



Specification

BTEC Nationals

Edexcel BTEC Level 3 Certificate and BTEC Level 3 Subsidiary Diploma in Applied Law (QCF)

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BTEC National qualification titles covered by this specification

Edexcel BTEC Level 3 Certificate in Applied Law

Edexcel BTEC Level 3 Subsidiary Diploma in Applied Law

These qualifications have been accredited to the Qualifications and Credit Framework (QCF) and are eligible for public funding as determined by the Department for Children, Schools and Families (DCSF) under Sections 96 and 97 of the Learning and Skills Act 2000.

The qualification titles listed above feature in the funding lists published annually by the DCSF and the regularly updated website www.dcsf.gov.uk. The QCF Qualifications Accreditation Number (QAN) should be used by centres when they wish to seek public funding for their learners. Each unit within a qualification will also have a QCF unit code.

The QCF qualification and unit codes will appear on learners' final certification documentation.

The QANs for the qualifications in this publication are:

Edexcel BTEC Level 3 Certificate in Applied Law (QCF)	500/7713/2
Edexcel BTEC Level 3 Subsidiary Diploma in Applied Law (QCF)	500/7719/3

These qualification titles will appear on learners' certificates. Learners need to be made aware of this when they are recruited by the centre and registered with Edexcel.

What are BTEC Nationals?

BTEC National qualifications are undertaken in further education and sixth-form colleges, schools and other training providers, and have been since they were introduced in 1984. Their purpose, approaches to teaching, learning and assessment are established and understood by teaching professionals, employers and learners alike.

The BTEC National qualifications within this specification have been revised to fit the new Qualifications and Credit Framework (QCF). As such the revised titles are:

- Edexcel BTEC Level 3 Certificate in Applied Law
- Edexcel BTEC Level 3 Subsidiary Diploma in Applied Law.

But for clarity and continuity they are referred to within this specification and generically as BTEC National qualifications, where appropriate. They maintain the same equivalences, benchmarks and other articulations (for example SCAAT points, UCAS Tariff points) as their predecessor qualifications. The following identifies the titling conventions and variations between the 'old' (NQF) and 'new' (QCF) specifications:

Predecessor BTEC Nationals (accredited 2007)	QCF BTEC Nationals (for delivery from September 2010)
Not applicable	Edexcel BTEC Level 3 Certificate
Edexcel Level 3 BTEC National Award	Edexcel BTEC Level 3 Subsidiary Diploma

BTEC Nationals are QCF Level 3 qualifications designed to provide highly specialist work-related qualifications in a range of vocational sectors. They give learners the knowledge, understanding and skills that they need to prepare for employment. The qualifications also provide career development opportunities for those already in work, and through articulation to higher education, degree and professional development programmes provide progression opportunities within the same cognate or related areas of study within universities and other institutions. BTEC Nationals accredit the achievement for courses and programmes of study for full-time or part-time learners in schools, colleges and other training provider organisations.

BTEC Nationals provide much of the underpinning knowledge and understanding for the National Occupational Standards for the sector, where these are appropriate. They are supported by the relevant Sector Skills Councils (SSCs) and/or Standards Setting Bodies (SSBs). Certain BTEC Nationals are recognised as Technical Certificates and form part of the Apprenticeship Framework. They attract UCAS points that equate to similar-sized general qualifications within education institutions within the UK.

On successful completion of a BTEC National qualification, a learner can progress to or within employment and/or continue their study in the same, or related vocational area.

It should be noted that the titling conventions for the revised QCF versions of the BTEC Firsts have also changed; see within the relevant BTEC First specifications on the website (www.edexcel.com).

The QCF is a framework which awards credit for qualifications and units and aims to present qualifications in a way that is easy to understand and measure. It enables learners to gain qualifications at their own pace along flexible routes.

There are three sizes of qualifications in the QCF:

- Awards (1 to 12 credits)
- Certificates (13 to 36 credits)
- Diplomas (37 credits and above).

Every unit and qualification in the framework will have a credit value.

The credit value of a unit specifies the number of credits that will be awarded to a learner who has achieved the learning outcomes of the unit.

The credit value of a unit is based on:

- one credit for those learning outcomes achievable in 10 hours of learning
- learning time is defined as the time taken by learners at the level of the unit, on average, to complete the learning outcomes of the unit to the standard determined by the assessment criteria
- the credit value of the unit will remain constant in all contexts, regardless of the assessment method used for the qualification(s) to which it contributes.

Learning time should address all learning (including assessment) relevant to the learning outcomes, regardless of where, when and how the learning has taken place.

Edexcel BTEC Level 3 Certificate – 30 credits

The 30-credit BTEC Level 3 Certificate offers a specialist qualification that focuses on particular aspects of employment within the appropriate vocational sector. The BTEC Level 3 Certificate is a qualification which can extend a learner's programme of study and give vocational emphasis. The BTEC Level 3 Certificate is broadly equivalent to one GCE AS Level.

The BTEC Level 3 Certificate is also suitable for more mature learners, who wish to follow a vocational programme of study as part of their continued professional development or who want to move to a different area of employment.

Edexcel BTEC Level 3 Subsidiary Diploma – 60 credits

The 60-credit BTEC Level 3 Subsidiary Diploma extends the specialist work-related focus from the BTEC Level 3 Certificate and covers the key knowledge and practical skills required in the appropriate vocational sector. The BTEC Level 3 Subsidiary Diploma offers greater flexibility and a choice of emphasis through the optional units. It is broadly equivalent to one GCE A Level.

The BTEC Level 3 Subsidiary Diploma offers an engaging programme for those who are clear about the area of employment that they wish to enter. These learners may wish to extend their programme through the study of a general qualifications such as GCE AS Levels, additional specialist learning (for example through another BTEC qualification) or a complementary NVQ. These learning programmes can be developed to allow learners to study related and complementary qualifications without duplication of content.

For adult learners the BTEC Level 3 Subsidiary Diploma can extend their experience of work in a particular sector. It may also be a suitable qualification for those wishing to change career or move into a particular area of employment following a career break.

The predecessor qualification to the BTEC Level 3 Subsidiary Diploma is the Edexcel Level 3 BTEC National Award accredited onto the National Qualifications Framework, which has the same equivalences, overall size and focus as the revised QCF-accredited qualification.

Key features of the BTEC Nationals in Applied Law

The BTEC Nationals in Applied Law have been developed within the business and legal sectors to:

- provide opportunities in education and training for full-time employees in the legal or business sectors to achieve a nationally recognised Level 3 vocationally-specific qualification
- provide opportunities for full-time learners to gain a nationally recognised vocationally-specific qualification to enter employment in the legal sector or to progress to higher education vocational qualifications such as the Edexcel Level 5 BTEC Higher National in Business (Law) or a Foundation Degree in Business and Law or on to a law honours degree
- give learners the opportunity to develop a range of skills and techniques, personal skills and attitudes essential for successful performance in working life and to allow access to employment opportunities in the legal sector.

Rationale for the BTEC Nationals in Applied Law

The specification is designed to appeal to both full-time learners interested in a career in law, and to those who already have experience of working in the sector.

The mandatory units, which are common to both the three-unit Certificate and the six-unit Subsidiary Diploma, give learners an introduction to the court structure – both civil and criminal, the ways in which Law is made and elements of substantive civil and criminal law in the form of negligence and non-fatal offences to the person. The core will provide a foundation for study of the three selected optional units in the Subsidiary Diploma.

The small core allows centres and learners flexibility and choice of which three other optional units to add to the core, to make up the BTEC National Subsidiary Diploma in Applied Law.

This choice allows personalisation opportunities for centres to consider imaginative, innovative and creative curriculum planning and delivery. It also allows learners to focus on their career aspirations or work area within the specification structure.

The specification provides a progression opportunity for learners wanting to progress from either the BTEC Level 2 or Level 3 Short Courses in Law and Legal Work.

Progression opportunities on completing the BTEC Nationals in Applied Law will be into Higher Education or into employment.

It is expected that centres will use the most up to date legislation, precedents and regulations when delivering this specification. However to allow for recent changes in the law during the delivery of this course, the use of legislation, precedents and regulations which are up to one year out of date will be permitted.

National Occupational Standards

BTEC Nationals are designed to provide much of the underpinning knowledge and understanding for the National Occupational Standards (NOS), as well as developing practical skills in preparation for work and possible achievement of NVQs in due course. NOS form the basis of National Vocational Qualifications (NVQs). BTEC Nationals do not purport to deliver occupational competence in the sector, which should be demonstrated in a work context.

Each unit in the specification identifies links to elements of the NOS.

The Edexcel BTEC Level 3 Nationals in Applied Law relate to the Level 3 NOS in Legal Advice.

Rules of combination for Edexcel BTEC Level 3 National qualifications

The rules of combination specify the:

- total credit value of the qualification
- the minimum credit to be achieved at the level or above the level of the qualification
- the mandatory unit credit
- the optional unit credit
- the maximum credit that can come from other QCF BTEC units.

When combining units for a BTEC National qualification, it is the centre's responsibility to ensure that the following rules of combination are adhered to.

Edexcel BTEC Level 3 Certificate

- 1 Qualification credit value: a minimum of 30 credits.
- 2 Minimum credit to be achieved at, or above, the level of the qualification: 30 credits.
- 3 Mandatory unit credit: 30 credits.
- 4 Optional unit credit: none.
- 5 This qualification is not designed to include credit from other QCF BTEC units.

Edexcel BTEC Level 3 Subsidiary Diploma

- 1 Qualification credit value: a minimum of 60 credits.
- 2 Minimum credit to be achieved at, or above, the level of the qualification: 60 credits.
- 3 Mandatory unit credit: 30 credits.
- 4 Optional unit credit: 30.
- 5 This qualification is not designed to include credit from other QCF BTEC units.

Edexcel BTEC Level 3 Certificate in Applied Law

The Edexcel BTEC Level 3 Certificate in Applied Law is a 30-credit and 180-guided-learning-hour (GLH) qualification that consists of **three** mandatory units that provide for a combined total of 30 credits.

Edexcel BTEC Level 3 Certificate in Applied Law			
Unit	Mandatory units	Credit	Level
1	Dispute Solving in the Legal System	10	3
2	Understanding Law Making	10	3
3	Aspects of Legal Liability	10	3

Edexcel BTEC Level 3 Subsidiary Diploma in Applied Law

The Edexcel BTEC Level 3 Subsidiary Diploma in Applied Law is a 60-credit and 360-guided-learning-hour (GLH) qualification that consists of **three** mandatory units **plus** optional units that provide for a combined total of 60 credits.

Edexcel BTEC Level 3 Subsidiary Diploma in Applied Law			
Unit	Mandatory units	Credit	Level
1	Dispute Solving in the Legal System	10	3
2	Understanding Law Making	10	3
3	Aspects of Legal Liability	10	3
Unit	Optional units – choose any three of the following 10 credit units		
4	Unlawful Homicide and Police Powers	10	3
5	Aspects of Property Offences and Police Powers	10	3
6	Contract Law	10	3
7	Consumer Law	10	3
8	Aspects of the Law of Tort	10	3
9	Aspects of Employment Law	10	3
10	Aspects of Family Law	10	3

Assessment and grading

In BTEC Nationals all units are internally assessed.

All assessment for BTEC Nationals is criterion referenced, based on the achievement of specified learning outcomes. Each unit within the qualification has specified assessment and grading criteria which are to be used for grading purposes. A summative unit grade can be awarded at pass, merit or distinction:

- to achieve a 'pass' a learner must have satisfied **all** the pass assessment criteria
- to achieve a 'merit' a learner must additionally have satisfied **all** the merit grading criteria
- to achieve a 'distinction' a learner must additionally have satisfied **all** the distinction grading criteria.

Learners who complete the unit but who do not meet all the pass criteria are graded 'unclassified'.

Grading domains

The grading criteria are developed in relation to grading domains which are exemplified by a number of indicative characteristics at the level of the qualification.

There are four BTEC National grading domains:

- application of knowledge and understanding
- development of practical and technical skills
- personal development for occupational roles
- application of generic skills.

Please refer to *Annexe B* which shows the merit and distinction indicative characteristics.

Guidance

The purpose of assessment is to ensure that effective learning has taken place to give learners the opportunity to:

- meet the assessment and grading criteria and
- achieve the learning outcomes within the units.

All the assignments created by centres should be reliable and fit for purpose, and should build on the assessment and grading criteria. Assessment tasks and activities should enable learners to produce valid, sufficient and reliable evidence that relates directly to the specified criteria. Centres should enable learners to produce evidence in a variety of different forms, and including, written reports, graphs and posters, along with projects, performance observation and time-constrained assessments.

Centres are encouraged to emphasise the practical application of the assessment and grading criteria, providing a realistic scenario for learners to adopt, and making maximum use of practical activities and work experience. The creation of assignments that are fit for purpose is vital to achievement and their importance cannot be over-emphasised.

The assessment and grading criteria must be clearly indicated in the fit-for-purpose assignments. This gives learners focus and helps with internal verification and standardisation processes. It will also help to ensure that learner feedback is specific to the assessment and grading criteria.

When looking at the assessment and grading grids and designing assignments, centres are encouraged to identify common topics and themes.

The units include guidance on appropriate assessment methodology. A central feature of vocational assessment is that it allows for assessment to be:

- current, ie to reflect the most recent developments and issues
- local, ie to reflect the employment context of the delivering centre
- flexible to reflect learner needs, ie at a time and in a way that matches the learner's requirements so that they can demonstrate achievement.

Calculation of the qualification grade

Pass qualification grade

Learners who achieve the minimum eligible credit value specified by the rule of combination will achieve the qualification at pass grade (see *Rules of combination for Edexcel BTEC Level 3 National qualifications*).

Qualification grades above pass grade

Learners will be awarded a merit or distinction or distinction* qualification grade (or combination of these grades appropriate to the qualification) by the aggregation of points gained through the successful achievement of individual units. The number of points available is dependent on the unit level and grade achieved, and the credit size of the unit (as shown in the 'points available for credits achieved at different QCF Levels and unit grades' below).

Points available for credits achieved at different QCF Levels and unit grades

The table below shows the **number of points scored per credit** at the unit level and grade.

Unit QCF level	Points per credit		
	Pass	Merit	Distinction
Level 2	5	6	7
Level 3	7	8	9
Level 4	9	10	11

Learners who achieve the correct number of points within the ranges shown in the 'qualification grade' table will achieve the qualification merit or distinction or distinction* grade (or combinations of these grades appropriate to the qualification).

Qualification grade

BTEC Level 3 Certificate

Points range above pass grade	Grade	
230-249	Merit	M
250-259	Distinction	D
260 and above	Distinction*	D*

BTEC Level 3 Subsidiary Diploma

Points range above pass grade	Grade	
460-499	Merit	M
500-519	Distinction	D
520 and above	Distinction*	D*

Please refer to *Annexe G* for examples of calculation of qualification grade above pass grade.

Quality assurance of centres

Edexcel's qualification specifications set out the standard to be achieved by each learner in order to be awarded the qualification. This is covered in the statement of learning outcomes, and assessment and grading criteria in each unit. Further guidance on delivery and assessment is given in the *Essential guidance for tutors* section in each unit. This section is designed to provide additional guidance and amplification related to the unit to support tutors, deliverers and assessors and to provide for a coherence of understanding and a consistency of delivery and assessment.

Approval

Centres that have not previously offered BTEC qualifications will first need to apply for, and be granted, centre approval before they can apply for approval to offer the programme.

When a centre applies for approval to offer a BTEC qualification they are required to enter into an approvals agreement.

The approvals agreement is a formal commitment by the head or principal of a centre to meet all the requirements of the specification and any linked codes or regulations. Sanctions and tariffs may be applied if centres do not comply with the agreement. Ultimately, this could result in the suspension of certification or withdrawal of approval.

Centres will be allowed 'accelerated approval' for a new programme where the centre already has approval for a programme that is being replaced by the new programme.

The key principles of quality assurance are that:

- a centre delivering BTEC programmes must be an approved centre and must have approval for programmes or groups of programmes that it is operating
- the centre agrees as part of gaining approval to abide by specific terms and conditions around the effective delivery and quality assurance of assessment; it must abide by these conditions throughout the period of delivery
- Edexcel makes available to approved centres a range of materials and opportunities intended to exemplify the processes required for effective assessment and examples of effective standards. Approved centres must use the materials and services to ensure that all staff delivering BTEC qualifications keep up to date with the guidance on assessment
- an approved centre must follow agreed protocols for standardisation of assessors and verifiers; planning, monitoring and recording of assessment processes; and for dealing with special circumstances, appeals and malpractice.

The approach of quality assured assessment is made through a partnership between an approved centre and Edexcel. Edexcel is committed to ensuring that it follows best practice and employs appropriate technology to support quality assurance processes where practicable. Therefore, the specific arrangements for working with centres will vary. Edexcel seeks to ensure that the quality assurance processes that it uses do not place undue bureaucratic processes on centres and works to support centres in providing robust quality assurance processes.

Edexcel monitors and supports centres in the effective operation of assessment and quality assurance. The methods which it uses to do this for BTEC First and National programmes accredited under the Qualifications and Credit Framework (QCF) include:

- ensuring that all centres have completed appropriate declarations at the time of approval undertaking approval visits to centres where necessary
- requiring all centres to appoint a Lead Internal Verifier for designated groups of programmes and to ensure that this person is trained and supported in carrying out that role
- requiring that the Lead Internal Verifier completes compulsory online standardisation related to assessment and verification decisions for the designated programme
- assessment sampling and verification, through requested samples of assessments, completed assessed learner work and associated documentation
- overarching review and assessment of a centre's strategy for assessing and quality assuring its BTEC programmes.

Edexcel Quality Assurance Handbook

Centres should refer to the *Handbook for Quality Assurance for BTEC QCF Qualifications*, issued annually, for detailed guidance.

An approved centre must make certification claims only when authorised by Edexcel and strictly in accordance with requirements for reporting.

Centres that do not fully address and maintain rigorous approaches to quality assurance will be prevented from seeking certification for individual programmes or for all BTEC First and National programmes. Centres that do not comply with remedial action plans may have their approval to deliver qualifications removed.

Programme design and delivery

BTEC National qualifications consist of mandatory units and optional units. Optional units are designed to provide a focus to the qualification and give more specialist opportunities in the sector.

In BTEC Nationals each unit has a number of guided learning hours.

Guided learning hours are defined as all the times when a tutor, trainer or facilitator is present to give specific guidance towards the learning aim being studied on a programme. This definition includes lectures, tutorials and supervised study in, for example, open learning centres and learning workshops. It also includes time spent by staff assessing learner's achievements. It does not include time spent by staff in day-to-day marking of assignments where the learner is not present.

Centres are advised to consider this definition when planning the programme of study associated with this specification.

Mode of delivery

Edexcel does not define the mode of study for BTEC Nationals. Centres are free to offer the qualifications using any mode of delivery (such as full time, part time, evening only, distance learning) that meets their learner's needs. Whichever mode of delivery is used, centres must ensure that learners have appropriate access to the resources identified in the specification and to the subject specialists delivering the units. This is particularly important for learners studying for the qualification through open or distance learning.

Learners studying for the qualification on a part-time basis bring with them a wealth of experience that should be utilised to maximum effect by tutors and assessors. The use of assessment evidence drawn from learners' work environments should be encouraged. Those planning the programme should aim to enhance the vocational nature of the qualification by:

- liaising with employers to ensure a course relevant to learners' specific needs
- accessing and using non-confidential data and documents from learners' workplaces
- including sponsoring employers in the delivery of the programme and, where appropriate, in the assessment
- linking with company-based/workplace training programmes
- making full use of the variety of experience of work and life that learners bring to the programme.

Resources

BTEC Nationals are designed to prepare learners for employment in specific occupational sectors. Physical resources need to support the delivery of the programme and the proper assessment of the learning outcomes and should, therefore, normally be of industry standard. Staff delivering programmes and conducting the assessments should be familiar with current practice and standards in the sector concerned. Centres will need to meet any specific resource requirements to gain approval from Edexcel.

Where specific resources are required these have been indicated in individual units in the *Essential resources* sections.

Delivery approach

It is important that centres develop an approach to teaching and learning that supports the specialist vocational nature of BTEC National qualifications and the mode of delivery. Specifications give a balance of practical skill development and knowledge requirements, some of which can be theoretical in nature. Tutors and assessors need to ensure that appropriate links are made between theory and practical application and that the knowledge base is applied to the sector. This requires the development of relevant and up-to-date teaching materials that allow learners to apply their learning to actual events and activity within the sector. Maximum use should be made of the learner's experience.

An outline learning plan is included in every unit as guidance which demonstrates one way in planning the delivery and assessment of the unit. The outline learning plan can be used in conjunction with the programme of suggested assignments.

Where the qualification has been designated and approved as a Technical Certificate and forms part of an Apprenticeship scheme, particular care needs to be taken to build strong links between the learning and assessment for the BTEC National qualification and the related NVQs and Functional Skills that also contribute to the scheme.

Meeting local needs

Centres should note that the qualifications set out in this specification have been developed in consultation with centres and employers and the Sector Skills Councils or the Standards Setting Bodies for the relevant sector. Centres should make maximum use of the choice available to them within the optional units to meet the needs of their learners, and local skills and training needs.

In certain circumstances, units in this specification might not allow centres to meet a local need. In this situation, Edexcel will ensure that the rule of combination allows centres to make use of units from other standard QCF BTEC specifications. Centres are required to ensure that the coherence and purpose of the qualification is retained and to ensure that the vocational focus is not diluted.

Limitations on variations from standard specifications

The flexibility to import standard units from other BTEC Nationals is limited to a total of 25 per cent of the qualification credit value (see *Rules of combination for Edexcel BTEC Level 3 National qualifications*).

These units cannot be used at the expense of the mandatory units in any qualification.

Additional and specialist learning

Additional and specialist learning (ASL) consists of accredited qualifications at the same level as, or one level above, the Diploma course of study. The ASL may include BTEC qualifications which are also available to learners not following a Diploma course of study.

Qualifications for ASL must be selected from the ASL catalogue through the National Database of Accredited Qualifications (NDAQ). The catalogue includes qualifications which have the approval of the Diploma Development Partnership (DDP) and will expand over time as more qualifications are approved. To access the catalogue go to www.ndaq.org.uk and select 'Browse Diploma Qualifications'.

Functional Skills

BTEC Nationals give learners opportunities to develop and apply Functional Skills.

Functional Skills are offered as stand-alone qualifications at Level 2. See individual units for opportunities to cover ICT, Mathematics and English Functional Skills.

Personal, learning and thinking skills

Opportunities are available to develop personal, learning and thinking skills (PLTS) within sector-related context. PLTS are identified in brackets after the unit pass criteria to which they are associated and they are also mapped in *Annexe C*. Further opportunities for learners to demonstrate these skills may also be apparent as learners progress throughout their learning.

Access and recruitment

Edexcel's policy regarding access to its qualifications is that:

- they should be available to everyone who is capable of reaching the required standards
- they should be free from any barriers that restrict access and progression
- there should be equal opportunities for all wishing to access the qualifications.

Centres are required to recruit learners to BTEC qualifications with integrity. This will include ensuring that applicants have appropriate information and advice about the qualifications and that the qualification will meet their needs. Centres should take appropriate steps to assess each applicant's potential and make a professional judgement about their ability to successfully complete the programme of study and achieve the qualification. This assessment will need to take account of the support available to the learner within the centre during their programme of study and any specific support that might be necessary to allow the learner to access the assessment for the qualification. Centres should consult Edexcel's policy on learners with particular requirements.

Centres will need to review the entry profile of qualifications and/or experience held by applicants, considering whether this profile shows an ability to progress to a Level 3 qualification. For learners who have recently been in education, the profile is likely to include one of the following:

- a BTEC Level 2 qualification in law and legal work or a related vocational area
- a standard of literacy and numeracy supported by a general education equivalent to four GCSEs at grade A*-C
- other related Level 2 qualifications
- related work experience.

More mature learners may present a more varied profile of achievement that is likely to include experience of paid and/or unpaid employment.

Restrictions on learner entry

Most BTEC National qualifications are accredited on the QCF for learners aged 16 years and over.

In particular sectors the restrictions on learner entry might also relate to any physical or legal barriers, for example people working in health, care or education are likely to be subject to police checks.

Edexcel BTEC Level 3 Nationals are listed on the DCSF funding lists under Section 96 and Section 97 of the Learning and Skills Act 2000.

Access arrangements and special considerations

Edexcel's policy on access arrangements and special considerations for BTEC and Edexcel NVQ qualifications aims to enhance access to the qualifications for learners with disabilities and other difficulties (as defined by the 1995 Disability Discrimination Act and the amendments to the Act) without compromising the assessment of skills, knowledge, understanding or competence.

