

Pearson BTEC Level 3 National Extended Certificate in Applied Law



Specification

First teaching from January 2017

First certification from 2018

Issue 9

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Specification

First teaching September 2017

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About Pearson

We are the world's leading learning company operating in countries all around the world. We provide content, assessment and digital services to learners, educational institutions, employers, governments and other partners globally. We are committed to helping equip learners with the skills they need to enhance their employability prospects and to succeed in the changing world of work. We believe that wherever learning flourishes so do people.

This specification is Issue 9. We will inform centres of any changes to this issue. The latest issue can be found on our website.

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Welcome

With a track record built over 30 years of learner success, BTEC Nationals are widely recognised by industry and higher education as the signature vocational qualification at Level 3. They provide progression to the workplace either directly or via study at a higher level. Proof comes from YouGov research, which shows that 62% of large companies have recruited employees with BTEC qualifications. What's more, well over 100,000 BTEC students apply to UK universities every year and their BTEC Nationals are accepted by over 150 UK universities and higher education institutes for relevant degree programmes either on their own or in combination with A Levels.

Why are BTECs so successful?

BTECs embody a fundamentally learner-centred approach to the curriculum, with a flexible, unit-based structure and knowledge applied in project-based assessments. They focus on the holistic development of the practical, interpersonal and thinking skills required to be able to succeed in employment and higher education.

When creating the BTEC Nationals in this suite, we worked with many employers, higher education providers, colleges and schools to ensure that their needs are met. Employers are looking for recruits with a thorough grounding in the latest industry requirements and work-ready skills such as teamwork. Higher education needs students who have experience of research, extended writing and meeting deadlines.

We have addressed these requirements with:

- a range of BTEC sizes, each with a clear purpose, so there is something to suit each learner's choice of study programme and progression plans
- refreshed content that is closely aligned with employers' and higher education needs for a skilled future workforce
- assessments and projects chosen to help learners progress to the next stage. This means some are set by you to meet local needs, while others are set and marked by Pearson so that there is a core of skills and understanding that is common to all learners. For example, a written test can be used to check that learners are confident in using technical knowledge to carry out a certain job.

We are providing a wealth of support, both resources and people, to ensure that learners and their teachers have the best possible experience during their course. See *Section 10* for details of the support we offer.

A word to learners

Today's BTEC Nationals are demanding, as you would expect of the most respected applied learning qualification in the UK. You will have to choose and complete a range of units, be organised, take some assessments that we will set and mark, and keep a portfolio of your assignments. But you can feel proud to achieve a BTEC because, whatever your plans in life – whether you decide to study further, go on to work or an apprenticeship, or set up your own business – your BTEC National will be your passport to success in the next stage of your life.

Good luck, and we hope you enjoy your course.

Collaborative development

Students completing their BTEC Nationals in Applied Law will be aiming to go on to employment, often via the stepping stone of higher education. It was, therefore, essential that we developed these qualifications in close collaboration with experts from professional bodies, businesses and universities, and with the providers who will be delivering the qualifications. To ensure that the content meets providers' needs and provides high-quality preparation for progression, we engaged experts. We are very grateful to all the university and further education lecturers, teachers, employers, professional body representatives and other individuals who have generously shared their time and expertise to help us develop these new qualifications.

Employers and higher education providers that have worked with us include:

EHL Solicitors

Express Solicitors

Forbes Solicitors

Keoghs

London South Bank University

University of Wolverhampton.

In addition, universities, professional bodies and businesses have provided letters of support confirming that these qualifications meet their entry requirements. These letters can be viewed on our website.

Summary of Pearson BTEC Level 3 National Extended Certificate in Applied Law specification Issue 9 changes

Summary of changes made between the previous issue and this current issue	Page number
The Merit standard paragraph has been revised to incorporate the requirement for learners to assess the impact that EU law has on law making in the UK.	Page 31

If you need further information on these changes or what they mean, contact us via our website at: qualifications.pearson.com/en/support/contact-us.html.

Contents

Introduction to BTEC National qualifications for the legal sector	1
Total Qualification Time	2
Qualifications, sizes and purposes at a glance	3
Structures of the qualifications at a glance	4
Qualification and unit content	5
Assessment	5
Grading for units and qualifications	7
UCAS Tariff points	7
1 Qualification purpose	8
2 Structure	10
3 Units	12
Understanding your units	12
Index of units	15
4 Planning your programme	75
5 Assessment structure and external assessment	77
Introduction	77
Internal assessment	77
External assessment	77
6 Internal assessment	79
Principles of internal assessment	79
Setting effective assignments	81
Making valid assessment decisions	83
Planning and record keeping	85
7 Administrative arrangements	86
Introduction	86
Learner registration and entry	86
Access to assessment	86
Administrative arrangements for internal assessment	87
Administrative arrangements for external assessment	88
Dealing with malpractice in assessment	90
Certification and results	92
Additional documents to support centre administration	92
8 Quality assurance	93
9 Understanding the qualification grade	94
10 Resources and support	98
Support for setting up your course and preparing to teach	98
Support for teaching and learning	99
Support for assessment	99
Training and support from Pearson	100
Appendix 1 Links to industry standards	101
Appendix 2 Glossary of terms used for internally-assessed units	102

Introduction to BTEC National qualifications for the legal sector

This specification contains the information you need to deliver the Pearson BTEC Level 3 National Extended Certificate in Applied Law. The specification signposts you to additional handbooks and policies. It includes all the units for this qualification.

This qualification is part of the suite of Applied Law qualifications offered by Pearson. In the suite there are qualifications that focus on different progression routes, allowing learners to choose the one best suited to their aspirations.

All qualifications in the suite share some common units and assessments, allowing learners some flexibility in moving between sizes. The qualification titles are given below.

Some BTEC National qualifications provide a broad introduction that gives learners transferable knowledge and skills. These qualifications are for post-16 learners who want to continue their education through applied learning. The qualifications prepare learners for a range of higher education courses and job roles related to a particular sector. They provide progression either by meeting entry requirements in their own right or by being accepted alongside other qualifications at the same level and adding value to them.

In the applied law sector these qualifications are:

Pearson BTEC Level 3 National Certificate in Applied Law (601/9042/5)

Pearson BTEC Level 3 National Extended Certificate in Applied Law (601/9043/7).

This specification signposts all the other essential documents and support that you need as a centre in order to deliver, assess and administer the qualification, including the staff development required. A summary of all essential documents is given in *Section 7*. Information on how we can support you with this qualification is given in *Section 10*.

The information in this specification is correct at the time of publication.

Total Qualification Time

For all regulated qualifications, Pearson specifies a total number of hours that it is estimated learners will require to complete and show achievement for the qualification: this is the Total Qualification Time (TQT). Within TQT, Pearson identifies the number of Guided Learning Hours (GLH) that we estimate a centre delivering the qualification might provide. Guided learning means activities, such as lessons, tutorials, online instruction, supervised study and giving feedback on performance, that directly involve teachers and assessors in teaching, supervising and invigilating learners. Guided learning includes the time required for learners to complete external assessment under examination or supervised conditions.

In addition to guided learning, other required learning directed by teachers or assessors will include private study, preparation for assessment and undertaking assessment when not under supervision, such as preparatory reading, revision and independent research.

BTEC Nationals have been designed around the number of hours of guided learning expected. Each unit in the qualification has a GLH value of 60, 90 or 120. There is then a total GLH value for the qualification.

Each qualification has a TQT value. This may vary within sectors and across the suite depending on the nature of the units in each qualification and the expected time for other required learning.

The following table shows all the qualifications in this sector and their GLH and TQT values.

Qualifications, sizes and purposes at a glance

Title	Size and structure	Summary purpose
Pearson BTEC Level 3 National Certificate in Applied Law	180 GLH (250 TQT) Equivalent in size to 0.5 of an A Level. 2 units, both mandatory, of which 1 is external. Mandatory content (100%). External assessment (50%).	This qualification is for post-16 learners who want to continue their education through applied learning and to progress to higher education and ultimately to employment, possibly in the legal sector. It aims to give a basic introduction to study of the legal sector. In addition to specific legal content, the requirements of the qualification will enable learners to develop the transferable and higher-order skills that are highly regarded by higher education providers and employers.
Pearson BTEC Level 3 National Extended Certificate in Applied Law	360 GLH (485 TQT) Equivalent in size to one A Level. 4 units of which 3 are mandatory and 2 are external. Mandatory content (83%). External assessment (58%).	This qualification is for post-16 learners who want to continue their education through applied learning and to progress to higher education and ultimately to employment, possibly in the legal sector. It aims to give a coherent introduction to study of the legal sector. It is designed to be taken as part of a programme of study that includes other appropriate BTEC Nationals or A Levels. It provides the basis of an excellent route for learners to pursue a career in the legal sector. This can be through higher education (degrees in business and law) or through an Advanced Apprenticeship in Legal Services.

Structures of the qualifications at a glance

This table shows all the units and the qualifications to which they contribute.

The full structure for this Pearson BTEC Level 3 National in Applied Law is shown in *Section 2*.

You must refer to the full structure to select units and plan your programme.

Key

	Unit assessed externally	M	Mandatory units	O	Optional units
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Unit (number and title)	Unit size (GLH)	Certificate (180 GLH)	Extended Certificate (360 GLH)
1 Dispute Solving in Civil Law	90	M	M
2 Investigating Aspects of Criminal Law and the Legal System	90	M	M
3 Applying the Law	120		M
4 Aspects of Family Law	60		O
5 Consumer Law	60		O
6 Contract Law	60		O
7 Aspects of Tort	60		O

Qualification and unit content

Pearson has developed the content of the new BTEC Nationals in collaboration with employers and representatives from higher education and relevant professional bodies. In this way, we have ensured that content is up to date and that it includes the knowledge, understanding, skills and attributes required in the sector.

Each qualification in the suite has its own purpose. The mandatory and optional content provides a balance of breadth and depth, while retaining a degree of choice for individual learners to study content relevant to their own interests and progression choices. Also, the content may be applied during delivery in a way that is relevant to local employment needs.

The proportion of mandatory content ensures that all learners are following a coherent programme of study and acquiring the knowledge, understanding and skills that will be recognised and valued. Learners are expected to show achievement across mandatory units as detailed in *Section 2*.

BTEC Nationals have always required applied learning that brings together knowledge and understanding (the cognitive domain) with practical and technical skills (the psychomotor domain). This is achieved through learners performing vocational tasks that encourage the development of appropriate vocational behaviours (the affective domain) and transferable skills. Transferable skills are those such as communication, teamwork, research and analysis, which are valued in both higher education and the workplace.

Our approach provides rigour and balance, and promotes the ability to apply learning immediately in new contexts. Further details can be found in *Section 2*.

Centres should ensure that delivery of content is kept up to date. Some of the units within the specification may contain references to legislation, policies, regulations and organisations, which may not be applicable in the country you deliver this qualification in (if teaching outside of England), or which may have gone out-of-date during the lifespan of the specification. In these instances, it is possible to substitute such references with ones that are current and applicable in the country you deliver subject to confirmation by your Standards Verifier.

Assessment

Assessment is specifically designed to fit the purpose and objective of the qualification. It includes a range of assessment types and styles suited to vocational qualifications in the sector. There are three main forms of assessment that you need to be aware of: external, internal and synoptic.

Externally-assessed units

Each external assessment for a BTEC National is linked to a specific unit. All of the units developed for external assessment are of 90 or 120 GLH to allow learners to demonstrate breadth and depth of achievement. Each assessment is taken under specified conditions, then marked by Pearson and a grade awarded. Learners are permitted to resit external assessments during their programme. You should refer to our website for current policy information on permitted retakes.

The styles of external assessment used for qualifications in the Applied Law suite are:

- examinations – all learners take the same assessment at the same time, normally with a written outcome
- set tasks – learners take the assessment during a defined window and demonstrate understanding through completion of a vocational task.

Some external assessments include a period of preparation using set information. External assessments are available twice a year. For detailed information on the external assessments please see the table in *Section 2*. For further information on preparing for external assessment see *Section 5*.

Internally-assessed units

Most units in the sector are internally assessed and subject to external standards verification. This means that you set and assess the assignments that provide the final summative assessment of each unit, using the examples and support that Pearson provides. Before you assess you will need to become an approved centre, if you are not one already. You will need to prepare to assess using the guidance in *Section 6*.

In line with the requirements and guidance for internal assessment, you select the most appropriate assessment styles according to the learning set out in the unit. This ensures that learners are assessed using a variety of styles to help them develop a broad range of transferable skills. Learners could be given opportunities to:

- write up the findings of their own research
- use case studies to explore complex or unfamiliar situations
- demonstrate practical and communication skills using appropriate presentations and role play.

You will make grading decisions based on the requirements and supporting guidance given in the units. Learners may not make repeated submissions of assignment evidence. For further information see *Section 6*.

Synoptic assessment

Synoptic assessment requires learners to demonstrate that they can identify and use effectively, in an integrated way, an appropriate selection of skills, techniques, concepts, theories and knowledge from across the whole sector as relevant to a key task. BTEC learning has always encouraged learners to apply their learning in realistic contexts using scenarios and realistic activities that will permit learners to draw on and apply their learning. For these qualifications we have formally identified units which contain a synoptic assessment task. Synoptic assessment must take place after the teaching and learning of other mandatory units in order for learners to be able to draw from the full range of content. The synoptic assessment gives learners an opportunity to independently select and apply learning from across their programmes in the completion of a vocational task. Synoptic tasks may be in internally or externally assessed units. The particular unit that contains the synoptic tasks for this qualification is shown in the structure in *Section 2*.

Language of assessment

Assessment of the internal and external units for these qualifications will be available in English. All learner work must be in English. A learner taking the qualifications may be assessed in British or Irish Sign Language where it is permitted for the purpose of reasonable adjustment. For information on reasonable adjustments see *Section 7*.

Grading for units and qualifications

Achievement in the qualification requires a demonstration of depth of study in each unit, assured acquisition of a range of practical skills required for employment or progression to HE, and successful development of transferable skills. Learners achieving a qualification will have achieved across mandatory units, including external and synoptic assessment.

