

# Specification

BTEC Specialist qualification

Edexcel BTEC Level 3 Certificate in Law and Legal Work  
(QCF)

For first teaching September 2010



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Authorised by Roger Beard

Prepared by Susan Hoxley

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# BTEC Specialist qualification titles covered by this specification

## Edexcel BTEC Level 3 Certificate in Law and Legal Work

This qualification has been accredited to the Qualifications and Credit Framework (QCF) is eligible for public funding as determined by the Department for Education (DfE) under Sections 96 and 97 of the Learning and Skills Act 2000.

The qualification title listed above feature in the funding lists published annually by the DfE and the regularly updated website [www.education.gov.uk/](http://www.education.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 Qualification Accreditation Number for the qualification in this publication is:

Edexcel BTEC Level 3 Certificate in Law and Legal Work	500/9921/8
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This qualification title will appear on learners' certificates. Learners need to be made aware of this when they are recruited by the centre and registered with Edexcel.

This qualification is accredited by Ofqual as being Additional and Specialist Learning within 14-19 Diplomas.

# Welcome to BTEC Level 3 Certificate in Law and Legal Work

We are delighted to introduce our new qualification, which will be available for teaching from September 2010. This qualification has been revised and conforms with the requirements of the new QCF (Qualifications and Credit Framework).

## Focusing on the BTEC Level 3 Certificate in Law and Legal Work

This nationally-recognised qualification provides:

- opportunities for full-time learners to enter employment in the legal sector or to progress to further vocational qualifications such as the Edexcel BTEC Level 3 Subsidiary Diploma in Applied Law, the Edexcel BTEC Level 3 Subsidiary Diploma, Diploma, or Extended Diploma in Business or the Edexcel BTEC HNC Diploma or HND Diploma in Business
- opportunities for learners to develop a range of skills and techniques, personal qualities and attitudes essential for successful performance in working life.

## Straightforward to implement, teach and assess

Implementing BTECs couldn't be easier. They are designed to easily fit into your curriculum and can be studied independently or alongside existing qualifications, to suit the interests and aspirations of learners. The clarity of assessment makes grading learner attainment simpler.

## Engaging for everyone

Learners of all abilities flourish when they can apply their own knowledge, skills and enthusiasm to a subject. BTEC qualifications make explicit the link between theoretical learning and the world of work by giving learners the opportunity to apply their research, skills and knowledge to work-related contexts and case studies. These applied and practical BTEC approaches give all learners the impetus they need to achieve and the skills they require for workplace or education progression.

## Recognition

BTECs are understood and recognised by a large number of organisations in a wide range of sectors. BTEC qualifications are developed with key industry representatives and Sector Skills Councils (SSC) to ensure that they meet employer and learner needs — **in this case the Skills for Justice SSC.**

## All you need to get started

To help you off to a flying start, we've developed an enhanced specification that gives you all the information you need to start teaching BTEC. This includes:

- a framework of equivalencies, so you can see how this qualification compares with other Edexcel vocational qualifications
- information on rules of combination, structures and quality assurance, so you can deliver the qualification with confidence
- explanations of the content's relationship with the learning outcomes
- guidance on assessment, and what the learner must produce to achieve the unit.

Don't forget that we're always here to offer curriculum and qualification updates, local training and network opportunities, advice, guidance and support.



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# What are BTEC Level 3 Specialist qualifications?

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BTEC Specialist qualifications are qualifications at Entry Level to Level 3 in the Qualifications and Credit Framework (QCF) and are designed to provide specialist work-related qualifications in a range of 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. Consequently they provide a course of study for full-time or part-time learners in schools, colleges and training centres.

BTEC Specialist qualifications 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 Standards Setting Body (SSB) or Sector Skills Council (SSC). A number of BTEC Specialist qualifications are recognised as the knowledge components of Apprenticeships Frameworks. They attract UCAS points that equate to similar-sized general qualifications within educational institutions within the UK.

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

Care needs to be exercised when registering learners as the titling conventions and titles for the revised QCF versions of the BTEC Level 2 Firsts and BTEC Level 3 Nationals have changed.

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 qualification in the QCF:

- Award (1 to 12 credits)
- Certificate (13 to 36 credits)
- Diploma (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 – 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

The Edexcel BTEC Level 3 Certificate offers an engaging programme for those who are clear about the vocational area they want to learn more about. These learners may wish to extend their programme through the study of a related GCSE, a complementary NVQ or other related vocational or personal and social development qualification. These learning programmes can be developed to allow learners to study complementary qualifications without duplication of content.

For adult learners the Edexcel BTEC Level 3 Certificate can extend their knowledge and understanding of work in a particular sector. It is a suitable qualification for those wishing to change career or move into a particular area of employment following a career break.

### Key features of the Edexcel BTEC Level 3 in Law and Legal Work

The Edexcel BTEC Level 3 in Law and Legal Work has been developed to give learners the opportunity to:

- engage in learning that is relevant to them and which will provide opportunities to develop a range of skills and techniques, personal skills and attributes essential for successful performance in working life
- achieve a nationally recognised Level 3 vocationally-related qualification
- progress to employment in a particular vocational sector
- progress to related general and/or vocational qualifications.

### National Occupational Standards

Where relevant, Edexcel BTEC Level 3 qualifications are designed to provide some 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). Edexcel BTEC Level 3 (QCF) qualifications 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 in *Annexe C*.

The Edexcel BTEC Level 3 Certificate in Law and Legal Work relates to the following NOS:

- Legal Advice.

# Rules of combination

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The rules of combination specify the credits that need to be achieved, through the completion of particular units, for the qualification to be awarded. All accredited qualifications within the QCF have rules of combination.

## Rules of combination for the Edexcel BTEC Level 3 qualification

When combining units for an Edexcel BTEC Level 3 Certificate in Law and Legal Work, it is the centre's responsibility to ensure that the following rules of combination are adhered to.

### Edexcel BTEC Level 3 Certificate in Law and Legal Work

- 1 Qualification credit value: a minimum of 15 credits.
- 2 Minimum credit to be achieved at, or above, the level of the qualification: 15 credits.
- 3 All credits must be achieved from the units listed in this specification.

## Edexcel BTEC Level 3 Certificate in Law and Legal Work

The Edexcel BTEC Level 3 Certificate in Law and Legal Work is a 15 credit and 90 guided learning hour (GLH) qualification that consists of one mandatory unit **plus** optional units that provide for a combined total of 15 credits

Edexcel BTEC Level 3 Certificate in Law and Legal Work			
Unit	Mandatory units	Credit	Level
1	Dispute Solving in the English Legal System	5	3
Unit	Optional units		
2	Aspects of Law Making	5	3
3	Aspects of Personal Injury Law and Practice	5	3
4	The Criminal Justice System	5	3
5	Aspects of Criminal Law	5	3
6	Aspects of Contract Law and Procedure	5	3
7	Civil Litigation Practice	5	3
8	Aspects of Employment Law and Practice	5	3
9	Principles of Property Law and Procedure	5	3

# Assessment

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All units within this qualification is internally assessed. The qualifications are criterion referenced, based on the achievement of all the specified learning outcomes.

To achieve a 'pass' a learner must have successfully passed **all** the assessment criteria.

## Guidance

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

- meet the standard determined by the assessment criteria and
- achieve the learning outcomes.

All the assignments created by centres should be reliable and fit for purpose, and should be built on the unit assessment 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, including performance observation, presentations and posters, along with projects, or time-constrained assessments.

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

The assessment criteria must be clearly indicated in the assignments briefs. 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 criteria.

When designing assignments briefs, centres are encouraged to identify common topics and themes. 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.

## Qualification grade

Learners who achieve the minimum eligible credit value specified by the rule of combination will achieve the qualification at pass grade.

In the Edexcel BTEC Level 3 Specialist qualifications each unit has a credit value which specifies the number of credits that will be awarded to a learner who has achieved the learning outcomes of the unit. This has been based on:

- one credit for those learning outcomes achievable in 10 hours of learning time
- learning time being 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 remaining constant regardless of the method of assessment used or the qualification to which it contributes.

## Quality assurance of centres

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Edexcel BTEC Level 3 qualifications provide a flexible structure for learners enabling programmes of varying credits and combining different levels. For the purposes of quality assurance, all individual qualifications and units are considered as a whole.

Centres delivering the Edexcel BTEC Level 3 must be committed to ensuring the quality of the units and qualifications they deliver, through effective standardisation of assessors and verification of assessor decisions. Centre quality assurance and assessment is monitored and guaranteed by Edexcel.

The Edexcel quality assurance processes will involve:

- centre approval for those centres not already recognised as a centre for BTEC qualifications
- approval for the Edexcel BTEC Level 3 qualifications and units
- **compulsory** Edexcel-provided training and standardisation for internal verifiers and assessors leading to the accreditation of lead internal verifiers via the OSCA system
- quality review of the centre verification practice
- centre risk assessment by Edexcel of overarching processes and quality standards
- remedial training and/or assessment sampling for centres identified through standardisation or risk assessment activities as having inadequate quality, assessment or internal verification processes.

## Approval

Centres are required to declare their commitment to ensuring the quality of the programme of learning and providing appropriate assessment opportunities for learners that lead to valid and accurate assessment outcomes. In addition, centres will commit to undertaking defined training and online standardisation activities.

Centres already holding BTEC approval are able to gain qualification approval online. New centres must complete a centre approval application.



## Quality Assurance Guidance

Details of quality assurance for the Edexcel BTEC Level 2-3 qualifications are set out in centre guidance which is published on our website ([www.edexcel.com](http://www.edexcel.com)).

## Programme design and delivery

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### Mode of delivery

Edexcel does not normally define the mode of delivery for Edexcel BTEC Entry to Level 3 qualifications. 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 learners' 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

Edexcel BTEC Level 3 qualifications are designed to give learners an understanding of the skills needed for specific vocational sectors. Physical resources need to support the delivery of the programme and the 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 vocational nature of Edexcel BTEC Level 3 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 learners' experience.

## Additional and specialist learning

Additional and Specialist Learning (ASL) consists of accredited qualifications at the same level as, or one level above a 14-19 Diploma course of study, which have been approved under Section 96 of the Learning and Skills Act 2000. The ASL may include BTEC qualifications which are also available to learners not following a 14-19 Diploma course of study.

ASL qualifications are listed on the 14-19 Diploma Catalogue which is available on the Register of Regulated Qualifications ([www.ofqual.gov.uk](http://www.ofqual.gov.uk)). The catalogue will expand over time as more qualifications are accredited and approved.

Centres undertaking, or preparing to undertake, ASL should refer regularly to the Edexcel website for information regarding additions and the 14-19 Diploma Catalogue for the latest information.

## Functional skills

Edexcel Level 3 BTEC Specialist qualifications give learners opportunities to develop and apply functional skills. Functional skills are, however, not required to be achieved as part of the BTEC Specialist qualification(s) rules of combination. Functional skills are offered as stand alone qualifications.

## Access and recruitment

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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 higher level qualification.

## **Restrictions on learner entry**

The Edexcel BTEC Level 3 Certificate in Law and Legal Work is accredited on the QCF for learners aged 16 and above.