Further details are given in the policy *Access Arrangements and Special Considerations for BTEC and Edexcel NVQ Qualifications*, which can be found on the Edexcel website (www.edexcel.com). This policy replaces the previous Edexcel policy (*Assessment of Vocationally Related Qualification: Regulations and Guidance Relating to Learners with Special Requirements, 2002*) concerning learners with particular requirements.

Recognition of Prior Learning

Recognition of Prior Learning (RPL) is a method of assessment (leading to the award of credit) that considers whether a learner can demonstrate that they can meet the assessment requirements for a unit through knowledge, understanding or skills they already possess and so do not need to develop through a course of learning.

Edexcel encourages centres to recognise learners' previous achievements and experiences whether at work, home and at leisure, as well as in the classroom. RPL provides a route for the recognition of the achievements resulting from continuous learning.

RPL enables recognition of achievement from a range of activities using any valid assessment methodology. Provided that the assessment requirements of a given unit or qualification have been met, the use of RPL is acceptable for accrediting a unit, units or a whole qualification. Evidence of learning must be valid and reliable.

Unit format

All units in Edexcel BTEC Level 3 National qualifications have a standard format. The unit format is designed to give guidance on the requirements of the qualification for learners, tutors, assessors and those responsible for monitoring national standards.

Each unit has the following sections.

Unit title

The unit title is accredited on the QCF and this form of words will appear on the learner's Notification of Performance (NOP).

QCF level

All units and qualifications within the QCF will have a level assigned to them, which represents the level of achievement. There are nine levels of achievement, from Entry Level to Level 8. The level of the unit has been informed by the QCF level descriptors and, where appropriate, the National Occupational Standards (NOS) and/or other sector/professional benchmarks.

Credit value

Each unit in BTEC National qualifications has a credit value; learners will be awarded credits for the successful completion of whole units.

A credit value specifies the number of credits that will be awarded to a learner who has achieved all the learning outcomes of the unit.

Guided learning hours

Guided learning hours are defined as all the times when a tutor, trainer or facilitator is present to give specific guidance towards the learning aim being studied on a programme. This definition includes lectures, tutorials and supervised study in, for example, open learning centres and learning workshops. It also includes time spent by staff assessing learner's achievements. It does not include time spent by staff in day-to-day marking of assignments or homework where the learner is not present.

Aim and purpose

The aim provides a clear summary of the purpose of the unit and is a succinct statement that summarises the learning outcomes of the unit.

Unit introduction

The unit introduction gives the reader an appreciation of the unit in the vocational setting of the qualification, as well as highlighting the focus of the unit. It gives the reader a snapshot of the unit and the key knowledge, skills and understanding gained while studying the unit. The unit introduction also highlights any links to the appropriate vocational sector by describing how the unit relates to that sector.

Learning outcomes

Learning outcomes state exactly what a learner should 'know, understand or be able to do' as a result of completing the unit.

Unit content

The unit content identifies the breadth of knowledge, skills and understanding needed to design and deliver a programme of learning to achieve each of the learning outcomes. This is informed by the underpinning knowledge and understanding requirements of the related NOS. The content provides the range of subject material for the programme of learning and specifies the skills, knowledge and understanding required for achievement of the pass, merit and distinction grading criteria.

Each learning outcome is stated in full and then the key phrases or concepts related to that learning outcome are listed in italics followed by the subsequent range of related topics.

Relationship between content and assessment criteria

The learner must have the opportunity within the delivery of the unit to cover all of the unit content.

It is not a requirement of the unit specification that all of the content is assessed. However, the indicative content will need to be covered in a programme of learning in order for learners to be able to meet the standard determined in the assessment and grading criteria. The merit and distinction grading criteria enable the learner to achieve higher levels of performance in acquisition of knowledge, understanding and skills.

Content structure and terminology

The information below shows how unit content is structured and gives the terminology used to explain the different components within the content.

- Learning outcome: this is given and in bold at the beginning of each section of content.
- Italicised sub-heading: it contains a key phrase or concept. This is content which must be covered in the delivery of the unit. Colons mark the end of an italicised sub-heading.
- Elements of content: the elements are in plain text and amplify the sub-heading. The elements must also be covered in the delivery of the unit. Semi-colons mark the end of an element.
- Brackets contain amplification of elements of content which must be covered in the delivery of the unit.
- 'eg' is a list of examples used for indicative amplification of an element (that is, the content specified in this amplification that could be covered or that could be replaced by other, similar material).

Assessment and grading grid

Each grading grid gives the assessment and grading criteria used to determine the evidence that each learner must produce in order to receive a pass, merit or distinction grade. It is important to note that the merit and distinction grading criteria require a qualitative improvement in a learner's evidence and not simply the production of more evidence at the same level.

Essential guidance for tutors

This section gives tutors additional guidance and amplification to aid understanding and a consistent level of delivery and assessment. It is divided into the following sections.

- *Delivery* – explains the content's relationship with the learning outcomes and offers guidance about possible approaches to delivery. This section is based on the more usual delivery modes but is not intended to rule out alternative approaches.
- *Outline learning plan* – the outline learning plan has been included in every unit as guidance and demonstrates one way in planning the delivery and assessment of a unit. The outline learning plan can be used in conjunction with the programme of suggested assignments.
- *Assessment* – gives amplification about the nature and type of evidence that learners need to produce in order to pass the unit or achieve the higher grades. This section should be read in conjunction with the grading criteria.
- *Suggested programme of assignments* – the table shows how the suggested assignments match and cover the assessment grading criteria.
- *Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications* – sets out links with other units within the qualification. These links can be used to ensure that learners make connections between units, resulting in a coherent programme of learning. The links show opportunities for integration of learning, delivery and assessment.
- *Essential resources* – identifies any specialist resources needed to allow learners to generate the evidence required for each unit. The centre will be asked to ensure that any requirements are in place when it seeks approval from Edexcel to offer the qualification.
- *Employer engagement and vocational contexts* – provides a short list of agencies, networks and other useful contacts for employer engagement and for sources of vocational contexts.
- *Indicative reading for learners* – gives a short list of learner resource material that benchmarks the level of study.

Units

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Unit 1: Dispute Solving in the Legal System

Unit code:	H/600/6158
QCF Level 3:	BTEC National
Credit value:	10
Guided learning hours:	60

● Aim and purpose

The aim of this unit is to give learners an understanding of the difference between civil and criminal law, how this determines in which courts disputes are resolved in the legal system, and the personnel, both lawyers and lay people, involved in the resolution process, together with a knowledge about the financing of advice and representation and alternatives to the courts.

● Unit introduction

An understanding of how and where disputes are solved is an important basis for studying any area of law. It is important that learners understand the difference between civil and criminal law, and how this determines where disputes are resolved.

The first learning outcome explores the structure and framework of the courts and the fundamental difference between civil and criminal courts. The second learning outcome looks at the personnel involved in the administration of the law and the types of cases heard in the various courts. The third learning outcome considers alternative forums for dealing with disputes, outside the court structure, and the fourth learning outcome considers the finance of advice and representation.

The purpose of the unit is to help learners understand that the English legal system is essentially practical in nature and provides solutions to everyday problems. The unit is intended to develop the learner's knowledge of the courts structure, both civil and criminal, the relevant routes of appeal, and alternative dispute resolution.

Learners will also develop an understanding of those who serve the courts in both a professional and lay capacity and of the role of legal professions.

● Learning outcomes

On completion of this unit a learner should:

- 1 Understand the hierarchy of the court system
- 2 Understand the roles undertaken by the personnel of the courts
- 3 Know about the alternatives to the courts
- 4 Know about the finance of advice and representation.

Unit content

1 Understand the hierarchy of the court system

Civil courts structure: role, function and jurisdiction of Small Claims Court, county court, High Court, divisional courts, Court of Appeal (Civil Division), House of Lords, European Court of Justice; difference between first instance and appeal courts

Criminal courts structure: role, function and jurisdiction of Youth Court, magistrates' court, Crown Court, Court of Appeal (Criminal Division), House of Lords; first instance and appeal courts; The Criminal Cases Review Commission

2 Understand the roles undertaken by the personnel of the courts

The legal profession (lawyers): work, training and regulation of barristers, solicitors, legal executives, paralegals; the Legal Services Ombudsman and complaints

The judiciary: organisation; selection and appointment of judges; roles in civil and criminal cases; judicial independence and immunity; removal from office

Lay people: magistrates – selection and appointment; training; role and powers; jurisdiction in civil and criminal cases; removal; advantages and disadvantages; juries – qualifications and disqualification, selection and role, summoning, vetting and challenging, advantages and disadvantages

3 Know about the alternatives to the courts

Alternative dispute resolution (ADR): tribunals; arbitration; mediation; conciliation; negotiation

Comparison: with each other; with civil courts; advantages, disadvantages

Issues: cost; time; privacy; appeals; formality; representation; accessibility; appropriateness

4 Know about the finance of advice and representation

Alternative sources of advice: Citizens Advice Bureau; media

Finance of advice: private; insurance; conditional fees; *pro bono* work

Statutory provision: legal help and representation in civil and criminal matters

Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
P1 explain the use of the courts in the civil and criminal court hierarchies [IE, RL]	M1 compare and contrast the role and function of judges, lawyers and lay people within the English courts	D1 evaluate the effectiveness of lay personnel in the English courts
P2 explain the role of lay people and lawyers in criminal cases [SM, CT]		
P3 explain the role of judges and lawyers in civil cases		
P4 describe the types of alternative dispute resolution (ADR)	M2 compare and contrast alternative dispute resolution (ADR) with dispute solving in a court	D2 evaluate alternative dispute resolution (ADR)
P5 outline how advice and representation can be funded. [IE, RL]	M3 explain ways of funding advice and representation.	D3 evaluate funding advice and representation.

PLTS: This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

Key	IE – independent enquirers	RL – reflective learners	SM – self-managers
	CT – creative thinkers	TW – team workers	EP – effective participators

Essential guidance for tutors

Delivery

Delivery methods for this unit will include an explanation of the main concepts, but the unit is essentially practical in nature. Learners will benefit from visits to courts in the local area. Magistrates, judges, solicitors and barristers could be invited to talk to groups of learners.

Much of the material in this unit can be delivered actively through the use of case studies and learner-centred learning during both small group and individual exercises. The use of case studies and statutes can be used to encourage individual and group learning, in addition to providing a vehicle for assessment.

When assessing the function of those who work in the English legal system the learners should be introduced to members of the legal professions. The role and functions of members of the English legal system, both the professional and lay elements, can be explored through the associated training and recruitment processes as well as through their daily activity. In this context, it may be beneficial to invite solicitors, barristers, legal executives or members of the judiciary from the local area to explain how they see their roles. In addition, lay magistrates may be invited to attend in a similar capacity.

As an alternative, court visits may be arranged to give learners the opportunity to present questions (sent in advance of the visit) to relevant personnel, both professional and lay. This unit could also provide the opportunity to hold a mock trial, with the learners perhaps being involved as jury members.

Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and assessment
Introduction to unit and programme
Group discussions on courts/recent trials
Group activities visiting local magistrates and crown courts
Researching trials and which courts dealt with them – whole group
Group activity visit to civil court
Assignment 1: The Courts
Case studies of legal cases – small-group exercises
Group activity – visit to local solicitors/barristers office
Group activity – visit of speakers, eg solicitor/barrister/CPS lawyer/magistrate
DVDs – of any contemporary TV programmes or examples such as <i>Twelve Angry Men</i> ; <i>Judge John Deed</i> ; <i>Just Desserts</i>
Group activity on training and roles of different lawyers
Assignment 2: Lawyers and Lay People – Their Roles
Group work on ADR
Speakers/visits on ADR
Assignment 3: Alternative Dispute Resolution
Group work on advice and representation to include research, gathering information
Speakers/visits to/from Citizens Advice Bureau
Assignment 4: Advice and Representation
Tutorial support and feedback

Assessment

To pass this unit, learners must meet all the requirements of the pass grade criteria. Learners can build upon the pass criteria to demonstrate their understanding of the English legal system for the higher grades, through the use of scenarios and cases studies which lend themselves to demonstrating understanding of the courts, the roles and functions of court personnel, ADR and funding.

To evidence understanding of different areas of the legal system, the learners will produce and present information and research which may be done through individual and group work.

For P1, an explanation of the courts could be presented through the use of case scenarios, for example a criminal one and a civil one. These could require the learner to explain where a case might start and where it might progress to, including where appeals might be heard and why. This could also include a diagrammatic representation of the relevant courts for that case. It is important that answers to P1 are not simply extracted from textbooks, but show real understanding and application.

P2 and P3 should both also be answered by providing evidence such as through a criminal scenario describing the roles of the magistrates, jury and lawyers and a civil scenario describing the roles of the lawyers and the judiciary.

For P2 and P3, learners need to explain the variety of roles undertaken by professional and lay personnel. Learners need to explain the role of judges and lawyers in civil and criminal cases rather than the interpretation of legal rules. Again, the evidence for P2 and P3 should show real understanding and application, and not be extracted verbatim from textbooks.

To progress to M1, learners need add to their evidence for P1, P2 and P3 by showing an individual ability to compare and contrast the roles and functions of judges, lawyers and lay people within the English courts. To do this, they will need to compare the courts within the courts structure, demonstrate an understanding by comparing the roles undertaken by professional personnel including solicitors, barristers and legal executives. This will include their relative functions and the part they play in court processes. Clear distinctions will be made between solicitors and barristers and the role of the judge. The learner must also explain the roles of the lay element, which can be contrasted to those working within the English Legal System in a professional capacity.

To achieve D1, an individual explanation will be developed by evaluating the relative effectiveness of the lay element. Learners will evaluate clearly the role of the jury in criminal cases and the difference between lay magistrates and stipendiary magistrates. The problems associated with trial by jury will also be highlighted.

To attain P4, learners will describe how ADR is used. To achieve P5, learners should outline the processes involved in the funding of both advice and representation. P4 and P5 can then be developed separately in order to achieve M2 and M3 by comparing material, and D2 and D3 by evaluating it.

The assessment criteria require learners to apply the legal rules in a practical manner. It may therefore be desirable to give learners a suitable case study and relevant documents upon which to base the assessment. In this situation, care should be taken to ensure that the case study has been developed in sufficient detail to mirror the complexities of a real-life scenario.

Programme of suggested assignments

The table below shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the assessment and grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, M1, D1	The Courts	Working in a solicitor's office you give advice on two court cases – one civil and one criminal – and their progress through the courts.	Report.
P2, P3, M1, D1	Lawyers and Lay People – Their Roles	Working in a solicitor's office you give advice on the role of both in both civil and criminal court cases.	Report.
P4, M2, D2	Alternative Dispute Resolution	Working in a solicitor's office you give advice on when it can be used and its advantages and disadvantages.	Presentation.
P5, M3, D3	Advice and Representation	Working in a solicitor's office you give advice on what is available and how it can be obtained.	Presentation.

Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the BTEC Applied Law sector suite. This unit has links with all the other units in this specification.

This unit also links to the BTEC Business sector suite and the following specialist units in the BTEC Nationals in Business.

Level 3
Aspects of Contract and Business Law
Aspects of Civil Liability for Business
Aspects of Criminal Law Relating to Business

This unit also links to the Level 3 National Occupational Standards for Legal Advice Units 1, 2, 5, 6, 9, 11, 12, 13, 14, 19 and 31.

Essential resources

For this unit learners should have access to a suitable teaching environment with access to the internet to carry out research. Tutors may consider building a bank of resource materials to ensure there is a sufficient supply of relevant information.

Learners should have access to a learning resource centre with a good range of legal text and case books. Additional resources to support learners include statutes and law reports.

Learners can generate evidence from a work placement or from work experience.

Employer engagement and vocational contexts

Centres should develop links with local businesses such as solicitors, offices, barristers, chambers, any local court offices, the Citizens Advice Bureau and the legal department in the local authority. Many large businesses also have legal departments and Chambers of Commerce want to promote local business. They are often willing to provide work placements, information about businesses and the local business context, visiting speakers and allow learners to visit.

Indicative reading for learners

Textbooks

Elliot C and Quinn F – *AS Law* (Longman, 2008) ISBN 1405858842

Elliot C and Quinn F – *English Legal System* (Longman, 2008) ISBN 1405859415

Elliot C and Quinn F – *English Legal System: Essential cases and materials* (Longman, 2009) ISBN 1408225123

Martin J – *AQA Law for AS* (Hodder Arnold, 2008) ISBN 0340965134

Martin J – *The English Legal System* (Hodder Arnold, 2007) ISBN 0340941561

Slapper G and Kelly D – *English Legal System* (Routledge-Cavendish, 2008) ISBN 0415459540

Stychin C F and Mulcahy L – *Legal Method: Text and Materials* (Sweet & Maxwell, 2007) ISBN 0421965401

Journals

New Law Journal (Butterworths/LexisNexis Direct/Reed Elsevier (UK) Limited)

Student Law Review (Cavendish)

The Times – especially *Law Times* on Tuesdays

Newspapers

Quality newspapers – especially the law sections

Websites

www.barcouncil.org.uk	The Bar Council
www.cedr.co.uk	Centre for effective dispute resolution
www.cjsonline.gov.uk	The Criminal Justice System for England and Wales
www.dca.gov.uk/judges.htm	Department for Constitutional Affairs – Judicial Appointments Commission page
www.dca.gov.uk/magistrates.htm	Department for Constitutional Affairs – magistrates page
www.hmcourts-service.gov.uk	Her Majesty's Courts Service
www.judiciary.gov.uk	Information regarding the work of judges, magistrates and tribunal members in England and Wales
www.lawsociety.org.uk	The Law Society
www.stbrn.ac.uk/other/depts/law/index.htm	Law resources – St. Brendan's 6th Form College

Broadcasts

Just Desserts – BBC Programme Number: LRPR980X: The second of two documentaries on the morality of punishment. Can a punishment ever fit the crime, or simply the mood of the time? The programme looks at some of the more optimistic prison ideals which failed to halt the rise in crime.

Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
Independent enquirers	investigating the courts, lawyers and lay people
Creative thinkers	generating ideas about the value of lay people in the courts
Reflective learners	reflecting on the impact of appeals in the court system
Self-managers	organising time and resources and prioritising actions, whether working on their own or in a group.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the courts, appeals and their personnel
Creative thinkers	considering the uses of ADR
Reflective learners	setting goals with success criteria for research, inviting feedback on their own work and dealing positively with praise, setbacks and criticism evaluating their experiences and learning to inform future progress
Team workers	working in a group to discuss ideas and prepare materials for presentations taking responsibility for their own role managing activities to reach agreements and achieve results
Self-managers	seeking out challenges or new responsibilities and showing flexibility when priorities change dealing with competing pressures, including personal and work-related demands responding positively to change, seeking advice and support when needed
Effective participators	taking part in group activities, working with colleagues, supervisors and managers.

● Functional Skills – Level 2

Skill	When learners are ...
ICT – Use ICT systems	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	researching the courts and their locations
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	tabulating information about courts
Manage information storage to enable efficient retrieval	
Follow and understand the need for safety and security practices	
Troubleshoot	
ICT – Find and select information	
Select and use a variety of sources of information independently for a complex task	finding illustrative materials for presentations and tabulations creating diagrams, presentations and tabulations about the courts and appeals
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	exploring, extracting and assessing the relevance of information from websites about lawyers and lay people
ICT – Develop, present and communicate information	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> • text and tables • images • numbers • records 	bringing together a variety of materials gathered through research preparing information to present to others
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	communicating with other members of a group

Skill	When learners are ...
Mathematics	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	using numerical data in relation to lay people and lawyers
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
English	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	doing group work investigating courts and their structure working with others in investigating lawyers and lay people making presentations
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	reading about courts, lawyers and lay people reading to obtain data to facilitate the making of comparisons
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively.	writing materials to provide information producing labelled charts and diagrams showing the structure of courts and the links for appeals.

Unit 2: Understanding Law Making

Unit code:	K/600/6159
QCF Level 3:	BTEC National
Credit value:	10
Guided learning Hours:	60

● Aim and purpose

The aim of this unit is to provide learners with an understanding of the different ways in which laws are created and their importance, together with knowledge of how laws are interpreted, and the impact of European law and institutions.

● Unit introduction

The first part of the unit explores how law is made by the courts (precedent) and by Parliament (statutes/acts of Parliament).

Learners will be introduced to the sources of law and the development of the common law through precedent. The emphasis concerning precedent will be to show learners that the law is not static but develops as society changes, and how important precedent is to lawyers in giving legal advice.

Learners will also look at the legislative process both domestic and European in the creation of legal rules. When a statutory legal rule has been enacted it often falls to the judiciary to apply it and learners will explore the mechanisms the judiciary use to interpret these legal rules.

In addition, the learner will be introduced to issues of sovereignty and the impact of the European Court of Justice. To develop this area, they should understand the concept of sovereignty, and how this is impinged upon by membership of the European Union, especially the role of the European Court of Justice.

● Learning outcomes

On completion of this unit a learner should:

- 1 Understand how legal rules are created by precedent
- 2 Understand how statutory rules are made
- 3 Know how statutes are interpreted
- 4 Know the importance of the European legislative process and its institutions.

Unit content

1 Understand how legal rules are created by precedent

Judicial precedent: development of the system; law reporting; binding authorities; persuasive authorities; ratio decidendi; obiter dicta statements; advantages and disadvantages

Avoiding judicial precedents: distinguishing previous decisions; reversing decisions; overruling previous decisions; practice statements

2 Understand how statutory rules are made

Statutory legal rules: the pre-legislative process; public and private bills; private members bills; the process in parliament of a bill; commencement of an act; doctrine of parliamentary supremacy; criticisms of the process

Delegated legislation: types – orders in council, statutory instruments, by-laws; controls on delegated legislation both by the courts eg ultra vires and parliamentary, eg scrutiny committee; advantages and disadvantages

Influences on Parliament: Law Commission; Royal Commissions; political power; media; pressure groups

3 Know how statutes are interpreted

Principles of statutory interpretation: literal rule; mischief rule; golden rule; integrated and purposive approaches; aids

4 Know the importance of the European legislative process and its institutions

European Union legal rules: treaties; regulations; directives and decisions; conflicts between EU and domestic legislation; role and functions of the European Court of Justice, Council, Commission and Parliament; conflict between European and national law

Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
P1 explain the application of judicial precedent in the courts [IE]	M1 compare and contrast the methods of law making	D1 evaluate the role of the Judiciary in the formulation and interpretation of legal rules
P2 explain the process of making an Act of Parliament [SM]		
P3 explain the uses of delegated legislation		
P4 describe the influences on Parliament	M2 analyse the influences on Parliament	
P5 outline the rules for statutory interpretation [CT]	M3 explain the importance of statutory interpretation.	
P6 outline the importance of the European legislative process and its institutions. [RL]		D2 evaluate the impact of European law on English law.

PLTS: This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

Key	IE – independent enquirers	RL – reflective learners	SM – self-managers
	CT – creative thinkers	TW – team workers	EP – effective participators

Essential guidance for tutors

Delivery

Delivery methods for this unit will include an explanation of the main concepts but the unit is essentially practical in nature. Learners will benefit from visits to courts in the local area. Magistrates, solicitors and barristers could be invited to talk to groups of learners. Visits to the UK and EU parliaments and the European Court of Justice may also be of benefit.

Much of the material in this unit can be delivered through the use of case studies and centred learning during both small group and individual exercises. The use of case studies and statutes can be used to encourage individual and group learning, in addition to providing a vehicle for assessment. This may be particularly useful when assessing learner understanding of the application of precedents, statutory interpretation and conflicting domestic and European legal rules.

The concept of judicial precedent needs to be explored with learners. Again, case study material should be used to illustrate how precedents are formed and then applied in later cases to enable learners to fully appreciate the doctrine and its importance within the English legal system. Learners should understand the advantages and disadvantage of the common law and the techniques available to the judiciary to distinguish between precedents. Again this can be usefully explored through the use of cases such as *Donoghue v Stevenson*.

In order for learners to understand the differences between the use of precedent and statutory rules some initial theoretical input will be needed. This can then be developed practically through the use of case study materials which show how statutory rules can affect precedents. In addition, learners should be introduced to statutory interpretation techniques and how the drafting of statutory rules can be subject to a variety of general interpretations because of the language used.

Learners can develop statutory interpretation skills through a series of interpretation tasks based upon current statutory provisions using the literal, golden and mischief rules.