Units are assessed using a grading scale of Distinction (D), Merit (M), Pass (P), Near Pass (N) and Unclassified (U). The grade of Near Pass is used for externally-assessed units only. All mandatory and optional units contribute proportionately to the overall qualification grade, for example a unit of 120 GLH will contribute double that of a 60 GLH unit.

Qualifications in the suite are graded using a scale of P to D*, **or** PP to D*D*, **or** PPP to D*D*D*. Please see *Section 9* for more details. The relationship between qualification grading scales and unit grades will be subject to regular review as part of Pearson's standards monitoring processes on the basis of learner performance and in consultation with key users of the qualification.

UCAS Tariff points

The BTEC Nationals attract UCAS points. Please go to the UCAS website for full details of the points allocated.

1 Qualification purpose

Pearson BTEC Level 3 National Extended Certificate in Applied Law

In this section you will find information on the purpose of this qualification and how its design meets that purpose through the qualification objective and structure. We publish a full 'Statement of Purpose' for each qualification on our website. These statements are designed to guide you and potential learners to make the most appropriate choice about the size of qualification suitable at recruitment.

Who is this qualification for?

The Pearson BTEC National Extended Certificate in Applied Law is an Applied General qualification for post-16 learners who want to continue their education through applied learning and who aim to progress to higher education and ultimately to employment, possibly in the legal sector. The qualification is equivalent in size to one A Level and aims to provide a detailed introduction to the legal sector.

What does this qualification cover?

The content of this qualification has been developed in consultation with academics to ensure that it supports progression to higher education. It includes the opportunity to develop the research, communication, presentation, decision-making and critical-thinking skills valued by higher education. In addition, employers have been involved and consulted in order to confirm that the content is appropriate and consistent with current practice for learners planning to enter employment directly in the legal sector.

The learning programme covers the following content areas:

- dispute solving in civil law
- investigating aspects of criminal law and the legal system
- applying the law.

The optional units have been designed to support choices for further study, preferred interest or employment needs. They support the mandatory unit content and link with relevant occupational areas. They cover content areas in:

- aspects of family law
- consumer law
- contract law
- aspects of tort.

What could this qualification lead to?

The qualification carries UCAS points and if it is taken alongside other qualifications as part of a two-year programme of learning, then it is recognised by higher education providers as contributing to meeting admission requirements for many courses. It will support entry to many higher education courses, depending on the other qualifications learners have taken. Learners should always check the entry requirements for degree programmes with specific higher education providers. The qualification can also support progression to employment directly or via an Apprenticeship.

How does the qualification provide employability skills?

In the BTEC National units there are opportunities during the teaching and learning phase to give learners practice in developing employability skills. Where employability skills are referred to in this specification, we are generally referring to skills in the following three main categories:

- **cognitive and problem-solving skills:** use critical thinking, approach non-routine problems applying expert and creative solutions, use systems and technology
- **intrapersonal skills:** communicating, working collaboratively, negotiating and influencing, self-presentation
- **interpersonal skills:** self-management, adaptability and resilience, self-monitoring and development.

There are also specific requirements in some units for assessment of these skills where relevant, for example, where learners are required to undertake real or simulated activities.

How does the qualification provide transferable knowledge and skills for higher education?

All BTEC Nationals provide transferable knowledge and skills that prepare learners for progression to higher education. The transferable skills that universities value include:

- the ability to learn independently
- the ability to research actively and methodically
- being able to give presentations and being active group members.

BTEC learners can also benefit from opportunities for deep learning where they are able to make connections among units and select areas of interest for detailed study. BTEC Nationals provide a vocational context in which learners can develop the knowledge and skills required for particular degree courses, including:

- reading legal texts
- effective writing
- research skills
- analytical skills
- creative development
- preparation for assessment methods used in degrees.

2 Structure

Qualification structure

Pearson BTEC Level 3 National Extended Certificate in Applied Law

Mandatory units

There are three mandatory units that learners must complete, one internal and two external. Learners must complete and achieve at Near Pass grade or above in all mandatory external units and achieve a Pass or above in all mandatory internal units.

Optional units

Learners must complete at least one optional unit.

Pearson BTEC Level 3 National Extended Certificate in Applied Law				
Unit number	Unit title	GLH	Type	How assessed
Mandatory units – learners complete and achieve all units				
1	Dispute Solving in Civil Law	90	Mandatory	External
2	Investigating Aspects of Criminal Law and the Legal System	90	Mandatory	Internal
3	Applying the Law	120	Mandatory and Synoptic	External
Optional units – learners complete 1 unit				
4	Aspects of Family Law	60	Optional	Internal
5	Consumer Law	60	Optional	Internal
6	Contract Law	60	Optional	Internal
7	Aspects of Tort	60	Optional	Internal

External assessment

This is a summary of the type and availability of external assessment, which is of units making up 58% of the total qualification GLH. See *Section 5* and the units and sample assessment materials for more information.

Unit	Type	Availability
Unit 1: Dispute Solving in Civil Law	<ul style="list-style-type: none">• A task set and marked by Pearson and completed under supervised conditions.• Learners will be given information about a case one week before a supervised assessment period in order to carry out research.• The supervised assessment period is a maximum of one and a half hours, in one sitting, on a specified date timetabled by Pearson.• Submission completed using a computer.• 60 marks.	Jan and May/June First assessment May/June 2018
Unit 3: Applying the Law	<ul style="list-style-type: none">• A task set and marked by Pearson and completed under supervised conditions.• Learners are given information about two cases two weeks before a supervised assessment period in order to carry out research.• The supervised assessment period is a maximum of two hours, in one morning sitting, on a specified date timetabled by Pearson.• Written submission.• 72 marks.	Jan and May/June First assessment May/June 2018

Synoptic assessment

The mandatory synoptic assessment requires learners to apply learning from across the qualification to the completion of a defined vocational task. Within the assessment for *Unit 3: Applying the Law*, learners are presented with two criminal reports in the style of newspaper articles. They use this information to research and apply further information to provide client advice about the offences. These activities require learners to select and apply legal principles and present information and advice in a professional format suitable for clients. Learners complete the task using knowledge and understanding from their studies of the sector and apply both transferable and specialist knowledge and skills.

In delivering the unit you need to encourage learners to draw on their broader learning so they will be prepared for the assessment.

Employer involvement in assessment and delivery

You are encouraged to give learners opportunities to be involved with employers. See *Section 4* for more information.

3 Units

Understanding your units

The units in this specification set out our expectations of assessment in a way that helps you to prepare your learners for assessment. The units help you to undertake assessment and quality assurance effectively.

Each unit in the specification is set out in a similar way. There are two types of unit format:

- internal units
- external units.

This section explains how the units work. It is important that all teachers, assessors, internal verifiers and other staff responsible for the programme review this section.

Internal units

Section	Explanation
Unit number	The number is in a sequence in the sector. Numbers may not be sequential for an individual qualification.
Unit title	This is the formal title that we always use and it appears on certificates.
Level	All units are at Level 3 on the national framework.
Unit type	This shows if the unit is internal or external only. See structure information in <i>Section 2</i> for full details.
GLH	Units may have a GLH value of 120, 90 or 60 GLH. This indicates the numbers of hours of teaching, directed activity and assessment expected. It also shows the weighting of the unit in the final qualification grade.
Unit in brief	A brief formal statement on the content of the unit that is helpful in understanding its role in the qualification. You can use this in summary documents, brochures etc.
Unit introduction	This is designed with learners in mind. It indicates why the unit is important, how learning is structured, and how learning might be applied when progressing to employment or higher education.
Learning aims	These help to define the scope, style and depth of learning of the unit. You can see where learners should be learning standard requirements ('understand') or where they should be actively researching ('investigate'). You can find out more about the verbs we use in learning aims in <i>Appendix 2</i> .
Summary of unit	This new section helps teachers to see at a glance the main content areas against the learning aims and the structure of the assessment. The content areas and structure of assessment are required. The forms of evidence given are suitable to fulfil the requirements.
Content	This section sets out the required teaching content of the unit. Content is compulsory except when shown as 'e.g.' Learners should be asked to complete summative assessment only after the teaching content for the unit or learning aim(s) has been covered.

Section	Explanation
Assessment criteria	<p>Each learning aim has Pass and Merit criteria. Each assignment has at least one Distinction criterion.</p> <p>A full glossary of terms used is given in <i>Appendix 2</i>. All assessors need to understand our expectations of the terms used.</p> <p>Distinction criteria represent outstanding performance in the unit. Some criteria require learners to draw together learning from across the learning aims.</p>
Essential information for assignments	<p>This shows the maximum number of assignments that may be used for the unit to allow for effective summative assessment, and how the assessment criteria should be used to assess performance.</p>
Further information for teachers and assessors	<p>The section gives you information to support the implementation of assessment. It is important that this is used carefully alongside the assessment criteria.</p>
Resource requirements	<p>Any specific resources that you need to be able to teach and assess are listed in this section. For information on support resources see <i>Section 10</i>.</p>
Essential information for assessment decisions	<p>This information gives guidance for each learning aim or assignment of the expectations for Pass, Merit and Distinction standard. This section contains examples and essential clarification.</p>
Links to other units	<p>This section shows you the main relationship among units. This section can help you to structure your programme and make best use of materials and resources.</p>
Employer involvement	<p>This section gives you information on the units that can be used to give learners involvement with employers. It will help you to identify the kind of involvement that is likely to be successful.</p>

External units

Section	Explanation
Unit number	The number is in a sequence in the sector. Numbers may not be sequential for an individual qualification.
Unit title	This is the formal title that we always use and it appears on certificates.
Level	All units are at Level 3 on the national framework.
Unit type	This shows if the unit is internal or external only. See structure information in <i>Section 2</i> for full details.
GLH	Units may have a GLH value of 120, 90 or 60 GLH. This indicates the numbers of hours of teaching, directed activity and assessment expected. It also shows the weighting of the unit in the final qualification grade.
Unit in brief	A brief formal statement on the content of the unit.
Unit introduction	This is designed with learners in mind. It indicates why the unit is important, how learning is structured, and how learning might be applied when progressing to employment or higher education.
Summary of assessment	This sets out the type of external assessment used and the way in which it is used to assess achievement.
Assessment outcomes	These show the hierarchy of knowledge, understanding, skills and behaviours that are assessed. Includes information on how this hierarchy relates to command terms in sample assessment materials (SAMs).
Essential content	For external units all the content is obligatory, the depth of content is indicated in the assessment outcomes and sample assessment materials (SAMs). The content will be sampled through the external assessment over time, using the variety of questions or tasks shown.
Grade descriptors	We use grading descriptors when making judgements on grade boundaries. You can use them to understand what we expect to see from learners at particular grades.
Key terms typically used in assessment	These definitions will help you analyse requirements and prepare learners for assessment.
Resources	Any specific resources that you need to be able to teach and assess are listed in this section. For information on support resources see <i>Section 10</i> .
Links to other units	This section shows the main relationship among units. This section can help you to structure your programme and make best use of materials and resources.
Employer involvement	This section gives you information on the units that can be used to give learners involvement with employers. It will help you to identify the kind of involvement that is likely to be successful.

Index of units

This section contains all the units developed for this qualification. Please refer to *page 4* to check which units are available in all qualifications in the legal sector.

Unit 1:	Dispute Solving in Civil Law	17
Unit 2:	Investigating Aspects of Criminal Law and the Legal System	25
Unit 3:	Applying the Law	33
Unit 4:	Aspects of Family Law	41
Unit 5:	Consumer Law	51
Unit 6:	Contract Law	59
Unit 7:	Aspects of Tort	67

Unit 1: Dispute Solving in Civil Law

Level: **3**

Unit type: **External**

Guided learning hours: **90**

Unit in brief

Learners explore how civil disputes are resolved, both in the courts and by alternative means. They will examine precedent and its application in the law of negligence.

Unit introduction

We all need to be aware of how civil disputes are settled and where to seek advice when things go wrong. This unit uses the law of negligence and the way in which claims, such as damage or losses resulting from a car crash or causing injury to another person, are dealt with in English law.

In this unit, you will learn about the courts that deal with civil law disputes, in addition to alternative methods of resolution. The basic principles of the law of negligence are considered and applied, together with sources of advice, funding, resolution and remedies. You will develop legal skills in research and will use these research skills to investigate the way in which the law is applied. You will learn how to reference legal sources and how to communicate professionally with colleagues and clients. To complete the assessment task within this unit, you will need to draw on your learning from across your qualification.

The legal skills, knowledge and understanding covered in this unit will help you progress to higher education and professional qualifications, either in law or another sector. It will also help you to progress to employment in the legal profession or in other forms of business.

Summary of assessment

This unit is assessed under supervised conditions. Learners will be given information about a case one week before a supervised assessment period in order to carry out research.

The supervised assessment period is one and a half hours in one session. During the supervised assessment period, learners will be given a set task that will assess their ability to explain, analyse and make informed judgements relating to precedent and its application in the law of negligence.

Pearson sets and marks the task.

The number of marks for the unit is 60.

The assessment availability is twice a year in January and May/June. The first assessment availability is May/June 2018. Sample assessment materials will be available to help centres prepare learners for assessment.

Assessment outcomes

AO1 Demonstrate knowledge and understanding of precedent, the civil justice system and process and the concept of negligence in English civil law, together with legal skills of research and communication

AO2 Be able to apply knowledge and understanding to examine negligence scenarios and advise clients on the likely outcome of negligence claims, making connections to precedent, courts and appeals, personnel and funding

AO3 Analyse legal information, demonstrating the ability to interpret the potential impact and influence on future cases

AO4 Evaluate evidence to make informed judgements with appropriate justification, synthesising ideas and evidence from several sources to support arguments

Essential content

The essential content is set out under content areas. Learners must cover all specified content before the assessment. All topics require learners to apply knowledge, analyse and evaluate.

A Civil dispute resolution

A1 Features of civil law

- Aim and purpose of civil law.
- Standard and burden of proof in civil cases.

A2 Structure and jurisdiction of the English civil courts

- Civil court hierarchy:
 - civil courts of first instance
 - civil courts of appeal
 - reasons/permissions/how to appeal.
- Role of judges in civil cases.

A3 Alternatives to the courts in civil dispute resolution

Situations for use:

- arbitration
- conciliation
- mediation
- negotiation
- ombudsman.

