



National Unit specification: general information

Unit title: Family Law: An Introduction (SCQF level 6)

Unit code: FN52 12

Superclass: EC

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Version: 02

Summary

The purpose of this Unit is enable candidates to understand and be able to explain how marriage and civil partnerships are constituted and how these relationships can be brought to an end, and the relationship between parent and child in relation to children's rights and parental rights and responsibilities.

The Unit is suitable for candidates who are undertaking the study of this subject for the first time and wish to develop a basic understanding of family law. Candidates completing this Unit may be able to progress to the HN Units Scots Private Law Unit and Family Law Actions.

Outcomes

- 1 Explain the constitution of marriage and civil partnerships.
- 2 Explain key factors relating to divorce and dissolution of civil partnerships.
- 3 Explain the rights and obligations that exist within a parent and child relationship.

Recommended entry

Whilst entry is at the discretion of the centre, candidates would normally be expected to have

- ◆ Standard Grade English (Credit level) or equivalent.

Credit points and level

1 National Unit credit at SCQF level 6: (6 SCQF credit points at SCQF level 6*)

**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.*

National Unit specification: general information (cont)

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Core Skills

Achievement of this Unit gives automatic certification of the following:

Complete Core Skill None

Core Skill component Critical Thinking @ SCQF level 5

There are also opportunities to develop aspects of Core Skills which are highlighted in the Support Notes of this Unit Specification.

National Unit specification: statement of standards

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Acceptable performance in this Unit will be the satisfactory achievement of the standards set out in this part of the Unit specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

Outcome 1

Explain the constitution of marriage and civil partnerships.

Performance Criteria

- (a) The registration processes for marriage and civil partnerships are correctly explained.
- (b) The forbidden degrees of marriage and of civil partnerships are correctly explained.
- (c) The legal factors that differentiate cohabitation from marriage and civil partnership are explained briefly.

Outcome 2

Explain key factors relating to divorce and dissolution of civil partnerships

Performance Criteria

- (a) The grounds for divorce are correctly explained.
- (b) The grounds for dissolution of a civil partnership are correctly explained.
- (c) The grounds for divorce and dissolution of civil partnership are correctly applied.
- (d) The factors that differentiate the legal effect of divorce and dissolution from the breakdown of a relationship based on cohabitation are clearly explained.

Outcome 3

Explain the legal rights and obligations that exist within a parent and child relationship

Performance Criteria

- (a) The main provisions of the legislation relating to children's rights are correctly explained.
- (b) The main provisions of the legislation in relation to parental responsibilities and rights are correctly explained.
- (c) Provisions of legislation relating children's rights and parental responsibilities and rights are correctly applied.

National Unit specification: statement of standards (cont)

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Evidence Requirements for this Unit

Written and/or Oral recorded Evidence is required which demonstrates that candidates have achieved the standards specified in the Outcome and Performance Criteria. The evidence for these Outcomes must be obtained under controlled conditions at appropriate points throughout the Unit.

Candidates must provide evidence of the following:

Outcome 1

- ◆ Correctly explain procedure for registration for marriage and/or civil partnership identifying at least three main requirements.
- ◆ Correctly identify and explain at least three examples of the forbidden degrees of marriage and/or civil partnerships.
- ◆ Briefly differentiate cohabitation with marriage and civil partnerships and provide a valid example.

Outcome 2

- ◆ Briefly explain a minimum of two grounds for divorce and dissolution of marriage. Response must include reference to gender recognition.
- ◆ Correctly explain how the grounds for divorce and dissolution of civil partnership are applied with reference to at least one valid example of each.
- ◆ Identify the difference between the legal implications of the breakdown of a relationship based on cohabitation with divorce and dissolution of a civil partnership and provide one valid example.

Outcome 3

- ◆ Outline and explain at least three examples relating to the rights of a child.
- ◆ Outline and explain the four parental responsibilities and the four parental rights.
- ◆ Apply knowledge of the main provisions of the legislation in relation to children's rights and parental responsibilities and rights to a given example.

Note — evidence can be holistic or Outcome by Outcome.

National Unit specification: support notes

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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 is an optional Unit within the mandatory section of the National Certificate in Legal Services (SCQF level 6), but can also be taken as a free-standing Unit. With regard to legal capacity etc, it should be noted that there is scope for integration with the Unit Law of Contract: An Introduction.

As there are many aspects of family law, it is important to remember that this Unit is an introduction and that greater depth may be explored where candidates progress onto Higher National Units.

In this Unit candidates are required to outline and explain how marriage and civil partnerships are constituted, how these forms of relationships can be brought to an end, through divorce and dissolution; and to explore the main provisions of the legislation in relation to children's rights and parental responsibilities and rights.

Outcome 1

In Outcome 1, candidates should be introduced to the Marriage (Scotland) Act 1967 and Civil Partnership Act 2004 where they will learn about the minimum age requirements and relevant registration documentation and notice periods that must be adhered to, as well as the importance of establishing that the parties have given their consent, and have the capacity and capability to enter into marriage or a civil partnership. It may be beneficial for candidates to have access to relevant forms and documentation to enable them to understand the process.

There are various legal impediments to marriage and civil partnerships. However, at this level it is suggested that coverage is restricted to the forbidden degrees whereby the parties should not be related either through consanguinity, affinity or by way of adoption.

Cohabitation should only be briefly introduced at this level in order for candidates to be made aware and be able to briefly distinguish this form of relationship from marriage and civil partnership. At this level of study, the rights of these forms of relationship should only be briefly outlined and explained due to recent legislative developments.