In addition, learners will study, in a practical manner, how the use of differing interpretation of statutory rules can have an impact on the outcome of a case. This may be done through the use of centre-devised written tasks rather than specific decided cases. Small group, tutor-led, workshops can be used to develop the learners' understanding of individual outcomes and their conclusions may be used to develop their knowledge base.

Following on from precedents and statutory interpretation learners can be introduced to the concept of Parliamentary Sovereignty to emphasise the role of statutory interpretation. A theoretical explanation of the concept can be built on through the use of case studies which demonstrate how this concept is used by the judiciary and is central to its interpretations. Learners can also be introduced to the problems of sovereignty when there is a European element to a case and how this impacts upon the judiciary and on the potential outcome of a legal problem. Case studies and learner centred-learning should include a European element and a conflicting or contradictory English precedent or statutory rule and how the case will be resolved. The emphasis is on the role of the European Court of Justice and how it applies and interprets European provisions and how this impacts upon domestic legislation.

Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and assessment
Introduction to unit and programme
Group activities visiting parliament/the courts
Visiting speaker, eg Member of Parliament; solicitor, barrister
Research work in groups on precedent using decided cases
Group work on delegated legislation, eg researching local by-laws
Visiting speaker – council officer
Individual work researching and drafting new statute
Assignment 1: Law Making
Research on influences on Parliament
Assignment 2: Influences on Parliament
Group work on interpretation of statutes, and the application of the rules
Assignment 3: Statutory Interpretation
Research and group work on EU institutions and their role and functions, and impact on national law
Assignment 4: EU Law
Tutorial support and feedback

Assessment

To pass this unit, learners must meet all the requirements of the pass grade criteria. The pass criteria can be fulfilled by the learner, demonstrating their understanding often through the use of scenarios, case studies and Acts of Parliament which will provide materials so that the learner is able to demonstrate understanding of the formulation of legal rules.

To show understanding, learners must produce individual work, but the information gathering and research may have been done through individual and/or group work.

To attain P1, learners will explain the meaning of precedent and how precedents are used. To achieve P2, learners should explain the process involved in making an act of Parliament. P3 requires an explanation of orders in council, statutory instruments and bylaws. It is important that the evidence for P1 to P3 is not copied verbatim from text books. Rather it could be that for P2, learners research gaps in the law, and then draft and present their own idea for a new statute. For P1 and P3 they could be given scenarios on which to base and apply their knowledge and understanding of the relevant law.

P1, P2 and P3 can then be built on in order to achieve M1 by comparing the role of precedent and the importance today with that of law making by legislation.

For P4, learners need to describe the impact of commissions, media, politics and pressure groups on Parliament. This can be developed by analysing various influences to achieve M2.

For P5, learners need to outline the use and importance of the mischief, golden, literal and ejusdem generis rules. Learners could develop their understanding of this area through an explanation of the role of the judiciary when setting precedents in the light of statutory interpretation and the role of the European Court of Justice. For P6, the EU institutions need outlining, together with their importance.

D1 could then be achieved through the learner demonstrating an evaluation of the rules concerning statutory interpretation together with specific examples. D2 can then contain an evaluation of how appeal decisions have been undermined by the European Court of Justice, again using specific examples.

The assessment criteria require learners to apply the legal rules in a practical manner. In some circumstances it may be desirable to give learners a suitable case study and relevant documents upon which to base the assessment. In this situation, care should be taken to ensure that the case study has been developed in sufficient detail to mirror the complexities of a real-life scenario.

Programme of suggested assignments

The table below shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the assessment and grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, P2, P3, M1, D1	Law Making	Working in a solicitor's office you give advise on a case study, applying precedent and delegated legislation, and on the drafting of new statute.	Report.
P4, M2	Influences on Parliament	Comparison of pressures.	Presentation.
P5, M3, D1	Judges and Their Interpretation of Statutes	Working in a solicitor's office you give advice on a case study requiring application of rules.	Report.
P6, D2	European Law and its Institutions	Working in a solicitor's office you give advise on the functions of institutions and impact of European law on national law.	Presentation.

Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the BTEC Applied Law sector suite. This unit has particular links with all the other units in this specification.

It also links to the BTEC Business sector suite and the following specialist units in the BTEC Nationals in Business:

Level 3
Aspects of Contract and Business Law
Aspects of Civil Liability for Business
Aspects of Criminal Law Relating to Business

This unit also links to the National Occupational Standards for Legal Advice Units 1, 2, 5, 6, 9, 11, 12, 13, 14, 19 and 31.

Essential resources

For this unit learners should have access to a suitable business teaching environment with access to the internet to do research. Tutors may consider building a bank of resource materials to ensure there is a sufficient supply of relevant information.

Learners should have access to a learning resource centre with a good range of legal text and case books. Additional resources to support learners include statutes and law reports.

Employer engagement and vocational contexts

Centres should develop links with local businesses such as solicitors offices, barristers chambers, any local court offices, the Citizens Advice Bureau and the legal department in the local authority. Many large businesses also have legal departments and Chambers of Commerce want to promote local business and are often willing to provide work placements, information about businesses and the local business context, visiting speakers and allow learners to visit.

Indicative reading for learners

Textbooks

Elliot C and Quinn F – *AS Law* (Longman, 2008) ISBN 1405858842

Elliot C and Quinn F – *English Legal System* (Longman, 2008) ISBN 1405859415

Elliot C and Quinn F – *English Legal System: Essential cases and materials* (Longman, 2009) ISBN 1408225123

Martin J – *AQA Law for AS* (Hodder Arnold, 2008) ISBN 0340965134

Martin J – *The English Legal System* (Hodder Arnold, 2007) ISBN 0340941561

Slapper G and Kelly D – *English Legal System* (Routledge-Cavendish, 2008) ISBN 0415459540

Stychin C F and Mulcahy L – *Legal Method: Text and Materials* (Sweet & Maxwell, 2007) ISBN 0421965401

Journals

New Law Journal (Butterworths/LexisNexis Direct/Reed Elsevier (UK) Limited)

Student Law Review (Cavendish)

The Times – especially *Law Times* on Tuesdays

Newspapers

Quality newspapers – especially the law sections

Websites

www.barcouncil.org.uk	The Bar Council
www.cedr.co.uk	Centre For Effective Dispute Resolution
www.cjsonlinegov.uk	The Criminal Justice System for England and Wales
www.dca.gov.uk/judges.htm	Department for Constitutional Affairs – Judicial Appointments Commission page
www.dca.gov.uk/magistrates.htm	Department for Constitutional Affairs – magistrates page
www.hmcourts-servicegov.uk	Her Majesty's Courts Service
www.judiciary.gov.uk	Information regarding the work of judges, magistrates and tribunal members in England and Wales
www.stbrn.ac.uk/other/depts/law/index.htm	Law resources – St Brendan's 6th Form College

Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
Independent enquirers	investigating the different types of law
Creative thinkers	applying the rules to interpret statutes
Reflective learners	reflecting on the impact of European law
Self-managers	organising time and resources and prioritising actions whether working on their own or in a group.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the different types of law planning and carrying out research into the need for new statutes
Creative thinkers	looking at how different laws fit together to ensure all needs are met
Reflective learners	setting goals with success criteria for research inviting feedback on their own work and dealing positively with praise, setbacks and criticism evaluating their experiences and learning to inform future progress
Team workers	working in a group to discuss ideas and prepare materials for presentations taking responsibility for their own role managing activities to reach agreements and achieve results
Self-managers	seeking out challenges or new responsibilities and showing flexibility when priorities change dealing with competing pressures, including personal and work-related demands responding positively to change, seeking advice and support when needed
Effective participators	taking part in group activities, working with colleagues, supervisors and managers.

● Functional Skills – Level 2

Skill	When learners are ...
ICT – Use ICT systems	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	researching laws
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	tabulating information about laws
Manage information storage to enable efficient retrieval	
Follow and understand the need for safety and security practices	
Troubleshoot	
ICT – Find and select information	
Select and use a variety of sources of information independently for a complex task	finding illustrative materials for presentations creating diagrams, presentations and tabulations about national and EU law
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	exploring, extracting and assessing the relevance of information from websites
ICT – Develop, present and communicate information	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> • text and tables • images • numbers • records 	bringing together a variety of materials gathered through research preparing information to present
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	communicating with other members of a group

Skill	When learners are ...
Mathematics	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	using numerical data in relation to types of law
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
English	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	doing group work investigating laws working with others in investigations making presentations
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	reading about laws and their purposes reading to obtain data to facilitate the making of comparisons between laws
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively.	writing materials to provide information about different types of law.



Unit 3: Aspects of Legal Liability

Unit Code:	D/600/6160
QCF Level 3:	BTEC National
Credit value:	10
Guided learning Hours:	60

● Aim and purpose

The aim of this unit is to give learners an understanding of the tort of negligence and the principles of criminal liability, together with knowledge of damages and the aims of sentencing.

● Unit introduction

Negligence is an area of law that affects the day-to-day life of individuals. A tort is a civil wrong where a contract is not needed for there to be liability, although a contract will exist in some cases. A person who commits the wrong is potentially liable in the tort of negligence, to the person or property they have injured or damaged through their wrong, for example a car accident.

Negligence has a particular legal meaning that learners will explore. In very simple terms, it is carelessness for which a person must compensate the person who has been affected by that carelessness. Learners will consider the legal rules on negligence and learn to use the relevant technical terms. They will understand the impact of this area of law on those affected by the negligent event. The elements of negligence, duty, breach and damage will be explored.

The unit is also intended to introduce learners to elements of criminal law and help them to understand the nature of criminal liability. This will be developed through a comparison with civil liability and relationships between moral and legal rules, and the purpose of criminal sanctions. It will introduce learners to the basic principles of criminal liability and to some of the offences against the person. These offences have been chosen to illustrate clearly the main principles which underlie criminal law and have been restricted to crimes against the person.

Learners will explore the nature of criminal liability through the *actus reus* (the act) of crimes and the associated *mens rea* (state of mind) required for criminal liability. Learners will also explore the differences between crimes of specific intent and crimes of basic intent. Learners will then consider a few offences against the person and develop an awareness of the differences between assault, battery, actual bodily harm, wounding and grievous bodily harm.

Finally, the unit considers the aims and different types of sentences available to the criminal courts.

● Learning outcomes

On completion of this unit a learner should:

- 1 Understand the impact of the law of negligence
- 2 Know the rules on damages
- 3 Understand the elements of a crime
- 4 Know the aims of sentencing

Unit content

1 Understand the impact of the law of negligence

Existence of a duty of care: historical introduction; neighbour principle (*Donaghue v Stevenson*); three-part test (*Caparo*)

Breach of duty: standard of the reasonable man; factors affecting standard of care – special characteristics of the defendant; special characteristics of the claimant; degree of risk; taking precautions; benefits of taking the risk; relevant case law

Damage: physical injury; to property; causation, intervening events, remoteness of damage (*Wagon Mound*)

2 Know the rules on damages

Damages: remedy; compensatory; pecuniary and non-pecuniary; interim awards; structured settlements; offsets; contributory negligence

3 Understand the elements of a crime

Elements of a crime: differences between criminal offence and civil action; differences between legal and moral rules; the function of criminal law; double jeopardy

The actus reus of a crime: causation; voluntary; involuntary and positive actions; omissions

The mens rea and fault: intention; subjective recklessness; transferred malice; negligence and duty of care; strict liability; a state of affairs

Application of concepts to specific non-fatal offences: assault; battery; actual bodily harm; wounding; grievous bodily harm

4 Know the aims of sentencing

Elements: purpose/aim of criminal sanctions and sentencing; types of sentence for adults, eg custodial, community, fines, discharges; aggravating and mitigating factors

Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
P1 explain the liability requirements in the tort of negligence [IE]	M1 analyse the law of negligence and rules on damages in given situations	D1 evaluate the impact of the law of tort and the award of damages in a given situation
P2 outline when damages are available for the tort of negligence [CT]		
P3 explain the elements of a crime [SM]	M2 analyse the elements of crime	D2 evaluate the law and sentences on specific non-fatal offences.
P4 explain the elements of specific non-fatal offences [RL]	M3 compare and contrast the elements of two specific non-fatal offences	
P5 describe the sentences available for specific offences. [RL]	M4 compare the sentences available for specific offences.	

PLTS: This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

Key	IE – independent enquirers CT – creative thinkers	RL – reflective learners TW – team workers	SM – self-managers EP – effective participators
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Essential guidance for tutors

Delivery

This unit considers basic aspects of civil and criminal liability. It includes material which it is essential to study before commencement of *Aspects of Property Offences and Police Powers* and *Aspects of the Law of Tort*, and therefore is a prerequisite of these two units.

This unit is concerned with aspects of civil and criminal liability.

Throughout the unit, learners need to use legal technical terminology and aim to apply the legal principles to given problems. The skills involved in applying the law to a given situation can be quite challenging. The unit is designed to enable learners to recognise the potential for legal liability in their personal life and at work.

The starting point of the unit is inevitably the law of negligence. This is likely to be the famous definition in *Blyth v Birmingham Waterworks* and the neighbour test from *Donoghue v Stevenson*. An analysis of duty, breach and damage and a detailed consideration of *Caparo* will lead to the specific areas of negligence that are to be studied in detail in *Unit 8: Aspects of the Law of Tort*. These areas are easily explored through the use of decided cases. There are many brief summaries of cases available on the internet that will allow learners to discuss the implications of the law for common situations and to consider the practical implications of the law. *Chittock v Woodbridge School* and *Ward v Tesco* are two such cases. Some important cases are quite complex but can lead to useful discussion and understanding of the role of the law, for example, *Keown v Coventry Healthcare NHS Trust (2006)* which links into discussion on occupiers' liability (Unit 8).

Remedies are easy to consider in terms of heads of damage for personal injury. It is useful to observe the difficulty in assessing general damages. This does not always seem easy to square with the idea that damages are compensatory. It is not necessary to spend time on exemplary or nominal damages. There are many examples available of likely sums payable, and learners may have examples from their own or immediate family experience. It is also useful to draw out the viewpoints of both sides in a case and the role of insurance, including public liability insurance in settling claims. Successful delivery of this unit requires an explanation of key terms which will be developed through relevant case studies, textbooks and web resources. Live cases reported in the news can also be used to add a contemporary element and to illustrate the complexities of criminal cases.

Much of the material in this unit can be delivered through the use of case studies and learner-centred learning during both small group and individual exercises. Case studies and statutes can be used to encourage individual and group learning in addition to providing a vehicle for assessment.

Small-group, tutor-led workshops can be used to develop the learners' understanding of individual outcomes and their conclusions may be used to develop their knowledge base.

To understand the elements of a crime, learners need to explore the concepts of *mens rea* and *actus reus* and be able to identify these elements in relation to specific offences (further offences are looked at in Units 4 and 5). Learners should also explore how these elements need to be proved and contrast this to strict liability offences. In addition, learners should be encouraged to develop their understanding of offences and associated elements through the use of case studies and relevant legislative provisions. Small-group, tutor-led workshops can be used to develop the learners' understanding of individual outcomes of given scenarios and their conclusions may be used to develop their knowledge base.

When exploring offences against the person, learners should identify the elements which differentiate particular forms of offence. In addition, they should understand that criminal law is not static and (as such) they need to be aware of developments within this area.

Learners will benefit from visits to courts in the local area. Magistrates, solicitors and barristers could be invited to talk to groups of learners.

Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and assessment
Introduction to unit and programme
Group activities visiting civil and criminal courts
Formal input on negligence
Research work in groups on duty of care using decided cases
Group work researching different types of breach of duty
Work researching case law and damages
Case study work
Individual work evaluating and analysing law and remedies for negligence
Assignment 1: Negligence
Formal input on elements of crime
Principles of liability for crime – <i>actus reus</i> and <i>mens rea</i>
Group work on <i>actus reus</i> and <i>mens rea</i>
Case study work
Assignment 2: Elements of Crime
Formal input on non-fatal offences
Case study work
Group work on crimes for non-fatal offences, and the application of the rules
Assignment 3: Non-fatal Offences
Formal input on sentencing
Case study work
Research and group work on sentencing
Assignment 4: Sentencing
Tutorial support and feedback

Assessment

Assessment can best be carried out by learners completing one or more assignments (that can be broken into tasks) that help assessors decide on achievement of the individual criteria. Appropriate deadlines can be set for completion of the different tasks that will reflect the running order of the teaching. To pass this unit, learners must meet all the requirements of the pass grade criteria.

Each of the pass criteria requires a description or outline of the law. These must be in learners' own words and will explain all technical terms. Learners must demonstrate their understanding of the law by clearly explaining key concepts and specific offences and setting out the legal principles by referring to appropriate decided cases or Acts of Parliament.

Learners could produce a series of leaflets aimed at a non-lawyer audience. This could be done to form the background to more detailed case studies, for example a group could provide tailored material for a range of local businesses: either generically (for example plumbers, car repairers, landscape gardeners, fast food outlet).

The pass criteria can be built on to reach merit level by adding an analysis or comparison of the law, and its application.

Learners will achieve P1 by describing the basic concepts of duty, breach and damage by referring to the leading cases. For duty the *Caparo* three-part test will be described and each part will be illustrated by reference to a decided case together with a real-life example. The test of proximity will be stated in the context of closeness of time, space or relationship. There should be reference to a case such as *Bourhill v Young* and to an example such as witnessing the accident personally not just hearing about it later. Breach requires a description of the reasonable person doing the task by referring to a case such as *Nettleship v Weston*. Damage requires a description of the principles of causation and remoteness of damage, referring to cases such as *Barnett v Chelsea & Kensington HMC* and *Wagon Mound*. The descriptions of each part will demonstrate learner understanding.

For P2 learners need to outline when and why damages are payable in tort, and reference may be made to topical cases reported in the newspapers and on TV.

The merit criteria require analysis of the application of the law to a number of situations. For M1 learners need to consider an appropriate scenario(s). Both P1 and P2 progress into this. The scenario(s) could be presented so that learners have the opportunity to practise using legal terminology orally. Back-up evidence and witness statements would be needed if this were the case.

Learners will achieve M1 by taking the facts and analysing the elements of negligence in order to conclude whether there has been negligence. This requires a detailed explanation of, for example, why the *Caparo* three-part test was met. Learners can refer to their description produced for the pass criteria as the emphasis here is on application of the law to the facts disclosed. This application will then continue for the elements of breach and damage, to further work on damages.

To evidence understanding of different areas of criminal law, learners will produce and present information and research which may be done through individual and/or group work. For P3, a description of the elements of a crime could be presented as a simple theoretical explanation of the *mens rea* and *actus reus*. To obtain a higher grade, learners need to demonstrate their understanding of these elements and, for M2, analyse the elements of a crime.

Learners may demonstrate their understanding of specific offences against the person by outlining, for P4, the required elements for those crimes. For M3, learners must analyse the differences between specific offences and compare and contrast the required *mens rea* and *actus reus* for these differing offences.

For D2, learners could demonstrate their understanding of the criminal law by evaluating the current proposed reforms for offences against the person, and current sentencing.

For P5, identification of relevant sentences for specific offences is needed. This is developed into M3, where a scenario could be used to link M2 and M3, and focus specifically on non-fatal offence sentences.

The assessment criteria require learners to apply the legal rules in a practical manner. In some circumstances it may be desirable to give learners a suitable case study and relevant documents upon which to base the assessment. In this situation care should be taken to ensure that the case study has been developed in sufficient detail to mirror the complexities of a real-life scenario.

Programme of suggested assignments

The table below shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the assessment and grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, P2, M1, D1	Negligence	Working in a solicitor's office giving advice on application of law on negligence to a scenario, requiring case examples.	Report.
P3, M2, D2	Elements of Crime	Working in a solicitor's office giving advice on application of <i>mens rea</i> and <i>actus reus</i> to various scenarios.	Report.
P4, M3, D2	Non-fatal Offences	Working in a solicitor's office giving advice on application of relevant law to scenarios.	Report.
P5, M4	Sentencing	Working in a solicitor's office giving advice on application of rules to scenarios.	Report.

Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the BTEC Applied Law sector suite. This unit has links with all the other units of this specification.

This unit also links to the National Occupational Standards for Legal Advice Units 1, 2, 5, 6, 9, 11, 12, 13, 14, 19 and 31.

Essential resources

For this unit learners should have access to a suitable business teaching environment with access to the internet to do research. Tutors may consider building a bank of resource materials to ensure there is a sufficient supply of relevant information across a range of business types and sectors.

Learners should have access to a learning resource centre with a good range of legal text and case books. Additional resources to support learners include statutes and law reports.

Employer engagement and vocational contexts

Centres should develop links with local lawyers, courts and the Crown Prosecution Service. Local businesses are often willing to provide work placements, information about businesses and the local business context, visiting speakers and allow learners to visit.

Indicative reading for learners

Textbooks

Elliot C and Quinn F – *AS Law* (Longman, 2008) ISBN 1405836180

Elliot C and Quinn F – *Criminal Law, 7th Edition* (Pearson Longman, 2008) ISBN 1405858710

Elliott C and Quinn F – *Tort Law* (Longman, 2007) ISBN 1405846720

Martin J – *AQA Law for AS* (Hodder Arnold, 2008) ISBN 0340965134

Russell S – *A2 Law for AQA* (Pearson Longman, 2006) ISBN 1405807415

Turner C – *Tort Law (Key facts), 3rd Edition* (Hodder Arnold, 2008) ISBN 0340966874

Journals

New Law Journal (Butterworths/LexisNexis Direct/Reed Elsevier (UK) Limited)

Student Law Review (Cavendish)

The Times – especially *Law Times* on Tuesdays

Newspapers

Quality newspapers – especially the law sections

Websites

www.baillii.org

British and Irish Legal Information Institute

www.barcouncil.org.uk

The Bar Council

www.braininjury.co.uk/default.ihtml?step=4&pid=11

Information regarding personal injury claims

www.cedr.co.uk

Centre for Effective Dispute Resolution

www.city.londonmet.ac.uk/~shlane

One of a number of academic websites that have publicly accessible and up-to-date legal resources and links

www.judiciary.gov.uk

Information regarding the work of judges, magistrates and tribunal members in England and Wales

www.lawcosts-uk.com/library/abrew.html

Sample case report

www.lawreports.co.uk

The Incorporated Council of Law Reporting for England and Wales

www.lawteacher.net/TortPages

Free lecture notes, case notes, statutes and web resources

www.swarb.co.uk

One of a number of firms of solicitors and barristers chambers that have publicly accessible and up-to-date legal resources and links

Broadcasts

Just Desserts – BBC Programme Number: LRPR980X: The second of two documentaries on the morality of punishment. Can a punishment ever fit the crime, or simply the mood of the time? The programme looks at some of the more optimistic prison ideals which failed to halt the rise in crime.

Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
Independent enquirers	investigating criminal and tort legal principles and cases
Creative thinkers	generating ideas about the application of legal principles to factual situations
Reflective learners	reflecting on the law
Self-managers	organising time and resources and prioritising actions when working on their own or in a group.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the different legal principles and relevant case law
Creative thinkers	looking at how different principles of law fit together and can be applied to real life situations
Reflective learners	setting goals with success criteria for researching law inviting feedback on their own work and dealing positively with praise, setbacks and criticism evaluating their experiences and learning to inform future progress
Team workers	working in a group to discuss ideas and prepare materials for presentations taking responsibility for their own role managing activities to reach agreements and achieve results
Self-managers	seeking out challenges or new responsibilities and showing flexibility when priorities change dealing with competing pressures, including personal and work-related demands responding positively to change, seeking advice and support when needed
Effective participators	taking part in group activities, working with colleagues.

● Functional Skills – Level 2

Skill	When learners are ...
ICT – Use ICT systems	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	researching legal principles and cases
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	tabulating information about cases
Manage information storage to enable efficient retrieval	
Follow and understand the need for safety and security practices	
Troubleshoot	
ICT – Find and select information	
Select and use a variety of sources of information independently for a complex task	finding illustrative materials for presentations and tabulations about legal cases creating diagrams, presentations and tabulations
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	exploring, extracting and assessing the relevance of information from websites about law
ICT – Develop, present and communicate information	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> • text and tables • images • numbers • records 	bringing together a variety of materials gathered through research preparing information to present to others about law
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	communicating with other members of a group

Skill	When learners are ...
Mathematics	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
English	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	<p>doing group work investigating law and legal cases</p> <p>working with others in investigating law (colleagues, tutors, classmates)</p> <p>making presentations about law</p>
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	<p>reading about law</p> <p>reading about legal cases to obtain data to facilitate the making of comparisons between cases and crimes</p>
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively.	<p>writing materials to provide information about law.</p>

Unit 4: Unlawful Homicide and Police Powers

Unit Code:	H/600/6161
QCF Level 3:	BTEC National
Credit value:	10
Guided learning hours:	60

● Aim and purpose

The aim of this unit is to give learners skills to apply the law on murder, an understanding of the law on manslaughter, together with knowledge of police powers with respect to arrest and detention.