## **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 document *Access Arrangements and Special Considerations for BTEC and Edexcel NVQ Qualifications*, which can be found on the Edexcel website ([www.edexcel.com](http://www.edexcel.com)). This policy replaces the previous Edexcel policy (*Assessment of Vocationally Related Qualifications: 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 sufficient, reliable and valid.

# Unit format

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All units in the Edexcel BTEC Level 3 Specialist 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).

## Unit code

Each unit is assigned a QCF unit code that appears with the unit title on the National Database of Accredited Qualifications.

## 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 NOS and/or other sector/professional benchmarks.

## Credit value

All units have a credit value. The minimum credit value that may be determined for a unit is one, and credits can only be awarded in whole numbers. Learners will be awarded credits for the successful completion of whole units.

## 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 learners' achievements. It does not include time spent by staff in day-to-day marking of assignments or homework where the learner is not present.

## Unit aim

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

The learning outcomes of a unit set out what a learner is expected to know, understand or be able to do as the result of a process of learning.

## Assessment criteria

The assessment criteria of a unit specify the standard a learner is expected to meet to demonstrate that a learning outcome, or set of learning outcomes, has been achieved. The learning outcomes and assessment criteria clearly articulate the learning achievement for which the credit will be awarded at the level assigned to 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 National Occupational Standards (NOS), where relevant. 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 unit.

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 should have the opportunity 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 criteria.

## Content structure and terminology

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

- Learning outcome: this is shown 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 be covered in the delivery of the unit. Semi-colons mark the end of an element.
- Brackets contain amplification 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 could be covered or could be replaced by other, similar material).

## 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 to 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.
- *Assessment* – gives amplification about the nature and type of evidence that learners need to produce in order to achieve the unit. This section should be read in conjunction with the assessment criteria.
- *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.
- *Indicative resource materials* – gives a list of learner resource material that benchmarks the level of study.

# Units

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Unit 1: Dispute Solving in the English Legal System	15
Unit 2: Aspects of Law Making	23
Unit 3: Aspects of Personal Injury Law and Practice	31
Unit 4: The Criminal Justice System	39
Unit 5: Aspects of Criminal Law	47
Unit 6: Aspects of Contract Law and Procedure	55
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Unit 9: Principles of Property Law and Procedure	75





# Unit 1: **Dispute Solving in the English Legal System**

**Unit code:** J/601/9498

**QCF Level 3:** BTEC Specialist

**Credit value:** 5

**Guided learning hours:** 30

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## **Unit aim**

The unit aims to provide learners with an understanding of the different types of law, the people and courts involved in the resolution of legal disputes, and the terminology used by legal practitioners.

## **Unit introduction**

The unit introduces learners to the meaning of law, its role and purpose, and the key features of the different areas of law, such as criminal and civil. It looks at characteristics of different areas of civil law and the funding of legal services. Consideration is also given to the roles and responsibilities of the personnel involved in the administration of the law.

The unit continues with an overview of the functions of civil and criminal courts, both first instance and appeal, and how the hierarchies operate. It also considers the composition and role of tribunals.

## Learning outcomes and assessment 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 determine the standard required to achieve the unit.

### On completion of this unit a learner should:

Learning outcomes	Assessment criteria
1 Understand the roles and responsibilities of people involved in the law	1.1 explain the different roles of people involved in the law 1.2 evaluate the responsibilities of jurors in criminal trials
2 Understand how the civil courts function	2.1 explain the working of the civil courts system 2.2 describe the role of tribunals in civil disputes
3 Understand how the criminal courts function	3.1 evaluate the jurisdiction of the criminal courts

## Unit content

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### 1 Understand the roles and responsibilities of people involved in the law

*Types of law:* meaning of law; criminal; civil; contract; wills and succession; employment; tort; consumer; personal injury; criminal; property; funding of legal services

*People in law:* barristers; solicitors; legal executives; paralegals; judges; magistrates; jurors; tribunal members; arbitrators; mediators; roles; training and responsibilities; roles in different types of law

*Roles and responsibilities of jurors:* selection; exemptions; duty and responsibilities eg listening to evidence; confidentiality; burden of proof; directions from judge; reaching a decision; post trial responsibility

### 2 Understand how the civil courts function

*Civil courts:* hierarchy; county; High Court; Court of Appeal; The Supreme Court; claims; tracks; appeals; forms

*Tribunals:* composition; roles

### 3 Understand how the criminal courts function

*Criminal courts:* hierarchy; magistrates; Crown court; courts of appeal; The Supreme Court; procedure; adversarial system; mode of trial; bail; types of offence

## Essential guidance for tutors

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### Delivery

This unit provides the background to the study of law at level 3. Part of learning outcome 1 is a development of similar material in Unit 1: The English Legal System, of the Edexcel BTEC Level 2 Certificate in Law and Legal Work, but requires more detail and analysis.

Learning outcome 1 requires coverage of the different types of law and funding available. Each area of law needs to be introduced in the context of typical reasons that cause people to seek legal services, so that learners understand some of the basic underlying concepts. Learners should then explore funding of legal services for those areas of the law. For example, in criminal law the underlying concepts are *actus reus*, *mens rea* and strict liability. Any person accused of a crime will need advice and possible representation so funding of such services needs to be explained in this context. As the areas of law are explored, the overall picture of funding of legal services should emerge. Alternatively, the general principles can be taught, and then reinforced by practical application to each area.

Learning outcomes 2 and 3 are similar to material in Unit 1: The English Legal System of the Edexcel BTEC Level 2 Certificate in Law and Legal Work and covers the criminal and civil court structures but, there should be more analysis at level 3 of the hierarchies and appeals.

### 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 of assignments
Explain and discuss difference between public and private law, identify law by topic area and distinguish between civil and criminal law eg purpose, courts, terminology, potential outcome of cases etc. Glossary of terms activity.
Court visit – magistrates and/or Crown court
Reconstruction of court room layout to allow discussion of personnel and roles and to re-enact a jury decision in a case.
Research training, roles and responsibilities of barristers, solicitors, judges and support staff.
Group activity – outline the roles and responsibilities of lay people involved in the legal system.

Topic and suggested assignments/activities and/assessment
<b>Assignment 1 – Legal Profession Versus Jurors</b>
Discuss examples of civil issues incorporating video clips from TV programmes such as <i>Holidays from Hell</i> , <i>Watchdog</i> .
Research civil courts and track allocation.
Guest speaker from county court covering procedure.
Examine sample documents to issue and respond to a claim.
Explanation of the difference between courts and tribunals.
Research on different types of tribunal.
<b>Assignment 2 – Civil Courts and Tribunals</b>
Criminal trials – discuss recent cases and identify types of cases and appropriate trial court.
Research and timeline activity to define procedure from commission of crime through to sanction.
Guest speaker – police, magistrate.
Mini case studies illustrating different types of offences and outcomes.
<b>Assignment 3 – Criminal Courts</b>
Review

### Assessment

To gain a pass grade for the unit and meet each learning outcome, a learner must, in the assessment evidence they provide, demonstrate the ability to apply understanding and knowledge from all three learning outcomes to a practical situation.

Assessments need to be designed to ensure that there will be evidence of each assessment criterion. This could take the form of three assignments, one for each learning outcome. Whatever the final format of the assessment evidence, assessors need to ensure that the evidence is the authentic work of the individual learner.

Assessment evidence should cover each italicised heading from each learning outcome. For example, learning outcomes 1 and 2 could be combined in a case study which covers a visit to a civil and criminal court, discusses the types of case heard there, people involved in the hearing, where appeals go to, etc.

Assessment could be carried out through three assignments. A more interesting approach might be to have one assessment based on learning outcome 1 on which the other learning outcomes hang. In this assessment the descriptions of likely areas of need can go on to include a description of the people involved. These can then be compared at the end of the assessment.

Learners will demonstrate understanding of the nature and likely needs of people in each of the areas covered in learning outcome 1 so that the learner appears confident in understanding the needs of people seeking help in the law. Thus a case study approach or evidence of real assistance given are ways of demonstrating understanding.

**Programme of suggested assignments**

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

Criteria covered	Assignment title	Scenario	Assessment method
AC 1.1, 1.2	Legal Profession versus Jurors	Explain the roles of people involved in the law and evaluate the responsibilities of jurors in criminal trials.	Presentation
AC 2.1, 2.2	Civil Courts and Tribunals	Applying civil procedure to a case study, explain the workings of the civil courts and describe the role of tribunals.	Case study
AC 3.1	Criminal Courts	Through a case study, explain how the criminal courts function and evaluate the jurisdiction of the criminal courts.	Case study

**Indicative resource materials****Textbooks**

Darbyshire P – *Nutshell English Legal System*, 8th Edition (Sweet and Maxwell, 2010) ISBN 041404178X

Elliott C and Quinn F – *English Legal System* (Longman, 2009) ISBN 1408204525

Martin J – *The English Legal System* (Hodder Education, 2010) ISBN 1444107586

Martin J (editor) – *The English Legal System (Key Facts)* (Hodder Education, 2008) ISBN 0340958669

McDougall I (General editor) - *Cases That Changed Our Lives* (Butterworths LexisNexis, 2010) ISBN 9781405755887

Keenan D – *Smith and Keenan's English Law: Text and Cases* (Longman, 2007) ISBN 1405846186

**Newspaper**

*The Times* — especially *Law Times* on Tuesdays

**Journal**

*Student Law Review*

**Websites**

ACAS (Advisory, Conciliation and Arbitration Service) – improving employment relations	<a href="http://www.acas.org.uk">www.acas.org.uk</a>
Citizens Advice Bureau	<a href="http://www.adviceguide.org.uk">www.adviceguide.org.uk</a>
British and Irish Legal Information Institute	<a href="http://www.bailii.org">www.bailii.org</a>
The Bar Council	<a href="http://www.barcouncil.org.uk">www.barcouncil.org.uk</a>
The Citizenship Foundation	<a href="http://www.citfou.org.uk">www.citfou.org.uk</a>
Ministry of Justice	<a href="http://www.justice.gov.uk">www.justice.gov.uk</a> (formerly <a href="http://www.dca.gov.uk">www.dca.gov.uk</a> , which can still be accessed for archived information and documents)
Law website including lecture notes and cases	<a href="http://www.e-lawlearner.com">www.e-lawlearner.com</a>
Home Office	<a href="http://www.homeoffice.gov.uk">www.homeoffice.gov.uk</a>
Institute of Legal Executives	<a href="http://www.ilex.org.uk">www.ilex.org.uk</a>
Lawlinks – legal resources	<a href="http://www.kent.ac.uk/lawlinks">www.kent.ac.uk/lawlinks</a>
Law Society	<a href="http://www.lawsociety.org.uk">www.lawsociety.org.uk</a>
Law essay professionals	<a href="http://www.lawteacher.net">www.lawteacher.net</a>
Institute of Paralegals Citizens Advice Bureaux	<a href="http://www.theiop.org">www.theiop.org</a>





## Unit 2: Aspects of Law Making

Unit code: T/601/9500

QCF Level 3: BTEC Specialist

Credit value: 5

Guided learning hours: 30

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### Unit aim

The aim of this unit is to provide learners with an understanding of the different ways in which laws are created and their importance

### Unit introduction

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.

## Learning outcomes and assessment 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 determine the standard required to achieve the unit.

