searching web sites for information whilst undertaking research. The Core Skill could be developed without formal certification.

There is ample opportunity to develop other essential skills as well as employability skills in this Unit given the requirement for sound legal knowledge and practice across different media outlets and within freelance journalism.

In general, employability skills can be seen as a set of achievements, understanding and personal attributes that make individuals more likely to gain employment and be successful in their chosen occupation. Employability includes areas such as effective time management, planning and organising, the ability to work with others and achieve a common goal and to manage and be managed by others.

Many of the skills being developed in this Unit and across the HNC/D in Practical Journalism will help to develop candidates as prospective employees.

Higher National Unit specification: support notes (cont)

Unit title: Journalism: Scots Law 1

Whilst studying for this Unit, and in general across the HNC/D in Practical Journalism, candidates should be assisted in developing the following skills and attributes:

- 1 Self-Management
 - ◆ Management, goal setting, punctuality and meeting deadlines
 - ◆ Personal effectiveness
 - ◆ Ability to take responsibility for one's own learning
- 2 Team working
 - ◆ Respecting others, co operating and contributing to discussions
 - ◆ Negotiating/persuading to achieve common goals
 - ◆ Awareness of interdependence with others
 - ◆ Opportunity to manage or be managed
- 3 Problem Solving
 - ◆ Analysis of facts and situations
 - ◆ Apply creative and critical thinking to develop appropriate, imaginative and informed solutions
- 4 Communication and Literacy
 - ◆ Ability to produce clear, structured written work
 - ◆ Oral communication, including listening and questioning
- 5 Numeracy
 - ◆ Manipulation of numbers
 - ◆ General mathematical awareness and its application in practical contexts
- 6 Information and Communication Technology
 - ◆ Basic IT skills
- 7 Research Skills
 - ◆ Evaluating and interpreting information

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: Journalism: Scots Law 1

This is a two credit Unit designed to give you a practical understanding of the Scottish legal system with a particular emphasis on the reporting of the investigation and prosecution of crime in Scotland. It is designed also to give you a practical understanding of the laws of contempt of court and defamation as well as the legal restrictions on reporting criminal court cases, Children's Hearings and Fatal Accident Inquiries, so as to enable you to ensure that the journalistic materials that you produce are legally safe to publish. This Unit is a mandatory Unit in the HNC/HND Practical Journalism award.

Outcome 1 provides an introduction to the institutions and procedures involved in the prosecution of crime, Children's Hearings and Fatal Accident Inquiries in Scotland. In particular, you will gain an understanding of the sources of Scots law, basic terminology used in the criminal law, the branches of the Scottish legal profession, the institutions, structure and function of the Scottish Public Prosecution System; the structure, jurisdiction, personnel and procedure of the Scottish criminal courts, the function, personnel and procedure of the Children's Hearing system in Scotland and the function, personnel and procedure of Fatal Accident Inquiries.

Outcome 2 explores the dangers that the law of contempt of court poses for the journalist reporting on the investigation and prosecution of crime in Scotland. In particular, you will learn at what stages of criminal procedure you must be especially careful in ensuring you do not publish material which may cause a substantial risk of serious prejudice to a court case, what material may be safe or unsafe to publish and what checks you can make on your copy to ensure it is safe. You will also learn how you should behave when in court — especially the dangers in approaching jurors or taking recording equipment into court.

Outcome 3 explores the dangers that the law of defamation poses for the journalist in publishing any story in any context. In particular, you will learn what makes a statement defamatory, who can be defamed in a story, who has to prove what and what you can do to ensure that so far as is possible what you produce is safe to publish. You will discover that the law of defamation stacks the dice very much against the journalist — and so to navigate this area of law safely the journalist has to know it in detail.

Outcome 4 deals with the laws regulating the reporting of criminal cases, Children's Hearings and Fatal Accident Inquiries. In particular, you will learn what court orders may be made restricting what can be included in reports of court proceedings, and how to find out which cases are subject to such orders and what the orders specifically prohibit. You will also learn to what extent the law prohibits you from identifying children who are involved as the accused, or as witnesses or victims in criminal court cases, as well as the rules on identification of children involved in Children's Hearings and Fatal Accident Inquiries.

Each Outcome will be assessed by a timed, closed-book assessment under supervised conditions. The instruments of assessment will be varied and chosen to suit your needs and to develop and strengthen a variety of skills. You will not have access to notes, text books, VLE or any other materials during these assessments.

General information for candidates (cont)

Unit title: Journalism: Scots Law 1

In addition to developing specific legal knowledge, you will have the opportunity within the Unit to develop a range of Core Skills, namely:

- ◆ Core Skill of *Communication*: Written Communication at SCQF level 6
- ◆ Core Skill of *Communication*: Oral Communication at SCQF level 6
- ◆ Core Skill of *Problem Solving*: Critical Thinking at SCQF level 6
- ◆ Core Skill of *Information and Communication Technology (ICT)*: Accessing Information at SCQF level 5

You will also be encouraged to develop the following employability skills across the Unit and, in general, across the HNC/D Practical Journalism awards:

1 Self-Management

- ◆ Management, goal setting, punctuality and meeting deadlines
- ◆ Personal effectiveness
- ◆ Ability to take responsibility for one's own learning

2 Team working

- ◆ Respecting others, co operating and contributing to discussions
- ◆ Negotiating/persuading to achieve common goals
- ◆ Awareness of interdependence with others
- ◆ Opportunity to manage or be managed

3 Problem Solving

- ◆ Analysis of facts and situations
- ◆ Apply creative and critical thinking to develop appropriate, imaginative and informed solutions

4 Communication and Literacy

- ◆ Ability to produce clear, structured written work
- ◆ Oral communication, including listening and questioning

5 Numeracy

- ◆ Manipulation of numbers
- ◆ General mathematical awareness and its application in practical contexts

6 Information and Communication Technology

- ◆ Basic IT skills

7 Research Skills

- ◆ Evaluating and interpreting information