Outcome 2

In Outcome 2, candidates should be introduced to the relevant legislation (Divorce (Scotland) Act 1976 and Civil Partnership Act 2004) and will need to refer to this legislation when outlining the grounds for divorce and dissolution of a civil partnership. Gender recognition will be covered and a brief account of the appropriate legislation (Gender Recognition Act 2004) will be necessary.

National Unit specification: support notes (cont)

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Outcome 3

In Outcome 3, candidates should refer to the relevant legislation (Age of Legal Capacity (Scotland) Act 1991 and the Children (Scotland) Act 1995) when outlining and explaining the main provisions relating to children's rights and parental responsibilities and rights. At least three examples of children's rights are required as evidence, so it may be appropriate to cover, contractual capacity, testamentary capacity, capacity for medical treatment and instruction of a solicitor. In terms of the health, welfare and development of a child, candidates will learn about parents having parental rights in order for them to carry out their parental responsibilities, and will have to outline and briefly explain these.

It is important at this level for candidates to be made briefly aware of the fact that prior to the Family Law (Scotland) Act 2006 it was only the mother of the child who would automatically have parental rights and responsibilities, if she was not married. Whilst candidates will be interested and intrigued by the position of unmarried fathers, it is important to highlight that this area of law is further explored at a higher level.

Guidance on learning and teaching approaches for this Unit

For Outcomes 1–3 candidates would benefit from:

- ◆ working as a class on questions and answers to promote discussion
- ◆ working in small groups on case studies
- ◆ having access to computer rooms for class-based activity
- ◆ having visits from Registrars and Solicitors specialising in Family Law
- ◆ working individually to carry out any research and develop their knowledge and enhance their understanding (self-directed learning)

By adopting some or all of the above learning and teaching approaches and/or through the Outcomes and corresponding Evidence Requirements, the Unit should provide candidates with an opportunity to develop the following skills for life, learning and work:

Employability — developing skills of *Working with Others, Information and Communication Technology, Communication, Problem Solving* and *Analytical Skills*.

Citizenship — developing understanding of rights and responsibilities, equality and diversity.

National Unit specification: support notes (cont)

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Guidance on approaches to assessment for this Unit

In Outcomes 1–3, a variety of assessment instruments which require the candidate to either outline or explain can be used but it is suggested that where candidates are required to illustrate their application of the law, case studies form the basis of assessment.

The following approaches to assessment are suggested:

Outcome 1	structured questions
Outcome 2	structured questions
Outcome 3	case studies

Time should be allowed for any necessary re-assessment.

Opportunities for the use of e-assessment

E-assessment may be appropriate for some assessments in this Unit. By e-assessment we mean assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or e-checklists. Centres which wish to use e-assessment must ensure that the national standard is applied to all candidate evidence and that conditions of assessment as specified in the Evidence Requirements are met, regardless of the mode of gathering evidence. Further advice is available in *SQA Guidelines on Online Assessment for Further Education (AA1641, March 2003)*, *SQA Guidelines on e-assessment for Schools (BD2625, June 2005)*.

Opportunities for developing Core Skills

In this Unit candidates will learn about how marriage and civil partnerships are constituted, how these relationships can be brought to an end, and about the relationship between parent and child in relation to children's rights and parental rights and responsibilities.

Candidates will:

- ◆ identify procedures for marriage and/or civil partnership, investigate and outline forbidden degrees of marriage and/or civil partnerships
- ◆ compare legal differences between cohabitation, marriage and civil partnerships
- ◆ research and select appropriate examples
- ◆ identify grounds for divorce and dissolution of marriage and civil partnerships
- ◆ apply knowledge and understanding to a variety of scenarios
- ◆ compare legal implications of the breakdown of different types of relationship
- ◆ explain rights of parents and children and parental responsibilities
- ◆ outline and explain the four parental responsibilities and the four parental rights
- ◆ apply the main provisions of the legislation to examples

In this way, candidates will develop aspects of the Core Skills of *Communication* and *Problem Solving* through completion of the Outcomes and Evidence Requirements.

National Unit specification: support notes (cont)

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This Unit has the Critical Thinking component of Problem Solving embedded in it. This means that when candidates achieve the Unit, their Core Skills profile will also be updated to show they have achieved Critical Thinking at SCQF level 5.

In addition, whilst completing these Unit candidates may develop aspects of the following Core Skills where specific learning and teaching approaches are adopted:

- ◆ *Communication* — through class and group discussions, and through providing any written explanations that are required. If candidates present information orally then the oral component of Communication may be developed.
- ◆ *Working with Others* — any group research/work undertaken could develop the *Working Co-operatively with Others* component of this core skill.
- ◆ *Problem-solving* — if the candidate can analyse the impact of current legislation and case law as well as analyse case studies and give appropriate and correct advice, then the *Critical Thinking* element of *Problem Solving* could also be developed.
- ◆ *Information and Communication Technology* — where a candidate undertakes internet research, which may be required in this Unit, then the Accessing Information component of the Core Skill of *Information and Communication Technology* could be developed.

This Unit has the Critical Thinking component of Problem Solving embedded in it. This means that when candidates achieve the Unit, their Core Skills profile will also be updated to show they have achieved Critical Thinking at SCQF level 5.

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
02	Core Skills Component Critical Thinking at SCQF level 5 embedded.	26/03/2012

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