### On completion of this unit a learner should:

Learning outcomes	Assessment criteria
1 Understand how legal rules are created by precedent	1.1 explain the application of judicial precedent in the courts using specific case law examples  1.2 evaluate the use of judicial precedent by the courts
2 Understand how statutory rules are made	2.1 explain the process of making an Act of Parliament  2.2 explain the uses of delegated legislation  2.3 evaluate the influences on Parliament

## Unit content

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### 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

## Essential guidance for tutors

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### Delivery

Delivery methods for this unit 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. Case studies and statutes can be used to encourage individual and group learning, as well as providing a vehicle for assessment. This may be particularly useful when assessing understanding of the application of precedents, statutory interpretation and conflicting domestic and European legal rules.

The concept of judicial precedent needs to be explored. 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 disadvantages of the common law and the techniques available to the judiciary to distinguish between precedents. This can be explored through the use of cases such as *Donoghue v Stevenson*.

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. Learners should also 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.

### 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 of assignments
Explain and discuss the difference between case law and statute. Glossary of terms activity.
Research case law and examine specimen law reports.
Discuss classic and contemporary cases in conjunction with precedent, the advantages and disadvantages of its use.
Topic and suggested assignments/activities and/assessment
Mini case studies.
Assignment 1 – Judicial Precedent
Domino activity matching key terms and definitions.
Research how Acts of Parliament are made and examine sample acts (timeline activity).
Group activity examining new laws and changes in the law and the reasons for change using the Bill Index.
Video clips on the work of parliament and pressure groups.
Questions relating to the 'Discover Parliament' publications.
Assignment 2 – Legislative Process
Explain and discuss delegated law.
Research orders in council, statutory instruments and by-laws
Group activity – identify the advantages and disadvantages of delegated legislation.
Examine case law relating to delegated legislation
Assignment 3 – Delegated Law
Review

## Assessment

To pass this unit, learners must meet all the requirements of the assessment criteria. The criteria can be fulfilled by the learner demonstrating their understanding, often through the use of scenarios, case studies and Acts of Parliament. These give learners the materials they can use to demonstrate understanding of the formulation of legal rules.

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

Learners will explain the meaning of precedent and how precedents are used, learners will also evaluate the use of judicial precedent. Learners should explain the process involved in making an Act of Parliament and give an explanation of orders in council, statutory instruments and by-laws. It is important that the evidence is not copied verbatim from textbooks. Learners should research gaps in the law, and then draft and present their own idea for a new statute or they could be given scenarios on which to base and apply their knowledge and understanding of the relevant law.

Learners need to evaluate the impact of commissions, media, politics and pressure groups on Parliament.

## Programme of suggested assignments

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

Criteria covered	Assignment title	Scenario	Assessment method
AC 1.1, 1.2	Judicial Precedent	Using appropriate case law, explain the application of precedent and evaluate the use of precedent by the courts.	Leaflet for law students
AC 2.1, 2.2, 2.3	Legislative Process	Evaluate the influences on Parliament and explain why and how laws are introduced or changed.	Presentation
AC 2.2	Delegated Law	Explain the types of delegated law and why they are used.	Leaflet for law students

**Essential resources**

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 texts and case books. Other support resources are statutes and law reports.

Maximum use should be made of visiting speakers and of visits to institutions such as police stations, prisons and magistrates' and Crown courts.

**Indicative resource materials****Textbooks**

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

Elliott C and Quinn F– *English Legal System* (Longman, 2009) ISBN 1408204525

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

Martin J and Lanser D – *AQA Law for AS* (Hodder Education, 2010) ISBN 1444110497

Martin J – *The English Legal System* (Hodder Education, 2010) ISBN 1444107586

McDougall I (General editor) - *Cases That Changed Our Lives* (Butterworths LexisNexis, 2010) ISBN 9781405755887

Slapper G and Kelly D – *English Legal System* (Routledge, 2010) ISBN 0415566959

Stychin C F – *Legal Method and Systems: Text and Materials* (Sweet & Maxwell, 2010) ISBN 0414041836

**Newspapers**

*The Times* - especially *Law Times* on Tuesdays

**Journals**

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

*Student Law Review* (Cavendish)

**Websites**

The Bar Council	<a href="http://www.barcouncil.org.uk">www.barcouncil.org.uk</a>
Centre For Effective Dispute Resolution	<a href="http://www.cedr.co.uk">www.cedr.co.uk</a>
The Criminal Justice System for England and Wales	<a href="http://www.cjsonline.gov.uk/">www.cjsonline.gov.uk/</a>
Department for Constitutional Affairs – Judicial Appointments Commission page	<a href="http://www.dca.gov.uk/judges.htm">www.dca.gov.uk/judges.htm</a>
Department for Constitutional Affairs – magistrates’ page	<a href="http://www.dca.gov.uk/magistrates.htm">www.dca.gov.uk/magistrates.htm</a>
Her Majesty’s Courts Service	<a href="http://www.hmcourts-service.gov.uk">www.hmcourts-service.gov.uk</a>
Information regarding the work of judges, magistrates and tribunal members in England and Wales	<a href="http://www.judiciary.gov.uk">www.judiciary.gov.uk</a>



## **Unit 3: Aspects of Personal Injury Law and Practice**

**Unit code:** F/601/9502

**QCF Level 3:** BTEC Specialist

**Credit value:** 5

**Guided learning hours:** 30

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### **Unit aim**

The aim of the unit is to provide learners with knowledge and understanding of the law relating to personal injury claims and liability.

### **Unit introduction**

This unit considers some of the practical areas which result in litigation, such as personal injuries caused at work, in road accidents, and by hospital negligence. It gives the learner an understanding of how the law applies in these situations, together with aspects of the procedures the law follows in dealing with such claims. Learners will use appropriate legal terminology and become familiar with the terminology used by legal practitioners. The principles can be developed through examining decided cases.

The unit considers the three elements to a successful claim in negligence. The first element sets out the situations in which a person is owed a 'duty of care' by another person, business or organisation. The second element considers the standard of care that must be reached and the third element considers the extent of the injuries for which compensation can be claimed.

Once liability has been established, the unit examines the way in which the law decides how much compensation is payable for the injuries and the manner in which that sum is to be paid.

## Learning outcomes and assessment 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 determine the standard required to achieve the unit.

### On completion of this unit a learner should:

Learning outcomes	Assessment criteria
1 Understand what a claimant has to prove in a personal injury case	1.1 explain what a claimant in a personal injury case has to prove to succeed in a claim
2 Understand the different types of loss and liability in personal injury claims	2.1 explain the meaning of 'vicarious liability' using decided cases 2.2 explain the effect of the law on occupiers' liability 2.3 analyse the different types of loss in personal injury claims
3 Know how the law decides on the payment of damages in personal injury claims	3.1 describe how the law decides on payment of damages to be awarded in given situations

## Unit content

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### 1 Understand what a claimant has to prove in a personal injury case

*Burden of proof:* balance of probabilities

*Duty of care:* old and new approaches (*Donoghue v Stevenson* and Caparo three-part test)

*Breach of duty:* standard of the reasonable person; special characteristics of defendant and claimant; magnitude of risk; practicality of precautions; benefits of risk to public

### 2 Understand the different types of loss and liability in personal injury claims

*Vicarious liability:* employment; independent contractors

*Statutory liability:* Occupiers' Liability Acts

*Types of loss:* psychiatric loss; physical injuries

### 3 Know how the law decides on the payment of damages in personal injury claims

*Remoteness:* causation in fact/but for test; intervening events; causation in law; reasonable foresee ability

*Classification of damages:* special; general; pecuniary; non-pecuniary; examples

*Deductions:* tax; benefits; insurance

*Payment of damages:* interim awards; lump sum; structured settlement

*Contributory negligence:* law reform (Contributory Negligence) Act 1945

## Essential guidance for tutors

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### Delivery

This unit involves a detailed investigation into personal injury caused by negligence. It is crucial that learners understand the need for proof of duty, breach and damage before damages can be awarded. The emphasis is on the way in which the law establishes the essential elements, with decided cases being used to illustrate and explain the principles. The specific areas of negligence of occupiers' liability, psychiatric loss and pure economic loss are included.

It is essential that the test for the duty of care is understood so it can be applied to a given situation. This can be examined through real examples of negligence claims from the learner's own experience. Breach of duty requires an understanding of the 'reasonable person' test and the standard required of that mythical person. This should be expanded to include application to professionals and learners. The factors that then raise or lower that standard need to be applied to the basic test. The issues of causation and remoteness involve application of the tests.

The learner must be able to decide whether the injuries are likely to be considered too remote from the broken duty to give rise to liability. Damages require an appreciation of the heads of damage and the way in which the law arrives at the ultimate award. This will involve an understanding of the nature of, and reasons for, interim awards.

In each learning outcome the general concepts can be developed through the cases to get a more detailed understanding. There are numerous websites that will provide details of the cases. Learners can research these first and then use them to consider similar case studies. Recent cases are useful as a basis of discussion so that learners start to analyse a problem and consider the principles that might be applied, eg *Chittock v Woodbridge School*. Similarly, there are some areas on websites that concentrate on particular areas which can be researched and presented by learners. Taking a case such as *Ward v Tesco*, there are a number of links that will provide discussion material that can be used to illustrate the application of the principles such as:

- [www.braininjury.co.uk/default.ihtml?step=4&pid=11](http://www.braininjury.co.uk/default.ihtml?step=4&pid=11)
- [www.lawcosts-uk.com/library/abrew.html](http://www.lawcosts-uk.com/library/abrew.html).

Learners will need practice in each of the areas so that they can provide assessments that are to the required standards. They will find that suggested sums for various injuries are not always easy to reconcile with reality, and will come to realise that each case has specific facts that affect the quantum. Learners working in this area of law will benefit from following cases and considering how the law applies to the facts disclosed.

## 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 of assignments
Explain and discuss fault-based liability with particular emphasis on negligence. Glossary of terms activity.
Research case law and tests used by the courts for duty of care and breach.
Discuss classic and contemporary personal injury cases.
Mini case studies.
<b>Assignment 1 – A Personal Injury Case</b>
Case law research relating to vicarious liability and occupiers' liability towards visitors and trespassers.
Case studies examining causation, remoteness, eggshell skull rule and nervous shock.
Role play of a classic negligence case
<b>Assignment 2 – More Personal Injury Cases</b>
Explain and discuss remedies for personal injury claims.
Research special and general damages.
Group activity - Identify the consequences of contributory negligence
Group activity – identify factors to be considered when calculating the level of damages. Research online personal injury calculators and factors taken into account
Mini case studies on work and car accidents.
<b>Assignment 3 – Where There's Blame.</b>
Review

## Assessment

Assessments need to be designed to ensure that there will be evidence for each assessment criterion. It is far better to use one or more case study to demonstrate the understanding required for the learning outcomes. It is equally appropriate to use the law as a commentary on a real case that is being pursued in the learner's workplace, subject to confidentiality requirements.

One suitable assessment would be a commentary on a real case, from the factual description of the incident to eventual payment of damages. The learner would identify why a duty of care was owed, the standard required, why that had not been reached and the injuries caused that were not too remote. The aspects of the commentary that were not relevant need to be identified and an explanation given as to how, if at all, the case might change as a result of their presence. This is particularly relevant for demonstrating understanding of the factors affecting the standard of care and areas of duty, for example psychiatric injury. Then a detailed analysis of the way in which damages were assessed can be given. If the case were settled, an indication of a breakdown under the heads of damage would be sufficient evidence.