● Unit introduction

This unit provides learners with knowledge and understanding of two aspects of the law. The first is an introduction to homicide – the killing of a human being.

Some homicide is lawful, for example during a wartime military operation, but this unit is concerned with examples of unlawful homicide. There are three kinds of unlawful homicide or fatal offences against the person – murder, voluntary manslaughter and involuntary manslaughter. Learners will explore the necessary elements of these crimes and the differences between murder and manslaughter, including the concept of malice aforethought. Learners will then consider current case law and statutes, defences and proposals for reform of the law.

The second aspect of the law aims to introduce learners to police powers in relation to the arrest, detention and questioning of those suspected of committing a criminal offence, and the rights of those suspects. The unit considers how police officers carry out a legal arrest, the general arrest conditions and the consequences of these not being met. Learners will look at the time limits for detention and how these may be extended, the conduct of police interviews and the rights of a detained person while in police custody. This area of the law is largely governed by the Police and Criminal Evidence Act 1984 and the codes of practice made under that Act.

The unit entitled *Aspects of Legal Liability* should be completed prior to commencement of this unit.

● Learning outcomes

On completion of this unit a learner should:

- 1 Be able to apply the law on murder
- 2 Understand the law on voluntary manslaughter
- 3 Understand the law on involuntary manslaughter
- 4 Know the regulations regarding the detention of suspected offenders.

Unit content

1 Be able to apply the law on murder

Murder: actus reus; meaning; human being; death; causation both factual and legal; application of relevant case law

Murder: mens rea; meaning; direct and indirect intention; foresight; application of relevant case law

Murder: criticisms and proposals for reform

2 Understand the law on voluntary manslaughter

Provocation: subjective and objective tests; relevant case law

Diminished responsibility: abnormality of the mind; relevant case law

Voluntary manslaughter: criticisms and proposals for reform

3 Understand the law on involuntary manslaughter

Unlawful and dangerous act: *actus reus* including causation; *mens rea*; relevant case law; criticism and reform

Gross negligence: *actus reus* including causation; *mens rea* relevant case law

Involuntary manslaughter: criticisms and proposals for reform

4 Know the regulations regarding the detention of suspected offenders

Arrest with or without warrant: without by police and private citizen; reasonable grounds for suspicion; arrest with a warrant

Other statutory rights of arrest: arrest as a preventative measure; breach of the peace; public order offences

Time limits: explanation of time limits and extensions

Rights of a detained person: right to have someone informed; right to legal advice; right to silence; DNA and other samples

Police interviews: tape recording; rights of interviewee; appropriate adult; right to silence; searches; fingerprints and body samples; codes of practice

Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
P1 apply the <i>actus reus</i> and <i>mens rea</i> of murder in given situations [IE]	M1 analyse the law on murder in given situations	D1 evaluate the law on murder, voluntary manslaughter and involuntary manslaughter
P2 explain the law on voluntary manslaughter [IE]	M2 apply the law on voluntary manslaughter in given situations	
P3 explain the law on involuntary manslaughter [IE]	M3 apply the law on involuntary manslaughter in given situations.	
P4 describe the regulations regarding the detention of suspected offenders. [RL]		D2 evaluate the regulations on arrest and detention of offenders.

PLTS: This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

Key	IE – independent enquirers	RL – reflective learners	SM – self-managers
	CT – creative thinkers	TW – team workers	EP – effective participators

Essential guidance for tutors

Delivery

The unit entitled *Aspects of Legal Liability* should be completed prior to commencement of this unit.

Successful delivery of this unit requires an explanation of key terms and offences which will be developed through application to relevant case studies, textbooks and web-based resources. Live cases reported in the news can be used to add a contemporary element, as well as an existing precedent, to illustrate the complexities of criminal cases.

To understand the elements of the crimes, the learners need to explore the concepts of *mens rea* and *actus reus* (including causation) and be able to identify these elements in relation to specific offences and consider whether there are possible arguments arising from the evidence.

When exploring homicide offences learners should identify the elements which differentiate particular forms of offence and the partial defences. There is a need to consider what may result in a conviction for manslaughter rather than murder. In addition learners should also understand that the criminal law is not static and as such they need to be aware of developments within this area as well as proposals for reform which will provide material for evaluating the law.

Learners will also benefit from visits to courts in the local area. Magistrates, solicitors and barristers and the police could be invited to talk to groups of learners. This will help understand the treatment of detained persons.

Given the nature of the assessment, learners need to become confident on the use of authorities to justify their arguments. They will need to be able extract the key principle of a case, rather than repeat the facts. The use of cases in the analysis of problems is a skill that needs to be developed. It is for this reason that it is suggested that an apparently disproportionate amount of time is spent on murder.

It is also very important that learners understand the legal principles, and do not just copy verbatim from textbooks. The best way to avoid this is to ensure that they display their knowledge and understanding by application to case studies and scenarios.

Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and assessment
Introduction to unit content and basic legal terminology
The framework of homicide
The law and application of the law of murder to problem scenarios; how to tackle problem scenarios
Research on homicide
Group work on homicide
Court visit to Crown court
Assignment 1: Homicide
The law and application of the law of the partial defence of provocation to problem scenarios
Research on voluntary manslaughter
Group work on voluntary manslaughter
Assignment 2: Voluntary Manslaughter
The law and application of the law of the partial defence of diminished responsibility to problem scenarios
Research on involuntary manslaughter
Group work on involuntary manslaughter
Assignment 3: Involuntary Manslaughter
Regulations for arrest and detention
The treatment of a suspect and the collection of evidence
Research and group work on arrest and detention
Assignment 4: Arrest and Detention
Evaluation of the law on homicide generally and assignment work
Non-supervised individual study time and completion of assignments
Tutorial support for assignment evidence and feedback

Assessment

The assessment criteria require learners to apply the legal rules in a practical manner. In this situation care should be taken to ensure that the case study has been developed in sufficient detail to mirror the complexities of the decided cases.

To evidence understanding of different areas of criminal law, learners will produce and present information and research, which may be done through individual work. An explanation of the elements of each crime could be presented as a simple, theoretical explanation of the *mens rea* and *actus reus*. The analysis of the crime involved in the scenarios requires a focus on the key issues rather than a detailed expansion of what is obviously not in issue. Thus where the defendant shoots and kills the victim there are no apparent causation issues and these do not need to be considered. If, however, the victim was merely wounded but then suffered exceedingly bad medical treatment, causation should be addressed.

Learners may demonstrate a good understanding of specific offences to achieve a pass grade but for the higher grades they must apply the law accurately and for distinction grades also evaluate the required elements for those crimes.

For P1 learners need to explain and apply the constituent elements needed for *actus reus* and *mens rea* of murder to given scenarios or case law examples.

For P2, learners need to describe the constituent elements needed to explain the law on voluntary manslaughter – and use case law examples to explain the operation of the Homicide Act 1957. This can be in the context of a given scenario with P1 above.

For P3, learners need to describe the constituent elements needed to explain the law on involuntary manslaughter – and use case law examples to explain the operation of the law. The contexts will necessarily be different to those for P1 and P2.

For P4, learners need to describe the regulations regarding the detention of suspected offenders. This should include some examples of the operation in practice of rights on arrest, detention and interview. This is best done through a production of a presentation or perhaps the preparation of an explanatory leaflet.

For the merit grades, the application of the law will be in the learners own words, showing understanding and selection of the appropriate law and cases for application, not just reproduction of information from textbooks.

For D1, the evaluation required should also look at reforms needed and criticisms of current law.

For D2, the evaluation of the treatment of detained persons should reflect on the effectiveness of the processes involved.

Programme of suggested assignments

The table below shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the assessment and grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, P2, M1, D1	Homicide	Working in a solicitor's office you advise on various situations involving potential murder charges.	Report.
P3, M2, D1	Voluntary Manslaughter	Working in a solicitor's office you advise on various situations involving potential murder/ manslaughter charges.	Report.
P4, M3, D1	Involuntary Manslaughter	Working in a solicitor's office you advise on various situations involving potential manslaughter charges.	Report.
P5, D2	Arrest and Detention	Working in a solicitor's office you advise on arrest and detention to those in a bail hostel to remind them of their rights.	Presentation.

Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the BTEC Applied Law sector suite. This unit has particular links with the following unit titles in the Applied Law suite:

Level 3
Dispute Solving in the Legal System
Understanding Law Making
Aspects of Legal Liability

Essential resources

For this unit learners should have access to a suitable teaching environment with access to the internet to do research. Tutors may consider building a bank of resource materials to ensure there is a sufficient supply of relevant information.

Learners should have access to a learning resource centre with a good range of legal text and case books. Additional resources to support learners include statutes and law reports.

Past A level papers provide a good source of scenarios and case study materials.

Learners can generate evidence from a work placement or from work experience.

Employer engagement and vocational contexts

Centres should develop links with local businesses such as solicitors offices, barristers chambers, any local court offices, the Citizens Advice Bureau and the legal department in the local authority. Many large businesses also have legal departments and Chambers of Commerce want to promote local business and are often willing to provide work placements, information about businesses and the local business context, visiting speakers and allow learners to visit.

Indicative reading for learners

Textbooks

Most law textbooks are technical. It is recommended that learners use aspects that are contained in AS and A2 law books such as:

Elliot C and Quinn F – *Criminal Law, 7th Edition* (Pearson Longman, 2008) ISBN 1405858710

Martin J – *AS Law* (Hodder Arnold, 2008) ISBN 0340965134

Martin J and Lanser J – *AQA Law for A2* (Hodder Arnold, 2008) ISBN 0340973641

Wortley C et al – *A2 Law* (Nelson Thornes, 2009) ISBN 0748798668

Websites

www.accesstolaw.com

www.a-level-law.com/caselibrary

www.cjsonlinegov.uk

www.hmcourts-service.gov.uk

www.hms0.gov.uk/acts/acts2001.htm

www.homeoffice.gov.uk

Legal resources

UK Resources: law links for cases

The Criminal Justice System for England and Wales

Her Majesty's Courts Service

Public Acts of the UK Parliament

Home Office site with many downloadable resources

Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the different offences planning and carrying out research into the treatment of detained persons
Reflective learners	considering the treatment of detained persons evaluating the operation of the law on unlawful homicide.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the different offences planning and carrying out research into the treatment of detained persons
Reflective learner	considering the treatment of detained persons evaluating the operation of the law on unlawful homicide
Creative thinkers	generating ideas and exploring the treatment of detained persons balancing the rights of victims and society generally with those of detained persons and offenders
Team workers	working in a group to research and discuss the law taking responsibility for their own role in a group managing activities to share found data and achieve results
Self-managers	dealing with competing pressures, including personal and work-related demands to complete tasks on time
Effective Participator	taking part in group activities, working with colleagues, supervisors and managers.

● Functional Skills – Level 2

Skill	When learners are ...
ICT – Use ICT systems	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	
Manage information storage to enable efficient retrieval	storing downloaded and summarised data for the different offences
Follow and understand the need for safety and security practices	
Troubleshoot	
ICT – Find and select information	
Select and use a variety of sources of information independently for a complex task	researching legal cases
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	ensuring accuracy of the law and appropriate detail is retained ensuring that English law is being researched
ICT – Develop, present and communicate information	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> • text and tables • images • numbers • records 	
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	completing the various tasks in the assignments
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	

Skill	When learners are ...
Mathematics	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
English	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	presenting materials in the assignments hearing peer and other presentations
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	researching cases
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively.	solving legal problems in the assignments.



Unit 5: Aspects of Property Offences and Police Powers

Unit code:	K/600/6162
QCF Level 3:	BTEC National
Credit value:	10
Guided learning hours:	60

● Aim and purpose

The aim of this unit is to give learners knowledge, understanding and skills in the law relating to property offences, fraud, criminal damage, and police search powers.

● Unit introduction

In this unit a range of property offences are investigated, together with some defences and their effects. The first group of offences relate to theft, robbery (effectively theft with violence) and burglary (which involves theft or other offences in a building). The detailed definitions of these offences given in the Theft Act 1968 are considered.

The second group of offences relate to fraud under the Fraud Act 2006. This limited range concentrates on offences that have been brought into the new 2006 Act. Also considered are those offences under the Criminal Damage Act 1971. The distinction between basic criminal damage and criminal damage with intent to endanger life is examined. Arson is also examined.

Learners will also investigate police powers regarding the searching of people and premises. This covers regulations regarding the stop and search of people and the entry into premises, both with and without a warrant. Learners will also consider the consequences of unlawful entry and searches.

The underlying principles of criminal law such as *actus reus*, *mens rea* and causation contained in the unit *Aspects of Legal Liability* are assumed to be understood. Therefore, that unit should be completed prior to commencement of this unit.

● Learning outcomes

On completion of this unit a learner should:

- 1 Be able to apply the law on theft, robbery and burglary
- 2 Know the elements of fraud
- 3 Understand the law on criminal damage
- 4 Understand the regulations regarding the powers of search of people and premises.

Unit content

1 Be able to apply the law on theft, robbery and burglary

Theft: Theft Act 1968 s1-6. *actus reus* – appropriation; property; belonging to another; *mens rea* – dishonesty; intention to permanently deprive

Robbery: Theft Act 1968 s8. Theft with use or threat of force

Burglary: Theft Act 1968 s9 (1) (a) and (b). Burglary in dwellings and other buildings

2 Know the elements of fraud

Fraud: Fraud Act 2006 s2 and 11. Fraud by false representation; obtaining services dishonestly

3 Understand the law on criminal damage

Criminal damage: Criminal Damage Act 1971 s1. Criminal damage; criminal damage with intent to endanger life; arson

4 Understand the regulations regarding the powers of search of people and premises

Stop and search: people and vehicles in a 'public place'; reasonable grounds; prohibited articles; procedures followed

Searching an arrested person: police right of search on arrest; time limits

Searching premises: search warrants; requirements of a warrant; powers to enter premises without a warrant; seizing of goods

Unlawful entry and searches: remedies for those affected

Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
P1 apply the law with respect to theft, robbery and burglary in given situations [IE]	M1 analyse the law on theft, robbery and burglary in a given scenario providing a reasoned conclusion	D1 evaluate the current law for the crimes of theft, robbery, burglary, fraud and criminal damage. [RL]
P2 describe the law with respect to fraud in given situations [IE]		
P3 explain the law with respect to criminal damage in given situations [IE]	M2 apply the law on fraud and criminal damage in given scenarios coming to a reasoned conclusion.	
P4 explain the powers of search of people and premises. [RL]		

PLTS: This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

Key	IE – independent enquirers CT – creative thinkers	RL – reflective learners TW – team workers	SM – self-managers EP – effective participators
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Essential guidance for tutors

Delivery

This unit examines the underlying law relevant to a range of property offences and requires application of the law to simple problem situations. The law needs to be studied from a technical viewpoint. For each offence, the *actus reus* and *mens rea* needs to be explained by reference to decided cases or the underlying act of Parliament. The cases mentioned in this section are not meant to be prescriptive or limiting.

The law on searches is quite complex and needs to be limited to searches by the police with an idea of others who have a right to enter premises to be considered in outline only.

The starting point for the first learning outcome is the Theft Act 1968. Whilst the elements of theft are detailed in Sections 1 to 6 of the Act, the interpretation of these sections by the courts is central. In particular, aspects such as appropriation, property and dishonesty need detailed examination. Cases such as *Gomez*, *Hinks*, *Oxford v Moss* and *Ghosh* will need analysing so that the principles can be explained, applied and evaluated. The offence of robbery will cover cases such as *Robinson and Hale*. When looking at burglary a clear distinction will need to be made between Sections 9(1) (a) and (b).

There is little case law as yet on the Fraud Act 2006 and is limited to Sections 2 and 11 of the Act. However, as cases do arise to help interpretation of the act, they will need analysis. This part of the unit is likely to be particularly dynamic. History and previous law may be investigated to help evaluate the current law.

Criminal damage is relatively straightforward now that the *mens rea* includes subjective rather than objective recklessness. The key area for analysis is the idea of 'without lawful excuse' together with cases such as *Jaggard v Dickinson*.

Whilst the law has some complex issues to investigate, it is also essential that learners develop their legal problem-solving skills. This will involve distinguishing between applying the law and merely making an assertion.

Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and assessment
Introduction to unit content and basic legal terminology
The framework of property offences
The law and application of the law of theft to problem scenarios; how to tackle problem scenarios
Research on theft, burglary and robbery
Group work on theft, burglary and robbery
Visit to Crown Court
Assignment 1: Theft, Robbery and Burglary
The law and application of the law of fraud to problem scenarios
Research on fraud
Group work on fraud

Topic and suggested assignments/activities and assessment
Assignment 2: Fraud
The law and application of the law of criminal damage to problem scenarios
Research on criminal damage
Group work on criminal damage
Assignment 3: Criminal Damage
Regulations for searches
The treatment of a suspect and his property during a search
Research and group work on searches
Assignment 4: Searches
Evaluation of the law on property offences generally and assignment work
Non-supervised individual study time and completion of assignments
Tutorial support for assignment evidence and feedback

Assessment

It is anticipated that this unit will be assessed through a number of case studies or scenarios that will allow the learner to demonstrate their competence. It is suggested that a number of smaller assessments are used that develop the criteria sequentially. For example, a problem involving theft and robbery might then have a modified version to take into account a defence – ‘in scenario X, discuss whether your answer would differ if defendant Y was drunk at the time of the incident’. This will enable assignments and tasks to be constructed with interim deadlines.

The pass criteria are partly descriptive and partly selective in that the learner needs to have identified the correct areas of law that should be discussed in the scenarios. The law should then be outlined in the learner’s own words. Assessors need to be particularly vigilant for cut and paste of available material on the internet and ensure that terms are described, preferably by reference to decided cases.

For P1, learners must be able to explain and apply (using decided cases as authority) the relevant law for each of the offences, including both types of burglary. They must also be able to identify each type of offence from a given scenario and correctly apply the right offence. This applies equally to P2 and P3.

P4 requires a description of the relevant regulations for lawful search of people and premises; again a scenario would be useful to show application of the relevant law.

The merit criteria build on the pass criteria by requiring analysis and accurate application of the law relating to each of the offences in given scenarios. The completed assessment must accurately apply the law for each offence.

The distinction criterion requires an evaluation of the current law, which should include an analysis and evaluation of the offences with particular attention to *mens rea*, statutes, and development of case law. Conclusions as to the state of the current law, or necessary changes would also be appropriate.

Programme of suggested assignments

The table below shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the assessment and grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, M1, D1 (part)	Theft, Robbery and Burglary	Working in a solicitor's office you give advice on the application of the law on theft, robbery and burglary.	Report.
P2, M2 (part), D1 (part)	Fraud	Working in a solicitor's office you give advice on the law of fraud in relation to scenarios.	Report.
P3, M2 (part), D1 (part)	Criminal Damage	Working in a solicitor's office you give advice on criminal damage in relation to scenarios.	Report.
P4	Searches	Presentation of information about rights with respect to searches.	Presentation.

Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the BTEC Applied Law sector suite. This unit has particular links with the following unit titles in the Applied Law suite.

Level 3
Dispute Solving in the Legal System
Understanding Law Making
Aspects of Legal Liability

Essential resources

For this unit learners should have access to a suitable teaching environment with access to the internet to do research. Tutors may consider building a bank of resource materials to ensure there is a sufficient supply of relevant information.

Learners should have access to a learning resource centre with a good range of legal text and case books. Additional resources to support learners include statutes and law reports.

Learners can generate evidence from a work placement or from work experience.

Employer engagement and vocational contexts

Centres should develop links with local businesses such as solicitor's offices, barrister's chambers, any local court offices, the Citizens Advice Bureau and the legal department in the local authority. Many large businesses also have legal departments and Chambers of Commerce want to promote local business and are often willing to provide work placements, information about businesses and the local business context, visiting speakers and allow learners to visit.

Indicative reading for learners

Textbooks

Most law textbooks are technical. It is recommended that learners use aspects that are contained in AS and A2 law books such as:

Elliot C and Quinn F – *Criminal Law, 7th Edition* (Pearson Longman, 2008) ISBN 1405858710

Martin J and Lanser D – *AQA Law for A2* (Hodder Arnold, 2008) ISBN 0340973641

Wortley et al – *A2 Law* (Nelson Thornes, 2009) ISBN 0748798668

Websites

www.accesstolaw.com

www.a-level-law.com/caselibrary

www.cjsonlinegov.uk

www.hmcourts-servicegov.uk

www.hmso.gov.uk/acts/acts2001.htm

www.homeofficegov.uk

Legal resources

UK Resources: Law links for cases

The Criminal Justice System for England and Wales

Her Majesty's Courts Service

Public Acts of the UK Parliament

Home Office site with many downloadable resources

Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the different offences planning and carrying out research into the use of searches
Reflective learners	evaluating the operation of the law.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
Creative thinkers	generating ideas and exploring the way searches are conducted balancing the rights of individuals and society generally with the right to search
Team workers	working in a group to research and discuss the law taking responsibility for their own role in a group managing activities to share found data and achieve results
Self-managers	dealing with competing pressures, including personal and work-related demands to complete tasks on time
Effective participators	discussing the effectiveness of the law.

● Functional Skills – Level 2

Skill	When learners are ...
ICT – Use ICT systems	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	
Manage information storage to enable efficient retrieval	storing downloaded and summarised data for the different offences
Follow and understand the need for safety and security practices	
Troubleshoot	
ICT – Find and select information	
Select and use a variety of sources of information independently for a complex task	researching legal cases
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	ensuring accuracy of the law and appropriate detail is retained ensuring that English law is being researched
ICT – Develop, present and communicate information	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> • text and tables • images • numbers • records 	
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	completing the various tasks in the assignments
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	

Skill	When learners are ...
Mathematics	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
English	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	presenting materials in the assignments hearing peer and other presentations
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	researching cases
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively.	solving legal problems in the assignments.

Unit 6: Contract Law

Unit code:	M/600/6163
QCF Level 3:	BTEC National
Credit value:	10
Guided learning hours:	60

● Aim and purpose

The aim of this unit is to provide learners with knowledge, understanding and skills relating to the law of contract, so that the legal effect of each stage from negotiation through to final agreement is understood, together with remedies if the contract is not carried out satisfactorily.

● Unit introduction

All parties involved in a contract need to know the exact terms of that contract, so that their rights and obligations are clearly understood.

Learners will consider the rules governing contracts from formation through to completion. On the issue of formation, learners need to know exactly when a contract and its obligations become legal. Often one party believes there is a contract when there isn't, and vice versa. Sometimes one party to the contract will make incorrect statements about the subject matter. These statements may be a misrepresentation which could give rise to remedies including ending the contract. The law on misrepresentation is explored through the unit together with an outline of other matters that might make a contract voidable or void.

Every contract has terms. These may be expressly agreed by the parties to the contract or may be implied by law. It is central to the unit that learners understand the meaning of terms in a contract. This is done by examining the use of common terms such, as time for performance, rejection of goods supplied, price variation and reservation of title clauses. These need to be understood and their validity and effect examined.

Exclusion clauses that attempt to remove all (or some) liability for one party's breach of contract are a common part of written contracts. However, such terms often have no legal effect as the law tries to balance freedom of contract with protection of the weaker party. Finally, discharge and remedies for breach of contract are considered.

● Learning outcomes

On completion of this unit a learner should:

- 1 Be able to apply the requirements for the formation of a valid contract
- 2 Understand different types of contract terms
- 3 Understand the vitiating factors to a contract
- 4 Know how to discharge a contract using appropriate remedies.