A4 Legal skills

- Legal sources.
- Researching and referencing legal information.
- Methods of appropriate professional communication with colleagues, lawyers, clients.

B Enforcement of civil law

B1 Sources of advice

- Solicitors.
- Barristers.
- Citizens Advice.
- Law centres.
- Insurance companies.
- The internet.

B2 Sources of funding

- Own resources.
- Insurance.
- State funding.
- Conditional fees.
- Trade union membership.
- Citizens Advice.
- Pro bono.

B3 The cost of taking legal action

- Court costs.
- Legal representation costs.
- Awarding of costs against unsuccessful party.
- Hidden costs, loss of reputation, enforcement of award.

C How precedent works

C1 Precedent

- The doctrine of precedent in the court hierarchy and its role in the development of the law of negligence.
- Hierarchy of courts.
- *Ratio decidendi*.
- *Obiter dicta*.
- Law reporting of decisions.
- Following precedent:
 - powers of the appeal courts
 - binding precedents
 - persuasive precedents.
- Avoiding binding precedents:
 - distinguishing
 - overruling
 - reversing.
- How to research, find, read and interpret case law.

D Application of the law of negligence

D1 Duty of care

Three stage test:

- proximity
- foreseeability
- fair, just and reasonable.

D2 Breach of duty

- Objective standard.
- The reasonable person test:
 - special characteristics of defendant
 - professionals
 - learners
 - children.
- Special characteristics and risk factors of claimant:
 - the risk of harm
 - social utility
 - taking of precautions.

D3 Damage

- Factual causation:
 - the 'but for' test.
- Remoteness of damage:
 - reasonable foreseeability
 - the type of damage caused
 - the thin skull rule.

D4 Damages

- The aim of awarding damages in negligence.
- Special damages:
 - pecuniary.
- General damages:
 - pain and suffering
 - loss of earnings
 - loss of amenity
 - future medical expenses.
- Mitigation of loss.
- Contributory negligence.
- Payment:
 - lump sum
 - structured settlement.

D5 Burden of proof and *res ipsa loquitur*

- Burden of proof in negligence cases.
- *Res ipsa loquitur*.

Grade descriptors

To achieve a grade learners are expected to demonstrate these attributes across the essential content of the unit. The principle of best fit will apply in awarding grades.

Level 3 Pass

Learners will demonstrate knowledge and understanding of the civil legal system, the relevant legal personnel and the factors that determine where disputes are heard. They will demonstrate research, referencing and communication skills appropriate to the audience. They will be able to suggest appropriate sources of advice and funding for civil claims. They will demonstrate an understanding of how precedent operates in the courts, and know how to research relevant law and reference sources correctly. They can make some recommendations for actions in the context of negligence claims resulting from interpretation of the legal information provided.

Level 3 Distinction

Learners will be able to critically evaluate, justify and synthesise information relating to negligence claims, their viability and success. They will demonstrate competent legal research and referencing skills and their communication and presentation will be professional and appropriate. They will apply key concepts and legal precedents to real-life scenarios, analyse complex information from different sources and assess its impact and influence on legal decisions. Learners can consider the implications in the context of the legal detail both given and created, making appropriate justified recommendations for necessary actions.

Key words typically used in assessment

The following table shows the key words that will be used consistently by Pearson in our assessments to ensure learners are rewarded for demonstrating the necessary skills.

Please note: the list below will not necessarily be used in every paper/session and is provided for guidance only.

Command or term	Definition
Analyse	Learners present the outcome of methodical and detailed examination, either: <ul style="list-style-type: none"> • breaking down a theme, topic or situation in order to interpret and study the interrelationships between the parts and/or • of information or data to interpret and study key trends and interrelationships.
Apply	The bringing together in order to establish some relationship or connection, as in the application of a rule or principle to a case or fact. Learners indicate the main features or purpose of something by recognising it and/or being able to discern and understand facts or qualities. They then make connections and relate to examples to show what is meant or what might result in a specific context.

Command or term	Definition
Evaluate	<p>Learners' work draws on varied information, themes or concepts to consider aspects, such as:</p> <ul style="list-style-type: none"> · strengths or weaknesses · advantages or disadvantages · alternative actions · relevance or significance. <p>Learners' enquiries should lead to a supported judgement showing relationship to its context. This will often be in a conclusion.</p>
Explain	<p>Clear details and gives reasons and/or evidence to support an opinion, view or argument. It could show how conclusions are drawn (arrived at). Learners show that they comprehend the origins, functions and objectives of a subject, and its suitability for purpose.</p>
Outline	<p>A summary, overview or a brief description of something.</p>
Prepare a presentation	<p>Prepare the materials for a visual presentation.</p>
Research	<p>Learners carry out their own research into primary sources of law.</p>
Solicitor's letter	<p>Formal letter containing legal information but written appropriately for a non-lawyer.</p>
Summary or file note	<p>Brief but comprehensive synopsis of a legal case written by solicitors, containing detailed research relevant to the case.</p>

Links to other units

The assessment for this unit should draw on knowledge, understanding and skills developed from:
Unit 2: Investigating Aspects of Criminal Law and the Legal System.

Employer involvement

This unit would benefit from employer involvement in the form of:

- guest speakers such as solicitors, barristers, judges, magistrates
- court visits
- work experience in the legal sector
- law materials as exemplars
- support from local legal staff as mentors.

Unit 2: Investigating Aspects of Criminal Law and the Legal System

Level: **3**

Unit type: **Internal**

Guided learning hours: **90**

Unit in brief

Learners research how laws are made and interpreted, who advises and decides on the outcome of criminal cases and the punishments that can be imposed if laws are broken. They will then present advice to clients on non-fatal offence case studies.

Unit introduction

Everyone has to live and operate within the law; punishments can be imposed for breach of the law. This unit will enable you to understand how laws are made and used, particularly criminal laws, and where advice on those laws can be obtained.

In this unit, you will develop the skills to investigate and research how different laws are made both inside and outside Parliament and then interpreted in courts. You will use these research skills to investigate the way in which the law is developed and applied. You will investigate who decides the outcome of criminal cases and where advice and representation can be obtained and how it can be paid for. You will apply and present this information professionally to clients with the aid of non-fatal offence case studies.

This unit will give you an understanding of the way the criminal justice system works in the United Kingdom. It will provide the opportunity to develop decision-making, communication, presentation and critical-thinking skills. These skills will be a good foundation for progression to higher education courses in law, business or any other sector.

Learning aims

In this unit you will:

- A** Explore how statutory rules are made and interpreted
- B** Examine how legislation is made outside of Parliament
- C** Explore the various legal personnel involved in a criminal trial
- D** Apply the key elements of crime and sentencing in non-fatal offence case studies.

Summary of unit

Learning aim	Key content areas	Recommended assessment approach
A Explore how statutory rules are made and interpreted	A1 Legal skills A2 Influences on Parliament A3 The law-making procedure in Parliament A4 How statutes are interpreted by the courts	A report on the influences on Parliament, the procedure of making new laws inside and outside parliament, by the EU and the rules of statutory interpretation. Evaluation of these processes.
B Examine how legislation is made outside of Parliament	B1 Delegated legislation B2 The European legislative process and its institutions	
C Explore the various legal personnel involved in a criminal trial	C1 The legal profession C2 Financing advice and representation in a criminal trial C3 Lay people C4 Judiciary	Application to non-fatal offence case studies of: <ul style="list-style-type: none"> • personnel in different criminal trials – first instance and appeal • finance for advice and representation • liability and sentences for the different non-fatal offences. A magazine article evaluating the current roles of personnel in the criminal trial system, non-fatal offence law and sentencing trends.
D Apply the key elements of crime and sentencing in non-fatal offence case studies	D1 Elements of a crime D2 Non-fatal offences D3 Aims of sentencing D4 Factors involved in sentencing D5 Types of sentences	

Content

Learning aim A: Explore how statutory rules are made and interpreted

A1 Legal skills

- Researching legal information.
- Finding appropriate and reliable sources.
- Referencing sources in learners' work.
- Using, interpreting and applying information from sources and authorities.
- Presenting information verbally and in writing.

A2 Influences on Parliament

- Pressure groups.
- Law commission.
- Media.

A3 The law-making procedure in Parliament

- Separation of powers and Parliamentary sovereignty.
- Pre-legislative stages:
 - Green and White Papers
 - different types of bills, e.g. public bills, private members' bills, private bills, hybrid bills.
- The legislative stages:
 - House of Commons (first reading, second reading, committee stage, report stage)
 - House of Lords
 - royal assent
 - commencement of an act.

A4 How statutes are interpreted by the courts

The rules of statutory interpretation:

- literal rule
- golden rule
- mischief rule
- purposive approach.

Learning aim B: Examine how legislation is made outside of Parliament

B1 Delegated legislation

- Types of delegated legislation:
 - orders in council
 - statutory instruments
 - by-laws.
- Controls on delegated legislation:
 - judicial controls, e.g. procedural and substantive ultra vires and Wednesbury unreasonableness
 - parliamentary controls, e.g. negative and affirmative resolution; scrutiny committees; the parent act.

B2 The European legislative process and its institutions

- Types of EU laws, e.g. regulations, directives and decisions.
- Outline of the role of the European law-making institutions, e.g. European Council, European Commission, European Parliament, European Court of Justice.
- Impact of EU laws on the UK, e.g. how conflicts between EU and domestic legislation are resolved.

Learning aim C: Explore the various legal personnel involved in a criminal trial

C1 The legal profession

- The work of solicitors, barristers and legal executives in criminal cases; how they are paid.
- Regulation and complaints against legal professionals.

C2 Financing advice and representation in a criminal trial

- Legal advice at the police station.
- Funding for representation at the magistrates' and the crown courts.

C3 Lay people

- Magistrates:
 - selection and appointment
 - training
 - role in a criminal trial.
- Juries:
 - qualification and disqualification
 - selection, e.g. summoning and challenging
 - role in a criminal trial.

C4 Judiciary

- The role of judges in criminal trials.

Learning aim D: Apply the key elements of crime and sentencing in non-fatal offence case studies

D1 Elements of a crime

- *Actus reus* acts and omissions; causation; *mens rea*; strict liability; coincidence of *actus reus* and *mens rea*.

D2 Non-fatal offences

- The *actus reus* and *mens rea* of:
 - assault and battery
 - Section 18 – grievous bodily harm (GBH) with intent – Offences Against the Person Act 1861
 - Section 20 OAP – grievous bodily harm
 - Section 47 OAP – actual bodily harm (ABH).

D3 Aims of sentencing

- Purpose of sentences imposed by the criminal courts, e.g. reducing the crime rate, protecting the public, punishing the offender, deterrence, rehabilitating the offender.

D4 Factors involved in sentencing

- Mitigating and aggravating factors.
- Sentencing guidelines.

D5 Types of sentences

- The types of sentences that the court can impose, e.g. prison, suspended sentences, community orders, fines, discharges.

Assessment criteria

Pass	Merit	Distinction
Learning aim A: Explore how statutory rules are made and interpreted		AB.D1 Present an evaluation of the law-making processes both inside and outside of Parliament.
A.P1 Research and select a statute then explain the influences that impacted on its progress into law. A.P2 Explain the rules of statutory interpretation using given case studies.	A.M1 Analyse the effect on Parliament's law making of influences and interpretation.	
Learning aim B: Examine how legislation is made outside of Parliament		
B.P3 Apply the various forms of delegated legislation and their controls in given case studies. B.P4 Research, select and explain examples of actual regulations, directives and decisions.	B.M2 Analyse the effectiveness of the controls on delegated legislation. B.M3 Assess the impact of EU laws on the UK and the resolution of any conflicts, using actual recent examples.	
Learning aim C: Explore the various legal personnel involved in a criminal trial		C.D2 Evaluate the impact of using lay people in the criminal justice trial process as opposed to legal personnel, providing a justified conclusion. D.D3 Evaluate the current law on non-fatal offences against the person and related current sentencing trends.
C.P5 Using given case studies of criminal trials in different courts, explain the roles of both the lay and legal personnel involved. C.P6 Explain the advice and representation available in given criminal case studies.	C.M4 Compare and contrast the roles of the various personnel involved and the financing of advice and representation in given criminal case studies.	
Learning aim D: Apply the key elements of crime and sentencing in non-fatal offence case studies		
D.P7 Explain, using given case studies, the elements of the different non-fatal offences. D.P8 Discuss the aims of sentencing and the types of sentences for specific offences in given case studies.	D.M5 Analyse and apply the current law on specific non-fatal offences to given case studies to determine the charges and possible sentences in these situations.	

Essential information for assignments

The recommended structure of assessment is shown in the unit summary along with suitable forms of evidence. *Section 6* gives information on setting assignments and there is further information on our website.

There is a maximum number of two summative assignments for this unit. The relationship of the learning aims and criteria is:

Learning aims: A and B (A.P1, A.P2, B.P3, B.P4, A.M1, B.M2, B.M3, AB.D1)

Learning aims: C and D (C.P5, C.P6, D.P7, D.P8, C.M4, D.M5, C.D2, D.D3)

Further information for teachers and assessors

Resource requirements

For this unit, learners must have access to appropriate legal textbooks and primary sources of precedent and statute.

It is desirable that learners see law in action. Centres should attempt to watch cases in court to see the law in action. Local solicitors, barristers, arbitrators and advice centre staff may be willing to speak to learners and offer work experience. It is essential that learners do not copy large sections of information from websites or textbooks but gain a real understanding of the material they are researching.

To prepare for assessment, centres can arrange a variety of case studies or scenarios that allow learners to use their own words to describe, apply and analyse relevant rules of law. They will also allow learners to fully demonstrate their understanding and application of legal rules using problem-solving, decision-making, analytical and critical-thinking skills.

Essential information for assessment decisions

Evidence for the unit criteria can be given in either written or video format or in a presentation supported by slides, notes, questions and individual observation records.

Learners should reference all their sources correctly and provide advice where required in a professional format.

Learning aims A and B

For distinction standard, learners will provide detailed evidence of individual research, application, analysis and evaluation for these criteria to demonstrate clear understanding. Evidence to support the criteria must be individually produced and show a firm grasp and understanding of the information presented.