Whatever the final format of the assessment, tutors need to clearly identify where the individual aspects of the content are evidenced, and ensure that the evidence is the authentic work of the learner.

### Programme of suggested assignments

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

Criteria covered	Assignment title	Scenario	Assessment method
AC 1.1	A Personal Injury Case	Apply the law of negligence (ie what the claimant has to prove to succeed with a claim) to a case study scenario.	Case study
AC 2.1, 2.2, 2.3	More Personal Injury Cases	Describe the types of loss which may arise from negligence and explain vicarious liability and occupiers. liability.	Case study involving a work accident and injury to visitors and trespassers on particular premises
AC 3.1	Where There's Blame.	Comment on a series of scenarios to describe how the law decides on payment of damages to be awarded.	Case studies.

**Essential resources**

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 texts and case books. Other support resources are statutes and law reports.

Maximum use should be made of visiting speakers and of visits to institutions such as police stations, prisons and magistrates' and Crown courts.

**Indicative resource materials****Textbooks**

Elliott C and Quinn F — *Tort Law* (Longman, 2009) ISBN 1405899336

Harpwood V — *Modern Tort Law* (Hodder Arnold, 2008) ISBN 0415458463

Hodge S — *Tort Law* (Willan Publishing, 2004) ISBN 1843920980

McDougall I (General editor) - *Cases That Changed Our Lives* (Butterworths LexisNexis, 2010) ISBN 9781405755887

Turner C — *Tort Law (Key Facts)* (Hodder Education, 2010) ISBN 1444110918

**Newspaper**

*The Times* — especially the *Law Times* on Tuesdays

**Journal**

*Learner Law Review*

**Websites**

British and Irish Legal Information Institute                      [www.bailii.org](http://www.bailii.org)

Law website including lecture notes and cases                      [www.e-lawlearner.com](http://www.e-lawlearner.com)

Law essay professionals                      [www.lawteacher.net](http://www.lawteacher.net)

Lawlinks – legal information                      [www.kent.ac.uk/lawlinks](http://www.kent.ac.uk/lawlinks)

Old Square Chambers – barristers' chambers                      [www.oldsquare.co.uk/default.asp](http://www.oldsquare.co.uk/default.asp)





## Unit 4: The Criminal Justice System

Unit code: J/601/9503

QCF Level 3: BTEC Specialist

Credit value: 5

Guided learning hours: 30

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### Unit aim

The aim of this unit is to introduce the learner to the criminal justice system in England and Wales and outline the three key stages in criminal prosecutions.

### Unit introduction

This unit considers the three key stages in criminal prosecutions. The first of these stages is the pre-trial procedure, dealing with categories of criminal offences, bail and the role of the Crown Prosecution Service.

The second stage is the criminal trial itself. Learners will investigate the trial process in the magistrates' and Crown courts and the use of juries in criminal trials and the grounds and routes of appeal.

The third stage of the unit deals with sentencing. Learners will investigate the differing powers of the courts in sentencing offenders, the aims of sentencing and the range of sentences available to the courts. As well as considering the range of sentences, learners will need to consider how the different sentences reflect the underlying principles of sentencing and look at sentencing policy.

## Learning outcomes and assessment 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 determine the standard required to achieve the unit.

### On completion of this unit a learner should:

Learning outcomes	Assessment criteria
1 Understand pre-trial procedure in criminal courts	1.1 explain pre-trial procedure in criminal courts 1.2 evaluate bail provisions
2 Understand the criminal trial process through the courts	2.1 describe the criminal trial process in both the magistrates' and Crown courts 2.2 evaluate the use of laypeople in criminal trials 2.3 describe the grounds for appeal
3 Understand the sentencing powers of the criminal courts	3.1 explain the powers of the courts in sentencing offenders.

## Unit content

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### 1 Understand pre-trial procedure in criminal courts

*Categories of criminal offences:* summary offences; triable either way offences; indictable offences

*Bail:* police powers to grant bail; the Bail Act 1976; restrictions on bail

*Access to legal advice and representation:* duty solicitors; funding and representation for litigation

*Prosecutors:* role of Crown Prosecution Service; code for crown prosecutors; other prosecutors; private prosecutions; plea bargaining

### 2 Understand the criminal trial process through the courts

*Magistrates court:* summary trial process; guilty pleas; not guilty pleas; triable either way offences; plea before venue; mode of trial; defendant's election; committal proceedings; role of the clerk; youth courts; use of laypeople

*Crown court:* trial by jury; implications of trial by jury; composition of the jury; Juries Act 1974 and the Criminal Justice Act 2003; advantages and disadvantages of the jury system

*Appeals from criminal courts:* appeals from magistrates' court to the Crown court; appeals to the Queen's Bench Divisional Court by way of case stated; further appeals to the Supreme Court; appeals from the Crown court by the defendant; leave to appeal; Court of Appeal's powers; appeals by the prosecution; appeals to the Supreme Court

### 3 Understand the sentencing powers of the criminal courts

*Sentencing powers:* magistrates' court sentencing powers and limitations; crown court sentencing and restrictions; range of sentences available

*Aims of sentencing:* retribution; denunciation; incapacitation; deterrence; rehabilitation

## Essential guidance for tutors

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### Delivery

This unit follows on from Unit 2: Police and their Powers, of the Edexcel BTEC Level 2 Certificate in Law and Legal Work, but it is not necessary to have studied the unit. Learners should approach this unit in a logical sequence and follow the progress of an accused person from arrest through to sentencing and possible appeal. There is a wealth of material available and tutors can be creative in their approach towards delivery. Up-to-date examples should be used so that learners gain an insight into the practical and real-life procedures involved in prosecuting offenders.

Tutors should be aware of recent changes in the law. Delivery methods for this unit will include an explanation of key principles, role play, exercises to help learners understand and explain the procedures and case studies to help learners to apply the knowledge in a practical way. Tutors might like to construct a scenario whereby learners plot the accuseds' progress through the criminal justice system, right through to sentencing. Alternatively, each section can be considered separately and learners might like to make up their own scenarios to illustrate.

The use of visiting speakers is highly recommended; the Crown Prosecution Service and magistrates are happy to talk to learners. Local community police officers are a helpful source of information and are keen to participate in delivery to learners. It would be of enormous benefit for learners to observe trials in both the magistrates' and Crown courts. Jury summoning officers are helpful and, if given enough notice, will usually arrange for learners to see the jurors' video in court and might be amenable to giving short talks to learners before the court sits. Videos could also be shown to demonstrate the trial process. Learners may wish to stage a trial themselves, using role play to bring the unit to life. Local magistrates' benches are often keen to get involved with learners staging a mock trial, this gives an excellent insight into the court process.

## 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.

<b>Topic and suggested assignments/activities and/assessment</b>
Introduction to unit and programme of assignments
Explain and discuss different types of offences – group activities to list as many offences as possible, Domino activity to match offences to definitions. Discuss classification of crime as summary, either way or indictable.
Mini-presentations on specific offences identifying category of crime, relevant court and potential sentence.
Visit to magistrates and/or Crown court.
Research into pre-trial procedure and access to legal advice and representation.
Group activity on bail and conditions related to specific scenarios.
<b>Topic and suggested assignments/activities and/assessment</b>
Guest speaker – Crown Prosecution Service, solicitor or victim support
<b>Assignment 1 – Trial Pending</b>
Mock trial – magistrates’ court
Mock trial – Crown court
Explain and discuss the role of laypeople.
Mini case studies relating to trial procedure, appeals and grounds for appeal
<b>Assignment 2 – Trial Active.</b>
Explain and discuss aims of sentencing and different types of sentence.
Research powers and limitations related to sentencing in magistrates’ and Crown courts
Group activity – you be the judge (making decisions on sentencing relating to specific scenarios and taking into account mitigating factors).
Group activity – examining cases of injustice and looking for causes.
<b>Assignment 3 – Trial Completed</b>
Review

## Assessment

Assessment might take the form of presentations, written assignments or videoed role play (especially for learning outcome 2). Tutors should give learners a suitable case study on which to base the assessment. The case study should be developed in sufficient detail to mirror the complexities of a real-life situation. The unit could be broken down into a series of worksheets, with tasks aimed at meeting the criteria, building up to a final presentation at the end of the unit.

Learners could usefully consider how a case would actually be sentenced. This could be achieved by evaluating decisions seen at a court and considering known material about the defendant and the facts of the case disclosed in court. This could be followed up by an analysis of sentencing for a given set of fictitious materials relating to an offence.

If learners are assessed on group work, it is important that they make a sufficient individual contribution to meet the assessment criteria.

Tutors should try to make the assessment as creative as possible so that learners are sufficiently engaged with the material and go into adequate depth. It is perfectly acceptable to meet the criteria by the more traditional essay-based approach.

## Programme of suggested assignments

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

Criteria covered	Assignment title	Scenario	Assessment method
AC 1.1, 1.2	Trial Pending	Case study explaining pre-trial procedure and evaluating bail conditions.	Case study
AC 2.1, 2.2, 2.3	Trial Active	Describe the criminal trial process in both the magistrates' and Crown courts. Evaluate the use of laypeople in criminal trials and describe the grounds for appeal.	Case study
AC 3.1	Trial completed	Explain the powers of the courts in sentencing offenders.	A leaflet to advise offenders found guilty in the criminal courts

## Essential resources

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 texts and case books. Library resources for this unit should concentrate on basic legal reference books. Other support resources are statutes and law reports.

Maximum use should be made of visiting speakers and of visits to institutions such as police stations, prisons and magistrates' and Crown courts.

## Indicative resource materials

### Textbooks

Darbyshire P – *Darbyshire on the English Legal System* (Sweet & Maxwell, 2008) ISBN 1847032346

Elliott C and Quinn F – *English Legal System* (Longman, 2009) ISBN 1408204525

Huxley-Binns R and Martin J – *Unlocking the English Legal System* (Hodder Education, 2010) ISBN 1444109197

Martin J – *The English Legal System* (Hodder Education, 2010) ISBN 1444107586

McDougall I (General editor) - *Cases That Changed Our Lives* (Butterworths LexisNexis, 2010) ISBN 9781405755887

### Journals

*A-Level Law Review*

*Learner Law Review*

### Websites

Law website including lecture notes and cases [www.e-lawstudent.com](http://www.e-lawstudent.com)

Home Office [www.homeoffice.gsi.gov.uk](http://www.homeoffice.gsi.gov.uk)

UK legal information [www.informaworld.com/smpp/content~content=a713605106&db=all](http://www.informaworld.com/smpp/content~content=a713605106&db=all)

Law essay professionals [www.lawteacher.net](http://www.lawteacher.net)

Magistrates organisation – membership organisation for magistrates [www.magistrates-association.org.uk](http://www.magistrates-association.org.uk)

Sentencing Guidelines Council [www.sentencing-guidelines.gov.uk](http://www.sentencing-guidelines.gov.uk)

Legal information [www.ukcle.ac.uk/](http://www.ukcle.ac.uk/)





## Unit 5: Aspects of Criminal Law

Unit code: Y/601/9506

QCF Level 3: BTEC Specialist

Credit value: 5

Guided learning hours: 30

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### Unit aim

The aim of this unit is to provide learners with understanding and skills relating to elements of criminal law and the nature of criminal liability.