Unit content

1 Be able to apply the requirements for the formation of a valid contract

Contracts: definition; types; formation; verbal, written, standard form

Formation of contract: invitations to treat; offers; counter-offers; communication of offers; acceptance; consideration and the Contracts (Rights of Third Parties) Act 1999; capacity; relevant case law

2 Understand different types of contract terms

Types of term: express, implied; distinction between express and implied; conditions; warranties; innominate terms; relevant case law

Exclusion clauses: outline of common law and statutory approaches to exclusion clauses

Impact of contractual terms: time for performance and rejection of goods; price variation; payment terms; quality and quantity of goods delivered; reservation of title; use of such terms in standard form contracts; relevant case law

3 Understand the vitiating factors to a contract

Factors that invalidate/vitiate a contract: misrepresentation; other vitiating factors in outline only – mistake, duress, undue influence; relevant case law

4 Know how to discharge a contract using appropriate remedies

Discharge: performance; frustration; breach; relevant case law

Remedies: damages – liquidated and unliquidated; mitigation of loss; rescission; rejection of goods; action under a reservation of title clause; injunctions; specific performance

Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
P1 describe the difference between invitations to treat and offers in the law of contract [IE]		D1 evaluate the law on formation of contract in the context of modern methods of communication
P2 apply the law on formation of contract to a given situation [CT]		
P3 describe different types of term in a contract	M1 analyse the terms in a standard form contract explaining their validity	
P4 explain the effect of a range of terms found in standard form contracts [RL, SM]		
P5 explain the meaning and effect of misrepresentation on a contract	M2 analyse the importance of the other vitiating factors to a contract	D2 apply the law on breach of contract suggesting relevant remedies to a given situation.
P6 describe the different forms of discharge of contract.	M3 explain the remedies available for discharge of contract.	

PLTS: This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

Key	IE – independent enquirers	RL – reflective learners	SM – self-managers
	CT – creative thinkers	TW – team workers	EP – effective participators

Essential guidance for tutors

Delivery

This unit introduces the basic concepts of contract law as well as the application of the law to simple problem situations. Learners have the opportunity to understand how the law of contract affects standard form contracts which are widely used in business. The aim is to make learners aware of the way in which contracts are formed and the rights and remedies that flow from a contract.

The law needs to be studied from a technical viewpoint. Thus, offer and acceptance can be examined through cases, extracting the way in which distinctions between invitation, offer and counter-offer are made and applying the rules to everyday situations. This will inevitably lead to a discussion of the relevance and effect of law developed in the nineteenth century to the modern world.

The effect of pre-contractual discussions and data should be covered. Following on from this the validity of a contract and the distinction between void and voidable contracts and the effect and remedies available should be considered.

The negotiations leading to the formation of the contract will have established the terms of that contract. These terms need to be put in the context of the types of term that exist in a contract. A range of terms need to be examined in the context of real contracts used by businesses. Nearly all businesses with an internet presence have their standard conditions of trading published. Also, many invoices have conditions of trading printed on the reverse. These contract terms can then be used to explain the types of term used and the meaning and effect of typical categories of term, such as a price variation term.

Once the meaning of the terms is established, learners should discuss the reasons for their inclusion and the effect they have on the parties to the contract. Key terms will include reservation of title clauses, price variation clauses, clauses with respect to time, quantity and quality of delivery, notification of defects and payment details. Many of these terms will be exclusion clauses and this will lead to an outline examination of the law in this area, again looking at the effect on the business inserting the clause and the consumer and businesses being affected by the clause.

The final area is discharge of contract and the remedies available where the contract has been ended in a manner unsatisfactory to one of the parties. Learners need to understand the difference between damages and equitable remedies. Throughout this unit, the law has been set out at the time of writing. Given the dynamic nature of law, tutors need to ensure that the up-to-date equivalent is being considered. A 12-month time lag is usually allowable.

Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and assessment
Introduction to unit and programme
Input and group discussions on contracts
Group activities visiting small claims, county, high courts
Researching breach of contract cases from local and national papers, and which courts dealt with them – whole group
Group activity – role play either Citizens Advice scenario, or mock trial enforcing learning and understanding of rules of offer, acceptance, consideration and capacity
Assignment 1: Formation of Contracts
Case studies of legal cases – small-group exercises
Group activity – visit to local Citizens Advice Bureau
Group activity – visit of speakers, eg solicitor/trading standards officer/Citizens Advice officer
Group activity research on shops and their standard form contracts and terms
Group activity – internet research on standard form contracts and terms
Assignment 2: Terms and Standard Form Contracts
Group work on misrepresentation
Group work on vitiating factors
Assignment 3: Misrepresentation and Vitiating Factors
Group work on discharge and remedies
Role play on discharge and remedies
Assignment 4: Discharge and Remedies
Tutorial support and feedback

Assessment

Assessment can be carried out by completing one assignment that can be broken down into a series of tasks that help assessors decide on achievement of the individual criteria, or through a series of assignments.

Whichever approach is taken, each task should be given a deadline so that learners cannot only plan their workload, but also have time to appreciate how the law of contract is a whole with easily identifiable parts. Using real contracts will help learners to understand the importance of contract law in everyday life to both consumers and businesses.

An appropriate contract that can be used in the assignment (for the standard term section), should be decided on early in the study of the unit so it can be used to illustrate the effect of the legal principles studied in theory. The problems that learners are expected to solve should be relatively straightforward and ensure demonstration of underlying principles rather than arcane legal points. Tasks on formation, misrepresentation and discharge can use topical real-life examples, decided cases, or suitable hypothetical scenarios.

Whichever approach is taken, learners should be able to show understanding of the law, and apply relevant decided cases or statutes, not just copy large chunks of information from text books or the web, without really understanding the application and effect of the law.

Some of the pass criteria are descriptive, but should be explained in the learner's own words. Assessors need to be particularly vigilant for 'cut and paste' of material available on the internet and ensure that terms are explained and exemplified, preferably by reference to decided cases.

For P1, learners must describe when (and therefore how) an offer is recognised by the law for a contract to come into existence. This will require an understanding of the law relating to invitations to treat, their difference from offers, and which party makes the offer, or any counter-offers, together with examples.

For P2, learners should apply the law on whether a contract has been formed, to a set of facts. This will include the application of the law on acceptance, consideration and capacity, and a decision on whether there is a contract and if not, why not.

Both P1 and P2 can be developed for D1 to include an evaluation of these rules in relation to modern methods of communication, and the impact of these methods on the development of the law of contract.

For P3, the learner will distinguish between a condition and a warranty and look at the meaning and effect of innominate terms and exclusion clauses. Examples of different types of term can be taken from real contracts.

For P4, suitably selected terms in real standard term contracts need to be described as to their meaning and effect. The range of terms is listed of terms in the unit content – those relating to time for performance and rejection of goods; price variation; payment terms; quality and quantity of goods delivered; reservation of title.

For P5, learners need to concentrate on the meaning and effect of misrepresentation.

For P6, the methods of discharge must be described so as to show when discharge has taken place. Thus, when looking at performance, the question needs to be answered as to what amounts to performance. This will link to breach and the material used in P2. The remedies available will be included in M3 and the link can be made between the type of breach and the appropriateness of the remedy, as well as a description of the remedy.

Damages will be considered in some detail. This will include the idea of damages as compensation for loss, and which losses can be claimed and which are too remote. Equitable remedies such as an injunction are less relevant, although brief mention should be made of them in context.

Two of the three merit grade criteria require analysis or application of the law. This is more than mere description or explanation and predicates an understanding of the underlying principles that should have been achieved for the corresponding pass grades.

For M1, learners will analyse the terms in a standard form contract and their validity. This will be developed from the material provided in P3 and P4.

For M2 they will analyse the effect of the other vitiating factors. Only an outline of mistake, duress, undue influence is needed, sufficient to demonstrate understanding of the difference between these types of vitiating factors, and their effect on contracts.

For M3, work carried out for P5 is used in given situations so that learners can conclude with respect to both the availability of a remedy and the most appropriate one. At least two scenarios will be needed to give the requisite breadth.

To achieve the distinction level criteria D1 and D2, learners need to construct arguments to give justified conclusions to given arguments. These should be based on a sound understanding of the principles of law involved and the deficiencies (or otherwise) of the subject matter under discussion.

For D1, an appropriate response will analyse how well the current law deals with contracts made on the internet, by telephone or by text message. This is likely to include a discussion of communication issues and how evidence can be obtained to demonstrate when the contract comes into existence. Arguments made will need to be backed up by reference to existing decisions and material such as that from legal authors and judges.

For D2 leads on from M2 in that the effectiveness of the terms needs to be evaluated from both the point of view of those putting the terms in the contract and seeking to rely on them, and those affected by the terms. This will include a discussion of the effectiveness of the remedies for breach of each of the terms.

Programme of suggested assignments

The table below shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the assessment and grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment Title	Scenario	Assessment Method
P1, P2, D1	Formation of Contracts	Working in a solicitor's office you give advice on whether there a contract or not in given scenarios.	Report.
P3, P4, M1	Terms and Standard Form Contracts	Working in a solicitor's office you give advice on Standard Form Contracts to be used by a business client.	Report on standard form contract and exclusion clauses.
P5, M2	Misrepresentation and Vitiating Factors	Working in a solicitor's office you give advice on misrepresentation and vitiating factors in given scenarios.	Report.
P6, M3, D2	Discharge and Remedies	Working in a solicitor's office you give advice on discharge and remedies in given situations.	Report.

Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the BTEC Applied Law sector suite. This unit has particular links with all the other units in this specification.

The unit links with all the other units in this specification and the following specialist units in the BTEC Nationals in Business:

Level 3

Aspects of Contract and Business Law

This unit also links to National Occupational Standards for Legal Advice Units 1, 2, 5, 6, 9, 11, 12, 36, 47 and 48.

Essential resources

For this unit learners should have access to a suitable teaching environment with access to the internet to do research. Teachers may consider building a bank of resource materials to ensure there is a sufficient supply of relevant information.

Learners should have access to a learning resource centre with a good range of legal text and case books. Additional resources to support learners include statutes and law reports.

Learners can generate evidence from a work placement or from work experience.

Employer engagement and vocational contexts

Centres should develop links with local businesses such as solicitor's offices, barrister's chambers, any local court offices, the Citizens Advice Bureau and the legal department in the local authority. Many large businesses also have legal departments and Chambers of Commerce want to promote local business and are often willing to provide work placements, information about businesses and the local business context, visiting speakers and allow learners to visit.

Indicative reading for learners

Textbooks

Quinn F and Elliott C – *Contract Law* (Longman, 2007) ISBN 1 405887389

Turner C – *Contract Law (Key Facts)* (Hodder Arnold, 2005) ISBN 0340889497

Turner C – *Unlocking Contract Law* (Hodder Arnold, 2007) ISBN 0340941960

Journals

New Law Journal (Butterworths/LexisNexis Direct/Reed Elsevier (UK) Limited)

Student Law Review (Cavendish)

The Times – especially *Law Times* on Tuesdays

Newspapers

Quality newspapers – especially the law sections

Websites

www.a-level-law.com

The English Law Website of Asif Tufal

www.baillii.org

British and Irish Legal Information Institute – access to freely available British and Irish public legal information

www.guardian.co.uk

The Guardian

www.lawreports.co.uk

The Incorporated Council of Law Reporting for England and Wales

www.lawteacher.net

Free lecture notes, case notes, statutes and web resources

www.stbrn.ac.uk/other/depts/law/index.htm St Brendan's Sixth Form College

www.swarb.co.uk/index.shtml

One of a number of firms of solicitors and barristers chambers that have publicly accessible and up-to-date legal resources and links

www.thetimes.co.uk

The Times

Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
Independent enquirers	investigating the law on contract
Creative thinkers	generating ideas about whether a contract exists or not
Reflective learners	reflecting on the impact of law on business situations
Self-managers	organising time and resources and prioritising actions, whether working on their own or in a group.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into contract law
Creative thinkers	considering the use of standard form contracts
Reflective learners	setting goals with success criteria for research, inviting feedback on their own work and dealing positively with praise, setbacks and criticism evaluating their experiences and learning to inform future progress
Team workers	working in a group to discuss ideas and prepare materials for presentations taking responsibility for their own role managing activities to reach agreements and achieve results
Self-managers	seeking out challenges or new responsibilities and showing flexibility when priorities change dealing with competing pressures, including personal and work-related demands responding positively to change, seeking advice and support when needed
Effective participators	taking part in group activities, working with colleagues, supervisors and managers.

● Functional Skills – Level 2

Skill	When learners are ...
ICT – Use ICT systems	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	researching the law on contract
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	tabulating information about standard form contracts and exclusion clauses
Manage information storage to enable efficient retrieval	
Follow and understand the need for safety and security practices	
Troubleshoot	
ICT – Find and select information	
Select and use a variety of sources of information independently for a complex task	finding illustrative materials for presentations and tabulations creating diagrams, presentations and tabulations about contracts
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	exploring, extracting and assessing the relevance of information from websites
ICT – Develop, present and communicate information	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> • text and tables • images • numbers • records 	bringing together a variety of materials gathered through research preparing information to present to others
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	communicating with other members of a group

Skill	When learners are ...
Mathematics	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	using numerical data in relation to remedies
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
English	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	doing group work investigating contracts, their formation, clauses, and breach
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	reading about contracts, obtaining data to facilitate the making of comparisons
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively.	writing materials to provide information producing labelled charts and diagrams showing the structure of contracts, exclusion clauses, and breach.

Unit 7: Consumer Law

Unit code:	T/600/6164
QCF Level 3:	BTEC National
Credit value:	10
Guided learning hours:	60

● Aim and purpose

The aim of this unit is to provide learners with knowledge, understanding and skills relating to how the law operates to protect consumers. Learners will consider how aspects of both civil and criminal law offer protection to consumers.

● Unit introduction

The law has always tried to protect consumers from businesses who try to take advantage of their position and make contracts that are potentially unfair on the individual consumer, who may lack either knowledge or economic power and so are unable to protect themselves. Whilst, historically, the courts did what they could to protect the consumer against outrageous bargains, parliamentary and EU lawmakers have now put specific consumer protection in place.

The statutory consumer protection laws in relation to contracts for the sale and supply of goods and services, both face to face and at a distance, will be studied. The unit is divided into four learning outcomes that deal with different aspects of consumer protection.

The first learning outcome covers the statutory protection on the sale of goods. This is the oldest form of consumer protection and was originally found in the law collected into and (modified by) the Sale of Goods Act 1893. This has been amended and modernised by the Sale of Goods Act 1979 and its subsequent amendments. This act deals with any contract involving the sale of goods. The issues to consider include deciding what is a sale of goods and identifying which parts of the act do not apply to private sales. The operation of terms implied in contracts for the sale of goods are explored.

The second learning outcome is the law relating to supply of goods and services which goes beyond the straightforward sale of goods. Again the implied terms are a key area of study.

The third learning outcome considers how the law protects consumers who are affected by an exclusion clause imposed by a business. This applies to all contracts whether for goods or services.

The final learning outcome investigates a range of other aspects of consumer protection that have been developed and includes both civil and criminal sanctions.

● Learning outcomes

On completion of this unit a learner should:

- 1 Be able to apply the law on the sale of goods
- 2 Understand the law on the supply of goods and services
- 3 Know the law on exclusion clauses
- 4 Know other aspects of the law on consumer protection.

Unit content

1 Be able to apply the law on sale of goods

Sale of goods: definitions of goods; implied terms for title, description, fitness, satisfactory quality; sample under Sale of Goods Act 1979 (as amended); transfer of ownership; remedies; terms included in business standard form contracts; relevant case law and its application

2 Understand the law on supply of goods and services

Supply of goods and services: definitions; implied terms for supply of goods and services, work and materials; implied terms for hire of goods under Supply of Goods and Services Act 1982; remedies; terms included in business standard form contracts; relevant case law and its application

3 Know the law on exclusion clauses

Common law: incorporation; interpretation

Legislation: Unfair Contract Terms Act 1977, Unfair Terms in Consumer Contract Regulations 1994

4 Know other aspects of the law on consumer protection

UK legislation: Consumer Protection Act 1987

EU regulations: The Consumer Protection (Distance Selling) Regulations 2000 (as amended); The Electronic Commerce (EC Directive) Regulations 2002; Consumer Protection from Unfair Trading Regulations 2008

Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
P1 apply the law on the sale of goods showing how consumers are protected in given situations [IE]	M1 analyse the law on consumer protection to situations involving both the sale of goods and supply of services	D1 evaluate the statutory protection given to a consumer in their dealings with a business.
P2 explain how consumers are protected in contracts for the supply of goods and/or services [RL]		
P3 describe how consumers are protected by common law and statutory provisions with respect to the validity of exclusion clauses [IE]	M2 apply the law on consumer protection to situations involving exclusion clauses, distance selling and unfair trading.	
P4 describe other consumer protection legislation from both UK and EU. [IE]		

PLTS: This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

Key	IE – independent enquirers CT – creative thinkers	RL – reflective learners TW – team workers	SM – self-managers EP – effective participators

Essential guidance for tutors

Delivery

This unit provides learners with the opportunity to study the impact of consumer law in the UK. The aim is to make learners aware of their consumer rights and the rights and remedies that flow from a business' failure to comply with the law.

Some law must be studied from a technical viewpoint. Thus, application of The Sale of Goods Act 1979 and the law on exclusion clauses can be best examined through the cases, extracting the way in which the rules apply to everyday consumer situations. This will inevitably lead to a discussion of the battle of the effectiveness of the law, and learners can consider the implications of this for consumers. This method can be extended to cover the other areas of consumer law within the unit.

Study of the range of legislation involved requires a clear understanding of the distinction between contracts of goods, contracts for the provision of services and those involving both goods and services. The unit does not, however, require an examination of the Consumer Credit Acts 1974 and 2006 any related legislation or case law.

Trading Standards may be willing to spend time outlining their role and the salient features of the law to learners, and there is lots of useful material on websites. This is particular appropriate for an investigation of the Consumer Protection from Unfair Trading Regulations 2008. The key to the unit is a consideration of the law to the practical situations that arise in the real world, particularly those within the learner's own experience.

Nearly all businesses publish their standard conditions of trading, and learners need to be aware of these when considering exclusion clauses and distance selling. Once the meaning of the terms is established, learners should discuss the reasons for their inclusion of exclusion clauses and the effect they have on the parties to the contract.

The statutory protection affecting the terms of the contract can then be examined. This can either cover regulations with respect to the requirements of business providers in particular areas, or standard consumer protection. The particular areas will depend on the nature of the contracts chosen, but it is likely that distance selling and e-commerce regulations will be appropriate.

Throughout the unit, learners need to look at the application of the law to achieve more than pass grades.

Throughout the specification the law has been set out at the time of writing. Given the dynamic nature of law, tutors need to ensure that the up-to-date equivalent is being considered. A 12-month time lag is usually allowable.

Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and/assessment
Introduction to unit content and basic legal terminology
The framework of consumer protection
Distinction between civil and criminal law and their differing effects on protection of consumers
Examples of standard form contracts for use in the unit
The law and application of the law of sale of goods to problem scenarios; how to tackle problem scenarios; remedies for breach of a contract for sale of goods
Research on sale of goods
Group work on sale of goods
Assignment 1a: Buying Goods and Services – Sale of Goods
The law and application of the law of sale of goods and services to problem scenarios
Research on sale of goods and services
Group work on sale of goods and services
Assignment 1b: Buying Goods and Services – Sale of Goods and Services
The law and application of the law on exclusion clauses to problem scenarios
Research on exclusion clauses
Group work on exclusion clauses
Assignment 1c: Buying Goods and Services – Exclusion Clauses
EU Regulations and other UK legislation
Research on EU regulations and other UK legislation
Group work on EU regulations and other UK legislation
Visit, presentation and discussion with local trading standards officer
Assignment 2: Consumer Protection Legislation
Evaluation of the law on consumer protection generally and assignment work
Assignment 3: Consumer Protection
Non-supervised individual study time and completion of assignments
Tutorial support for assignment evidence and feedback

Assessment

Assessment can best be carried out by assignments that can be broken down into tasks that help assessors decide on achievement of the individual criterion. Using problem-solving scenarios will help learners understand the importance of consumer law in everyday life from the point of view of both consumers and businesses.

The first assignment task is likely to be producing the outline descriptions of the law required for criteria P1 to P3. These must be in the learners own words which will explain all technical terms. Thus, when outlining the protection given in a sale by sample under the Sale of Goods Act 1979, learners will need to state a situation where there is a sale by sample such as buying cheese from a sample at a stall. Some (or all) of this could be done through a presentation with appropriate back up notes and witness statements, but is equally well done through an analysis of given scenarios that cover sale of goods, services and a combination of the two in the context of contract with written standard form terms and those that are have no written terms such when buying from a shop or a stall on a market or at a fair. This will then cover M1 and parts of M2.

For P1, learners need to explain when the contract is a contract for the sale of goods. This will be followed by an explanation of the consumer protection available, concentrating on sections 12-15 of the Sale of Goods Act 1979. Reference to examples and decided cases is also essential. Learners could produce the evidence for this and/or P2 as a consumer guide.

For P2, learners need to explain when the contract is a contract for the supply of goods and services rather than for the sale of goods. This will be followed by an explanation of the consumer protection available, concentrating on the Supply of Goods and Services Act 1982 sections as to description (s3), satisfactory quality and fitness for purpose (s4), reasonable care and skill (s13), and performance within a reasonable time (s14). Reference to examples and decided cases, where available, is also essential. Learners could produce the evidence for this and/or P1 as a consumer guide.

For P3, learners should give an outline explanation of the common law position with reference to the appropriate case law. This will be followed by an outline of the statutory enhancements to that position.

For P4, the range of legislation considered must include the Consumer Protection Act 1987, The Consumer Protection (Distance Selling) Regulations 2000 (as amended); The Electronic Commerce (EC Directive) Regulations 2002; Consumer Protection from Unfair Trading Regulations 2008.

The two merit grade criteria both require analysis of the law as it is applied. Learners will need to be given realistic situations to analyse including application of all the areas of law dealt with in the pass criteria. It is quite likely that an accurate description of the law as required for the pass criteria will form the basis of the material that underpins the application. Careful wording of the scenarios will enable pass and merit criteria to be covered in the same task. Only the more able learners are likely to apply the law consistently well enough to meet the merit criteria. The evidence needs to be of application and explanation not mere assertion.

To achieve the distinction level criterion learners need to take a view of the whole range of consumer protection law, pointing out its weaknesses and strengths, coming to a reasoned conclusion of the law as it stands at the time of writing. This synoptic view will be clearly expressed and carefully argued.

Programme of suggested assignments

The table below shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the assessment and grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, P2, P3, M1, M2 (part)	Buying Goods and Services	Working in a solicitor's office you give advice on various aspects of sale of goods, services and related exclusion clauses.	Report split into several tasks with hand in dates to match the scheme of work.
P4, M2 (part)	Consumer Protection Legislation	Working in a solicitor's office you give advice on various aspects of consumer protection legislation.	Report.
D1	Evaluation of Consumer Protection	Working in a solicitor's office you give advice on the law from the point of view of a consumer.	Presentation.

Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the BTEC Applied Law sector suite. This unit has particular links with the following unit titles in the Applied Law suite:

Level 3
Dispute Solving in the Legal System
Understanding Law Making
Aspects of Legal Liability
Contract Law

Essential resources

For this unit learners should have access to a suitable business teaching environment with access to the internet to carry out research. Library resources for this unit should concentrate on basic legal reference books. Learner access to newspapers and the internet is important. Tutors may consider building a bank of resource materials to ensure there is a sufficient supply of relevant information across a range of business types and sectors.

Learners can generate evidence from a work placement or work experience. Other learners may have access to information from family owned and run businesses.

Employer engagement and vocational contexts

Centres should develop links with local businesses. Many businesses and Chambers of Commerce want to promote local business and are often willing to provide work placements, visit opportunities, information about businesses and the local business context and visiting speakers.

www.businessbritainuk.co.uk provides information about business in Britain and has extensive links to other business and business news sites.

The Federation of Small Businesses provides information, support and guidance about small businesses in the UK.

Many businesses provide information about themselves. For example, Unilever, found at: www.unilever.co.uk

It is also important to make links with local solicitors, barristers, court offices, Citizens Advice Bureau, trading standards and the legal department of the local authority

Indicative reading for learners

Textbooks

Most law textbooks are very technical. It is recommended that learners use aspects that are contained in AS and A2 law books such as:

Martin J – *Consumer Law (Key Facts)* (Hodder and Stroughton, 2005) ISBN 10 0340887583

Silberstein S – *Consumer Law (Nutshells)* (Sweet and Maxwell, 2007) ISBN 10 0421958901

Wortley et al – *A2 Law* (Nelson Thornes, 2009) ISBN 0748798668

Websites

www.a-level-law.com/caselibrary

UK Resources: Law links for cases

www.baillii.org

British and Irish Legal Information Institute – access to freely available British and Irish public legal Information

www.berr.gov.uk/whatwedo/consumers/buying-selling/ucp

Links and data on consumer protection

www.hms0.gov.uk/acts/acts2001.htm

Public Acts of the UK Parliament

www.lawreports.co.uk

The Incorporated Council of Law Reporting for England and Wales

www.lawteacher.net

Free lecture notes, case notes, statutes and web resources

www.ofl.gov.uk

The Office of Fair Trading

www.swarb.co.uk/index.shtml

One of a number of firms of solicitors and barristers chambers that have publicly accessible and up-to-date legal resources and links

www.tradingstandards.gov.uk

Main site for trading standards and its business advice at www.tradingstandards.gov.uk/advice/advice-business-goodsandservices.cfm

Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the different aspects of consumer protection
Reflective learners	considering the effect of standard form contracts evaluating the operation of the law on consumer protection.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the different types of law
Creative thinkers	generating ideas and exploring the use of standard form contracts balancing the rights of businesses and consumers
Reflective learners	setting goals for researching businesses with success criteria inviting feedback on their own work and dealing positively with praise, setbacks and criticism evaluating their experiences and learning to inform progress
Team workers	working in a group to research and discuss the law taking responsibility for their own role in a group managing activities to share found data and achieve results
Self-managers	dealing with competing pressures, including personal and work-related demands to complete tasks on time
Effective participators	taking part in group activities, working with colleagues, supervisors and managers.