Learners will use examples of recent statutes and cases to consider law making by parliament, delegated legislation and statutory interpretation. There will be a balanced argument considering the positive and negative aspects of each method of law making.

For merit standard, learners will provide evidence of individual research, application and analysis for these criteria to demonstrate clear understanding of all areas. They will demonstrate good analytical skills and application of them, fully covering all possible decisions and outcomes from the case studies. They will demonstrate good use and application of relevant examples in their arguments and analysis.

Learners are expected to assess the impact that EU law has on law making in the UK. There are two approaches the learner can take. They may choose to focus on the resolution of conflicts prior to the withdrawal in 2020. The focus should be on how conflicts were resolved using cases to illustrate this impact. Alternatively the learner may choose to focus on the reasons for withdrawal. The focus should be on the extent to which conflicts have been resolved as a consequence of the withdrawal.

For pass standard, learners will show their ability to individually research and apply laws in given case studies. Their understanding of the different types of law making and interpretation will be supported by relevant authorities and examples.

Learning aims C and D

For distinction standard, learners will give clear and detailed evaluations of both of the criteria in their own words to demonstrate distinction standard.

Learners will support their evaluation of the impact of using lay people in the criminal justice system as opposed to legal personnel, with individual statements, examples and comprehensive use and application of relevant research and data, to demonstrate and justify their arguments and conclusion. Their explanation, application and comparison of the roles of personnel in the case studies and the availability of finance for advice and representation will be detailed and thorough, demonstrating clear understanding.

Learners will support their evaluation of non-fatal offences against the person and current sentencing trends, with detailed evidence of individual research, application, analysis and evaluation for both of the criteria, in order to demonstrate clear understanding. Learners will show comprehensive use and application of relevant evidence to weigh up their arguments and come to a justified conclusion. Learners will suggest relevant reforms.

For merit standard, learners will compare the roles of the various legal personnel and lay people, using the case studies to reflect on the different roles performed. This will include a breakdown of the specific roles performed by Magistrates and Juries. Learners will use the case studies to provide a detailed and thorough comparison of the availability of funding for representation and advice.

Learners will demonstrate good analytical skills that cover all possible decisions and outcomes from the non-fatal offence case studies. These case studies will allow application of law for all non-fatal offences covered by the unit. Learners should use and apply relevant decided cases to provide comprehensive and appropriate advice on outcomes.

For pass standard, learners will demonstrate their understanding of the roles of the personnel involved in the criminal trials and appeals in the case studies, and will discuss the financing of advice and representation and its availability. Learners will apply the law on non-fatal offences in given case studies to show their understanding and suggest liability and possible sentences, supported by some relevant case law or examples.

Links to other units

This unit links to:

- Unit 1: Dispute Solving in Civil Law
- Unit 3: Applying the Law.

Employer involvement

This unit would benefit from employer involvement in the form of:

- guest speakers from solicitors, barristers, judges, magistrates, police
- court visits
- work experience in the legal sector
- law materials as exemplars
- support from local legal staff as mentors.

Unit 3: Applying the Law

Level: **3**

Unit type: **External**

Guided learning hours: **120 hours**

Unit in brief

Learners examine the law related to specific crimes, including homicide and offences against property. They will explore the police procedures for dealing with such offences.

Unit introduction

Crime has an enormous impact on society and particularly on those directly involved in a case. In this unit, you will be encouraged to consider the impact and consequences of crime. You will examine homicide offences, including murder, voluntary manslaughter and involuntary manslaughter. You will examine crimes against property such as theft, robbery and burglary. You will also examine the law relating to arrest, detention and searching people and property.

Criminal law applies to everyone and it is important that you keep up to date with changes in the law. In this unit, you will examine case law relating to real-life crimes. You will need to be aware of specific Acts of Parliament that relate to criminal offences and police procedures. You will develop problem-solving skills and legal research skills. You will use these research skills to investigate the way in which the law is developed and applied. You will have the opportunity to apply the relevant law to a scenario involving a crime. You will develop your decision-making and communication skills, as you may have to decide how to advise clients or how the police should respond to a particular situation. You will also develop analytical and critical-thinking skills. To complete the assessment task within this unit, you will need to draw on your learning from across your programme.

Criminal law is a specialist area of study and the legal skills, knowledge and understanding covered in this unit will help you progress to higher education and professional qualifications, either in law, criminology or criminal justice or another sector. It will also help you to progress to employment in the legal profession or in other forms of business.

Summary of assessment

This unit is assessed under supervised conditions. Learners will be given information about two cases two weeks before a supervised assessment period in order to carry out research.

The supervised assessment period is one morning session of two hours. During the supervised assessment period, learners will be given a set task that will assess their ability to explain, analyse and evaluate aspects of criminal law by applying the law to two cases.

Pearson sets and marks the task.

The number of marks for the unit is 72.

The assessment availability is twice a year in January and May/June. The first assessment availability is May/June 2018.

Sample assessment materials will be available to help centres prepare learners for assessment.

Assessment outcomes

AO1 Demonstrate knowledge and understanding of both homicide and offences against property together with the law relating to police procedure using legal terminology

AO2 Apply the laws relating to both homicide and offences against property together with the law relating to police procedure, using legal terminology and relevant case law and statute law to illustrate points made and make connections

AO3 Analyse the law relating to homicide, property offences and police procedure, demonstrating the ability to interpret the potential impact, outcome and influence on future cases

AO4 Evaluate evidence to make informed judgements with appropriate justification, synthesising ideas and evidence from several sources to support arguments

Essential content

The essential content is set out under content areas. Learners must cover all specified content before the assessment. All topics require application, analysis and evaluation of relevant case law and principles.

A The laws relating to homicide: murder, voluntary manslaughter and involuntary manslaughter

A1 Murder

- *Actus reus* of murder – legal definition of a human being with application of relevant case law.
- Proving causation in murder – establishing causation through both factual and legal causation, application of relevant case law.
- *Mens rea* of murder – difference between direct and oblique intention and the meaning of indirect intention.
- Criticisms of the current law and proposals for reform.

A2 Voluntary manslaughter

- Introduction to the role of voluntary manslaughter as a partial defence to murder.
- Loss of control:
 - the difference between loss of control under Section 54 of the Coroners and Justice Act 2009 and the old law of provocation under Section 3 of the Homicide Act 1957
 - key elements of loss of control – loss of self-control, the meaning of a qualifying trigger and its limitations, degree of tolerance and self-restraint, application of relevant case law.
- Diminished responsibility:
 - the difference between diminished responsibility under Section 52 of the Coroners and Justice Act 2009 and the old law of diminished responsibility under Section 2 of the Homicide Act 1957
 - key elements of diminished responsibility – the meaning of abnormality of mental functioning, what a recognised medical condition is, the ways that an individual's mental ability must be impaired, application of relevant case law.
- Criticisms of the current law and proposals for reform.

A3 Involuntary manslaughter

- Introduction to the difference between voluntary and involuntary manslaughter.
- Unlawful act manslaughter:
 - key elements of unlawful act manslaughter – meaning of unlawful act, dangerous act and causing death, application of relevant case law.
- Gross negligence manslaughter:
 - difference between gross negligence manslaughter and unlawful act manslaughter
 - key elements of gross negligence manslaughter – meaning of duty of care and the various types of duty that exist, when there will be a breach of duty causing death, meaning of gross negligence, application of relevant case law.

B The laws relating to corporate manslaughter

B1 Corporate manslaughter

- Corporate Manslaughter and Corporate Homicide Act 2007.
- Proof of gross breach of duty and serious management failure.
- Investigation, prosecution and penalties under the act.

C An introduction to offences against property: theft, robbery, burglary, fraud and criminal damage

C1 Theft: Section 1–6 of the Theft Act 1968

- *Actus reus* of theft with application of relevant case law:
 - appropriation
 - property
 - belonging to another.
- *Mens rea* of theft with application of relevant case law:
 - dishonesty – definition of honesty contained in the act and development of dishonesty in case law
 - intention to permanently deprive.

C2 Robbery: Section 8 of the Theft Act 1968

- *Actus reus* of robbery with application of relevant case law:
 - *actus reus* of theft
 - force.
- *Mens rea* of robbery:
 - *mens rea* of theft
 - intention or recklessness as to the use of force.

C3 Burglary: Section 9 of the Theft Act 1968

- Distinction between burglary under Section 9(1)(a) and 9(1)(b) of the Theft Act 1968.
- Meaning of entry, building and trespasser with application to relevant case law.

C4 Fraud by false representation: Section 2 of the Fraud Act 2006

- *Actus reus* of fraud by false representation with application of relevant case law:
 - representation – distinction between express and implied representations, representations as to fact, law, state of mind and to a machine
 - meaning of false.
- *Mens rea* of fraud by false representation with application of relevant case law:
 - dishonesty
 - intention to make a gain or cause a loss.

C5 Criminal damage: Section 1 of the Criminal Damage Act 1971

- Section 1(1) Criminal Damage Act 1971 – basic offence of criminal damage.
- Section 1(2) Criminal Damage Act 1971 – aggravated criminal damage.
- Section 1(3) Criminal Damage Act 1971 – s.1(1) or s1(2) committed by fire charged as arson.

D Introduction to general defences in criminal law

D1 Duress

- Duress by threats:
 - what will amount to a threat
 - who threats can be made to
 - establishing duress by threats – subjective and objective elements
 - self-induced duress.
- Duress by circumstances:
 - difference between duress by threats and duress by circumstances
 - establishing duress by circumstances – subjective and objective elements.

D2 Intoxication

- Public policy surrounding the availability of the defence.
- Difference between voluntary and involuntary intoxication.
- Distinction between specific and basic intent crimes.

D3 Self-defence

- Distinction between self-defence at common law and prevention of crime under Section 3 of the Criminal Law Act 1967.
- Necessity of force and application of relevant case law.
- Reasonableness of force and application of relevant case law.

D4 Insanity and automatism

- Distinction between the outcomes of a successful plea of insanity and a successful plea of automatism.
- Outline of key requirements for a successful plea of insanity 'and application of relevant case law'.
- Outline of the key requirements for a successful plea of automatism 'and application of relevant case law'.

E An overview of police powers**E1 Stop and search**

- People and vehicles in a public place.
- Prohibited articles.
- Meaning of reasonable grounds.
- Procedures that must be followed.

E2 Arrest

- Purpose of an arrest.
- Powers of arrest without a warrant:
 - meaning of reasonable grounds
 - necessity test for arrest
 - procedures that must be followed.
- Powers of arrest with a warrant.
- Right to search on arrest.

E3 Detention, interviews, searches and samples

- Detention:
 - purpose of detention
 - time limits
 - role of the custody officer
 - rights of a detained person.
- Interviews:
 - purpose of the interview
 - procedures that must be followed
 - the right to silence.
- Searches and samples:
 - intimate and non-intimate samples and the procedures that must be followed.

Grade descriptors

To achieve a grade learners are expected to demonstrate these attributes across the essential content of the unit. The principle of best fit will apply in awarding grades.

Level 3 Pass

Learners will demonstrate knowledge and understanding of homicide and property offences, together with an understanding of the powers of the police. They will demonstrate an understanding of how the law works in relation to these offences, and know how to research relevant law and reference sources correctly. They will understand police powers of arrest, detention, search interviews and samples. They can make some recommendations for actions in the context of homicide and property offences resulting from interpretation of the legal information provided.

Level 3 Distinction

Learners will be able to critically evaluate and synthesise information relating to homicide and property criminal claims, their viability and success. They can apply key concepts and legal precedents to real-life scenarios, analyse complex information from different sources and assess its impact and influence on legal decisions. Learners can consider the implications in the context of the legal detail both given and created, making appropriate justified recommendations for necessary actions.

Key words typically used in assessment

The following table shows the key words that will be used consistently by Pearson in our assessments to ensure learners are rewarded for demonstrating the necessary skills.

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Apply	The bringing together in order to establish some relationship or connection, as in the application of a rule or principle to a case or fact. Learners indicate the main features or purpose of something by recognising it and/or being able to discern and understand facts or qualities. They then make connections and relate to examples to show what is meant or what might result in a specific context.

Command or term	Definition
Evaluate	<p>Learners' work draws on varied information, themes or concepts to consider aspects, such as:</p> <ul style="list-style-type: none"> · strengths or weaknesses · advantages or disadvantages · alternative actions · relevance or significance. <p>Learners' inquiries should lead to a supported judgement showing relationship to its context. This will often be in a conclusion.</p>
Explain	<p>Clear details and gives reasons and/or evidence to support an opinion, view or argument. It could show how conclusions are drawn (arrived at). Learners are able to show that they comprehend the origins, functions and objectives of a subject, and its suitability for purpose.</p>
Prepare a presentation	<p>Prepare the materials for a visual presentation.</p>
Report	<p>This is a formal document structured in an appropriate format and layout, using professional language and style.</p>
Research	<p>Learners carry out their own research into primary sources of law.</p>
Solicitor's letter	<p>Formal letter containing legal information but written appropriately for a non-lawyer.</p>
Summary or file note	<p>Brief but comprehensive synopsis of a legal case written by solicitors, containing detailed research and law relevant to the case.</p>

Links to other units

The assessment for this unit should draw on knowledge, understanding and skills developed from:

- Unit 1: Dispute Solving in Civil Law
- Unit 2: Investigating Aspects of Criminal Law and the Legal System.

Employer involvement

This unit would benefit from employer involvement in the form of:

- guest speakers such as solicitors, barristers, judges, magistrates, police
- court visits
- work experience in the legal sector
- law materials as exemplars
- support from local legal staff as mentors.

Unit 4: Aspects of Family Law

Level: **3**

Unit type: **Internal**

Guided learning hours: **60**

Unit in brief

Learners explore the requirements of a valid marriage and civil partnership, the laws governing the breakdown of relationships, as well as how disputes over children are resolved by the courts.

Unit introduction

Family law is an area of law that deals with some of the most important and sensitive aspects of our lives, with the courts mainly getting involved only when there are disputes that need to be resolved. This unit will give you an understanding of the laws governing parenthood and parental responsibility and will examine how the courts resolve disputes regarding children.

