Sample Assessment Materials (SAMs)

For use with Certificate and Extended Certificate in Applied Law

First teaching from September 2017

Issue 2
Edexcel, BTEC and LCCI qualifications

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Applied Law
Unit 1: Dispute Solving in Civil Law

Certificate/Extended Certificate
Sample assessment material for first teaching
September 2017

Instructions

- Part A contains material for the completion of the research for the set task.
- Part A is given to learners one week before Part B is scheduled. Learners are advised to spend no more than six hours on Part A.
- Part A must be given to learners on the specified date so that learners can prepare in the way specified.
- Part A is specific to each series and this material must only be issued to learners who have been entered to take the task in the relevant series.
- Part B materials must be issued to learners on the specified date.
Instructions for Teachers/Tutors

This paper must be read in conjunction with information on conduct for the task in the unit specification and the *BTEC Nationals Information for Conducting External Assessments (ICEA)* document. For further details see the Pearson website.

Learners should undertake independent research on the context given in this Part A booklet.

Learners are expected to spend up to 6 hours undertaking **Part A**.

Centres must issue this booklet at the appropriate time and advise learners of the timetabled sessions during which they can prepare. It is expected that scheduled lessons or other timetable slots will be used for some or all of the preparation.

Learners may prepare summary notes on the context. Learners may take up to two sides of notes of this type into the supervised assessment (**Part B**). Learners’ notes should include details of relevant cases and precedents. Other content is not permitted.

Teachers/tutors cannot give any support with the notes and the work must be completed independently by the learner.

The supervised assessment will take place in a timetabled period of one day specified by Pearson. Centres should schedule all learners at the same time or supervise cohorts to ensure there is no opportunity for collusion.

Refer carefully to the instructions in this task booklet and the *BTEC Nationals Information for Conducting External Assessments (ICEA)* document to ensure that the preparatory period is conducted correctly so that learners have completed their preparation validly and independently.

Teachers/tutors should note that learner notes will be retained securely by the centre after **Part B** and may be requested by Pearson if there is suspected malpractice.
Instructions for Learners

Read the set task information carefully.

This contains **Part A** of the information you need to prepare for the set task in **Part B**.

In **Part B** you will be given a scenario. Use this **Part A** booklet to prepare by relating your learning to the specific information given.

You will then be given the set task to complete under supervised conditions.

You must work independently and should not share your work with other learners.

Your teacher may give guidance on when you can complete the preparation.

Your teacher cannot give you feedback during the preparation period.
Set Task Brief

- You must research the information in the case referenced below. You will carry out secondary research on how the law is applied to this case. In Part B you will be asked to apply your research to a new case scenario.

- In your preparation for Part B using this Part A booklet, you may prepare short notes to refer to when completing the set task, for example on specific details or cases. Your notes may be up to two A4 sides and may be hand-written or typed. Your notes should include details of relevant cases and precedents.

- You are expected to spend no longer than 6 hours on this research.

Part A: Set Task Information

Case material: Darnley v Croydon Health Services NHS Trust

Outline report of the first hearing taken from the case summary below:

NEGLIGENCE – Duty of care to whom? – Hospital receptionist – Claimant presenting at defendant’s hospital accident and emergency department with suspected head injury – Receptionist giving incorrect information as to likely waiting times – Claimant deciding to leave rather than wait to be seen within indicated time frame – Claimant’s condition subsequently deteriorating – Claimant undergoing neurosurgery and left suffering from left hemiplegia – Whether receptionist under duty to provide accurate waiting time information to patients – Whether defendant liable for residual injuries suffered by claimant
Darnley v Croydon Health Services NHS Trust

[2015] EWHC 2301 (QB); [2015] WLR (D) 348

QBD: Judge Robinson sitting as a High Court judge: 31 July 2015

Receptionists in hospital accident and emergency departments were under no duty to guard patients against harm caused by failure to wait to be seen in the department, even if such harm could, as a matter of fact, have been prevented by the provision of full and accurate information about waiting times.

Judge Robinson, sitting as a judge of the Queen’s Bench Division, so held in a reserved judgment dismissing the claim for damages for personal injury brought by the claimant, Michael Mark Junior Darnley, against the defendant, Croydon Health Services NHS Trust. It was the claimant’s case that having presented at the accident and emergency department of the defendant’s hospital with a suspected head injury following an attack in the street, he had erroneously been told by the receptionist that he would not be seen by anybody for around four to five hours. Unwilling to wait that long, the claimant left the hospital without being seen. His condition subsequently deteriorated and he was taken to hospital by ambulance whereupon an extra-dural haematoma was discovered and removed by way of neurosurgery. He suffered a left hemiplegia.