### Unit introduction

The unit 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 offences against the person and develop an awareness of the differences between these crimes.

## Learning outcomes and assessment 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 determine the standard required to achieve the unit.

### On completion of this unit a learner should:

Learning outcomes	Assessment criteria
1 Understand the elements of a crime	1.1 explain the elements of a crime 1.2 explain the elements of specific non-fatal offences
2 Be able to apply the law on murder	2.1 apply the law on the actus reus and mens rea of murder using decided case law
3 Be able to apply the law on manslaughter	3.1 apply the law on voluntary and involuntary manslaughter using decided case law

### NB

The Coroners and Justice Act 2009 reforms and clarifies law on homicide, in particular partial defences of provocation and diminished responsibility (in force from October 2010).

## Unit content

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### 1 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

### 2 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

### 3 Understand the law on 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

*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

*Reform of homicide:* The Coroners and Justice Act 2009 reforms and clarifies law on homicide, in particular partial defences of provocation and diminished responsibility (in force from October 2010)

## Essential guidance for tutors

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### Delivery

This unit looks at specific crimes, and considers the mental element which is necessary for guilt of each crime, as well as the criminal act. There is a wealth of material available and tutors can be creative in their approach towards delivery. Up-to-date examples should be used so that learners gain an insight into practical and real-life procedures involved in prosecuting offenders, and recently decided case law.

Tutors should constantly be aware of recent changes in the law, and suggested reforms. Delivery methods for this unit will include an explanation of key principles, together with case studies and exercises to help learners understand and explain procedures and to apply the knowledge in a practical way.

Each learning outcome can be considered separately, but it may be appropriate to work through the learning outcomes in numerical order.

The use of visiting speakers is highly recommended; the Crown Prosecution Service and magistrates are usually happy to talk to learners. Local community police officers are usually a helpful source of information and are keen to participate in delivery to learners. It would be of enormous benefit for learners to observe trials in both the magistrates' and Crown courts. Jury summoning officers are helpful and, if given enough notice, will usually arrange for learners to see the jurors' video in court and might be amenable to giving short talks to learners before the court sits. Videos could also be shown to demonstrate the trial process.

Learners may wish to stage a trial themselves, using role play to bring the unit to life. Local magistrates' benches are often keen to get involved with learners staging a mock trial, this gives an excellent insight into the court process.

## 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 of assignments
Glossary of terms activity. Explain and discuss elements of crime.
Group activity – producing fact sheets on key concepts such as Acts, omissions, state of affairs, intention, recklessness etc.
Visit to magistrates and/or Crown court.
Individual activity identifying <i>actus reus</i> and <i>mens rea</i> for specific offences.
Case law research related to elements of crime.
Explain and discuss strict liability offences.
Topic and suggested assignments/activities and/assessment
<b>Assignment 1 – Actus Reus and Mens Rea</b>
Domino game matching fatal offences to definitions.
Mini case studies where learners identify relevant charge.
Discussion of contemporary cases and suggested reforms.
Flowchart on procedure in a murder case.
<b>Assignment 2 – Murder Mystery</b>
Explain and discuss voluntary manslaughter and partial defences
Research case law relating to constructive manslaughter and gross negligence manslaughter.
Group activity – you be the judge – apply the law to four scenarios (murder, causing death by dangerous driving, unlawful act manslaughter and gross negligence manslaughter).
Group activity – mini-presentations on reform of the law of homicide.
<b>Assignment 3 – Manslaughter</b>
Review

### Assessment

Assessment could take the form of presentations or written assignments. Tutors should give learners a suitable case study on which to base the assessment. The case study should be developed in sufficient detail to mirror the complexities of a real-life situation. The unit could be broken down into a series of worksheets, with tasks aimed at meeting the criteria, building up to a final presentation at the end of the unit.

If learners are assessed doing group work, it is important that they make a sufficient individual contribution to meet the assessment criteria.

Tutors should try to make the assessment as creative as possible so that learners are sufficiently engaged with the material and go into adequate depth. It is perfectly acceptable to meet the criteria through the more traditional essay-based approach.

### Programme of suggested assignments

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

Criteria covered	Assignment title	Scenario	Assessment method
AC 1.1, 1.2	Actus Reus and Mens Rea	Explain the elements of crime and apply to specific non-fatal offences.	Case study
AC 2.1	Murder Mystery	Apply the law of murder to a given case study using decided cases to illustrate points made.	Case study
AC 3.1	Manslaughter	Apply the law on voluntary and involuntary manslaughter using decided case law.	A poster to explaining and illustrated with case law, the offences of both voluntary and involuntary manslaughter.

## Essential resources

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 texts and case books. Other support resources are statutes and law reports.

Maximum use should be made of visiting speakers and of visits to institutions such as police stations, prisons and magistrates' and Crown courts.

## Indicative resource materials

### Textbooks

Elliott C and Quinn F — *Criminal Law* (Longman, 2008) ISBN 1405858710

Martin J - *Criminal Law (Key Cases)* (Hodder Education, 2009) ISBN 0340985860

McDougall I (General editor) - *Cases That Changed Our Lives* (Butterworths LexisNexis, 2010) ISBN 9781405755887

### Journals

*A-Level Law Review*

*Learner Law Review*

### Websites

Links to many cases	<a href="http://www.a-level-law.com/caselibrary/">www.a-level-law.com/caselibrary/</a>
British and Irish public legal information	<a href="http://www.bailii.org/">www.bailii.org/</a>
Judiciary of England and Wales	<a href="http://www.jsboard.co.uk/criminal_law/cbb/index.htm">www.jsboard.co.uk/criminal_law/cbb/index.htm</a>
Useful material for evaluative and concepts work	<a href="http://www.lawreports.co.uk/Newsletter/OnlineArticles/Top10CasesAug05.htm">www.lawreports.co.uk/Newsletter/OnlineArticles/Top10CasesAug05.htm</a>
Brief but useful site for outline of law	<a href="http://www.cps.gov.uk/legal_resources.html">www.cps.gov.uk/legal_resources.html</a>
Legal news and opinion	<a href="http://www.lawgazette.co.uk/in-practice/criminal-law-self-defence-diminished-responsibility-et-alia">www.lawgazette.co.uk/in-practice/criminal-law-self-defence-diminished-responsibility-et-alia</a>





## **Unit 6: Aspects of Contract Law and Procedure**

**Unit code:** D/601/9510

**QCF Level 3:** BTEC Specialist

**Credit value:** 5

**Guided learning hours:** 30

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### **Unit aim**

The aim of this unit is to introduce the law of contract to learners from a vocational perspective, providing an understanding and skills relating to the operation of this area of law.

### **Unit introduction**

The unit gives learners an introduction to the law of contract from a practical point of view. The unit is split into three main study areas.

Firstly, learners will consider rules for the formation of a contract, particularly the five areas of offer, acceptance, consideration, intention and capacity. The legal contract will be distinguished from agreements, which are not legally enforceable.

Next, learners will go on to consider different terms that can be included in a contract and the different levels of importance. This includes standard form contracts used by many businesses and how a 'battle of the forms' can occur.

Learning outcome 3 is about the termination of a contract and the remedies available. It looks at the rights of the parties when the contract is terminated, and the various remedies available.

## Learning outcomes and assessment 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 determine the standard required to achieve the unit.

### On completion of this unit a learner should:

Learning outcomes	Assessment criteria
1 Be able to apply the requirements for a valid contract	1.1 explain the legal requirements for a valid contract 1.2 apply the requirements for a valid contract using decided case law
2 Understand the different terms of a contract	2.1 explain the meaning and effect of different terms of a contract
3 Know the remedies available on termination of contract	3.1 identify how a contract can be terminated 3.2 describe the remedies available on termination of contract.

## Unit content

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### 1 **Be able to apply the requirements for a valid contract**

*Who can make one:* parties; capacity

*Form:* verbal; written; standard form

*Types:* personal; commercial/business

*Stages:* offer; invitation; counter offers; acceptance; consideration; intention; capacity

### 2 **Understand the different terms of a contract**

*Types of terms:* express terms; implied terms; conditions; warranties; innominate terms

*Exclusion clauses:* rules and limitations

*Business clauses:* standard forms; boiler-plate clauses; arbitration; class actions; 'stuffers'; best endeavours; contract bundle; comfort letters

### 3 **Know the remedies available on termination of contract**

*Methods:* performance; part performance; agreement; frustration; breach; anticipatory breach

*Remedies:* damages – liquidated and unliquidated; remoteness of damage; specific performance; quantum meruit; injunction and rescission

## Essential guidance for tutors

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### Delivery

This unit can be delivered through a mixture of tutor input and practical work. The input should consist of an explanation of the key principles of the areas of contract law as outlined in the unit content. The practical work should consist of role play and exercises to help learners understand and apply the relevant laws and use the law in a practical way. The input should be delivered practically, using topical examples, which makes it more interesting. Learners could be introduced to the material through the use of scenarios and case studies.

The learning outcomes for this unit require application of the law of contract, focusing strongly on the practical relevance of the law.

### 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 of assignments
Glossary of terms activity. Explain and discuss elements of a contract.
Group activity – research contract law cases illustrating essential elements.
Activity in pairs – draw up a contract of your choice, suggesting appropriate terms.
Activity in pairs – analyse an actual sample contract identifying the essential elements
Mini case studies applying the law of contract
<b>Assignment 1 – Legally Binding?</b>
Explain and discuss types of terms – conditions, warranties, innominate express and implied.
Research activity on exclusion clauses and related case law.
Treasure hunt – to find and examine specific exclusion clauses.
Group activity to identify business clauses.
<b>Assignment 2 – Small Print.</b>
Explain and discuss the ways a contract can come to an end.
Research case law for breach, frustration, part performance.
Outline remedies and remoteness of damage principle.
Group activity – mini-presentations on common law and equitable remedies.
Group activity – applying the law to mini case studies.

<b>Topic and suggested assignments/activities and/assessment</b>
<b>Assignment 3 – Ending a Contract and Potential Remedies</b>
Review

### Assessment

To gain a pass grade for the unit and achieve each learning outcome, a learner must, in the assessment evidence provided, demonstrate the ability to apply understanding and knowledge from all three learning outcomes in a practical situation.

Assessments need to be designed to ensure that there will be evidence of each assessment criterion. This could take the form of three short case studies, one for each learning outcome or one large case study, covering all three. Problem-based scenarios should be used to meet the assessment criteria.

Learners will achieve the unit by demonstrating understanding of the nature and likely needs of people involved in dealing with contracts. A case study approach is appropriate to demonstrate understanding of the real assistance that could be offered in given scenarios.

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

### Programme of suggested assignments

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

Criteria covered	Assignment title	Scenario	Assessment method
AC 1.1, 1.2	Legally Binding?	Case study related to essential elements of a valid contract. Apply the law and use decided cases to illustrate your answer.	Case study
AC 2.1	Small Print.	Analyse a standard form business contract and explain the meaning and effect of different terms.	Report
AC 3.1, 3.2	Ending a Contract and Potential Remedies	Identify how a contract can be ended and describe the remedies available.	A letter to advise a client

### Essential resources

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 texts and case books. Other support resources include statutes and law reports.

Maximum use should be made of visiting speakers and of visits to institutions such as police stations, prisons and magistrates' and Crown courts.