There are various legal regulations governing our family lives and the formation of adult relationships. This unit will enable you to understand the distinction between marriage and cohabitation and their legal consequences. You will examine the key requirements for the formation of a valid marriage and civil partnership and how these relationships may become either void or voidable. You will investigate how individuals may terminate their adult relationships and the financial consequences of a relationship breakdown.

This unit will enable you to understand and evaluate key aspects of family law, giving a good foundation for higher level study in law and professional careers in the field.

Learning aims

In this unit you will:

- A** Explore the legal rules governing the formation of marriages, civil partnerships and cohabitation
- B** Examine the various methods for dissolving a relationship
- C** Investigate the legal rules governing the distribution of money and property on the breakdown of a relationship
- D** Examine how the courts resolve disputes over children.

Summary of unit

Learning aim	Key content areas	Recommended assessment approach
A Explore the legal rules governing the formation of marriages, civil partnerships and cohabitation	A1 Marriage and civil partnership A2 Cohabitation A3 Legal rights and obligations of marriage/civil partnership and cohabitation	<p>Application of law to given case studies, advice to clients based on case studies regarding the legal rules surrounding the formation and dissolution of adult relationships.</p> <p>Evaluation of the current law and proposals for reform of the law.</p>
B Examine the various methods for dissolving a relationship	B1 Nullity B2 Divorce and dissolution B3 Judicial separation	
C Investigate the legal rules governing the distribution of money and property on the breakdown of a relationship	C1 Financial orders available to the court on divorce/dissolution C2 Factors the court will take into account when deciding what order to make C3 Orders for children	<p>Legal advice given, based on case studies, to a client explaining the financial orders and orders for children applicable on the divorce/dissolution of the case studies.</p> <p>An article that evaluates the impact of the financial and other orders that can be made on the breakdown of a relationship, suggesting proposals for reform.</p>
D Examine how the courts resolve disputes over children	D1 Parenthood and parental responsibility D2 Children's rights D3 Disputes over children	<p>Legal advice given, based on case studies, explaining the law relating to parenthood and parental responsibility. Leaflet/article/report evaluating the impact of methods used by the courts to resolve disputes over children.</p>

Content

Learning aim A: Explore the legal rules governing the formation of marriages, civil partnerships and cohabitation

A1 Marriage and civil partnership

- Definition of marriage and the right to marry.
- Formation of a valid marriage:
 - who you can marry – age restrictions, the meaning of ‘prohibited degrees of relationship’, rules on bigamy and polygamy, the impact of the Gender Recognition Act 2004, same-sex marriages
 - marriage procedures – the conduct of the ceremony, wedding venues, notice requirements.
- Distinction between marriage and civil partnership.
- Formation of a valid civil partnership – who you can enter into a civil partnership with, civil partnership ceremonies, notice requirements.

A2 Cohabitation

- Definition of cohabitation and its legal recognition.
- Distinction between married couples/civil partners and cohabitants.
- Formalising status as a cohabitant – cohabitation agreements.
- Other informal relationships – homesharers.

A3 Legal rights and obligations of marriage/civil partnership and cohabitation

- Legal rights and obligation of marriage/civil partnership, including financial and property rights during the relationship and on death.
- Legal rights and obligations of cohabitants, including financial and property rights during the relationship and on death.

Learning aim B: Examine the various methods for dissolving a relationship

B1 Nullity

- The distinction between void and voidable marriages/civil partnerships.
- Consequences of a void marriage/civil partnership.
- Grounds for a voidable marriage:
 - non-consummation due to incapacity or wilful refusal
 - lack of consent, including the distinction between forced marriages and arranged marriages
 - mental incapacity
 - venereal disease
 - pregnancy
 - gender recognition certificate or acquired gender.
- Grounds for a voidable civil partnership:
 - lack of consent
 - mental disorder
 - pregnancy
 - gender recognition certificate or acquired gender.
- Procedure for obtaining a decree of nullity – filing the petition, *decree nisi*, statement in support of annulment, decree absolute.
- Bars to annulment.

B2 Divorce and dissolution

- The irretrievable breakdown ground for divorce as evidenced by the five facts:
 - adultery and intolerability
 - behaviour
 - desertion
 - two years' separation with consent
 - five years' separation.
- The irretrievable breakdown ground for dissolution of a civil partnership:
 - behaviour
 - desertion
 - two years' separation with consent
 - five years' separation.
- Bars on petitions for divorce and dissolution.
- Encouraging reconciliation.
- Procedure for obtaining a divorce – filing a divorce petition, responding to a divorce petition, *decree nisi*, decree absolute.
- Decree of presumption of death and dissolution of the marriage.

B3 Judicial separation

- Difference between judicial separation and divorce.
- Requirements for a judicial separation – establishing one of the five facts for a judicial separation, or one of the four facts for a separation order.
- Legal effects of judicial separations.
- Reasons for seeking a judicial separation.

Learning aim C: Investigate the legal rules governing the distribution of money and property on the breakdown of a relationship

C1 Financial orders available to the court on divorce/dissolution

- Maintenance pending suit.
- Money orders:
 - periodical payments order
 - secured periodical payments order.
- Property orders:
 - lump sum order
 - property adjustment orders, including transfer of property, settlement of property and variation of settlement.
- Pensions:
 - pension attachment order
 - pension sharing order.

C2 Factors the court will take into account when deciding what order to make

- Statutory factors and relevant case law.
- Clean break, including advantages and disadvantages of a clean break, factors that will make a clean break appropriate or inappropriate.
- Pre-nuptial agreements.
- Variation of orders and appeals.

C3 Orders for children

- Duty to maintain a child.
- Who child maintenance applies to.
- Powers of the courts:
 - periodic and secured periodic payments
 - lump sum orders
 - property orders, including settlements of property and transfer of property.
- Orders for a child of the family.

Learning aim D: Examine how the courts resolve disputes over children**D1 Parenthood and parental responsibility**

- Difference between being a parent and having parental responsibility.
- Definition of parenthood, including who is the mother and father of the child and laws on surrogacy and assisted reproduction.
- Definition of parental responsibility and its key elements.
- Automatic and acquired parental responsibility.
- Losing parental responsibility and its effects.

D2 Children's rights

- Definition of rights.
- Development of children's rights in the law, including the right to protection, the right to autonomy and the right to be heard.

D3 Disputes over children

- Orders that can be made to resolve disputes over children:
 - residence order, including joint residence orders
 - contact order
 - specific issue order
 - prohibited steps order.
- Factors the court takes into account in making an order:
 - welfare principle
 - no delay principle
 - presumption of continued parental involvement
 - welfare checklist
 - no order principle.
- Who can apply for an order to resolve a dispute over a child.

Assessment criteria

Pass	Merit	Distinction
Learning aim A: Explore the legal rules governing the formation of marriages, civil partnerships and cohabitation		
A.P1 Apply the legal requirements for a marriage and civil partnership in given case studies.	A.M1 Apply and analyse the law on marriage, civil partnerships and cohabitation in given case studies.	
A.P2 Explain the difference between the rights and obligations of marriage/civil partnership and cohabitation and apply the law in given case studies.		
Learning aim B: Examine the various methods for dissolving a relationship		
B.P3 Apply the law on annulment, divorce and dissolution of a marriage and civil partnership in given case studies.	B.M2 Apply the law on divorce, dissolution and nullity in given case studies, analysing the current law.	AB.D1 Evaluate the impact of the current law on the formation and dissolution of adult relationships.
Learning aim C: Investigate the legal rules governing the distribution of money and property on the breakdown of a relationship		
C.P4 Explain and apply the financial and children orders and relevant factors taken into account on divorce/dissolution in given case studies.	C.M3 Analyse the financial orders and orders available for children in given case studies.	
Learning aim D: Examine how the courts resolve disputes over children		
D.P5 Explain and apply the law on parenthood, parental responsibility and children's rights in given case studies.	D.M4 Analyse how the court resolves disputes over children in given case studies.	
		C.D2 Evaluate the law on financial and other orders that the court can make on the breakdown of relationships.
		D.D3 Evaluate the impact of methods used by the courts to resolve disputes over children.

Essential information for assignments

The recommended structure of assessment is shown in the unit summary along with suitable forms of evidence. *Section 6* gives information on setting assignments and there is further information on our website.

There is a maximum number of two summative assignments for this unit. The relationship of the learning aims and criteria is:

Learning aims: A and B (A.P1, A.P2, B.P3, A.M1, B.M2, AB.D1)

Learning aims: C and D (C.P4, D.P5, C.M3, D.M4, C.D2, D.D3)

Further information for teachers and assessors

Resource requirements

For this unit, learners must have access to appropriate legal textbooks and primary sources of precedent and statute.

Local solicitors, barristers, arbitrators and advice centre staff may be willing to speak to learners and offer work experience. It is essential that learners do not copy large sections of information from websites or textbooks but gain a real understanding of the material they are researching.

To prepare for assessment, centres can arrange a variety of case studies or scenarios that allow learners to use their own words to describe, apply and analyse relevant rules of law. They will also allow learners to fully demonstrate their understanding and application of legal rules using problem-solving, decision-making, analytical and critical-thinking skills.

Essential information for assessment decisions

Evidence for the different unit criteria can be given in either written or video format or in a presentation supported by slides, notes, questions and individual observation records.

Learners should reference all their sources correctly and provide advice where required in a professional format.

Learning aims A and B

For distinction standard, learners will give a clear and detailed evaluation of the impact of the law on the formation and dissolution of adult relationships. This evaluation will be supported by reference to relevant case law to demonstrate and justify learners' arguments and conclusions and suggest proposals for reform.

For merit standard, learners will provide evidence of individual application and analysis for these criteria to demonstrate clear understanding that fully covers the law relating to formation and dissolution of adult relationships in given case studies. They will demonstrate good analytical skills and application of them, fully covering all possible decisions and outcomes from the case studies, using and applying relevant precedent in their arguments and analysis.

For pass standard, learners will demonstrate their understanding of the rules governing the formation and dissolution of adult relationships by applying them in the case studies, supported by some relevant case law and statute.

Learning aims C and D

For distinction standard, learners will give a clear and detailed evaluation of the law relating to financial, property and children orders that can be made on the breakdown of relationships. Learners will evaluate the law relating to disputes over children. The evaluation will be supported by reference to relevant case law to demonstrate and justify learners' arguments and conclusions. The presentation will be in a clear and professional format that is suitable for the intended audience.

For merit standard, learners will provide evidence of individual application and analysis for the criteria to demonstrate clear understanding of financial orders, order available for children and disputes over children. They will demonstrate good analytical skills and application to the case studies, covering all orders, factors, rights and responsibilities in this unit content. Learners will provide clear advice to justify all possible decisions and outcomes from the case studies. They will demonstrate good use and application of relevant precedent in their arguments and analysis.

For pass standard, learners will correctly explain and apply understanding of the financial and other orders that are available on breakdown of a relationship, as well as orders that can be made in respect of children, referring to case law, statute and examples where appropriate. In their advice based on the case studies, learners will show their understanding of the legal rules governing parenthood and parental responsibility and the methods used by the courts to resolve disputes over children, referring to case law, statute and examples, where appropriate.

Links to other units

This unit links to *Unit 1: Dispute Solving in Civil Law*.

Employer involvement

This unit would benefit from employer involvement in the form of:

- guest speakers from solicitors, barristers, judges, magistrates, police
- court visits
- work experience in the legal sector
- law materials as exemplars
- support from local legal staff as mentors.

Unit 5: Consumer Law

Level: **3**

Unit type: **Internal**

Guided learning hours: **60**

Unit in brief

Learners explore how individual consumers are protected by the law when they deal with a business, either face to face or by digital means.

Unit introduction

The law has always tried to protect individual consumers from businesses that could take advantage of their position to make contracts that are potentially unfair to the consumer. This unit will enable you to understand the protection that is available, how it can be applied to certain situations and the remedies available.

In this unit, you will examine and apply the statutory consumer protection laws that exist for contracts for the sale and supply of goods and services, both face to face and at a distance. You will explore and apply laws relating to exclusion clauses and unfair trading.

This unit will give you an insight into the protection that is given to individuals when buying products or services from a business. It will enable you to understand your rights when buying goods or services and how to apply relevant rules to everyday contractual situations. This unit will help you in the workplace when dealing with consumers and it will also help you to progress to higher education courses in law or business.

Learning aims

In this unit you will:

- A** Examine the current law on the sale of goods and the availability of related advice and assistance for consumers, applying them in given case studies
- B** Explore and apply the law on the supply of goods and services and other areas of consumer protection law
- C** Investigate the law on exclusion clauses, applying this in given contractual case studies.

Summary of unit

Learning aim	Key content areas	Recommended assessment approach
A Examine the current law on the sale of goods and the availability of related advice and assistance for consumers, applying them in given case studies	A1 Sale of goods – Consumer Rights Act 2015 A2 Obtaining help and advice	<p>A report applying the legal principles from given case studies on sale of goods, to include liability and possible remedies.</p> <p>An evaluation of the new law.</p> <p>A leaflet describing the organisations that are available to provide advice and assistance to consumers.</p>
B Explore and apply the law on the supply of goods and services and other areas of consumer protection law	B1 Supply of goods and services – Consumer Rights Act 2015 B2 Unfair trading B3 Distance selling B4 Consumer protection – Consumer Protection Act 1987	<p>A report applying the principles of relevant consumer protection laws, to include liability and possible remedies in given case studies.</p> <p>An evaluation on the impact for consumers of rules on unfair trading, aggressive practices and defective products.</p>
C Investigate the law on exclusion clauses, applying this in given contractual case studies	C1 Contractual clauses C2 Common law rules C3 Protection given by statute	<p>A report applying common law and statutory principles of exclusion clauses to conclude on the validity of clauses in given contract case studies.</p> <p>Evaluation on the effectiveness of protection for consumers provided by current common law and statutory provisions for the validity of exclusion clauses.</p>

Content

Learning aim A: Examine the current law on the sale of goods and the availability of related advice and assistance for consumers, applying them in given case studies

A1 Sale of goods – Consumer Rights Act 2015

- Definitions – Section 2:
 - consumers
 - business.
- Goods – Section 3.
- Terms in contracts:
 - express terms
 - implied terms.
- Rights – Sections 9–11:
 - satisfactory quality
 - fit for purpose
 - description.
- Relevant case law.
- Remedies – Section 20.