Judge Robinson said that the primary function of a civilian receptionist in an accident and emergency department was to complete the relevant registration form so that clinical decisions could be taken by health care professionals. There was, of course, a duty to complete that task competently since clinical decision-making relied on accurate information being provided. The provision of information concerning waiting times was a courtesy that was rightly afforded to patients. However, it was going too far to impose liability in damages either for failure to provide the information or to provide information that was inaccurate. Ultimately, the waiting time for a patient was a matter for clinical judgment to be made by a health care professional. The imposition of such liability carried with it a risk, the magnitude of which was significant, that civilian reception staff, certainly in accident and emergency departments and perhaps elsewhere, would simply be instructed not to do anything other than complete the registration forms. It would be far simpler and safer for health care providers such as the defendant to instruct their reception staff to reply to any inquiry “I am not able to answer that query”. That would be a regrettable state of affairs since the natural inclination of reception staff was to be helpful and informative. There was inevitably a blurring of the boundaries which separated those factors. That was hardly surprising in a case where the overall issue was whether the defendant, by its reception staff in an accident and emergency department, should be held liable for the consequences of a decision taken by a patient to leave the hospital without
having been seen. Although the decision was, in part at least, made on the basis of information provided by the receptionist which was inaccurate or incomplete, to impose legal liability in those circumstances was a step too far. Whether that conclusion was based on a failure at the proximity stage of the test in Caparo Industries plc v Dickman [1990] 2 AC 605 or at the “fair just and reasonable” stage was immaterial. Accordingly, the residual injury from which the claimant suffered was not something for which the defendant was liable to compensate the claimant, and the claim failed.

Appearances: Jeremy Pendlebury (instructed by Russell-Cooke LLP) for the claimant; Bradley Martin (instructed by Capsticks) for the defendant.

Reported by: Giovanni D’Avola, Barrister.


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Applied Law
Unit 1: Dispute Solving in Civil Law

Certificate/Extended Certificate
Sample assessment material for first teaching
September 2017

Instructions

- Part A will need to have been used in preparation for completion of Part B.
- The Part B booklet must be issued to learners as defined by Pearson and should be kept securely.
- Part B materials must be issued to learners during the one-day period and under the conditions specified by Pearson. The period will allow centres to timetable appropriate supervised sessions for all learners.
- Part B is specific to each series and this material must only be issued to learners who have been entered to take the task in the relevant series.

Information

- The total mark for this paper is 60.
Instructions to Teachers/Tutors and/or Invigilators

This paper must be read in conjunction with information on conduct for the task in the unit specification and the BTEC Nationals Information for Conducting External Assessments (ICEA) document. For further details please see the Pearson website.

Learners will need to complete their activities for the set task using a computer.

The Part B set task is undertaken in a single session of 1.5 hours in a timetabled period. In order to enable learners to have access to computer resources, a period of one day is provided for centres to timetable the assessment. Centres should schedule all learners in the same session if possible and must release Part B to individual learners only for their scheduled sessions.

The Part B set task requires learners to apply research. Learners should bring in notes as defined in Part A. The teacher/invigilator needs to ensure that notes comply with the requirements.

Learners’ work must be completed independently and authenticated before being submitted to Pearson by the teacher/tutor and/or invigilator.

The supervised assessment period for producing final outcomes is to be under the level of supervision specified by Pearson and in accordance with the conduct procedures.

Refer carefully to the instructions in this taskbook and the Information for Conducting External Assessments (ICEA) document to ensure that the preparatory period is conducted correctly so that learners have completed their preparation validly and independently.

Learners must not bring anything into the supervised environment or take anything out of it without your knowledge and approval.

Centres are responsible for putting in place appropriate checks to ensure that only permitted material is introduced into the supervised environment.
Maintaining security
- During supervised assessment periods, the assessment areas must be accessible only to the individual learner and to named members of staff.
- Learners can access their work only under supervision.
- During any break, materials must be kept securely.
- Any materials being used by learners must be collected in at the end.
- Learner notes related to Part A must be checked to ensure length and contents meet limitations.
- Learner notes will be retained securely by the centre after Part B and may be requested by Pearson if there is suspected malpractice.

Outcomes for submission
Two documents will need to be submitted by each learner:
- summary for the solicitor’s file
- letter to the client.

Each learner must complete an authentication sheet.
Instructions for Learners

Read the set task information carefully.

You have prepared for the set task given in this Part B booklet. Use your notes prepared during Part A if relevant. Attempt all of Part B.

Your notes must be your own work and will be retained by your centre until results are issued.

You will complete this set task under supervision and your work will be kept securely during any breaks taken.

You must work independently throughout the supervised assessment period and must not share your work with other learners.

You must complete ALL activities.

Outcomes for submission

You will need to submit two documents on completion of the supervised assessment period:

- summary for the solicitor’s file
- letter to the client.

You must complete a declaration that the work you submit is your own.
Set Task Information

There are two activities. You have 1.5 hours to complete the activities and are advised to spend 45 minutes on each activity. Each activity is worth 30 marks.

Read all the information provided.

You are a trainee at the solicitor’s firm Stabler and Benson, in Birmingham.

A client, Bhu Adams, has been to see you today for advice. She gives you the following information.