### Indicative resource materials

#### Textbooks

McDougall I (General editor) - *Cases That Changed Our Lives* (Butterworths LexisNexis, 2010) ISBN 9781405755887

Quinn F and Elliott C — *Contract Law* (Longman, 2009) ISBN 1405899352

Turner C — *Key Facts Contract Law (Key Facts Law)* (Hodder Education, 2005) ISBN 1444110861

Turner C — *Unlocking Contract Law* (Hodder Education, 2010) ISBN 1444109200

#### Newspaper

*The Times* - especially *Law Times* on Tuesdays

#### Journals

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

*Student Law Review* (Cavendish)

#### Websites

English Law resources for AS and A level Law	<a href="http://www.a-level-law.com">www.a-level-law.com</a>
British and Irish Legal Information Institute	<a href="http://www.baillii.org">www.baillii.org</a>
The Guardian – official website	<a href="http://www.guardian.co.uk">www.guardian.co.uk</a>
The Incorporated Council of Law Reporting for England and Wales	<a href="http://www.lawreports.co.uk">www.lawreports.co.uk</a>
Law essay professionals	<a href="http://www.lawteacher.net">www.lawteacher.net</a>
Law resources – St Brendan's Sixth Form College	<a href="http://www.stbrn.ac.uk/other/depts/law/index.htm">www.stbrn.ac.uk/other/depts/law/index.htm</a>
One of a number of firms of solicitors' and barristers' chambers that have publicly accessible and up-to-date legal resources and links	<a href="http://www.swarb.co.uk/">www.swarb.co.uk/</a>
The Times – official website	<a href="http://www.thetimes.co.uk">www.thetimes.co.uk</a>

## **Unit 7: Civil Litigation Practice**

**Unit code:** H/601/9511

**QCF Level 3:** BTEC Specialist

**Credit value:** 5

**Guided learning hours:** 30

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### **Unit aim**

The aim of the unit is to raise learners' awareness of the legal requirements in relation to the civil litigation procedures. It will also introduce the appropriate legal terminology and related documentation.

### **Unit introduction**

This unit introduces learners to matters which need to be considered before the start of a civil action. It then explains how the rules determine the appropriate track, and the procedure attached to each track.

The unit then looks at the procedure forms that need to be completed by both the claimant and the defendant, their timings and content.

Finally, the unit looks at how claims can be settled, and discusses the ways in which judgments can be enforced.

## Learning outcomes and assessment 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 determine the standard required to achieve the unit.

### On completion of this unit a learner should:

Learning outcomes	Assessment criteria
1 Understand civil procedure preliminaries under the civil procedure rules	1.1 identify issues to be considered prior to deciding to sue 1.2 explain how the civil procedure rules will determine the appropriate track and procedure
2 Be able to complete relevant civil procedure forms	2.1 complete relevant civil procedure forms both as claimant and defendant
3 Understand how claims may be settled	3.1 explain how claims may be settled 3.2 identify how judgments can be enforced



## Unit content

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### 1 Understand civil procedure preliminaries under the civil procedure rules

*To sue/not to sue:* reasons; alternative remedies (client issues) eg cost, stress, time, enforceability of judgment; letters before action; gathering prosecuting evidence

*Preaction:* financing action; protocols

*The tracks and Civil Procedure Rules (CPR):* track allocation; case management; striking out; civil procedure rules; application notices; pre-trial checklist; allocation questionnaires; notice of allocation or listing hearing; standard directions; failure to comply with directions; documents to be verified by a statement of truth

*Professional conduct:* duty to court; client; good standard of work

### 2 Be able to complete relevant civil procedure forms

*Claims:* contract; tort; limitation periods; commencement; service; pleadings; conditional fees; claim form and particulars of claim; amending claim; issue and service of claim; certificate of service; acknowledgement of service; requests for further information and disclosure; witness statements; obtaining a witness summons; orders to obtain information from judgment debtors, discontinuing a claim

*Defending the claim:* client care letters; service of claim; responding to a claim; admissions; defence to particulars of claim; counterclaims; letter to solicitor; requests for further information and disclosure; witness statements

### 3 Understand how claims may be settled

*Offers to settle:* process; negotiations; offers; notice of acceptance, notice of payment; costs, security for costs; wasted costs

*Judgments and orders:* interim remedies and payments; judgments and orders; judgment in default; claim against more than one defendant; default judgments for costs only; summary judgements

*Methods of enforcing judgments or orders:* orders to obtain information from judgment debtors; interest on judgment debts; power to order the sale of land; charging orders; stop orders; stop notices; attachment of earnings; freezing injunctions; stay or limitation on enforcement; setting aside judgments or orders

## Essential guidance for tutors

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### Delivery

Delivery methods for this unit should include an explanation of the main terms and civil procedures as well as an explanation and use of appropriate documents that are freely available through the internet (see *Websites*).

This unit should be delivered and assessed in the context of the legal practice environment. The intention of the unit is that learners manage and develop themselves. Consequently, the unit should include work-related learning activities. It may be useful to bring in speakers from local legal practices, Citizens Advice Bureau offices and local courts to provide first-hand professional experience.

Much of the material in this unit can be delivered actively through the use of case studies and learner-centred learning, during small-group and individual exercises. Case studies and appropriate documents can be used as a means of encouraging individual and group learning and as a vehicle for assessment.

Small-group, tutor-led workshops can be used to develop learners' understanding of learning outcomes.

### 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 of assignments
Glossary of terms activity. Explain and discuss pre-litigation considerations.
Group activity – research different methods of funding litigation and the relevant pre-action protocols.
Activity in pairs – To claim or not to claim (mini case study).
Guest speaker – law costs draftsman/solicitor
Mini case studies applying rules relating to CPR/allocation.
<b>Assignment 1 – To Sue or not to Sue and Which Track will it be Allocated to?</b>
Explain and discuss civil procedure relevant documentation and time limits.
Guest speaker – county court representative/solicitor.
Research activity – Conditional fee agreements, the CPR and the law.
Group activity – procedure from letter before action to trial.

Topic and suggested assignments/activities and/assessment
<b>Assignment 2 – Civil Case Documents</b>
Explain and discuss how claims may be settled
Research different types of orders/judgments and methods of enforcement.
Research case law relating to settlement of claims and enforcement
<b>Assignment 3 - Settlement and Enforcement</b>
Group activity – costs - who pays who how much and why?
Group activity – applying the law in relation to remedies in mini case study scenarios.

### Assessment

To pass this unit the learner should meet all the requirements of the assessment criteria.

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 on which to base the assessment. The case study should be 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 criteria in the assessment grid. This is for guidance only and it is recommended that centres either write their own assignments or adapt Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
AC 1.1, 1.2	To Sue or not to Sue and Which Track will it be Allocated to?	Identify issues to be considered prior to deciding to sue and explain how the civil procedure rules will determine the appropriate track and procedure.	Case study scenario
AC 2.1	Civil Case documents	Complete relevant civil procedure forms as claimant and defendant.	Information pack on civil procedure in relation to a given case study scenario

Criteria covered	Assignment title	Scenario	Assessment method
AC 3.1, 3.2	Settlement and enforcement	Poster/flowchart showing how claims can be settled and how judgments can be enforced.	Poster/flowchart

### Essential resources

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 texts and case books. Other support resources are statutes and law reports.

Maximum use should be made of visiting speakers and of visits to institutions such as police stations, prisons and magistrates' and Crown courts.

### Indicative resource materials

#### Textbooks

Andrews N — *English Civil Procedure, Fundamentals of the New Civil Justice System* (Oxford University Press, 2003) ISBN 0199244251

Browne K and Catlow — *Civil Litigation 2009/2010* (The College of Law, 2009) ISBN 1905391765

McDougall I (General editor) - *Cases That Changed Our Lives* (Butterworths LexisNexis, 2010) ISBN 9781405755887

Rose W, Sime S and French D — *Blackstone's Civil Practice 2006* (Oxford University Press, 2006) ISBN 0199207216

Rose W — *Pleadings Without Tears: A Guide to Legal Drafting under the Civil Procedure Rules*, 7th edition (Oxford University Press, 2008) ISBN 0199539774

Sime S — *Practical Approach to Civil Procedure* (Oxford University Press, 2009) ISBN 019956857X

Williams V — *Civil Procedure Handbook 2009/2010* (Oxford University Press, 2009) ISBN 0199573190

**Websites**

Free legal information	<a href="http://www.compactlaw.co.uk">www.compactlaw.co.uk</a>
Ministry of Justice service documents	<a href="http://www.dca.gov.uk/civil/procrules_fin/contents/parts/part06.htm#ruleIDA5JTYC">www.dca.gov.uk/civil/procrules_fin/contents/parts/part06.htm#ruleIDA5JTYC</a>
Ministry of Justice – how to start proceedings	<a href="http://www.dca.gov.uk/civil/procrules_fin/contents/parts/part07.htm">www.dca.gov.uk/civil/procrules_fin/contents/parts/part07.htm</a>
Ministry of Justice – pre-action protocol for personal injury claims	<a href="http://www.dca.gov.uk/civil/procrules_fin/contents/protocols/prot_pic.htm">www.dca.gov.uk/civil/procrules_fin/contents/protocols/prot_pic.htm</a>
Civil procedure rules	<a href="http://www.hmcourts-service.gov.uk/infoabout/cpr/">www.hmcourts-service.gov.uk/infoabout/cpr/</a>
Civil Procedure Act 1997	<a href="http://www.opsi.gov.uk/acts/acts1997/97012-a.htm#1">www.opsi.gov.uk/acts/acts1997/97012-a.htm#1</a>
Guidance leaflets and forms	<a href="http://www.hmcourts-service.gov.uk/HMCSCourtFinder/FormFinder.do">http://www.hmcourts-service.gov.uk/HMCSCourtFinder/FormFinder.do</a>



## **Unit 8: Aspects of Employment Law and Practice**

**Unit code:** A/601/9515

**QCF Level 3:** BTEC Specialist

**Credit value:** 5

**Guided learning hours:** 30

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### **Unit aim**

The aim of the unit is to raise learners' awareness of the legal requirements in relation to the employment rights of staff and the procedural requirements on termination of employment. In addition, the unit will introduce learners to appropriate legal terminology.

### **Unit introduction**

This unit encapsulates the skills and knowledge needed by a legal practitioner in employment law and practice. The unit will raise learners' awareness of the legal requirements in relation to the advertisement of job vacancies, employment rights and the procedural requirements on termination of employment. The unit will introduce the learner to legal terminology.

The unit introduces learners to the effect of anti-discriminatory legislation in the context of recruitment and during the course of employment. This includes sex, race and disability discrimination, harassment and victimisation. Learners will also be able to examine rights associated with employment, including pay and family friendly policies.

Learners are required to investigate the ways in which an employment contract can be terminated by the employer and the employee. Learners will consider the reasons for the dismissal and the procedure when making a claim for unfair dismissal, along with the role of the employment tribunal.

## Learning outcomes and assessment 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 determine the standard required to achieve the unit.

### On completion of this unit a learner should:

Learning outcomes	Assessment criteria
1 Understand the formation of the employment relationship	1.1 explain the formation of the employment relationship in a given situation
2 Understand the legal rights of employees and employers	2.1 evaluate the legal rights of employees 2.2 explain the legal rights of employers
3 Know the procedures relating to workplace problems	3.1 describe the procedures relating to workplace problems.