● Functional Skills – Level 2

Skill	When learners are ...
ICT – Use ICT systems	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	
Manage information storage to enable efficient retrieval	storing downloaded and summarised data for the different cases and statutes
Follow and understand the need for safety and security practices	
Troubleshoot	
ICT – Find and select information	
Select and use a variety of sources of information independently for a complex task	researching legal cases and relevant legislation
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	ensuring accuracy of the law and appropriate detail is retained ensuring that English law is being researched
ICT – Develop, present and communicate information	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> • text and tables • images • numbers • records 	
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	completing the various tasks in the assignments
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	

Skill	When learners are ...
Mathematics	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
English	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	completing the various tasks in the assignments
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	completing the various tasks in the assignments
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively.	completing the various tasks in the assignments.



Unit 8: Aspects of the Law of Tort

Unit Code:	A/600/6165
QCF Level 3:	BTEC National
Credit value:	10
Guided learning hours:	60

● Aim and purpose

The aim of this unit is to provide learners with knowledge, understanding and skills in the law of tort. Learners will consider how the law on negligence and nuisance apply, protect people and provide compensation for loss.

● Unit introduction

This unit is designed to build on the material on negligence in *Aspects of Legal Liability*, which should be completed before starting this unit.

This unit considers several areas of the law of tort, including negligence, nuisance, occupiers' liability and the rule in *Rylands v Fletcher*. Each of these areas needs to be understood, applied to problem situations and evaluated in light of the changing nature of the law and of the refining of the principles involved.

There are three specific areas of negligence to be considered – economic loss, negligent misstatements, and psychiatric harm. These areas build on the basic law of negligence that needs to be understood as are the underpinning concepts of duty breach and damage.

Each specific area has developed its own peculiarities. The development of the law over recent years will help to give an overview of the direction the law is taking. It is interesting to compare the results of the statutory approach to occupiers' liability and the subsequent case law, with the common law development of these areas of law.

The final learning outcome looks at the areas of nuisance and the rule in *Rylands v Fletcher*. This is the only area of the unit where the defences need to be considered. The application of the defences is central to the use of land and a full evaluation of the law requires an understanding of these defences. Remedies are also considered.

● Learning outcomes

On completion of this unit a learner should:

- 1 Know the elements of the law on liability for economic loss and negligent misstatements
- 2 Be able to apply the law on negligence for psychiatric harm
- 3 Be able to apply the law on negligence for occupiers' liability
- 4 Know the law on private nuisance.

Unit content

1 Know the elements of the law on liability for economic loss and negligent misstatements

Economic loss: distinguished from economic loss by negligent misstatements

Negligent misstatements: special skills of defendant; knowledge of reliance; reasonable reliance; assumption of responsibility

2 Be able to apply the law on negligence for psychiatric harm

Psychiatric harm: meaning and scope of psychiatric harm; historical development of the law; primary v secondary victims; rescuers; relationship with victim; what amounts to the aftermath; relevant case law

3 Be able to apply the law on negligence for occupiers' liability

Lawful visitors: Occupiers' Liability Act 1957; types of visitor – children, professionals, independent contractors; warnings and the validity of exclusion clauses and notices; relevant case law

Non-visitors: Occupiers' Liability Act 1984; meaning of non-visitor; warnings and the validity of exclusion clauses and notices; defence of consent; relevant case law

4 Know the law on private nuisance

Private nuisance: definition; unreasonableness; locality; malice; who can sue and be sued; defences – statutory authority, prescription; remedies; relevant case law

The rule in Rylands v Fletcher: definition; non-natural use of land; the nature of escape; defences – statutory authority, Act of God, consent; remedies

Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
P1 describe the relevant law on economic loss and negligent misstatements in the framework of negligence [IE]	M1 analyse the law on economic loss, negligent misstatement and psychiatric harm in given scenarios coming to reasoned conclusions	D1 evaluate recent case law on negligence [RL]
P2 apply the relevant law on psychiatric harm in the framework of negligence [IE, RL, CT, SM]		
P3 apply relevant law on occupiers liability in the framework of negligence [IE, RL, CT, SM]	M2 analyse the law on occupiers liability, nuisance and <i>Rylands v Fletcher</i> .	D2 evaluate the defences available in occupiers liability and <i>Rylands v Fletcher</i> .
P4 describe the relevant law and the appropriate defences and remedies applicable to nuisance and the rule in <i>Rylands v Fletcher</i> . [IE]		

PLTS: This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

Key	IE – independent enquirers CT – creative thinkers	RL – reflective learners TW – team workers	SM – self-managers EP – effective participators
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Essential guidance for tutors

Delivery

This unit examines the underlying principles to some of the areas of the law of tort and requires the knowledge and understanding of the law, which can best be done by looking at decided case law, and applying these to simple case study situations. The law needs to be studied from a technical viewpoint, but the principles need to be looked at and discussed, perhaps initially in group research and discussion sessions. For each of the areas, the law needs to be explained by reference to decided cases and any underlying acts of Parliament.

The cases or statutes mentioned in this unit and this section on delivery are not meant to be prescriptive or limiting, but is to be taken as indicative of some of the key cases in existence at the time of writing. It is important that learners have real knowledge and understanding, and do not merely reproduce verbatim chunks of text from textbooks in their portfolio evidence.

The starting point for delivery of this unit is a short review of the underlying concepts to the law of tort and, in particular, negligence. Learning outcome 1 can be dealt with by an investigation into what the law means by pure economic loss, linking to the reluctance to find liability because of the floodgates argument. This can then be developed into the law on negligent misstatements, leading up to the most recent examples and allowing for conjecture to help deal with the problem scenarios.

Learning outcome 2 on psychiatric harm can also be examined from the standpoint of the floodgates argument and the fear of the law of rewarding cases where the causation element is not clear. Also important are the medical advances in psychiatric injury, and the extent of liability to a foolhardy rescuer.

Learning outcome 3 looks at occupiers' liability, the difference between trespassers and non-trespassers, and the difference in the way they are treated by the law.

Nuisance and *Rylands v Fletcher* in learning outcome 4 are rather different areas of tort, as they arise out of the use of land but not in the same way as occupiers' liability. The basic concept of nuisance is well established, but the area of law is becoming more refined following cases such as *Hunter v Canary Wharf*, the *Cambridge Water case*, *Marcic v Thames Water* and *Dobson v Thames Water Utilities Ltd*. These cases seem to blend modern life with an increasingly frustrated and litigious population.

Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and assessment
Introduction to unit content and basic legal terminology
The framework of the law of tort
Distinction between civil and criminal law and their differing effects on protection of for wrongful acts and omissions
The concepts of duty of care, breach of duty and resulting damage
Damages and other remedies
Economic loss and negligent misstatements
Application of the law of sale of negligence to problem scenarios; how to tackle problem scenarios; use of remedies and defences for negligence cases
Research on negligence, economic loss and negligent misstatements
Group work on negligence
Assignment 1: Economic Loss and Negligent Misstatements
The law and application of the law of psychiatric harm to problem scenarios
Research on psychiatric harm
Group work on psychiatric harm
Assignment 2: Psychiatric Harm
The law and application of the law on economic loss to problem scenarios
Research on economic loss
Group work on economic loss
Assignment 3: Economic Loss
The law and application of the law on nuisance and the rule in <i>Rylands v Fletcher</i>
Research on nuisance and the rule in <i>Rylands v Fletcher</i>
Group work on nuisance and the rule in <i>Rylands v Fletcher</i>
Visit, presentation and discussion with local trading standards officer
Assignment 4: Nuisance and the Rule in <i>Rylands v Fletcher</i>
Evaluation of the law of tort generally and assignment work
Assignment 5: Review of the Law of Tort
Non-supervised individual study time and completion of assignments
Tutorial support for assignment evidence and feedback

Assessment

It is anticipated that this unit will be assessed through a number of case studies or scenarios that allow learners to demonstrate their competence. It is suggested that a number of smaller assessments are used that develop learner responses by applying 'what ifs' to a straightforward situation. For example, a problem involving occupiers' liability could be modified to take into account both visitors and non-visitors. This will enable assignments and tasks to be constructed with interim deadlines.

The pass criteria require learners to describe or apply the correct areas of law. This will usually be done in the context of simple scenarios, which show real knowledge or understanding on the part of the learner. More detailed and comprehensive application and analysis of the law contributes to the merit criteria. The law should be described and explained in the learner's own words. Assessors need to be vigilant for the 'cut and paste' of material available on the internet and ensure that law relevant to the scenario/s are selected. If possible, understanding should be demonstrated by reference to relevant decided cases.

For P1, learners must be able to state (using decided cases as the authority) the relevant law for both pure economic loss and negligent misstatements, so that the current legal position is clearly set out. Merit criteria require the application or analysis of liability from a given scenario. This principle also applies equally to P2, P3 and P4. The defences for P4 need to be accurately explained, but only need to be identified where relevant rather than in each scenario. The remedies will follow naturally from the scenarios constructed.

The merit criteria develop the pass criteria by requiring accurate explanation, application and analysis of the law relating to each of the torts in given scenarios. These scenarios must include sufficient variation to allow learners to demonstrate the range and limitation of the areas under consideration.

The distinction criteria build on the pass and merit criteria as they require an evaluation of the current law, its suitability, any changes needed, any problems discussed and the ability to look at the broad picture rather than focusing on specific areas or cases.

Programme of suggested assignments

The table below shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the assessment and grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, M1 (part)	Economic Loss and Negligent Misstatements	Working in a solicitor's office, you give advice on scenarios presented by clients seeking advice.	Report.
P2, M1 (part)	Psychiatric Harm	Working in a solicitor's office, you give advice on scenarios presented by clients seeking advice.	Report.
P3, M1 (part)	Occupiers' Liability	Working in a solicitor's office, you give advice on scenarios presented by clients seeking advice.	Report.
P4, M2	Nuisance and the Rule in <i>Rylands v Fletcher</i>	Working in a solicitor's office, you give advice on scenarios presented by clients seeking advice.	Report.
D1	Review of the Law of Tort	Evaluation of the law from the point of view of a consumer.	Presentation.

Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the BTEC Applied Law sector suite. This unit has particular links with the following unit titles in the Applied Law suite:

Level 3
Dispute Solving in the Legal System
Understanding Law Making
Aspects of Legal Liability

Essential resources

For this unit learners should have access to a suitable business teaching environment with access to the internet to carry out research. Library resources for this unit should concentrate on basic legal reference books. Learner access to newspapers and the internet is important.

Tutors may consider building a bank of resource materials to ensure there is a sufficient supply of relevant information across a range of business types and sectors.

Learners can generate evidence from a work placement or work experience. Other learners may have access to information from family owned and run businesses.

Employer engagement and vocational contexts

Centres should develop links with local businesses such as solicitor's offices, barrister's chambers, any local court offices, the Citizens Advice Bureau and the legal department in the local authority. Many large businesses also have legal departments and Chambers of Commerce want to promote local business and are often willing to provide work placements, information about businesses and the local business context, visiting speakers and allow learners to visit.

Indicative reading for learners

Textbooks

Quinn F and Elliott C – *Tort Law* (Longman, 2007) ISBN 1 405846720

Russell S – *A2 Law for AQA* (Pearson Longman, 2006) ISBN 1 40580741 5

Turner C – *Tort Law (Key Facts), 3rd Edition* (Hodder Arnold, 2008) ISBN 0340966874

Websites

www.a-level-law.com/caselibrary

UK Resources: law links for cases

www.baillii.org

British and Irish Legal Information Institute – access to freely available British and Irish public legal Information

www.hmso.gov.uk/acts/acts2001.htm

Public Acts of the UK Parliament

www.lawreports.co.uk

The Incorporated Council of Law Reporting for England and Wales

www.lawteacher.net

Free lecture notes, case notes, statutes and web resources

www.ofc.gov.uk

The Office of Fair Trading

www.swarb.co.uk/index.shtml

One of a number of firms of solicitors and barristers chambers that have publicly accessible and up-to-date legal resources and links

Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the different aspects of the law of tort
Reflective learners	considering the effect of the law of tort and evaluating the operation of the law today
Creative thinkers	generating ideas and exploring the use of the law of tort balancing the rights of claimants and defendants and the remedies available
Self-managers	dealing with competing pressures, including personal and work-related demands to complete tasks on time.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the different types of law
Creative thinkers	generating ideas and exploring the use of the law of tort balancing the rights of claimants and defendants and the remedies available
Reflective learners	setting goals for researching businesses with success criteria inviting feedback on their own work and dealing positively with praise, setbacks and criticism evaluating their experiences and learning to inform progress
Team workers	working in a group to research and discuss the law taking responsibility for their own role in a group managing activities to share found data and achieve results
Self-managers	dealing with competing pressures, including personal and work-related demands to complete tasks on time
Effective participators	taking part in group activities, working with colleagues, supervisors and managers.

● Functional Skills – Level 2

Skill	When learners are ...
ICT – Use ICT systems	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	
Manage information storage to enable efficient retrieval	storing downloaded and summarised data for the different cases and statutes
Follow and understand the need for safety and security practices	
Troubleshoot	
ICT – Find and select information	
Select and use a variety of sources of information independently for a complex task	researching legal cases and relevant legislation
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	ensuring accuracy of the law and appropriate detail is retained ensuring that English law is being researched
ICT – Develop, present and communicate information	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> • text and tables • images • numbers • records 	
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	completing the various tasks in the assignments
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	

Skill	When learners are ...
Mathematics	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
English	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	completing the various tasks in the assignments
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	completing the various tasks in the assignments
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively.	completing the various tasks in the assignments.

Unit 9: Aspects of Employment Law

Unit code:	L/502/5437
QCF Level 3:	BTEC National
Credit value:	10
Guided learning hours:	60

● Aim and purpose

The aim of this unit is to introduce learners to employment law as it applies to businesses. Learners will do this through application of the law to employment situations and will consider the meaning and effect of contracts of employment.

● Unit introduction

Employment law is constantly changing. The relationship between employers and employees is largely controlled by legislation and is continuously being revised and updated. Good employee/employer relations will contribute to the effectiveness of a business. Cooperation between employers and employees leads to the development of good working relations.

It is important that organisations are aware of change and keep up to date with developments in employment law. In this unit, learners will be introduced to the different methods of employing staff and the different types of employment contract. Contracts of employment are governed by legislation and regulations that give rise to rights and responsibilities. Learners will explore the different types of employment contract and the impact of employment legislation on the rights and responsibilities of employers and employees.

The success of a business often relies on its relationships with its employees. Learners will investigate and explore the various perspectives in employee relations and the methods of establishing good employee relations and promoting the welfare of staff. It is important that organisations have procedures in place for terminating contracts of employment. These procedures should be managed and implemented properly in order to avoid disputes. Learners will also investigate various ways contracts of employment can be terminated.

Centres should ensure that the most up-to-date employment laws are studied.

● Learning outcomes

On completion of this unit a learner should:

- 1 Understand the different types of employment contract and the impact of employment legislation
- 2 Know the rights and responsibilities of employees and employers
- 3 Understand the various perspectives in employee relations
- 4 Know how and when contracts of employment are terminated.

Unit content

1 Understand the different types of employment contract and the impact of employment legislation

Types of employment contract: permanent; part time; fixed term; temporary; home or teleworking; agency; job share; flexible working; impact of relevant legislation/regulations

Contracts of employment and contracts for services: differences between employees and independent contracts; status; employment protection; terms and conditions of service; relevant legislation/regulations

2 Know the rights and responsibilities of employees and employers

Employer rights and employee obligations: employees to work to contract; support the aims of the employer; support health and safety in the workplace; use of resources (internet, email, employer property)

Employer responsibilities: observance of employment legislation (Employment Act 2002, Equal Pay Act 1970, Sex Discrimination Act 1975, Health and Safety at Work Act 1974, Race Relations Act 1976, Disability Discrimination Act 1995 and recent amendments); age discrimination; remuneration; minimum wage; public liability insurance

Rights of employees: terms and conditions of service; maternity; paternity; sickness and pay; time off for public duties; trade union representation; discrimination; working time rights; holidays and pay; Sunday working; flexible working; unfair dismissal

3 Understand the various perspectives in employee relations

Establishing employee relations: types of contracts; joint decision making; joint problem solving; appraisals; performance management; social responsibility and employee welfare; dispute resolution (trade unions, employment tribunals, ACAS, staff associations)

Employee welfare: Working Time Regulations; medical schemes; health and safety; occupational health screening; redundancy counselling; retirement preparation; pensions, loans; benevolent funds; assistance with housing costs; travel; personal problems; crèches and nursery schemes; job share; flexible working

Remuneration: salary and wages; time rate systems; payment-by-results systems; incentive schemes; skills-based payment systems; high day rate systems and measured day work; salary and wage structure; reward systems; additions to basic pay eg overtime, bonuses, special allowances; income tax; NI contribution; other stoppages; major influences on pay eg bargaining strengths of trade unions, inflation, productivity, EU legislation, customs and practices, competition, labour market conditions, government policies, organisation and technological changes

Policies for wages and pay: purpose of policies eg to attract, retain and reward employees, recognition of value, employee shares in prosperity of the organisation, balance of costs throughout the organisation, legal obligations, motivation

4 Know how and when contracts of employment are terminated

Dismissal procedures: disciplinary procedures; grievance procedures; unfair dismissal; grounds for dismissal; appeals; employment tribunals

Redundancy: basic provisions; legislation; procedures; policies and provision; calculation of payment

Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
P1 describe the different types of employment contract [RL, SM]	M1 analyse the impact of relevant legislation/regulations on any two types of employment contract	D1 evaluate the extent to which a selected business organisation has adapted its working arrangements to accommodate legislation relating to rights and responsibilities of employees and employers.
P2 explain the impact of relevant legislation/regulations on any two types of employment contract [SM]		
P3 identify the differences between contracts of employment and contracts for services		
P4 identify the rights and responsibilities of the employer and employees in a selected business organisation	M2 analyse rights and responsibilities of employees and employer in a selected business organisation.	
P5 explain the key features of employer and employee relations and welfare		
P6 describe the different policies of remuneration adopted in a selected business organisation.		

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
<p>P7 identify the procedures that an organisation should follow when dismissing an employee, and the provisions for redundancy. [IE, SM]</p>		<p>D2 evaluate the main arguments on each side in a selected industrial relations dispute. [SM]</p>

PLTS: This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

Key	IE – independent enquirers CT – creative thinkers	RL – reflective learners TW – team workers	SM – self-managers EP – effective participators
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Essential guidance for tutors

Delivery

This unit offers many opportunities to use active learning strategies together with an awareness of real life employment situations informed by current affairs. The internet has a wealth of information on employee relations and their changing nature; the Department for Business Enterprise and Regulatory Reform (BERR) website in particular is very useful. Delivery strategies may therefore include active research, role play and discussion of contemporary news material.

Rights and responsibilities cannot be researched without looking at employment law. More recently, the introduction of the Social Charter, and directives from the EU, the Employment Act 2002, and subsequent legislation, have increased employer responsibility. Employers also have rights and learners should look at the legislation and directives from the point of view of both employers and employees.

Providing a safe and healthy working environment is a major employer responsibility and learners should understand the importance of this in the workplace today. Learners should also know about the laws intended to protect actual and potential employees from discrimination. Employees should have a contract of employment that sets out the terms and conditions of their employment. Learners should be made aware of the statutory requirements relating to the content of a contract of employment.

Learners should understand that, while protecting and providing for the employee, the minimum wage, paid holidays, maximum working week directives and improved parental rights might impact on an organisation's efficiency.

The personal use of internet and email facilities within organisations can cause conflict between employers and employees. Learners should be made aware of the rights of the individual and the organisation in these circumstances.

The increased use of information and communications technology, and greater flexibility in the workplace, mean that working practices have changed. Learners should be able to identify the range of working practices used in organisations today, the effects of employment legislation introduced to facilitate flexible working and prevent of less favourable treatment of those with part-time and fixed-term contracts.

In an effort to improve employee relations, employers and employees are required to follow correct dispute procedures. Learners should know about these kinds of procedures, which should be set out in contracts of employment under disciplinary and grievance procedures. Learners should be aware of the consequences of not following these and the effects of law relating to dismissal as well as redundancy.

Trade unions represent a large percentage of the UK workforce and have a major part to play in the negotiation of terms and conditions of employment. Learners should know about the role of trade unions in organisations today, together with other means of employee/employer negotiation from the individual to works councils (EU directive). Learners should also be aware that there are bodies in place to resolve disputes, disagreements and claims, such as the Advisory, Conciliation and Arbitration Service (ACAS) and industrial tribunals.

Employee welfare, and the provisions organisations make to establish good employee relations, play a major role in a successful organisation. This differs from organisation to organisation but learners should be aware of the benefits. Health and safety at work and working hours are now embedded in employment legislation and should be recognised as an essential requirement of employee welfare. Other benefits to employees include counselling, medical schemes, pensions, financial assistance, legal advice, nursery facilities, job share and flexible working arrangements.

Learners should be able to identify recent and relevant laws and directives and explain the implications for employee relations. Throughout this specification the law has been set out as at the time of writing. Given the dynamic nature of law, tutors need to ensure that the up-to-date equivalent is being considered. Usually a 12 month time lag is allowable.

Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and/assessment
Introduction to unit content
Basic legal terminology
Distinction between contract of employment and contract for services; examples and application to situations
The different types of employment contract
Group work and research
Speaker or visits
Assignment 1: Contracts of Employment
Introduction to employment rights
Employee rights investigated and explained
Employer rights investigated and explained
Employer and employee rights investigated and explained through exemplar contracts
Welfare rights and responsibilities, examples and application to situations
Employer/employee relations
Role of external organisations
Pay and pay policies, examples and application to situations
Group work and research
Assignment 2: Employment Terms and Industrial Disputes
Dismissal and redundancy, examples and application to situations
Evaluation of effectiveness of contracts and assignment work
Group work and research
Assignment 3: Losing your Job
Supervised assignment work
Non-supervised study time and completion of assignments

Assessment

To achieve P1, learners need to describe the different types of employment contract and how they are formed. This could relate to learners' part-time employment or research into how a particular organisation employs its staff. For P2, learners then need to describe the impact of current legislation and regulations on two contracts, for example minimum wage, flexible working provisions and disability provisions.

This could lead on to P3 where learners explain the difference between contracts of employment and contracts for services. Learners could be given examples of actual contracts in order to draw comparisons and explain the differences and consequences of breaching the contract.

To achieve P4, learners should identify the rights and responsibilities of employees and the employer in a selected business organisation. This will involve learners researching the organisation's policies and contract terms and conditions. Learners will also apply current legislation and regulations to an organisation, in particular implied terms in contracts of employment.

To achieve P5, learners need to explain the key features of employer and employee relations and welfare, highlighted in a selected industrial relations dispute. This could draw on case study materials from the media, Chambers of Commerce and trade unions. Learners will be expected to relate the issues outlined in the unit content section to a real dispute.

To achieve P6, learners will investigate an organisation's policies on remuneration and describe those policies and methods of remuneration. It would be advisable to use the same organisation throughout.

To achieve P7, learners need to identify the procedures that an organisation should follow when dismissing an employee. This could be linked to P3 and P4 in that learners may choose to look at a particular organisation or relate the procedures to a particular trade dispute. Learners will be expected to explain the provisions and rules relating to redundancy.

To achieve M1, learners should analyse the effects of legislation/regulation relating to the rights and responsibilities of employees and employers which are stated in any two types of employment contract.

Learners' analysis will reflect an understanding of the impact of legislation as applied to both parties in a business.

To achieve M2, learners should analyse the rights and responsibilities of employees and employer in a selected business. Learners could, for example analyse the root cause of a disagreement over employee relations in a selected industrial relations dispute.