Late one night, Bhu, an 18-year-old university music student, arrived at the accident and emergency department at Barsetshire General Hospital complaining of a severe headache and feeling very unwell. The department was very busy and many people were waiting to be seen. The reception team logged her arrival and added her name to the list of waiting patients. They suggested she could wait or could come back later if she did not feel better.

Bhu decided that she would go to her university medical centre in the morning if she did not feel better and left the hospital. She became very unwell overnight. The next morning she was rushed to hospital, where doctors diagnosed meningitis. Because she had not been treated earlier, the consequences were severe and included the need for amputation of one of Bhu’s arms. She eventually recovered from meningitis but as a result of her failure to receive early medical treatment, she could not continue her training as a violinist and could not continue to support herself financially through her previous work as a session musician and part-time music teacher.

She regretted refusing a meningitis vaccination which had been offered to her before she started her university course.

**You must complete ALL activities.**

Refer to your notes for preparatory work completed in **Part A**.
**Activity 1**

Prepare a summary for the file of your client, Bhu.

This summary should include:
- an explanation of the law relating to Bhu’s claim
- how the law applies to her case, using appropriate precedents
- how her claim might be challenged
- an evaluation of the likelihood of success in this case, with a justified conclusion.

Total for Activity 1 = 30 marks

**Activity 2**

Draft a letter to Bhu, assuming she has no knowledge of the law and relevant procedure.

Include in the letter:
- an outline of how any damages would be calculated and paid
- an explanation of which court the case would be tried in and where any appeal might be heard
- an analysis of the implications of going to court or using an appropriate alternative means of resolution
- an analysis of different ways of funding the claim.

Total for Activity 2 = 30 marks

END OF TASK

TOTAL FOR TASK = 60 MARKS
Activity 1
Prepare a summary for the file of your client, Bhu.
This summary should include:
- an explanation of the law relating to Bhu's claim
- how the law applies to her case, using appropriate precedents
- how her claim might be challenged
- an evaluation of the likelihood of success in this case, with a justified conclusion.

Total for Activity 1 = 30 marks

Activity 2
Draft a letter to Bhu, assuming she has no knowledge of the law and relevant procedure.
Include in the letter:
- an outline of how any damages would be calculated and paid
- an explanation of which court the case would be tried in and where any appeal might be heard
- an analysis of the implications of going to court or using an appropriate alternative means of resolution
- an analysis of different ways of funding the claim.

Total for Activity 2 = 30 marks

END OF TASK
TOTAL FOR TASK = 60 MARKS
### Mark GRID Applied Law Unit 1: Dispute Solving in Civil Law
### Total Marks for external Task is 60

<table>
<thead>
<tr>
<th>Assessment focus</th>
<th>Band 0</th>
<th>Band 1</th>
<th>Band 2</th>
<th>Band 3</th>
<th>Band 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analysis of legal authorities, principles and concepts</td>
<td>0</td>
<td>1-2</td>
<td>3-5</td>
<td>6-8</td>
<td>9-10</td>
</tr>
<tr>
<td>No rewardable material.</td>
<td>• Analysis is limited.</td>
<td>• Some analysis.</td>
<td>• Linked statements provide a logical analysis of the evidence in the scenario.</td>
<td>• Detailed and coherent statements provide a clear and logical analysis of a wide range of relevant evidence in the scenario.</td>
<td></td>
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<tr>
<td></td>
<td>• Analysis lacks a grasp of the concepts in the context of the scenario.</td>
<td>• Analysis demonstrates a basic grasp of the concepts and their relevance in this scenario.</td>
<td>• Analysis demonstrates a good grasp of the concepts and their relevance in this context.</td>
<td>• Analysis demonstrates a thorough grasp of the concepts and their relevance in this context.</td>
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<tr>
<td></td>
<td>• Alternatives are stated but with no supporting evidence.</td>
<td>• Alternatives are stated with some supporting evidence.</td>
<td>• Alternatives are detailed, making use of supporting evidence.</td>
<td>• Alternatives are considered in depth, using appropriate supporting evidence.</td>
<td></td>
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</tbody>
</table>
### Mark GRID Applied Law Unit 1: Dispute Solving in Civil Law

**Total Marks for external Task is 60**

<table>
<thead>
<tr>
<th>Assessment focus</th>
<th>Band 0</th>
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<th>Band 2</th>
<th>Band 3</th>
<th>Band 4</th>
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</thead>
<tbody>
<tr>
<td>Presentation and structure</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
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<tr>
<td>No rewardable material.</td>
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<tr>
<td>- Lacks professional format and structure, leading to lack of clarity,</td>
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<tr>
<td>- Language is inappropriate for audience.</td>
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<tr>
<td>- Has a basic professional format and structure.</td>
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<td>- Language is sometimes appropriate for audience.</td>
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<tr>
<td>- Has a logical structure and format that is generally clear and professional.</td>
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<tr>
<td>- Language is mostly appropriate for audience.</td>
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<tr>
<td>- Is well written, uses clear language, has a logical and professional format and structure.</td>
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<tr>
<td>- Language is appropriate for audience throughout.</td>
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