## Unit content

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### 1 Understand the formation of the employment relationship

*Stages:* advertisements; curriculum vitae; job descriptions; person specification; interview; offer; references; acceptance

*Legislation:* advertising; recruiting; interviewing and hiring

*Status:* minors; part-time staff; employees; independent contractors

### 2 Understand the legal rights of employees and employers

*Employment contract:* usual terms; entitlement to

*Employee rights:* common law rights; domestic legislation; Sex Discrimination Act; Race Discrimination Act; Disability Discrimination Act; equal pay; working time; time-off rights; protection of wages; maternity leave; paternity leave; adoption leave; right not to be unfairly dismissed

*Employer rights:* honesty; confidentiality; best interests; competency; employer duties; pay; health and safety; contracts; data protection

### 3 Know the procedures relating to workplace problems

*In work:* issues; grievances; warnings; assessments

*Termination:* voluntary; involuntary

*Tribunals:* role; forms; compensation

## Essential guidance for tutors

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### Delivery

Delivery for this unit could include an explanation of key legal principles in relation to the recruitment of employees and their rights during employment.

This unit could be delivered and assessed in the context of the legal practice environment. The intention of the unit is for learners to manage and develop themselves and, consequently, the unit should include work-related learning activities. It may be useful to bring in speakers from local legal practices for first-hand professional experience.

Much of the material in this unit can be delivered actively through the use of case studies and learner-centred learning, both small-group and individual exercises. The use of case studies and appropriate documents can be used as a means of encouraging individual and group learning as well as providing a vehicle for assessment.

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

### 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 of assignments
Glossary of terms activity. Explain and discuss employment law in general.
Group activity – producing flowcharts on the process of finding employment
Research types of employment contracts and implications of status.
Mini case studies on employee or self-employed
Activity in pairs to draw up a contract of employment and then compare with a specimen written statement of terms and particulars.
<b>Assignment 1 – Vacancies to be Filled.</b>
Domino game matching common law rights and duties to facts of legal cases.
Individual activity – each learner to produce a brief fact sheet for an allocated statute relating to employment/equal opportunities.
Discussion of recent reforms and changes to employment law.

Topic and suggested assignments/activities and/assessment
<b>Assignment 2 – The Good Employer</b>
Explain and discuss termination of a contract of employment
Research discipline and grievance procedures
Group activity – you be the judge – apply the law in employment law cases
Visit to an employment tribunal or guest speaker (solicitor in that field, representative from ACAS).
Role play – tribunal case investigating role, forms and compensation.
<b>Assignment 3 – Problems at Work.</b>
Review

### Assessment

To pass this unit the learners should meet all the requirements of the assessment criteria.

The assessment criteria require learners to apply legal rules in a practical manner. In some circumstances it would be useful to give learners a suitable case study and relevant documents on which to base the assessment. The case study should be 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 criteria in the assessment grid. This is for guidance only and it is recommended that centres either write their own assignments or adapt Edexcel assignments to meet local needs and resources.

Criteria covered	Assignment title	Scenario	Assessment method
AC 1.1	Vacancies to be Filled.	Given scenario relating to seeking and gaining employment and applying relevant legislative provisions.	Case study
AC 2.1, 2.2	The Good Employer	Explain the legal rights of the employer and employee and include the benefits of fair treatment.	Report or company handbook

Criteria covered	Assignment title	Scenario	Assessment method
AC 3.1	Problems at Work	Describe the formal and informal procedures relating to workplace problems in a given scenario	Case study

**Essential resources**

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 texts and case books. Other support resources are statutes and law reports.

Maximum use should be made of visiting speakers and of visits to institutions such as police stations, prisons and magistrates’ and Crown courts.

**Indicative resource materials**

**Textbooks**

Bell A C — *Employment Law (Nutshells)* (Sweet & Maxwell, 2009)  
ISBN 1847038220

Bowers J — *Bowers on Employment Law, Sixth Edition* (Oxford University Press, 2002) ISBN 0199254516

Kidner R — *Statutes on Employment Law (Blackstone’s Statute Books)* (Oxford University Press, 2005) ISBN 0199283133

McDougall I (General editor) - *Cases That Changed Our Lives* (Butterworths LexisNexis, 2010) ISBN 9781405755887

Painter R and Holmes A (editor) — *Cases and Materials on Employment Law* (Oxford University Press, 2008) ISBN 0199235856

Pitt G — *Cases and Materials on Employment Law* (Longman, 2008)  
ISBN 058247275X

**Websites**

Equality and Human Rights Commission    [www.equalityhumanrights.com](http://www.equalityhumanrights.com)  
official website

UK government web archive                    [www.dti.gov.uk/er/individual.htm](http://www.dti.gov.uk/er/individual.htm)

Tribunals service                                    [www.employmentappeals.gov.uk](http://www.employmentappeals.gov.uk)

Employment rights database                    [www.worksmart.org.uk/rights](http://www.worksmart.org.uk/rights)

## **Unit 9: Principles of Property Law and Procedure**

**Unit code:** F/601/9516

**QCF Level 3:** BTEC Specialist

**Credit value:** 5

**Guided learning hours:** 30

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### **Unit aim**

The aim of this unit is to introduce learners to the law in relation to ownership of land and allow learners to develop a practical knowledge of the subject which governs the buying, selling and rental of property.

### **Unit introduction**

The purpose of this unit is to introduce learners to the underlying framework of English property law in relation to land and to allow learners to develop a practical knowledge of the subject.

In learning outcome 1 learners will consider the underlying concepts of property law and examine the different ways in which people can own rights in property. In the remaining learning outcomes learners will examine the law that governs the buying, selling and rental of property.

## Learning outcomes and assessment 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 determine the standard required to achieve the unit.

### On completion of this unit a learner should:

Learning outcomes	Assessment criteria
1 Know the nature of ownership of property in land	1.1 identify the nature of ownership of property in land
2 Understand the legal regulatory framework for the buying and selling of property	2.1 explain the legal requirements for the buying of property using a case study 2.2 explain the legal requirements for the selling of property using a case study
3 Understand the legal framework that regulates the renting of property	3.1 evaluate the framework that regulates the renting of property.

## Unit content

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### 1 **Understand the nature of ownership of property in land**

*Estates*: definition of land; fixtures and fittings; freehold; leasehold; common hold

*Ownership*: distinction between law and equity; trusts of land; co-ownership; resulting and constructive trusts

*Interests in land*: easements; mortgages; restrictive covenants in freehold land

### 2 **Understand the legal regulatory framework for the buying and selling of property**

Role of estate agent: fees; deposit

Residential conveyancing process: registered and unregistered conveyancing; standard procedures relating to buying land; standard procedures relating to selling land; coinciding sale and purchase; relevant forms and letters; searches; deducing title; solicitor undertaking; National House Building Council (NHBC); exchange; completion; methods; discharging mortgages; stamping documents; accounting to clients

Registered land: Land Registry; process of registration; effect of non-registration of title; protection of third party rights, registrable interests; unregistrable interests

### 3 **Understand the legal framework that regulates the renting of property**

*Leases*: types of tenancy; covenants; implied covenants; protection from eviction; landlords' obligations; tenants' rights and obligations

## Essential guidance for tutors

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### Delivery

This unit gives learners an overview of the law of property. The unit's main focus is on breadth rather than depth and on the practical rather than the theoretical. For example, the emphasis of delivery should be on the practical impact of ownership of land, by buying and selling or leasing it.

Delivery methods may take a variety of forms including explanation and discussion of key principles, presentations and case studies. Case studies which take the form of advice are particularly helpful.

### 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 of assignments
Glossary of terms activity. Explain and discuss classification of property and estates in land. Activity – matching items to classification as real or personal/property/chattels.
Group activity – examine the local property market, for sale, rent, joint ownership, commercial and domestic. Discuss relating to legal terminology.
Research interests in land.
Mini case studies on property law.
<b>Assignment 1 –Property and Land</b>
Guest speaker – estate agent, property law solicitor, conveyance.
Individual activity – produce a flowchart showing procedure prior to exchange to completion.
Discussion of registered and unregistered land and implications Land Registration Act 2002, as amended 2008.
<b>Assignment 2 – Location, Location.</b>
Explain and discuss leases and types of tenancies.
Research obligations and rights of the parties to a lease.
Activity in pairs – draw up an agreement to rent a property as landlord and tenant.
Examine specimen contracts
<b>Assignment 3 – Landlord and Tenant</b>
Review



## Assessment

To pass this unit the learner should meet all the requirements of the assessment criteria.

The assessment criteria require the learner to apply the legal rules in a practical way. In some circumstances it would be useful to give learners a suitable case study and relevant documents on which to base the assessment. The case study should be developed in sufficient detail to mirror the complexities of a real-life scenario.

Assessment could take the form of a series of presentations or written assignments. The learning outcomes can be suitably addressed in a case study. For example, learning outcomes 1 and 2 could be combined with a case study which includes the sale and purchase of a property, together with aspects of mortgages, covenants and ownership.

### Programme of suggested assignments

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

Criteria covered	Assignment title	Scenario	Assessment method
AC 1.1	Property and Land	Identify the nature of ownership of property in land relating to a set of given scenarios.	Case study
AC 2.1, 2.2	Location, Location	Advise clients in a given case study of the legal requirements for buying and selling property.	Case study
AC 3.1	Landlord and Tenant	Evaluate the framework that regulates the renting of property.	Fact sheet for a Citizens Advice office.

### Essential resources

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 texts and case books. Other support resources are statutes and law reports.

Maximum use should be made of visiting speakers and of visits to institutions such as police stations, prisons and magistrates' and Crown courts.

### Indicative resource materials

#### Textbooks

Abbey R and Richards M — *A Practical Approach to Conveyancing* (Oxford University Press, 2009) ISBN 0199568596

Chang C — *Land Law (Nutcases)* (Sweet & Maxwell, 2009) ISBN 1847038204

Haley M — *Nutshell Land Law* (Sweet and Maxwell, 2010) ISBN 0414041763

McDougall I (General editor) - *Cases That Changed Our Lives* (Butterworths LexisNexis, 2010) ISBN 9781405755887

#### Journal

*Property Law Journal* (Legalease)

#### Websites

Information on registration	<a href="http://www.landreg.gov.uk/legislation/">www.landreg.gov.uk/legislation/</a>
Property law resource	<a href="http://www.propertylawuk.net">www.propertylawuk.net</a>
Provides up-to-date developments in property law	<a href="http://www.property.practicallaw.com">www.property.practicallaw.com</a>

## Further information

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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](http://www.edexcel.com)).

## Useful publications

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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* (published by 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: Some 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](mailto:info@skillsforjustice)

# Professional development and training

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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](http://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 and business sector

Progression opportunities within the framework.