To achieve D1, learners need to evaluate the extent to which a selected business organisation may have adapted its working arrangements in order to accommodate legislation relating to the rights and responsibilities of employees and the employer. This will not just show a description or analysis of the legislation but an awareness of the employer response. Case studies may be obtained from the local chamber of commerce or trade union branches, or they may feature in local or national news sources.

To achieve D2, learners need to evaluate the main arguments presented by each side in a selected industrial relations dispute. Through this evaluation, the degree of employment cooperation can be assessed and weighed up, drawing together many of the covered topics. Learners should evaluate the main arguments supporting each side's case before reaching a final judgement. The long-running firefighters' dispute of 2002-03 is a typical case study, backed by a considerable amount of investigative journalism. Learners need to look at recent or current examples.

Programme of suggested assignments

The table below shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the assessment and grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, P2, P3, M1, D1	Contracts of Employment	Preparation of leaflet for new employees relating to employment contracts used in a business.	Leaflet with accompanying notes.
P4, P5, M2, D2	Employment Terms and Industrial Disputes	Analysis of a contract of employment referring to legislation. Dispute scenario.	Written analysis.
P6	Losing your Job	Individuals in a business are dismissed/made redundant.	Role play.

Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the Business sector suite. This unit has particular links with the following unit titles in the Business suite:

Level 2	Level 3
Consumer Rights	Aspects of Contract and Business law
People in Organisations	Aspects of Civil Liability for Business

This unit links to the Level 3 National Occupational Standards for Legal Advice, particularly Units LA18, LA22, LA32, LA34, LA45 and LA46.

This unit also links to the Level 3 National Occupational Standards for Management and Leadership, particularly Unit B8.

Essential resources

Learners should have access to a learning resource centre with a good range of legal texts and case books. Additional resources include statutes and law reports.

Employer engagement and vocational contexts

Work Experience/Workplace learning frameworks – Centre for Education and Industry (University of Warwick): www.warwick.ac.uk.

Learning and Skills Network: www.vocationallearning.org.uk.

Network for Science, Technology, Engineering and Maths Network Ambassadors Scheme: www.stemnet.org.uk.

National Education and Business Partnership Network: www.nebpn.org.

Local, regional business links: www.businesslink.gov.uk.

Work-based learning guidance: www.aimhighersw.ac.uk.

Indicative reading for learners

Textbooks

Armstrong M – *A Handbook of Human Resource Management Practice* (Kogan Page, 2006) ISBN 0749446315

Gennard J and Judge G – *Employee Relations* (Chartered Institute of Personnel and Development, 2005) ISBN 1843980630

Rose E – *Employment Relations* (FT Prentice Hall, 2004) ISBN 0273682598

Salamon M – *Industrial Relations: Theory and Practice* (FT Prentice Hall, 2001) ISBN 027364646X

Sargeant M and Lewis D – *Essentials of Employment Law* (People & Organisations) (Chartered Institute of Personnel and Development, 2002) ISBN 0852929854

Singh B D – *Industrial Relations and Labour Laws* (Excel Books, 2008) ISBN 8174466207

Websites

www.acas.org.uk	The Advisory, Conciliation and Arbitration Service
www.businesslink.gov.uk/bdotg/action/layer?r.l1=1073858787&topicId=1082249786&r.lc=en&r.l2=1079568262&r.s=tl	Information for employers about employing older workers
www.bized.co.uk	Business education website including learning materials and quizzes
www.businesslink.gov.uk	Details about employing people
www.berr.gov.uk	Department for Business, Enterprise and Regulatory Reform
dwp.gov.uk/agepositive	The Age Positive campaign promotes the benefits of employing a mixed-age workforce that includes older and younger people
www.europa.eu.int	Portal site of the European Union
www.hmsso.gov.uk	Office of Public Sector Information
www.hrmguide.co.uk	UK Human Resource Articles
www.hsegov.uk	Health and Safety Executive
www.iosh.co.uk	Institution of Occupational Safety and Health
www.statistics.gov.uk	Official UK Statistics
www.tssa.org.uk	Transport Salaried Staffs' Association
www.tuc.org.uk	Trades Union Congress
www.ukonline.gov.uk	UK government website

Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
Independent enquirers	researching the law applying the law to situations and contracts of employment
Reflective learners	explaining the meaning of the contents of a contract of employment
Self-managers	explaining the meaning of the contents of a contract of employment researching the law and finding appropriate examples of industrial relations in practice.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the Law
Creative thinkers	looking at the law
Reflective learners	setting goals with, success criteria, for researching the law inviting feedback on their own work and dealing positively with praise, setbacks and criticism evaluating their experiences and learning to inform future progress
Team workers	working in groups to discuss issues managing activities to reach agreements and achieve results
Self-managers	seeking out challenges or new responsibilities and showing flexibility when priorities change dealing with competing pressures, including personal and work-related demands responding positively to change, seeking advice and support when needed
Effective participators	making justified recommendations for improvement.

● Functional Skills – Level 2

Skill	When learners are ...
ICT – Use ICT systems	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	researching the law
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	tabulating information about law
ICT – Find and select information	
Select and use a variety of sources of information independently for a complex task	finding illustrative materials for presentations and tabulations creating diagrams, presentations and tabulations for information presentation
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	exploring, extracting and assessing the relevance of information from websites about law
ICT – Develop, present and communicate information	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> • text and tables • images • numbers • records 	bringing together a variety of materials gathered through research preparing information to present about the law
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	communicating with other members of a group

Skill	When learners are ...
Mathematics	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	using numerical data in relation to the law
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
English	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	carrying out group work investigating law making presentations about law
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	reading about law
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively.	writing reports to provide information about law producing labelled charts and diagrams showing business information about the law.

Unit 10: Aspects of Family Law

Unit Code:	F/600/6166
QCF Level 3:	BTEC National
Credit value:	10
Guided learning hours:	60

● Aim and purpose

The aim of this unit is to provide learners with knowledge, understanding and skills in the four main areas of family law which are marriage and relationships, divorce and ending relationships, children, and maintenance.

● Unit introduction

Learners will consider the legal requirements of a valid marriage or partnership and the legal consequences and obligations that arise between the parties. Learners will also compare cohabitation rights with those of a marriage or partnership.

Learners will look at the ending of a marriage or partnership and consider the grounds for divorce and the five facts on which it is based. They will also consider the procedure for obtaining a divorce and therefore emphasise the practical side of family law.

The unit covers the law relating to children, the rights and duties of parents, Section 8 orders and emergency protection available for children, considering the ways and circumstances in which different orders can be made and the criteria used.

Finally, the current law on maintenance will be addressed.

● Learning outcomes

On completion of this unit a learner should:

- 1 Understand the legal obligations of relationships
- 2 Be able to apply the law on cessation of relationships
- 3 Know the law relating to children
- 4 Understand the law on maintenance.

Unit content

1 Understand the legal obligations of relationships

Informal relationships: cohabitation; common law; engagement; rights and duties; impact

Law of marriage and legal partnerships: formalities; requirements for marriage/legal partnerships (including the impact of the Gender Recognition Act 2004 and the Civil Partnership Act 2004); different types of ceremony

Obligations and rights: the right to mutual financial support; comparison of marriage rights with cohabitation rights

2 Be able to apply the law on cessation of relationships

Void and voidable marriages: grounds of both; legal consequences of both; relevant case law

Divorce: grounds; five facts; undefended divorce procedure from petition to decree absolute; documentation; form and content of statement of arrangements for children; service of documents; application for directions for trial 'special procedure'; consideration by judge; public funding; statutory charge; maintenance arrangements; children; relevant case law.

3 Know the law relating to children

Parental responsibility: what it is; who has it; Gillick competence

Principles and factors applied in court proceedings: paramountcy principle; non-intervention principle and avoidance of delay principle; factors – wishes and feelings of the child; child's physical, emotional and educational needs; likely effect on child of change of circumstances; any harm child has suffered or is at risk of suffering; child's age, sex, background and characteristics; capacity of child's parents and anyone else considered relevant; range of powers available to the court

Section 8 orders: residence orders, contact orders, specific issue orders, prohibited steps orders

Other orders relating to children: family assistance orders, threshold criteria, care orders, supervision orders, emergency protection order

4 Understand the law on maintenance

Duty to maintain: spouse, child, partner

Ancillary orders: maintenance pending suit; periodic payments; lump sum; pensions; transfer of property; sale of property

Assessment of financial position: discretionary factors; current position eg White, Miller, Mcfarlane; enforcement of orders; reform

Assessment and grading criteria

In order to pass this unit, the evidence that the learner presents for assessment needs to demonstrate that they can meet all the learning outcomes for the unit. The assessment criteria for a pass grade describe the level of achievement required to pass this unit.

Assessment and grading criteria		
To achieve a pass grade the evidence must show that the learner is able to:	To achieve a merit grade the evidence must show that, in addition to the pass criteria, the learner is able to:	To achieve a distinction grade the evidence must show that, in addition to the pass and merit criteria, the learner is able to:
P1 explain the legal requirements for marriage and legal partnerships [IE]	M1 apply the law on marriage, legal partnerships and cohabitation in given situations	
P2 describe the difference between marriage and cohabitation rights [RL]		
P3 apply the grounds for divorce [CT, RL, SM]	M2 explain and apply the law on divorce and nullity	D1 evaluate and apply the current law on divorce and maintenance using relevant case law.
P4 explain when a marriage can be annulled		
P5 outline the orders which can be made in relation to children	M3 apply the law relating to children and maintenance in a given scenario.	
P6 explain the current law on maintenance.		

PLTS: This summary references where applicable, in the square brackets, the elements of the personal, learning and thinking skills applicable in the pass criteria. It identifies opportunities for learners to demonstrate effective application of the referenced elements of the skills.

Key	IE – independent enquirers	RL – reflective learners	SM – self-managers
	CT – creative thinkers	TW – team workers	EP – effective participators

Essential guidance for tutors

Delivery

This unit provides an introduction to the area of family law. Delivery methods will need to include an explanation of key principles, role plays, exercises to help learners understand and explain the procedures, and case studies to help learners apply their knowledge in a practical way.

The learning outcomes require coverage of the basic information on family law in order to provide knowledge of the underlying concepts. Learners need to be able to make basic applications of the law to case study scenarios, which will introduce the practical element of the course. It will also be useful for learners to consider and discuss topical newspaper or magazine articles on musicians, actors and other high profile people whose domestic situations and problems are in the news.

Learning outcome 1 covers the beginnings of legal relationships, ie marriages and civil partnerships, and the difference between marriage and cohabitation. Topics such as the legal age for marriage can provide scope for discussions.

Learning outcome 2 focuses on the cessation of marriage and looks at nullity situations and divorce. It is important to note that this may be a sensitive topic if learners have recently been involved in a divorce and should be approached sympathetically.

Learning outcome 3 looks at the law relating to children. This includes the approach the law takes in relation to children and the orders that are available. Case studies and scenarios can be used to aid understanding of the topics.

Learning outcome 4 considers the law on maintenance, both for spouses and children on divorce. It is important for current case law to be discussed and principles considered.

Outline learning plan

The outline learning plan has been included in this unit as guidance and can be used in conjunction with the programme of suggested assignments.

The outline learning plan demonstrates one way in planning the delivery and assessment of this unit.

Topic and suggested assignments/activities and assessment
Introduction to unit and programme
Formal input on marriage laws
Group discussions on marriage/cohabitation
Group activities considering informal arrangements, and marriage and cohabitation
Researching obligations and rights – whole group
Assignment 1: Marriage and Cohabitation
Formal input on divorce, void and voidable marriages
Case studies of divorce cases – small-group exercises
Group activity – void and voidable marriages
Group activity – visit of speakers, eg family solicitor/barrister
Documents and process relating to divorce

Topic and suggested assignments/activities and assessment
Assignment 2: Divorce and Nullity
Formal input on law on children
Group work on children
Speakers on children
Assignment 3: Children
Formal input on maintenance
Group work on maintenance to include research, gathering information
Assignment 4: Maintenance
Tutorial support and feedback

Assessment

In order to pass this unit, learners should meet all the requirements of the pass grade criteria.

The four learning outcomes could well be assessed in one case study scenario, although they could equally well be dealt with in four separate scenarios.

Learners need to explain the legal requirements of forming relationships. This will include discussion of all aspects of the current law. P2 will then describe the difference in rights between cohabitation and marriage. For P3 learners will have to apply the grounds for divorce and how one of the five factors needs to be shown, and case law should be used as illustration. P4 requires an understanding of nullity, where again cases should be used for illustration and to show understanding. P5 and P6 could be combined in a scenario, perhaps with P3, and show some of the orders that can be made for children and current thinking on maintenance orders.

P1 and P2 merge and are developed to form M1. P3 and P4 merge and are developed to form M2 and P5 and P6 merge and are developed to form M3. For M2 and M3 explanation and application of the law are expected and for DI, learners must evaluate and discuss current case law decisions.

It might be useful to assess this understanding by providing a case scenario(s) against which learners can describe the working of the rules of marriage, other relationships and divorce. The scenario could include aspects of several couples, married and unmarried who want to either, get married, get divorced or live together. The learners would be advising their clients on the legal situation and the implications of their actions as well as the practical steps that have to be taken. The scenarios could also contain child and maintenance issues. It is important that scenarios are used, against which the learner can show independent understanding and application. It is important that law is not copied verbatim from textbooks.

Programme of suggested assignments

The following table shows a programme of suggested assignments that cover the pass, merit and distinction criteria in the grading grid. This is for guidance and it is recommended that centres either write their own assignments or adapt any Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
P1, P2, M1	Marriage and Cohabitation	While working in a solicitor's office you give advice to clients on marriage and cohabitation.	Report.
P3, P4, M2, D1	Divorce and Annulment	While working in a solicitor's office you give advice to clients on divorce and annulment.	Report.
P5, M3	Children	While working in a solicitor's office you give advice to clients on aspects of law relating to children.	Report.
P6, M3, D1	Maintenance	While working in a solicitor's office you give advice to clients on maintenance.	Presentation.

Links to National Occupational Standards, other BTEC units, other BTEC qualifications and other relevant units and qualifications

This unit forms part of the BTEC Applied Law sector suite. This unit has links with all the other units in this specification.

This unit also links to the Level 3 National Occupational Standards for Legal Advice Units 1, 2, 5, 6, 9, 11, 12, 13, 36, 51, 52, 63 and 64.

Essential resources

For this unit learners should have access to a suitable teaching environment with access to the internet to do research. Tutors may consider building a bank of resource materials to ensure there is a sufficient supply of relevant information.

Learners should have access to a learning resource centre with a good range of legal text and case books. Additional resources to support learners include statutes and law reports.

Learners can generate evidence from a work placement or from work experience.

Employer engagement and vocational contexts

Centres should develop links with local businesses such as solicitors' offices, barristers' chambers, any local court offices, the Citizens Advice Bureau and the legal department in the local authority. Many large businesses also have legal departments and Chambers of Commerce want to promote local business and are often willing to provide work placements, information about businesses and the local business context, visiting speakers and allow learners to visit.

Indicative reading for learners

Textbooks

Bridge J, Bond T and Black J – *A Practical Approach to Family Law* (Oxford University Press, 2004) ISBN 0199264031

Burton F – *Family Law* (Law Matters Publishing, 2007) ISBN 1846410177

Conway H – *Family Law Key Facts* (Hodder and Arnold, 2007) ISBN 034094028X

Gallo – *Introduction to Family Law* (Delmar, 2004) ISBN 1401814530

Herring J – *Family Law* (Law Express, (Longman, 2008) ISBN 1405899530

Martin J – *GCSE Law* (Hodder Arnold, 2005) ISBN 034088939X

Standley K – *Family Law* (Palgrave Macmillan Law Masters, 2008) ISBN 1403985421

Journals

New Law Journal (Butterworths/LexisNexis Direct/Reed Elsevier (UK) Limited)

Student Law Review (Cavendish)

The Times – especially *Law Times* on Tuesdays

Newspapers

Quality newspapers – especially the law sections

Websites

www.bailii.org	British and Irish Legal Information Institute – access to freely available British and Irish public legal information
www.family-solicitors.co.uk	Family law website
www.guardian.co.uk	<i>The Guardian</i>
www.lawreports.co.uk	The Incorporated Council of Law Reporting for England and Wales
www.lawteacher.net	Free lecture notes, case notes, statutes and web resources
www.pearlwillis.co.uk	Information guide on English Law
www.swarb.co.uk/index.shtml	One of a number of firms of solicitors and barristers chambers that have publicly accessible and up-to-date legal resources and links
www.thetimes.co.uk	<i>The Times</i>

Delivery of personal, learning and thinking skills

The table below identifies the opportunities for personal, learning and thinking skills (PLTS) that have been included within the pass assessment criteria of this unit.

Skill	When learners are ...
Independent enquirers	investigating the courts, lawyers and lay people
Creative thinkers	generating ideas about the value of family life
Reflective learners	reflecting on the impact of divorce reflecting on marriage rights and cohabitation rights
Self-managers	organising time and resources and prioritising actions, whether working on their own or in a group.

Although PLTS are identified within this unit as an inherent part of the assessment criteria, there are further opportunities to develop a range of PLTS through various approaches to teaching and learning.

Skill	When learners are ...
Independent enquirers	planning and carrying out research into the effects of marriage breakdown
Creative thinkers	considering the uses of maintenance
Reflective learners	setting goals with success criteria for research, inviting feedback on their own work and dealing positively with praise, setbacks and criticism evaluating their experiences and learning to inform future progress
Team workers	working in a group to discuss ideas and prepare materials for presentations taking responsibility for their own role managing activities to reach agreements and achieve results
Self-managers	seeking out challenges or new responsibilities and showing flexibility when priorities change dealing with competing pressures, including personal and work-related demands responding positively to change, seeking advice and support when needed
Effective participators	taking part in group activities, working with colleagues, supervisors and managers.

● Functional Skills – Level 2

Skill	When learners are ...
ICT – Use ICT systems	
Select, interact with and use ICT systems independently for a complex task to meet a variety of needs	researching the divorce and its implications
Use ICT to effectively plan work and evaluate the effectiveness of the ICT system they have used	tabulating information about maintenance
Manage information storage to enable efficient retrieval	
Follow and understand the need for safety and security practices	
Troubleshoot	
ICT – Find and select information	
Select and use a variety of sources of information independently for a complex task	finding illustrative materials for presentations and tabulations creating diagrams, presentations and tabulations about marriage, divorce, children and maintenance
Access, search for, select and use ICT-based information and evaluate its fitness for purpose	exploring, extracting and assessing the relevance of information from websites about divorce and maintenance
ICT – Develop, present and communicate information	
Enter, develop and format information independently to suit its meaning and purpose including: <ul style="list-style-type: none"> • text and tables • images • numbers • records 	bringing together a variety of materials gathered through research preparing information to present to others
Bring together information to suit content and purpose	
Present information in ways that are fit for purpose and audience	
Evaluate the selection and use of ICT tools and facilities used to present information	
Select and use ICT to communicate and exchange information safely, responsibly and effectively including storage of messages and contact lists	communicating with other members of a group

Skill	When learners are ...
Mathematics	
Understand routine and non-routine problems in a wide range of familiar and unfamiliar contexts and situations	using numerical data in relation to divorce and maintenance
Identify the situation or problem and the mathematical methods needed to tackle it	
Select and apply a range of skills to find solutions	
Use appropriate checking procedures and evaluate their effectiveness at each stage	
Interpret and communicate solutions to practical problems in familiar and unfamiliar routine contexts and situations	
Draw conclusions and provide mathematical justifications	
English	
Speaking and listening – make a range of contributions to discussions and make effective presentations in a wide range of contexts	doing group work investigating family law working with others in investigating family law making presentations
Reading – compare, select, read and understand texts and use them to gather information, ideas, arguments and opinions	reading about family law reading to obtain data to facilitate the making of comparisons
Writing – write documents, including extended writing pieces, communicating information, ideas and opinions, effectively and persuasively.	writing materials to provide information.

Further information

For further information please call Customer Services on 0844 576 0026 (calls may be recorded for training purposes) or visit our website (www.edexcel.com).

Useful publications

Further copies of this document and related publications can be obtained from:

Edexcel Publications
Adamsway
Mansfield
Nottinghamshire NG18 4FN

Telephone: 01623 467 467
Fax: 01623 450 481
Email: publications@linney.com

Related information and publications include:

- *Guidance for Centres Offering Edexcel/BTEC QCF Accredited Programmes* (Edexcel, distributed to centres annually)
- Functional Skills publications – specifications, tutor support materials and question papers
- *Regulatory Arrangements for the Qualification and Credit Framework* (Ofqual, August 2008)
- the current Edexcel publications catalogue and update catalogue.

Edexcel publications concerning the Quality Assurance System and the internal and external verification of vocationally related programmes can be found on the Edexcel website and in the Edexcel publications catalogue.

NB: Most of our publications are priced. There is also a charge for postage and packing. Please check the cost when you order.

How to obtain National Occupational Standards

Skills for Justice
Centre Court
Atlas Way
Sheffield
S4 7QQ

Telephone: 0114 261 1499
Website: info@skillsforjustice.com

Professional development and training

Edexcel supports UK and international customers with training related to BTEC qualifications. This support is available through a choice of training options offered in our published training directory or through customised training at your centre.

The support we offer focuses on a range of issues including:

- planning for the delivery of a new programme
- planning for assessment and grading
- developing effective assignments
- building your team and teamwork skills
- developing student-centred learning and teaching approaches
- building Functional Skills into your programme
- building in effective and efficient quality assurance systems.

The national programme of training we offer can be viewed on our website (www.edexcel.com/training). You can request customised training through the website or by contacting one of our advisers in the Training from Edexcel team via Customer Services to discuss your training needs.

Our customer service numbers are:

BTEC and NVQ	0844 576 0026
GCSE	0844 576 0027
GCE	0844 576 0025
The Diploma	0844 576 0028
DIDA and other qualifications	0844 576 0031

Calls may be recorded for training purposes.

The training we provide:

- is active – ideas are developed and applied
- is designed to be supportive and thought provoking
- builds on best practice.

Our training is underpinned by the LLUK standards for those preparing to teach and for those seeking evidence for their continuing professional development.

Annexe A

The Edexcel BTEC qualification framework for the Law sector

Progression opportunities within the framework.

QCF Level	General Qualifications	BTEC full VRQ courses	BTEC Short Courses	NVQ/occupational
7			BTEC Advanced Professional Award/Certificate/Diploma in Management Studies	
6				
5		BTEC Higher Nationals in Business (Law)	BTEC Professional Award/Certificate/Diploma in Management Studies	
4				NVQ in Business and Administration
3	GCE in Applied Business	BTEC Certificate, Subsidiary Diploma, in Applied Law	BTEC Award/Certificate in Management;	NVQ in Business and Administration
	GCE in Business		BTEC Award in Introducing Management	
	Principal Learning in Business Administration and Finance		BTEC Award in Customer Service Edexcel Level 3 BTEC Award in Law and Legal Work	
2	GCSE in Business	BTEC Certificate, Extended Certificate and Diploma in Business	BTEC Award in Introduction to Team Leading	NVQ in Business and Administration
	GCSE in Applied Business		BTEC Award in Team leading BTEC Award in Law and Legal Work	
1	Principal Learning in Business Administration and Finance	BTEC Introductory Certificate and Diploma in Business, Retail and Administration	BTEC Award in Customer Service	NVQ in Business and Administration



Annexe B

Grading domains: BTEC Level 3 generic grading domains

Grading domain 1	Indicative characteristics – merit	Indicative characteristics – distinction
<p>Application of knowledge and understanding</p> <p>(Learning outcome stem <i>understand</i> or <i>know</i>)</p>	<ul style="list-style-type: none"> Shows depth of knowledge and development of understanding in familiar and unfamiliar situations (for example explain why, makes judgements based on analysis). Applies and/or selects concepts showing comprehension of often complex theories. Applies knowledge in often familiar and unfamiliar contexts. Applies knowledge to non-routine contexts (eg assessor selection). Makes reasoned analytical judgements. Shows relationships between pass criteria. 	<ul style="list-style-type: none"> Synthesises knowledge and understanding across pass/merit criteria. Evaluates complex concepts/ideas/actions and makes reasoned and confident judgements. Uses analysis, research and evaluation to make recommendations and influence proposals. Analyses implications of application of knowledge/understanding. Accesses and evaluates knowledge and understanding to advance complex activities/context. Shows relationships with p/m criteria. Responds positively to evaluation.
Grading domain 2	Indicative characteristics – merit	Indicative characteristics – distinction
<p>Development of practical and technical skills</p> <p>(Learning outcome stem <i>be able to</i>)</p>	<ul style="list-style-type: none"> Deploys appropriate advanced techniques/processes/skills. Applies technical skill to advance non-routine activities. Advances practical activities within resource constraints. Produces varied solutions (including non-routine). Modifies techniques/processes to situations. Shows relationship between p criteria. 	<ul style="list-style-type: none"> Demonstrates creativity/originality/own ideas. Applies skill(s) to achieve higher order outcome. Selects and uses successfully from a range of advanced techniques/processes/skills. Reflects on skill acquisition and application. Justifies application of skills/methods. Makes judgements about risks and limitations of techniques/processes. Innovates or generates new techniques/processes for new situations. Shows relationship with p and m criteria.