A2 Obtaining help and advice

- Local government departments:
 - trading standards.
- Consumer advice and assistance – organisations such as:
 - Which?®
 - the media
 - Citizens Advice
 - ombudsmen
 - trading associations
 - arbitrators.

Learning aim B: Explore and apply the law on the supply of goods and services and other areas of consumer protection law

B1 Supply of goods and services – Consumer Rights Act 2015

- Definitions:
 - consumers
 - business.
- Services – Section 48.
- Terms in contracts:
 - express terms
 - implied terms.
- Rights
 - reasonable care and skill – Section 49
 - price – Section 51
 - time – Section 52
- Remedies – Sections 54–56.
- Goods supplied with service – Section 4 Supply of Goods and Services Act 1982.

B2 Unfair trading

- Protection from aggressive selling.
- The Consumer Protection from Unfair Trading Regulations 2008.
- The Consumer Protection (Amendment) Regulations 2014.

B3 Distance selling

- Protection for the consumer when buying goods using the phone or internet.
- The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.
- Application, analysis and evaluation of law.

B4 Consumer rights – Consumer Protection Act 1987

Consumers injured by defective products.

- Definitions:
 - consumer
 - producer.
- Product.
- Safety.
- Relevant case law.
- Defences:
 - development risks.
- Remedies.

Learning aim C: Investigate the law on exclusion clauses, applying this in given contractual case studies

C1 Contractual clauses

- Exclusion clauses.
- Limitation clauses.

C2 Common law rules

- Incorporation.
- Interpretation.
- Relevant case law.

C3 Protection given by statute

- Unfair Contract Terms Act 1977.
- Consumer Rights Act 2015, Section 63 and Schedule 2.

Assessment criteria

Pass	Merit	Distinction
Learning aim A: Examine the current law on the sale of goods and the availability of related advice and assistance for consumers, applying them in given case studies		A.D1 Evaluate the impact of the Consumer Rights Act 2015 on consumers in given sale of goods case studies.
A.P1 Explain in given case studies how consumers are protected in contracts for the sale of goods. A.P2 Describe which organisations are available to provide advice and assistance to consumers.	A.M1 Apply the law on sale of goods in given situations, analysing the advice available to consumers.	
Learning aim B: Explore and apply the law on the supply of goods and services and other areas of consumer protection law		B.D2 Evaluate how beneficial the impact of the current laws on supply of goods and services, unfair trading, aggressive practices and defective products is for consumers.
B.P3 Explain in given case studies how consumers are protected in contracts for the supply of goods and/or services. B.P4 Explain in given case studies how consumers are protected by other legislation.	B.M2 Analyse the effect of consumer protection in contracts for the supply of goods and/or services and other consumer protection legislation in given case studies.	
Learning aim C: Investigate the law on exclusion clauses, applying this in given contractual case studies		C.D3 Evaluate the protection provided by current common law and statutory provisions with respect to the validity of exclusion clauses.
C.P5 Explain in given case studies how consumers are protected by common law and statutory provisions with respect to the validity of exclusion clauses.	C.M3 Analyse the impact of exclusion clauses in given case studies.	

Essential information for assignments

The recommended structure of assessment is shown in the unit summary along with suitable forms of evidence. *Section 6* gives information on setting assignments and there is further information on our website.

There is a maximum number of three summative assignments for this unit. The relationship of the learning aims and criteria is:

Learning aim: A (A.P1, A.P2, A.M1, A.D1)

Learning aim: B (B.P3, B.P4, B.M2, B.D2)

Learning aim: C (C.P5, C.M3, C.D3)

Further information for teachers and assessors

Resource requirements

For this unit, learners must have access to appropriate legal textbooks and primary sources of precedent and statute.

Local solicitors, barristers, arbitrators and advice centre staff may be willing to speak to learners and offer work experience. It is essential that learners do not copy large sections of information from websites or textbooks but gain a real understanding of the material they are researching.

To prepare for assessment, centres can arrange a variety of case studies or scenarios that allow learners to use their own words to describe, apply and analyse relevant rules of law. They will also allow learners to fully demonstrate their understanding and application of legal rules using problem-solving, decision-making, analytical and critical-thinking skills.

Essential information for assessment decisions

Evidence for the different unit criteria can be given in either written or video format or in a presentation supported by slides, notes, questions and individual observation records.

Learners should reference all their sources correctly and provide advice where required in a professional format.

Learning aim A

For distinction standard, learners will give a clear and detailed evaluation of each of the main elements of consumer rights legislation in their own words to demonstrate clear understanding. The application and analysis of the law to the case studies will include comprehensive coverage of relevant authority to support the advice given.

Learners will support their evaluation of the impact of the Consumer Rights Act 2015 for consumers in sale and supply of goods situations, with individual and original statements, examples and comprehensive use and application of relevant precedent to demonstrate and justify their arguments and conclusion.

For merit standard, learners will provide evidence of individual application and analysis to demonstrate clear understanding of the law relating to sale of goods situations as provided in the case studies. They will demonstrate good analytical skills and application of them, fully covering all possible decisions and outcomes from the case studies, using and applying relevant precedent to justify their arguments, analysis advice and conclusions.

For pass standard, learners will show their understanding of the appropriate sections of the Consumer Rights Act 2015 required to establish liability and the remedies available, correctly applying them to the given case studies. Learners will also describe the organisations available to provide advice and assistance to consumers. This could be linked to the case studies provided.

Learning aim B

For distinction standard, learners will give clear and detailed evaluation of the relevant legislation for supply of goods and services, unfair trading, distance selling, aggressive practices and defective products under the Consumer Protection Act to demonstrate clear understanding. Learners will use relevant examples to weigh up the legislative measures and come to a justified conclusion.

For merit standard, learners will demonstrate good application and analytical skills which fully cover all possible decisions and outcomes from the case studies. The application of law should include relevant decided cases to provide and support detailed and appropriate advice in all areas of supply of goods and services, unfair trading, distance selling, aggressive practices and defective products under the Consumer Protection Act.

For pass standard, learners will, using given case studies, advise consumers when dealing with disputes in supply of goods and services, unfair trading, distance selling, aggressive practices and defective product situations. Using the given case studies, learners will also explain other relevant legislation that protects consumer rights.

Learning aim C

For distinction standard, learners will give a detailed evaluation in their own words to demonstrate clear understanding of exclusion clauses. Learners will support their evaluation of the common law and statutory rules on exclusion clauses with individual examples and comprehensive use and application of relevant precedents to demonstrate and justify their reasoning and conclusion.

For merit standard, learners will demonstrate analytical skills which provide comprehensive analysis of the case study materials. The analysis of the common law and statutory rules on exclusion clauses should include relevant authorities to provide and support appropriate advice for all potential outcomes.

For pass standard, learners will show their understanding of appropriate common law and statutory rules on exclusion clauses and correctly apply these to the case studies.

Links to other units

This unit links to *Unit 1: Dispute Solving in Civil Law*.

Employer involvement

This unit would benefit from employer involvement in the form of:

- guest speakers from solicitors, barristers, judges, magistrates, police
- court visits
- work experience in the legal sector
- law materials as exemplars
- support from local legal staff as mentors.

Unit 6: Contract Law

Level: **3**

Unit type: **Internal**

Guided learning hours: **60**

Unit in brief

Learners explore the legal rules governing the formation of contracts, the effect of different terms in a contract, how contracts are discharged and the remedies available.

Unit introduction

Contract law is an important part of our legal system. It governs all the purchases and sales that we make and the conditions under which we work. This unit will help you to understand how contracts are formed and why they are so vital.

In this unit, you will learn about the rules in relation to setting up a contract and how the contract is completed. You will study the terms that can be found in standard form contract and the ways parties to a contract can exercise their rights. You will investigate the remedies that are available when terms in a contract are breached.

This unit will give you a valuable introduction to the ways that contract law affects your everyday life, and will help you to determine your rights in the day-to-day contracts you encounter.

It will provide a good foundation for higher level study in law and professional careers in this or other sectors.

Learning aims

In this unit you will:

- A** Examine the necessary legal requirements to form a valid contract
- B** Explore the types of terms that are found in a contract
- C** Investigate the validity of a contract to determine contractual rights
- D** Review the ways in which a contract may end and the remedies available.

Summary of unit

Learning aim	Key content areas	Recommended assessment approach
A Examine the necessary legal requirements to form a valid contract	A1 Offers and invitation to treat A2 Acceptance A3 Consideration A4 Intention to create legal relations	<p>A report explaining, through the use of case studies, the rules of formation of contract and the effect of the law on each stage of a series of negotiations.</p> <p>Evaluation of the rules of contract formation in relation to modern methods of communication.</p>
B Explore the types of terms that are found in a contract	B1 Express terms in different types of contract B2 Implied terms B3 Exclusion clauses	<p>A report explaining and exemplifying the different types of terms in contract case studies.</p> <p>Evaluation on the meaning and effect of terms in a standard form contract.</p>
C Investigate the validity of a contract to determine contractual rights	C1 Validity of a contract C2 Who has rights under a contract	<p>Using given contract case studies, assess the ways contracts may not be valid and the effect of different types of invalidity.</p> <p>Explanation of any rights to claim where a contract turns out to be defective, and the effect of different forms of discharge and the appropriate remedies for each.</p>
D Review the ways in which a contract may end and the remedies available	D1 Discharging a contract based on performance or breach D2 Damages and injunctions as remedies for breach	

Content

Learning aim A: Examine the necessary legal requirements to form a valid contract

A1 Offers and invitation to treat

- Offers.
- Counter-offers.
- Invitation to treat.

A2 Acceptance

- Communication of acceptance – post, verbal, telephone, electronic.
- Silence.

A3 Consideration

- Types of consideration.
- The rules of consideration.

A4 Intention to create legal relations

- Social and domestic agreements.
- Business and commercial agreements.

Learning aim B: Explore the types of terms that are found in a contract

B1 Express terms in different types of contracts

- Conditions.
- Warranties.
- Innominate terms.
- Individually agreed contract terms and terms in standard form contracts.

B2 Implied terms

- Terms implied by the courts.
- Terms implied by statute or regulation, in outline only.

B3 Exclusion clauses

- Exclusion clauses in standard form contracts and their effectiveness in different situations.

Learning aim C: Investigate the validity of a contract to determine contractual rights

C1 Validity of a contract

- Misrepresentation – innocent, negligent and fraudulent.
- Remedies for misrepresentation.
- Illegal contracts and their enforceability.
- Frustration of contract and the remedies available when that occurs.

C2 Who has rights under a contract

- The rules on privity of a contract.
- The exceptions to the rules on privity of a contract.
- The rights of third parties to a contract.

Learning aim D: Review the ways in which a contract may end and the remedies available

D1 Discharging a contract based on performance or breach

- Performance of contract – substantial and part performance.
- Breach of contract – breach of conditions and breach of warranties.
- Rejection of goods or damages – evaluation of the better remedy in different situations.

D2 Damages and injunctions as remedies for breach

- General and special damages as remedies.
- Legal principles with respect to loss of bargain and remoteness of damage.
- Prohibitory and mandatory injunctions.

Assessment criteria

Pass	Merit	Distinction
Learning aim A: Examine the necessary legal requirements to form a valid contract		A.D1 Evaluate, using current case law to justify a conclusion, how parties would ensure enforceable contracts when using modern communication methods.
A.P1 Explain in given case studies whether the legal requirements for the formation of contract have been met. A.P2 Explain using given case studies the rules on offers, counter-offers and invitations to treat.	A.M1 Apply the law on formation of contracts in given case studies, analysing the impact of each stage of a series of negotiations up to formation of contract.	
Learning aim B: Explore the types of terms that are found in a contract		B.D2 Evaluate the meaning and legality of terms in specific case study contracts.
B.P3 Explain the types of express terms in a given standard form contract. B.P4 Outline the different ways that terms can be implied in a contract.	B.M2 Apply the law on express and implied terms in given contracts, analysing their impact on the parties.	
Learning aim C: Investigate the validity of a contract to determine contractual rights		CD.D3 Evaluate the legal position and appropriate remedies in given contract case studies.
C.P5 Explain in given contract case studies rights under contract and the different ways contracts can be invalid.	C.M3 Apply the law on validity and rights in given contracts, analysing any impact on the parties.	
Learning aim D: Review the ways in which a contract may end and the remedies available		
D.P6 Discuss using given contract case studies, the ways in which a contract may be discharged and the remedies available.	D.M4 Apply the law on discharge and remedies, analysing the impact in given case study materials.	

Essential information for assignments

The recommended structure of assessment is shown in the unit summary along with suitable forms of evidence. *Section 6* gives information on setting assignments and there is further information on our website.

There is a maximum number of three summative assignments for this unit. The relationship of the learning aims and criteria is:

Learning aim: A (A.P1, A.P2, A.M1, A.D1)

Learning aim: B (B.P3, B.P4, B.M2, B.D2)

Learning aims: C and D (C.P5, D.P6, C.M3, D.M4, CD.D3)

Further information for teachers and assessors

Resource requirements

For this unit, learners must have access to:

- legal textbooks
- primary sources of law reports and statutes
- business-to-business standard form contracts, either in hard copy or downloadable and printable from the internet.

Local solicitors, barristers, arbitrators and advice centre staff may be willing to speak to learners and offer work experience. It is essential that learners do not copy large sections of information from websites or textbooks but gain a real understanding of the material they are researching.

To prepare for assessment, centres can arrange a variety of case studies or scenarios that allow learners to use their own words to describe, apply and analyse relevant rules of law. They will also allow learners to fully demonstrate their understanding and application of legal rules using problem-solving, decision-making, analytical and critical-thinking skills.

Essential information for assessment decisions

Evidence for the different unit criteria can be given in either written format or in a presentation supported by slides, notes, questions and individual observation records.

Learners should reference all their sources correctly and provide advice where required in a professional format.

The material presented should be business-like and suitable for presentation to a client. If a verbal presentation is made, learners will produce individual evidence for the criteria and be prepared to answer audience questions on the presentation or advice, showing a firm grasp and understanding of the information presented. Evidence of questions and answers should be provided. A detailed observation statement will be provided for individual learners.