Level	General qualifications	BTEC full vocationally-related qualifications	BTEC specialist courses	NVQ/occupational
8				
7			BTEC Award/Certificate/Diploma/Extended Diploma in Strategic Management and Leadership (QCF)	
6				
5		BTEC HND Diploma in Business (Law) (QCF)	BTEC Award/Certificate/Diploma in Management and Leadership (QCF)	NVQ Diploma in Management (QCF)
4		BTEC HNC Diploma in Business (QCF)		NVQ Certificate/Diploma in Business and Administration (QCF)
3		BTEC Certificate in Applied Law	BTEC Certificate in Law and Legal Work (QCF)	Level 3 NVQ Certificate/Diploma in Business and Administration (QCF) NVQ Certificate in Management (QCF)

Level	General qualifications	BTEC full vocationally-related qualifications	BTEC specialist courses	NVQ/occupational
2	GCSE in Business Studies	BTEC Certificate/Extended Certificate and Diploma in Business (QCF)	BTEC L2 Certificate in Law and Legal Work	NVQ Award/Certificate and Diploma in Business and Administration (QCF) NVQ Certificate in Team Leading (QCF)
1				NVQ Award/Certificate in Business and Administration (QCF)
Entry				

# Annexe B

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## Wider curriculum mapping

Study of the Edexcel BTEC Level 3 qualifications gives learners opportunities to develop an understanding of spiritual, moral, ethical, social and cultural issues as well as an awareness of citizenship, environmental issues, European developments, health and safety considerations and equal opportunities issues.

### **Spiritual, moral, ethical, social and cultural issues**

Throughout the delivery of these qualifications learners will have the opportunity to actively participate in different kinds of decision making. They will have to consider fair and unfair situations and explore how to resolve conflict. Working in small groups they will learn how to respect and value others' beliefs, backgrounds and traditions.

### **Citizenship**

Learners undertaking these qualifications will have the opportunity to develop their understanding of citizenship issues.

### **Environmental issues**

Developing a responsible attitude towards the care of the environment is an integral part of this qualification. Learners are encouraged to minimise waste and discuss controversial issues.

### **European developments**

Much of the content of the qualification applies throughout Europe, even though the delivery is in a UK context.

### **Health and safety considerations**

Health and safety is embedded within many of the units in this qualification. Learners will consider their own health and safety at work, how to identify risks and hazards and how to minimise those risks.

### **Equal opportunities issues**

There will be opportunities throughout this qualification to explore different kinds of rights and how these affect both individuals and communities for example learners will consider their rights at work and the rights of employers and how these rights affect the work community.





## Annexe C

### National Occupational Standards/mapping with NVQs

The grid below maps the knowledge covered in the Edexcel BTEC Level 3 Certificate in Law and Legal Work against the underpinning knowledge of the National Occupational Standards in Legal Advice.

#### KEY

# indicates partial coverage of the NVQ unit

a blank space indicates no coverage of the underpinning knowledge

Units	1	2	3	4	5	6	7	8	9
LA25: Provide second tier support to others	#								
LA18: Obtain and provide legal information materials	#	#							
LA14: Prepare cases for representation in formal proceedings		#							
LA24: Influence changes to legislative policy or practice		#							
LA44: Personal Injury legal advice and casework			#						
LA43: Clinical negligence and legal aid casework			#						
LA13: Act on behalf of clients in informal proceedings			#						
LA31: Criminal law advice and casework				#	#				
LA48: Consumer legal advice						#			
LA47: First line consumer legal advice						#			
LA45: First line employment legal advice								#	
LA46: Employment legal advice and casework								#	



# Annexe D

## Mapping to Level 2 Functional Skills

Level 2	Unit number						
English – Speaking, Listening and Communication	1	2	3	4	5	6	7
Make a range of contributions to discussions in a range of contexts, including those that are unfamiliar, and make effective presentations	✓	✓	✓	✓	✓	✓	✓
English – Reading							
Select, read, understand and compare texts and use them to gather information, ideas, arguments and opinions	✓	✓	✓	✓	✓	✓	✓
English – Writing							
Write a range of texts, including extended written documents, communicating information, ideas and opinions, effectively and persuasively	✓	✓	✓	✓	✓	✓	✓
Mathematics – representing:							
Understand routine and non-routine problems in familiar and unfamiliar contexts and situations							
Identify the situation or problems and identify the mathematical methods needed to solve them							
Choose from a range of mathematics to find solutions							
Mathematics – analysing							
Apply a range of mathematics to find solutions							
Use appropriate checking procedures and evaluate their effectiveness at each stage							

<b>Level 2</b>	<b>Unit number</b>						
<b>Mathematics - interpreting</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
Interpret and communicate solutions to multistage practical problems in familiar and unfamiliar contexts and situations							
Draw conclusions and provide mathematical justifications							
<b>ICT – using ICT</b>							
Plan solutions to complex tasks by analysing the necessary stages							
Select, interact with and use ICT systems safely and securely for a complex task in non-routine and unfamiliar contexts	✓	✓	✓	✓	✓	✓	✓
Manage information storage to enable efficient retrieval							
<b>ICT – finding and selecting information</b>							
Use appropriate search techniques to locate and select relevant information							
Select information from a variety of sources to meet requirements of a complex task	✓	✓	✓	✓	✓	✓	✓
<b>ICT – developing, presenting and communicating information</b>							
Enter, develop and refine information using appropriate software to meet requirements of a complex task							
Use appropriate software to meet the requirements of a complex data-handling task							
Use communications software to meet requirements of a complex task							
Combine and present information in ways that are fit for purpose and audience	✓	✓	✓	✓	✓	✓	✓
Evaluate the selection, use and effectiveness of ICT tools and facilities used to present information							

# Annexe E

## Unit mapping overview

BTEC Level 3 short course in Law and Legal Work legacy (specification end date 31/08/2010)/new QCF versions of the BTEC Level 3 Specialist qualifications in Law and Legal Work (specification start date 01/09/2010) – the BTEC Level 3 Certificate in Law and Legal Work.

New units \ Old units	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6	Unit 7	Unit 8	Unit 9
Unit 1	F				N				
Unit 2		N	F						
Unit 3				F					
Unit 4						F			
Unit 5							F		
Unit 6								F	
Unit 7									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))
- N – Completely new unit



# Annexe F

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## Glossary of accreditation terminology

<b>Accreditation start/end date</b>	The first/last dates that Edexcel can register learners for a qualification.
<b>Certification end date</b>	The last date on which a certificate may be issued by Edexcel.
<b>Credit value</b>	All units have a credit value. The minimum credit value that may be determined for a unit is one, and credits can only be awarded in whole numbers. Learners will be awarded credits for the successful completion of whole units.
<b>Guided Learning Hours (GLH)</b>	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 learners' achievements. It does not include time spent by staff in day-to-day marking of assignments or homework where the learner is not present.
<b>Learning Aims Database</b>	Link to the Learning Aims Database, which features detailed funding information by specific learning aim reference.
<b>Learning Aim Reference</b>	Unique reference number given to the qualification by the funding authorities on accreditation.
<b>Level</b>	The level at which the qualification is positioned in the Qualifications and Credit Framework (QCF).
<b>Performance tables</b>	This/these qualifications is/are listed on the Department for Education (DfE) website School and College Achievement and Attainment Tables (SCAAT) as performance indicators for schools and colleges.
<b>Qualifications Accreditation Number (QAN)</b>	Unique reference number given to the qualification by the regulatory authorities on accreditation.
<b>Register of Regulated Qualifications</b>	Link to the entry on the Register of Regulated Qualifications for a particular qualification. This database features detailed accreditation information for the particular qualification.

<b>Section 96</b>	Section 96 is a section of the Learning and Skills Act 2000. This shows for which age ranges the qualification is publicly funded for under-19 learners.
<b>Section 97</b>	Section 97 is a section of the Learning and Skills Act 2000. This shows whether the qualification is publicly funded for learners aged 19 and over.
<b>Title</b>	The accredited title of the qualification.
<b>UCAS points</b>	This/these qualification(s) is/are listed on the Universities and Colleges Admissions Service (UCAS) tariff for those wishing to progress to higher education.



## Annexe G

### BTEC Specialist and Professional qualifications

BTEC qualifications on the NQF	Level	BTEC Specialist and Professional Qualifications on the QCF	BTEC qualification suites on the QCF
<b>BTEC Level 7 Advanced Professional Qualifications</b> BTEC Advanced Professional Award, Certificate and Diploma	<b>7</b>	<b>BTEC Level 7 Professional Qualifications</b> BTEC Level 7 Award, Certificate, Extended Certificate and Diploma	
<b>BTEC Level 6 Professional Qualifications</b> BTEC Professional Award, Certificate and Diploma	<b>6</b>	<b>BTEC Level 6 Professional Qualifications</b> BTEC Level 6 Award, Certificate, Extended Certificate and Diploma	
<b>BTEC Level 5 Professional Qualifications</b> BTEC Professional Award, Certificate and Diploma	<b>5</b>	<b>BTEC Level 5 Professional Qualifications</b> BTEC Level 5 Award, Certificate, Extended Certificate and Diploma	<b>BTEC Level 5 Higher Nationals</b> BTEC Level 5 HND Diploma
<b>BTEC Level 4 Professional Qualifications</b> BTEC Professional Award, Certificate and Diploma	<b>4</b>	<b>BTEC Level 4 Professional Qualifications</b> BTEC Level 4 Award, Certificate, Extended Certificate and Diploma	<b>BTEC Level 4 Higher Nationals</b> BTEC Level 4 HNC Diploma
<b>BTEC Level 3 Qualifications</b> BTEC Award, Certificate, Extended Certificate and Diploma	<b>3</b>	<b>BTEC Level 3 Specialist Qualifications</b> BTEC Level 3 Award, Certificate, Extended Certificate and Diploma	<b>BTEC Level 3 Nationals</b> BTEC Level 3 Certificate, Subsidiary Diploma, Diploma and Extended Diploma

BTEC qualifications on the NQF	Level	BTEC Specialist and Professional Qualifications on the QCF	BTEC qualification suites on the QCF
<b>BTEC Level 2 Qualifications</b> BTEC Award, Certificate, Extended Certificate and Diploma	<b>2</b>	<b>BTEC Level 2 Specialist Qualifications</b> BTEC Level 2 Award, Certificate, Extended Certificate and Diploma	<b>BTEC Level 2 Firsts</b> BTEC Level 2 Certificate, Extended Certificate and Diploma
<b>BTEC Level 1 Qualifications</b> BTEC Award, Certificate, Extended Certificate and Diploma	<b>1</b>	<b>BTEC Level 1 Specialist Qualifications</b> BTEC Level 1 Award, Certificate, Extended Certificate and Diploma	<b>BTEC Level 1 Qualifications</b> BTEC Level 1 Award, Certificate and Diploma (vocational component of Foundation Learning)
	<b>E</b>	<b>BTEC Entry Level Specialist Qualifications</b> BTEC Entry Level Award, Certificate, Extended Certificate and Diploma	<b>BTEC Entry Level Qualifications (E3)</b> BTEC Entry Level 3 Award, Certificate and Diploma (vocational component of Foundation Learning)

**NQF** = National Qualifications Framework

**QCF** = Qualifications and Credit Framework

For most qualifications on the **NQF**, the accreditation end date is normally 31 August 2010 or 31 December 2010.

For qualifications on the **QCF**, the accreditation start date is usually 1 September 2010 or 1 January 2011.

QCF qualification sizes	
<b>Award</b>	1-12 credits
<b>Certificate</b>	13-36 credits
<b>Diploma</b>	37+ credits

Publications Code BA025228 October 2010

For more information on Edexcel and BTEC qualifications please  
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