Grading domain 3	Indicative characteristics – merit	Indicative characteristics – distinction
<p>Personal development for occupational roles</p> <p>(Any learning outcome stem)</p>	<ul style="list-style-type: none"> • Takes responsibility in planning and undertaking activities. • Reviews own development needs. • Finds and uses relevant information sources. • Acts within a given work-related context showing understanding of responsibilities. • Identifies responsibilities of employers to the community and the environment. • Applies qualities related to the vocational sector. • Internalises skills/attributes (creating confidence). 	<ul style="list-style-type: none"> • Manages self to achieve outcomes successfully. • Plans for own learning and development through the activities. • Analyses and manipulates information to draw conclusions. • Applies initiative appropriately. • Assesses how different work-related contexts or constraints would change performance. • Reacts positively to changing work-related contexts • Operates ethically in work-related environments. • Takes decisions related to work contexts. • Applies divergent and lateral thinking in work-related contexts. • Understands interdependence.
Grading domain 4	Indicative characteristics – merit	Indicative characteristics – distinction
<p>Application of generic skills</p> <p>(Any learning outcome stem)</p>	<ul style="list-style-type: none"> • Communicates effectively using appropriate behavioural and language registers. • Communicates with clarity and influence. • Makes judgements in contexts with explanations. • Explains how to contribute within a team. • Demonstrates positive contribution to team(s). • Makes adjustments to meet the needs/expectations of others (negotiation skills). • Selects and justifies solutions for specified problems. 	<ul style="list-style-type: none"> • Presents self and communicates information to meet the needs of a variety of audience. • Identifies strategies for communication. • Shows innovative approaches to dealing with individuals and groups. • Takes decisions in contexts with justifications. • Produces outputs subject to time/resource constraints. • Reflects on own contribution to working within a team. • Generates new or alternative solutions to specified problems. • Explores entrepreneurial attributes.

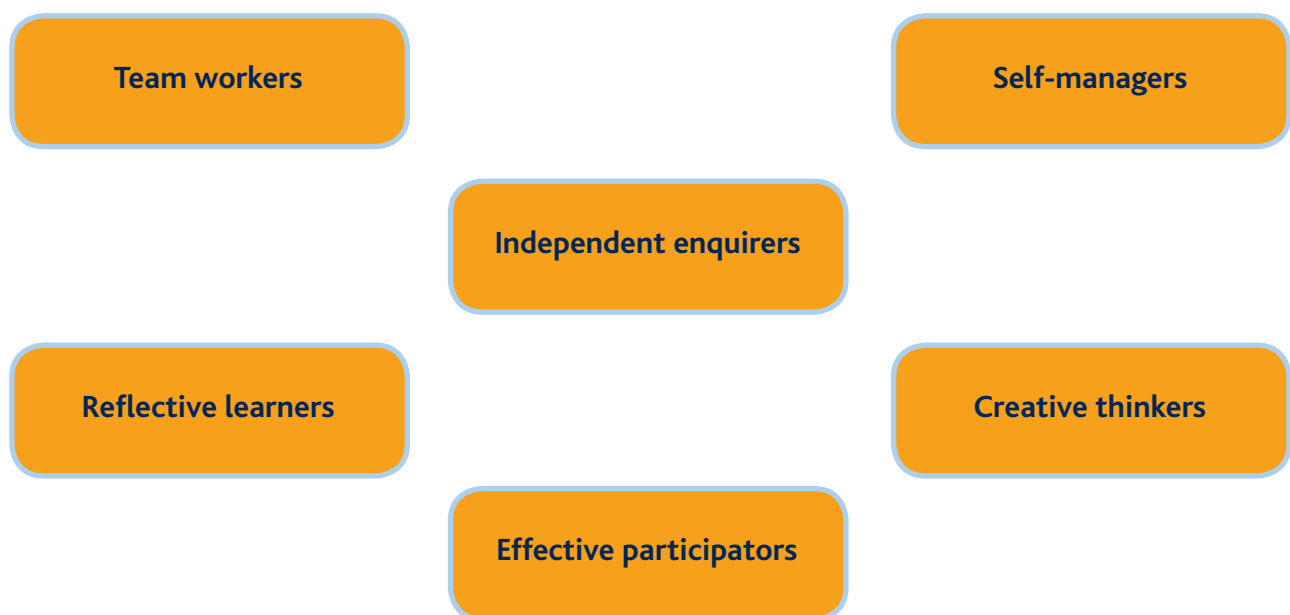
Annexe C

Personal, learning and thinking skills

A FRAMEWORK OF PERSONAL, LEARNING AND THINKING SKILLS 11–19 IN ENGLAND

The framework comprises six groups of skills that, together with the Functional Skills of English, mathematics and ICT, are essential to success in learning, life and work. In essence the framework captures the essential skills of: managing self; managing relationships with others; and managing own learning, performance and work. It is these skills that will enable young people to enter work and adult life confident and capable.

The titles of the six groups of skills are set out below.



For each group there is a focus statement that sums up the range of skills. This is followed by a set of outcome statements that are indicative of the skills, behaviours and personal qualities associated with each group.

Each group is distinctive and coherent. The groups are also inter-connected. Young people are likely to encounter skills from several groups in any one learning experience. For example an independent enquirer would set goals for their research with clear success criteria (reflective learner) and organise and manage their time and resources effectively to achieve these (self-manager). In order to acquire and develop fundamental concepts such as organising oneself, managing change, taking responsibility and perseverance, learners will need to apply skills from all six groups in a wide range of learning contexts 11-19.

The Skills

Independent enquirers

Focus:

Young people process and evaluate information in their investigations, planning what to do and how to go about it. They take informed and well-reasoned decisions, recognising that others have different beliefs and attitudes.

Young people:

- identify questions to answer and problems to resolve
- plan and carry out research, appreciating the consequences of decisions
- explore issues, events or problems from different perspectives
- analyse and evaluate information, judging its relevance and value
- consider the influence of circumstances, beliefs and feelings on decisions and events
- support conclusions, using reasoned arguments and evidence.

Creative thinkers

Focus:

Young people think creatively by generating and exploring ideas, making original connections. They try different ways to tackle a problem, working with others to find imaginative solutions and outcomes that are of value.

Young people:

- generate ideas and explore possibilities
- ask questions to extend their thinking
- connect their own and others' ideas and experiences in inventive ways
- question their own and others' assumptions
- try out alternatives or new solutions and follow ideas through
- adapt ideas as circumstances change.

Reflective learners

Focus:

Young people evaluate their strengths and limitations, setting themselves realistic goals with criteria for success. They monitor their own performance and progress, inviting feedback from others and making changes to further their learning.

Young people:

- assess themselves and others, identifying opportunities and achievements
- set goals with success criteria for their development and work
- review progress, acting on the outcomes
- invite feedback and deal positively with praise, setbacks and criticism
- evaluate experiences and learning to inform future progress
- communicate their learning in relevant ways for different audiences.

Team workers

Focus:

Young people work confidently with others, adapting to different contexts and taking responsibility for their own part. They listen to and take account of different views. They form collaborative relationships, resolving issues to reach agreed outcomes.

Young people:

- collaborate with others to work towards common goals
- reach agreements, managing discussions to achieve results
- adapt behaviour to suit different roles and situations, including leadership role
- show fairness and consideration to others
- take responsibility, showing confidence in themselves and their contribution
- provide constructive support and feedback to others.

Self-managers

Focus:

Young people organise themselves, showing personal responsibility, initiative, creativity and enterprise with a commitment to learning and self-improvement. They actively embrace change, responding positively to new priorities, coping with challenges and looking for opportunities.

Young people:

- seek out challenges or new responsibilities and show flexibility when priorities change
- work towards goals, showing initiative, commitment and perseverance
- organise time and resources, prioritising actions
- anticipate, take and manage risks
- deal with competing pressures, including personal and work-related demands
- respond positively to change, seeking advice and support when needed
- manage their emotions, and build and maintain relationships.

Effective participators

Focus:

Young people actively engage with issues that affect them and those around them. They play a full part in the life of their school, college, workplace or wider community by taking responsible action to bring improvements for others as well as themselves.

Young people:

- discuss issues of concern, seeking resolution where needed
- present a persuasive case for action
- propose practical ways forward, breaking these down into manageable steps
- identify improvements that would benefit others as well as themselves
- try to influence others, negotiating and balancing diverse views to reach workable solutions
- act as an advocate for views and beliefs that may differ from their own.

PLTS performance indicator (suggested recording sheet)

Name:	Date:				
	Level of success 1 = low, 5 = high				
Independent enquirers					
Identify questions to answer and problems to resolve	1	2	3	4	5
Plan and carry out research, appreciating the consequences of decisions	1	2	3	4	5
Explore issues, events or problems from different perspectives	1	2	3	4	5
Analyse and evaluate information, judging its relevance and value	1	2	3	4	5
Consider the influence of circumstances, beliefs and feelings on decisions and events	1	2	3	4	5
Support conclusions, using reasoned arguments and evidence	1	2	3	4	5
Creative thinkers					
Generate ideas and explore possibilities	1	2	3	4	5
Ask questions to extend their thinking	1	2	3	4	5
Connect their own and others' ideas and experiences in inventive ways	1	2	3	4	5
Question their own and others' assumptions	1	2	3	4	5
Try out alternatives or new solutions and follow ideas through	1	2	3	4	5
Adapt ideas as circumstances change	1	2	3	4	5
Reflective learners					
Assess themselves and others, identifying opportunities and achievements	1	2	3	4	5
Set goals with success criteria for their development and work	1	2	3	4	5
Review progress, acting on the outcomes	1	2	3	4	5
Invite feedback and deal positively with praise, setbacks and criticism	1	2	3	4	5
Evaluate experiences and learning to inform future progress	1	2	3	4	5
Communicate their learning in relevant ways for different audiences	1	2	3	4	5

Team workers					
Collaborate with others to work towards common goals	1	2	3	4	5
Reach agreements, managing discussions to achieve results	1	2	3	4	5
Adapt behaviour to suit different roles and situations, including leadership roles	1	2	3	4	5
Show fairness and consideration to others	1	2	3	4	5
Take responsibility, showing confidence in themselves and their contribution	1	2	3	4	5
Provide constructive support and feedback to others	1	2	3	4	5
Self-managers					
Seek out challenges or new responsibilities and show flexibility when priorities change	1	2	3	4	5
Work towards goals, showing initiative, commitment and perseverance	1	2	3	4	5
Organise time and resources, prioritising actions	1	2	3	4	5
Anticipate, take and manage risks	1	2	3	4	5
Deal with competing pressures, including personal and work-related demands	1	2	3	4	5
Respond positively to change, seeking advice and support when needed	1	2	3	4	5
Manage their emotions, and build and maintain relationships.	1	2	3	4	5
Effective participators					
Discuss issues of concern, seeking resolution where needed	1	2	3	4	5
Present a persuasive case for action	1	2	3	4	5
Propose practical ways forward, breaking these down into manageable steps	1	2	3	4	5
Identify improvements that would benefit others as well as themselves	1	2	3	4	5
Try to influence others, negotiating and balancing diverse views to reach workable solutions	1	2	3	4	5
Act as an advocate for views and beliefs that may differ from their own	1	2	3	4	5

Note to learner: The circled number represents an indication of your PLTS performance so far.

Note to tutor: Indicate the level of success by circling the appropriate number during your feedback with the learner.

Summary of the PLTS coverage throughout the programme

Personal, learning and thinking skills	Unit									
	1	2	3	4	5	6	7	8	9	10
Independent enquirers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Creative thinkers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Reflective learners	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Team workers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Self-managers	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Effective participators	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
✓ — opportunities for development										

Annexe D

Wider curriculum mapping

The Edexcel BTEC Level 3 Nationals in Applied Law make a positive contribution to wider curricular areas as appropriate. Study of the Edexcel BTEC Level 3 National Award in Applied Law gives learners opportunities to develop an understanding of spiritual, moral, ethical, social and cultural issues as well as an awareness of environmental issues, European developments, health and safety considerations and equal opportunities issues.

Spiritual, moral, ethical, social and cultural issues

Spiritual, moral, ethical, social and cultural issues

The specification contributes to an understanding of:

- spiritual issues – through *Unit 1: Dispute Solving in the Legal System* and *Unit 2: Understanding Law Making*, covering the meaning of law and those responsible for making it
- moral and ethical issues – through the study of *Unit 6: Contract Law* and *Unit 7: Consumer Law*, looking at contract and consumer issues and *Unit 3: Aspects of Legal Liability*, which considers the aims of sentencing offenders.
- social and cultural issues – through studying *Unit 9: Understanding Aspects of Employment Law*, which covers sex, race and disability discrimination.

Citizenship issues

Learners undertaking the Edexcel BTEC Level 3 Nationals in Applied Law will have the opportunity to develop their understanding of citizenship issues, for example the courts in *Unit 1: Dispute Solving in the Legal System*.

Environmental issues

Learners undertaking the Edexcel BTEC Level 3 Nationals in Applied Law will have the opportunity to develop their understanding of environmental issues for example they are led to appreciate the importance of environmental issues through the experience of the legal sector, in *Unit 3: Aspects of Legal Liability*, through looking at sentencing

European developments

Much of the content of the Edexcel BTEC Level 3 Nationals in Applied Law applies throughout Europe, even though the delivery is in a UK context. The European dimensions of law are specifically addressed in *Unit 1: Dispute Solving in the Legal System* and *Unit 2: Understanding Law Making*, by looking at court structures and European influences in law making.

Health and safety considerations

The Edexcel BTEC Level 3 Nationals in Applied Law are practically based and health and safety issues are encountered throughout the units. Learners will develop awareness of the safety of others as well as themselves in all practical activities. Learners will also explore health and safety issues across the legal sector, particularly in *Unit 9: Understanding Aspects of Employment Law*.

Equal opportunities issues

Equal opportunities issues are implicit throughout the Edexcel BTEC Level 3 Nationals in Applied Law.

Wider curriculum mapping

Level 3

	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6	Unit 7	Unit 8	Unit 9	Unit 10
Spiritual issues	✓	✓								
Moral and ethical issues			✓			✓	✓			
Social and cultural issues									✓	
Citizenship issues	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Environmental issues			✓							
European developments	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Health and safety considerations									✓	
Equal opportunities issues	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Annexe E

National Occupational Standards/mapping with NVQs

The grid below maps the knowledge covered in the Edexcel BTEC Level 3 Certificate and Subsidiary Diploma in Applied Law against the underpinning knowledge of the Level 3 NVQ in Legal Advice National Occupational Standards.

KEY

- ✓ indicates that the BTEC National covers all of the underpinning knowledge of the NVQ unit
- # indicates partial coverage of the NVQ unit
- a blank space indicates no coverage of the underpinning knowledge

	Edexcel unit									
	1	2	3	4	5	6	7	8	9	10
Unit 1	#	#	#	#	#	#	#	#		#
Unit 2	#	#	#	#	#	#	#	#		#
Unit 5	#	#	#	#	#	#	#	#		#
Unit 6	#	#	#	#	#	#	#	#		#
Unit 9	#	#	#	#	#	#	#	#		#
Unit 11	#	#	#	#	#	#	#	#		#
Unit 12	#	#	#	#	#	#	#	#		#
Unit 13	#	#	#	#	#	#	#	#		#
Unit 14	#	#	#	#	#	#	#	#		#
Unit 18									#	
Unit 19	#	#	#	#	#	#	#	#		#
Unit 22									#	
Unit 31	#	#	#	#	#	#	#	#		#

NOS for Legal Advice

Edexcel unit

	1	2	3	4	5	6	7	8	9	10
Unit 32									#	
Unit 34									#	
Unit 36						#				#
Unit 43								#		
Unit 44		#						#		
Unit 45									#	
Unit 46									#	
Unit 47				#		#				
Unit 48				#		#				
Unit 51										#
Unit 52		#								#
Unit 63										#
Unit 64										#

Annexe F

Unit mapping overview

BTEC National in Applied Law legacy (specification end date 31/08/2010)/new QCF versions of the BTEC National qualifications in Applied Law (specification start date 01/09/2010) – the BTEC Level 3 Certificate in Applied Law and the BTEC Level 3 Subsidiary Diploma in Applied Law.

New units \ Old units	Old units									
	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6	Unit 7	Unit 8	Unit 9	Unit 10
Unit 1	F									
Unit 2		F								
Unit 3			F							
Unit 4				F						
Unit 5					F					
Unit 6						F				
Unit 7							F			
Unit 8								F		
Unit 9									F	
Unit 10										F

KEY

P – Partial mapping (some topics from the old unit appear in the new unit)

F – Full mapping (topics in old unit match new unit exactly or almost exactly)

X – Full mapping + new (all the topics from the old unit appear in the new unit, but new unit also contains new topic(s))

Unit mapping in depth

BTEC National in Applied Law legacy (specification end date 31/08/2010)/new QCF versions of the BTEC National qualifications in Applied Law (specification start date 01/09/2010) – the BTEC Level 3 Certificate in Applied Law and the BTEC Level 3 Subsidiary Diploma in Applied Law.

New units		Old units		Mapping/comments (new topics in italics)
Number	Name	Number	Name	
Unit 1	Dispute Solving in the Legal System	1	Dispute Solving in the Legal System	Old unit updated
Unit 2	Understanding Law Making	2	Understanding Law Making	Old unit updated
Unit 3	Aspects of Legal Liability	3	Aspects of Legal Liability	Old unit updated
Unit 4	Unlawful Homicide and Police Powers	4	Unlawful Homicide and Police Powers	Old unit updated
Unit 5	Aspects of Property Offences and Police Powers	5	Aspects of Property Offences and Police Powers	Old unit updated
Unit 6	Contract Law	6	Contract Law	Old unit updated
Unit 7	Consumer Law	7	Consumer Law	Old unit updated
Unit 8	Aspects of the Law of Tort	8	Aspects of the Law of Tort	Old unit updated
Unit 9	Aspects of Employment Law	9	Aspects of Employment Law	Old unit updated
Unit 10	Aspects of Family Law	10	Aspects of Family Law	Old unit updated

Annexe G

Examples of calculation of qualification grade above pass grade

Edexcel will automatically calculate the qualification grade for your learners when your learner unit grades are submitted.

The generic examples below demonstrate how the qualification grade above pass is calculated using the following two tables which are also shown in the section earlier on in the specification *Calculation of the qualification grades above pass grade*.

Points available for credits achieved at different QCF levels and unit grades

The table below shows the **number of points scored per credit** at the unit level and grade.

Unit QCF level	Points per credit		
	Pass	Merit	Distinction
Level 2	5	6	7
Level 3	7	8	9
Level 4	9	10	11

Learners who achieve the correct number of points within the ranges shown in the 'qualification grade' table below will achieve the qualification merit, distinction or distinction* grades (or combinations of these grades appropriate to the qualification).

Qualification grade

BTEC Level 3 Certificate

Points range above pass grade	Grade	
230-249	Merit	M
250-259	Distinction	D
260 and above	Distinction*	D*

BTEC Level 3 Subsidiary Diploma

Points range above pass grade	Grade	
460-499	Merit	M
500-519	Distinction	D
520 and above	Distinction*	D*

BTEC Level 3 Diploma

Points range above pass grade	Grade
880-919	MP
920-959	MM
960-999	DM
1000-1029	DD
1030-1059	DD*
1060 and above	D*D*

BTEC Level 3 Extended Diploma

Points range above pass grade	Grade
1300-1339	MPP
1340-1379	MMP
1380-1419	MMM
1420-1459	DMM
1460-1499	DDM
1500-1529	DDD
1530-1559	DDD*
1560-1589	DD*D*
1590 and above	D*D*D*

Example 1

Achievement of pass qualification grade

A learner completing a 30-credit Edexcel BTEC Level 3 Certificate **does not** achieve the points required to gain a merit qualification grade.

	Level	Credit	Grade	Grade points	Points per unit = credit x grade
Unit 1	3	10	Pass	7	$10 \times 7 = 70$
Unit 2	3	10	Pass	7	$10 \times 7 = 70$
Unit 3	3	10	Merit	8	$10 \times 8 = 80$
Qualification grade totals		30	Pass		220

Example 2

Achievement of merit qualification grade

A learner completing a 30-credit Edexcel BTEC Level 3 Certificate achieves the points required to gain a merit qualification grade.

	Level	Credit	Grade	Grade points	Points per unit = credit x grade
Unit 1	3	10	Pass	7	$10 \times 7 = 70$
Unit 2	3	10	Merit	8	$10 \times 8 = 80$
Unit 3	3	10	Merit	8	$10 \times 8 = 80$
Qualification grade totals			Merit		230

Example 3

Achievement of distinction qualification grade

A learner completing a 60-credit Edexcel BTEC Level 3 Subsidiary Diploma achieves the points required to gain a distinction qualification grade.

	Level	Credit	Grade	Grade points	Points per unit = credit x grade
Unit 1	3	10	Merit	8	$10 \times 8 = 80$
Unit 2	3	10	Distinction	9	$10 \times 9 = 90$
Unit 3	3	10	Distinction	9	$10 \times 9 = 90$
Unit 5	3	10	Merit	8	$10 \times 8 = 80$
Unit 6	2	10	Distinction	7	$10 \times 7 = 70$
Unit 11	3	10	Distinction	9	$10 \times 9 = 90$
Qualification grade totals		60	Distinction		500

Example 4

Achievement of distinction merit qualification grade

A learner completing a 120-credit Edexcel BTEC Level 3 Diploma achieves the points required to gain a distinction merit qualification grade.

	Level	Credit	Grade	Grade points	Points per unit = credit x grade
Unit 1	3	10	Merit	8	$10 \times 8 = 80$
Unit 2	3	10	Distinction	9	$10 \times 9 = 90$
Unit 3	3	10	Distinction	9	$10 \times 9 = 90$
Unit 4	3	10	Merit	8	$10 \times 8 = 80$
Unit 5	3	10	Merit	8	$10 \times 8 = 80$
Unit 6	2	10	Distinction	7	$10 \times 7 = 70$
Unit 11	3	10	Distinction	9	$10 \times 9 = 90$
Unit 15	4	10	Merit	10	$10 \times 10 = 100$
Unit 17	3	10	Pass	7	$10 \times 7 = 70$
Unit 18	3	10	Pass	7	$10 \times 7 = 70$
Unit 25	3	20	Merit	8	$20 \times 8 = 160$
Qualification grade totals		120	Distinction merit		980

Example 5

Achievement of merit merit merit qualification grade

A learner completing a 180-credit Edexcel BTEC Level 3 Extended Diploma achieves the points required to gain a merit merit merit qualification grade.

	Level	Credit	Grade	Grade points	Points per unit = credit x grade
Unit 1	3	10	Merit	8	$10 \times 8 = 80$
Unit 2	3	10	Pass	7	$10 \times 7 = 70$
Unit 3	3	10	Distinction	9	$10 \times 9 = 90$
Unit 4	3	10	Merit	8	$10 \times 8 = 80$
Unit 5	3	10	Pass	7	$10 \times 7 = 70$
Unit 6	2	10	Distinction	7	$10 \times 7 = 70$
Unit 11	3	10	Distinction	9	$10 \times 9 = 90$
Unit 12	3	10	Merit	8	$10 \times 8 = 80$
Unit 15	4	10	Pass	9	$10 \times 9 = 90$
Unit 17	3	10	Pass	7	$10 \times 7 = 70$
Unit 18	3	10	Pass	7	$10 \times 7 = 70$
Unit 20	3	10	Pass	7	$10 \times 7 = 70$
Unit 22	3	10	Merit	8	$10 \times 8 = 80$
Unit 25	3	20	Pass	7	$20 \times 7 = 140$
Unit 35	3	10	Distinction	9	$10 \times 9 = 90$
Unit 36	3	10	Merit	8	$10 \times 8 = 80$
Unit 38	3	10	Distinction	9	$10 \times 9 = 90$
Qualification grade totals		180	Merit Merit Merit		1410

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