Learning aim A

For distinction standard, learners will give a detailed evaluation in their own words to demonstrate clear understanding of formation of a contract using modern communication methods. The application of the law to the case studies will include comprehensive use of relevant authorities to support the explanation, application and justify their reasoning and conclusion. Learners will show their understanding of the formation of a contract by evaluating how the parties ensure that there is an enforceable contract formed, whichever method of communication is used.

For merit standard, learners will provide evidence of individual explanation, application and analysis to demonstrate clear understanding of case study materials. The law relating formation of a contract will be fully understood. They will demonstrate good analytical skills that fully cover possible decisions relating to contract formation, providing good reasoning supported by the use of relevant decided cases.

For pass standard, learners will show their understanding of the rules relating to formation of a contract by correctly explaining them, in their own words, in relation to the given case studies.

Learning aim B

For distinction standard, learners will give a detailed evaluation in their own words to demonstrate clear understanding.

Learners will support their evaluation of the terms in case study contracts with individual and original statements so that an accurate and detailed explanation of the rights and duties under the contracts emerge. Learners will provide a justified conclusion which refers to the terms used in the case studies.

For merit standard, learners will provide evidence of individual explanation, application and analysis to demonstrate clear understanding of case study materials. They will demonstrate good analytical skills that clearly cover the terms and impact in the case study materials, supported where appropriate by authorities. The application of the law to the case studies will demonstrate clear understanding of both express and implied terms and will include relevant authorities in support.

For pass standard, learners will show their understanding of different terms in contracts and will give an accurate explanation of some straightforward terms in the case studies.

Learning aims C and D

For distinction standard, learners will give a clear and detailed evaluation in their own words to demonstrate understanding.

Learners will support their evaluation of the validity of contract and the rules on rights, with individual examples and comprehensive use and application of relevant precedent to demonstrate and justify their arguments and conclusion. They will demonstrate their understanding by linking within this to the application of the rules on discharge and remedies to give a seamless conclusion that is accurate in the given case study contracts.

For merit standard, learners will demonstrate evidence of individual explanation, application and analysis to demonstrate clear understanding of case study materials. They will demonstrate good understanding and analytical skills that fully cover possible outcomes from the case studies covering validity, rights, discharge and related remedies. The application of law to the case studies will include relevant decided cases.

For pass standard, learners will show correct understanding of validity, rights, discharge and related remedies in given case studies.

Links to other units

This unit links to *Unit 1: Dispute Solving in Civil Law*.

Employer involvement

This unit would benefit from employer involvement in the form of:

- guest speakers from solicitors, barristers, judges, trading standards staff.
- court visits
- work experience in the legal sector
- contract materials as exemplars
- support from local legal staff as mentors
- business owners who have experience in contract and contractual disputes.

Unit 7: Aspects of Tort

Level: **3**

Unit type: **Internal**

Guided learning hours: **60**

Unit in brief

Learners explore how the law of tort protects people and the enjoyment of their property. They will examine compensation for loss, damage and injury in aspects of negligence, nuisance and occupiers' liability cases.

Unit introduction

A tort is a civil wrong. A person who commits a wrong is potentially liable in the law of tort to the person or property they have injured or damaged through their wrongdoing. Compensation will usually be ordered against the person who has committed the wrong.

This unit adds to the negligence content of *Unit 1: Dispute Solving in Civil Law* but three additional specific areas of negligence are considered – economic loss, negligent misstatements and psychiatric harm. Special rules exist for these torts to prevent too many claims being made. In addition, torts relating to the use of property, including nuisance and occupiers' liability are considered. Some torts of strict liability, including vicarious liability are covered.

In this unit, you will develop the skills and knowledge useful for employment in the legal profession. You will develop academic skills in explaining, applying and analysing civil legal principles that are useful for further study in higher education.

Learning aims

In this unit you will:

- A** Examine the principles of tort and liability in negligence for psychiatric harm
- B** Explore liability for economic loss and negligent misstatements
- C** Investigate the law on occupiers' liability and vicarious liability
- D** Explore liability for private nuisance and *Rylands v Fletcher*.

Summary of unit

Learning aim	Key content areas	Recommended assessment approach
A Examine the principles of tort and liability in negligence for psychiatric harm	A1 Objectives of the law of tort A2 Law relating to duty of care, breach and damage A3 Psychiatric harm A4 Aim and calculation of damages	Legal advice provided based on case studies; presentation to a professional audience or to a client. Evaluation of the current law.
B Explore liability for economic loss and negligent misstatements	B1 Economic loss B2 Negligent misstatements	
C Investigate the law on occupiers' liability and vicarious liability	C1 Occupiers' liability C2 Vicarious liability	Legal advice provided based on case studies; presentation to a professional audience or to a client. Evaluation of the current law.
D Explore liability for private nuisance and <i>Rylands v Fletcher</i>	D1 Private nuisance D2 <i>Rylands v Fletcher</i> liability	Legal advice provided based on case studies; presentation to a professional audience or to a client. Evaluation of the current law.

Content

Learning aim A: Examine the principles of tort and liability in negligence for psychiatric harm

A1 Objectives of the law of tort

- Fault-based system – aspects of compensation, deterrent, justice, punishment.
- Alternatives to the fault-based system and comparison.

A2 Law relating to duty of care, breach and damage

- Duty of care and the effect of public policy on its development.
- Breach of duty and the legal tests relating to the reasonable man and risk factors.
- Causation and remoteness of damage.

A3 Psychiatric harm

- Psychiatric harm – meaning and scope of psychiatric harm.
- Historical development of the law.
- Primary and secondary victims.
- Rescuers and bystanders.
- Relationship with victim, the aftermath and loss.

A4 Aim and calculation of damages

- Aim and definition of damages in tort.
- Different heads of loss.
- Effect of death on claim and damages.

Learning aim B: Explore liability for economic loss and negligent misstatements

B1 Economic loss

- Pure economic loss – definitions and limitations.
- Economic loss – distinguishing negligent acts and negligent misstatements.

B2 Negligent misstatements

- Loss arising from misstatements and limitations.
- Negligent misstatements:
 - special skills of defendant
 - knowledge of reliance
 - reasonable reliance
 - assumption of responsibility.

Learning aim C: Investigate the law on occupiers' liability and vicarious liability

C1 Occupiers' liability

- Occupiers' Liability Act 1957:
 - adult visitors
 - other visitors – children, professionals, independent contractors
 - warnings and the validity of exclusion clauses and notices
 - defences.
- Occupiers Liability Act 1984:
 - non-visitors, meaning
 - duty owed and when owed, warnings and the validity of exclusion clauses and notices
 - defences
 - application, analysis and evaluation of relevant case law and principles.

C2 Vicarious liability

- Aim and definition of vicarious liability.
- Tests used to determine employment status.
- When employer is liable – negligent acts, acting against orders, criminal acts, frolics.

Learning aim D: Explore liability for private nuisance and *Rylands v Fletcher*

D1 Private nuisance

- Definition.
- Who can sue and be sued.
- Factors of reasonableness:
 - moving to the nuisance
 - locality
 - malice
 - duration
 - social utility.
- Defences:
 - statutory authority
 - prescription.
- Remedies.

D2 *Rylands v Fletcher* liability

- Definition
- Non-natural use of land
- The nature of escape
- Foreseeability of damage
- Defences:
 - statutory authority
 - Act of God
 - Act of a stranger
 - consent.
- Remedies.

Assessment criteria

Pass	Merit	Distinction
Learning aim A: Examine the principles of tort and liability in negligence for psychiatric harm		
A.P1 Explain and apply the law on negligence and psychiatric harm.	A.M1 Analyse liability in given scenarios for negligence and psychiatric harm, providing a reasoned opinion on outcome based on current law.	
Learning aim B: Explore liability for economic loss and negligent misstatements		AB.D1 Evaluate the development of the law relating to imposition of duty of care and limitations imposed in situations of psychiatric harm, negligent misstatements and pure economic loss claims.
B.P2 Explain and illustrate based on case studies how the law deals with negligence claims based on economic loss. B.P3 Explain based on case studies how the law demonstrates liability for negligent misstatements.	B.M2 Analyse liability in given case studies for economic loss and negligent misstatements, providing a reasoned opinion on outcome based on current law.	
Learning aim C: Investigate the law on occupiers' liability and vicarious liability		C.D2 Evaluate the working and impact of the law of occupiers' and employers' liability.
C.P4 Explain the law contained in the Occupiers' Liability Act 1957 and Occupiers Liability Act 1984 and apply in given case studies. C.P5 Explain and illustrate how an employer can be held vicariously liable for acts of an employee using given case studies.	C.M3 Analyse liability for occupiers and vicarious liability in given case studies, providing a reasoned opinion on outcomes based on current law.	
Learning aim D: Explore liability for private nuisance and <i>Rylands v Fletcher</i>		D.D3 Evaluate the effectiveness of liability in private nuisance and <i>Rylands v Fletcher</i> .
D.P6 Explain the law to demonstrate liability for private nuisance and <i>Rylands v Fletcher</i> using given case studies.	D.M4 Assess liability for nuisance and <i>Rylands v Fletcher</i> in given case studies, providing a reasoned opinion on outcomes based on current law.	

Essential information for assignments

The recommended structure of assessment is shown in the unit summary along with suitable forms of evidence. *Section 6* gives information on setting assignments and there is further information on our website.

There is a maximum number of three summative assignments for this unit. The relationship of the learning aims and criteria is:

Learning aims: A and B (A.P1, B.P2, B.P3, A.M1, B.M2, AB.D1)

Learning aim: C (C.P4, C.P5, C.M3, C.D2)

Learning aim: D (D.P6, D.M4, D.D3)

Further information for teachers and assessors

Resource requirements

For this unit, learners must have access to appropriate legal textbooks and primary sources of precedent and statute.

Local solicitors, barristers, arbitrators and advice centre staff may be willing to speak to learners and offer work experience. It is essential that learners do not copy large sections of information from websites or textbooks but gain a real understanding of the material they are researching.

To prepare for assessment, centres can arrange a variety of case studies or scenarios that allow learners to use their own words to describe, apply and analyse relevant rules of law. They will also allow learners to fully demonstrate their understanding and application of legal rules using problem-solving, decision-making, analytical and critical-thinking skills.

Essential information for assessment decisions

Evidence for the different unit criteria can be given in either written format or in a presentation supported by slides, notes, questions and individual observation records.

Learners should reference all their sources correctly and provide advice where required in a professional format.

Their presentation will be in a clear and professional format that is suitable for the intended audience. Learners will additionally provide detailed evidence of application and analysis in the given case studies to demonstrate clear understanding and to justify their reasoning and conclusions.

If the material is presented verbally, learners will produce individual evidence for the criteria and be prepared to answer audience questions on the presentation or advice, showing a firm grasp and understanding of the information presented at all levels. Evidence of questions and answers should be provided. A detailed observation statement will be given to all learners.

Learning aims A and B

For distinction standard, learners will give a clear and detailed evaluation in their own words to demonstrate clear understanding. The application of the law will include relevant authorities to support the explanation.

Learners will show clear and detailed understanding, application, analysis and evaluation throughout their responses, covering duty of care and the limitations imposed in relation to psychiatric harm, negligent misstatements and pure economic loss claims.

For merit standard, learners will provide evidence of individual application and analysis for these criteria to demonstrate clear understanding that fully covers the law relating to nervous shock, negligent misstatements and pure economic loss. They will demonstrate good analytical skills that clearly cover possible decisions relating to the case study materials and select and apply relevant authorities.

For pass standard, learners will show accurate understanding of duty of care, nervous shock, negligent misstatements and pure economic loss claims. They will apply this understanding in given case studies and illustrate with reference to some relevant authorities as required by the different pass criteria.

Learning aim C

For distinction standard, learners will give a detailed evaluation in their own words to demonstrate clear understanding. The application of the law must include relevant authority to support the explanation.

Learners will support their evaluation with individual examples and comprehensive use and application of relevant precedent to demonstrate and justify their reasoning and conclusion.

Learners will show their clear understanding, application, analysis and evaluation throughout their responses, covering both occupiers' and employers' liability.

For merit standard, learners will demonstrate good analytical skills that clearly cover possible decisions relating to occupiers' and employers' liability. The application of law should include analysis using relevant decided cases to support their reasoning and explanations.

For pass standard, learners will show accurate understanding of occupiers' and employers' liability. They will apply this understanding in given case studies and illustrate with reference to some relevant authorities.

Learning aim D

For distinction standard, learners will give a detailed evaluation in their own words to demonstrate clear understanding. The application of the law will include relevant authorities to support explanations.

Learners will support their evaluation of private nuisance and *Rylands v Fletcher* with examples and comprehensive use and application of relevant precedent to demonstrate and justify their reasoning and conclusion.

For merit standard, learners will demonstrate good analytical skills that cover possible decisions relating to private nuisance and *Rylands v Fletcher* in the case studies. The application of law should include analysis using relevant decided cases to give comprehensive and appropriate explanations. The analysis will weigh up the case study evidence and apply authorities and legal principles to support reasoning and conclusions.

For pass standard, learners will show accurate understanding of private nuisance and *Rylands v Fletcher* liability in the given case studies, illustrating both with reference to some relevant authorities.

Links to other units

This unit links to *Unit 1: Dispute Solving in Civil Law*.

Employer involvement

This unit would benefit from employer involvement in the form of:

- guest speakers from solicitors, barristers, judges, magistrates, police
- court visits
- work experience in the legal sector
- law materials as exemplars
- support from local legal staff as mentors.

4 Planning your programme

How do I choose the right BTEC National qualification for my learners?

BTEC Nationals come in a range of sizes, each with a specific purpose. You will need to assess learners very carefully to ensure that they start on the right size of qualification to fit into their 16–19 study programme, and that they take the right pathways or optional units that allow them to progress to the next stage.

Some learners may want to take a number of complementary qualifications or keep their progression options open. These learners may be suited to taking a BTEC National Certificate or Extended Certificate.

As a centre, you may want to teach learners who are taking different qualifications together. You may also wish to transfer learners between programmes to meet changes in their progression needs. You should check the qualification structures and unit combinations carefully as there is no exact match among the different sizes. You may find that learners need to complete more than the minimum number of units when transferring.

When learners are recruited, you need to give them accurate information on the title and focus of the qualification for which they are studying.

Is there a learner entry requirement?

As a centre it is your responsibility to ensure that learners who are recruited have a reasonable expectation of success on the programme. There are no formal entry requirements but we expect learners to have qualifications at or equivalent to Level 2.

Learners are most likely to succeed if they have:

- five GCSEs at good grades and/or
- BTEC qualification(s) at Level 2
- achievement in English and mathematics through GCSE or Functional Skills.

Learners may demonstrate ability to succeed in various ways. For example, learners may have relevant work experience or specific aptitude shown through diagnostic tests or non-educational experience.

What is involved in becoming an approved centre?

All centres must be approved before they can offer these qualifications – so that they are ready to assess learners and so that we can provide the support that is needed. Further information is given in *Section 8*.

What level of sector knowledge is needed to teach these qualifications?

We do not set any requirements for teachers but recommend that centres assess the overall skills and knowledge of the teaching team to ensure that they are relevant and up to date. This will give learners a rich programme to prepare them for employment in the sector.

What resources are required to deliver these qualifications?

As part of your centre approval you will need to show that the necessary material resources and work spaces are available to deliver BTEC Nationals. For some units, specific resources are required. This is indicated in the units.

Which modes of delivery can be used for these qualifications?

You are free to deliver BTEC Nationals using any form of delivery that meets the needs of your learners. We recommend making use of a wide variety of modes, including direct instruction in classrooms or work environments, investigative and practical work, group and peer work, private study and e-learning.

What are the recommendations for employer involvement?

BTEC Nationals are vocational qualifications and, as an approved centre, you are encouraged to work with employers on the design, delivery and assessment of the course to ensure that learners have a programme of study that is engaging and relevant and that equips them for progression. There are suggestions in many of the units about how employers could become involved in delivery and/or assessment but these are not intended to be exhaustive and there will be other possibilities at local level.

What support is available?

We provide a wealth of support materials, including curriculum plans, delivery guides, authorised assignment briefs, additional papers for external assessments and examples of marked learner work.

You will be allocated a Standards Verifier early on in the planning stage to support you with planning your assessments. There will be extensive training programmes as well as support from our Subject Advisor team.

For further details see *Section 10*.

How will my learners become more employable through these qualifications?

All BTEC Nationals are mapped to relevant occupational standards where appropriate (see *Appendix 1*).

Employability skills, such as team working and entrepreneurialism, and practical hands-on skills have been built into the design of the learning aims and content. This gives you the opportunity to use relevant contexts, scenarios and materials to enable learners to develop a portfolio of evidence that demonstrates the breadth of their skills and knowledge in a way that equips them for employment.

5 Assessment structure and external assessment

Introduction

BTEC Nationals are assessed using a combination of *internal assessments*, which are set and marked by teachers, and *external assessments* which are set and marked by Pearson:

- mandatory units have a combination of internal and external assessments
- all optional units are internally assessed.

We have taken great care to ensure that the assessment method chosen is appropriate to the content of the unit and in line with requirements from employers and higher education.

In developing an overall plan for delivery and assessment for the programme, you will need to consider the order in which you deliver units, whether delivery is over short or long periods and when assessment can take place. Some units are defined as synoptic units (see *Section 2*). Normally, a synoptic assessment is one that a learner would take later in a programme and in which they will be expected to apply learning from a range of units. Synoptic units may be internally or externally assessed. Where a unit is externally assessed you should refer to the sample assessment materials (SAMs) to identify where there is an expectation that learners draw on their wider learning. For internally-assessed units, you must plan the assignments so that learners can demonstrate learning from across their programme. A unit may be synoptic in one qualification and not another because of the relationship it has to the rest of the qualification.

We have addressed the need to ensure that the time allocated to final assessment of internal and external units is reasonable so that there is sufficient time for teaching and learning, formative assessment and development of transferable skills.

In administering internal and external assessment, the centre needs to be aware of the specific procedures and policies that apply, for example to registration, entries and results. An overview with signposting to relevant documents is given in *Section 7*.

Internal assessment

Our approach to internal assessment for these qualifications will be broadly familiar to experienced centres. It offers flexibility in how and when you assess learners, provided that you meet assessment and quality assurance requirements. You will need to take account of the requirements of the unit format, which we explain in *Section 3*, and the requirements for delivering assessment given in *Section 6*.

External assessment

A summary of the external assessment for this qualification is given in *Section 2*. You should check this information carefully, together with the unit specification and the sample assessment materials, so that you can timetable learning and assessment periods appropriately.

Learners must be prepared for external assessment by the time they undertake it. In preparing learners for assessment you will want to take account of required learning time, the relationship with other external assessments and opportunities for retaking. You should ensure that learners are not entered for unreasonable amounts of external assessment in one session. Learners may resit an external assessment to obtain a higher grade of near pass or above. If a learner has more than one attempt, then the best result will be used for qualification grading, up to the permitted maximum. It is unlikely that learners will need to or benefit from taking all assessments twice so you are advised to plan appropriately. Some assessments are synoptic and learners are likely to perform best if these assessments are taken towards the end of the programme.

Key features of external assessment in applied law

In applied law, after consultation with stakeholders, we have developed the following.

- Unit 1: Dispute Solving in Civil Law
This unit gives learners the opportunity to acquire skills to research the law and gain knowledge and understanding of the process of civil dispute resolution, civil courts and the making of precedent. Learners will learn about negligence and will apply these principles to give advice using professional communication methods.
- Unit 3: Applying the Law
Learners investigate the law in relation to homicide, offences against property and police powers. They will research the law relating to given legal scenarios, then apply their knowledge and understanding of the law and give advice based on relevant legal principles. They will apply, analyse and evaluate legal information and present information in a professional manner.

Units

The externally-assessed units have a specific format which we explain in *Section 3*. The content of units will be sampled across external assessments over time through appropriate papers and tasks. The ways in which learners are assessed are shown through the assessment outcomes and grading descriptors. External assessments are marked and awarded using the grade descriptors. The grades available are Distinction (D), Merit (M), Pass (P) and Near Pass (N). The Near Pass (N) grade gives learners credit below a Pass, where they have demonstrated evidence of positive performance which is worth more than an unclassified result but not yet at the Pass standard.

Sample assessment materials

Each externally-assessed unit has a set of sample assessment materials (SAMs) that accompanies this specification. The SAMs are there to give you an example of what the external assessment will look like in terms of the feel and level of demand of the assessment. In the case of units containing synoptic assessment, the SAMs will also show where learners are expected to select and apply from across the programme.

The SAMs show the range of possible question types that may appear in the actual assessments and give you a good indication of how the assessments will be structured. While SAMs can be used for practice with learners, as with any assessment the content covered and specific details of the questions asked will change in each assessment.

A copy of each of these assessments can be downloaded from our website. An additional sample of each of the Pearson-set units will be available before the first sitting of the assessment to allow your learners further opportunities for practice.

6 Internal assessment

This section gives an overview of the key features of internal assessment and how you, as an approved centre, can offer it effectively. The full requirements and operational information are given in the *Pearson Quality Assurance Handbook*. All members of the assessment team need to refer to this document.

For BTEC Nationals it is important that you can meet the expectations of stakeholders and the needs of learners by providing a programme that is practical and applied. Centres can tailor programmes to meet local needs and use links with local employers and the wider vocational sector.

When internal assessment is operated effectively it is challenging, engaging, practical and up to date. It must also be fair to all learners and meet national standards.

Principles of internal assessment

Assessment through assignments

For internally-assessed units, the format of assessment is an assignment taken after the content of the unit, or part of the unit if several assignments are used, has been delivered. An assignment may take a variety of forms, including practical and written types. An assignment is a distinct activity completed independently by learners that is separate from teaching, practice, exploration and other activities that learners complete with direction from, and formative assessment by, teachers.

An assignment is issued to learners as an assignment brief with a defined start date, a completion date and clear requirements for the evidence that they need to provide. There may be specific observed practical components during the assignment period. Assignments can be divided into tasks and may require several forms of evidence. A valid assignment will enable a clear and formal assessment outcome based on the assessment criteria.

Assessment decisions through applying unit-based criteria

Assessment decisions for BTEC Nationals are based on the specific criteria given in each unit and set at each grade level. To ensure that standards are consistent in the qualification and across the suite as a whole, the criteria for each unit have been defined according to a framework. The way in which individual units are written provides a balance of assessment of understanding, practical skills and vocational attributes appropriate to the purpose of qualifications.

The assessment criteria for a unit are hierarchical and holistic. For example, if an M criterion requires the learner to show 'analysis' and the related P criterion requires the learner to 'explain', then to satisfy the M criterion a learner will need to cover both 'explain' and 'analyse'. The unit assessment grid shows the relationships among the criteria so that assessors can apply all the criteria to the learner's evidence at the same time. In *Appendix 2* we have set out a definition of terms that assessors need to understand.

Assessors must show how they have reached their decisions using the criteria in the assessment records. When a learner has completed all the assessment for a unit then the assessment team will give a grade for the unit. This is given simply according to the highest level for which the learner is judged to have met all the criteria. Therefore:

- to achieve a Distinction, a learner must have satisfied all the Distinction criteria (and therefore the Pass and Merit criteria); these define outstanding performance across the unit as a whole
- to achieve a Merit, a learner must have satisfied all the Merit criteria (and therefore the Pass criteria) through high performance in each learning aim
- to achieve a Pass, a learner must have satisfied all the Pass criteria for the learning aims, showing coverage of the unit content and therefore attainment at Level 3 of the national framework.

The award of a Pass is a defined level of performance and cannot be given solely on the basis of a learner completing assignments. Learners who do not satisfy the Pass criteria should be reported as Unclassified.

The assessment team

It is important that there is an effective team for internal assessment. There are three key roles involved in implementing assessment processes in your centre, each with different interrelated responsibilities, the roles are listed below. Full information is given in the *Pearson Quality Assurance Handbook*.

- The Lead Internal Verifier (the Lead IV) has overall responsibility for the programme, its assessment and internal verification to meet our requirements, record keeping and liaison with the Standards Verifier. The Lead IV registers with Pearson annually. The Lead IV acts as an assessor, supports the rest of the assessment team, makes sure that they have the information they need about our assessment requirements and organises training, making use of our guidance and support materials.
- Internal Verifiers (IVs) oversee all assessment activity in consultation with the Lead IV. They check that assignments and assessment decisions are valid and that they meet our requirements. IVs will be standardised by working with the Lead IV. Normally, IVs are also assessors but they do not verify their own assessments.
- Assessors set or use assignments to assess learners to national standards. Before taking any assessment decisions, assessors participate in standardisation activities led by the Lead IV. They work with the Lead IV and IVs to ensure that the assessment is planned and carried out in line with our requirements.

Effective organisation

Internal assessment needs to be well organised so that the progress of learners can be tracked and so that we can monitor that assessment is being carried out in line with national standards. We support you through, for example, providing training materials and sample documentation.

It is particularly important that you manage the overall assignment programme and deadlines to make sure that learners are able to complete assignments on time.

Learner preparation

To ensure that you provide effective assessment for your learners, you need to make sure that they understand their responsibilities for assessment and the centre's arrangements.

From induction onwards, you will want to ensure that learners are motivated to work consistently and independently to achieve the requirements of the qualifications. Learners need to understand how assignments are used, the importance of meeting assignment deadlines, and that all the work submitted for assessment must be their own.

You will need to give learners a guide that explains how assignments are used for assessment, how assignments relate to the teaching programme, and how learners should use and reference source materials, including what would constitute plagiarism. The guide should also set out your approach to operating assessment, such as how learners must submit work and request extensions.

Setting effective assignments

Setting the number and structure of assignments

In setting your assignments, you need to work with the structure of assignments shown in the *Essential information for assignments* section of a unit. This shows the structure of the learning aims and criteria that you must follow and the recommended number of assignments that you should use. For some units we provide authorised assignment briefs, for all the units we give you suggestions on how to create suitable assignments. You can find these materials along with this specification on our website. In designing your own assignment briefs you should bear in mind the following points.

- The number of assignments for a unit must not exceed the number shown in *Essential information for assignments*. However, you may choose to combine assignments, for example to create a single assignment for the whole unit.
- You may also choose to combine all or parts of different units into single assignments, provided that all units and all their associated learning aims are fully addressed in the programme overall. If you choose to take this approach, you need to make sure that learners are fully prepared so that they can provide all the required evidence for assessment and that you are able to track achievement in the records.
- A learning aim must always be assessed as a whole and must not be split into two or more tasks.
- The assignment must be targeted to the learning aims but the learning aims and their associated criteria are not tasks in themselves. Criteria are expressed in terms of the outcome shown in the evidence.
- You do not have to follow the order of the learning aims of a unit in setting assignments but later learning aims often require learners to apply the content of earlier learning aims and they may require learners to draw their learning together.
- Assignments must be structured to allow learners to demonstrate the full range of achievement at all grade levels. Learners need to be treated fairly by being given the opportunity to achieve a higher grade if they have the ability.
- As assignments provide a final assessment, they will draw on the specified range of teaching content for the learning aims. The specified content is compulsory. The evidence for assessment need not cover every aspect of the teaching content as learners will normally be given particular examples, case studies or contexts in their assignments. For example, if a learner is carrying out one practical performance, or an investigation of one organisation, then they will address all the relevant range of content that applies in that instance.

Providing an assignment brief

A good assignment brief is one that, through providing challenging and realistic tasks, motivates learners to provide appropriate evidence of what they have learned.

An assignment brief should have:

- a vocational scenario, this could be a simple situation or a full, detailed set of vocational requirements that motivates the learner to apply their learning through the assignment
- clear instructions to the learner about what they are required to do, normally set out through a series of tasks
- an audience or purpose for which the evidence is being provided
- an explanation of how the assignment relates to the unit(s) being assessed.

Forms of evidence

BTEC Nationals have always allowed for a variety of forms of evidence to be used, provided that they are suited to the type of learning aim being assessed. For many units, the practical demonstration of skills is necessary and for others, learners will need to carry out their own research and analysis. The units give you information on what would be suitable forms of evidence to provide learners with the opportunity to apply a range of employability or transferable skills. Centres may choose to use different suitable forms for evidence to those proposed. Overall, learners should be assessed using varied forms of evidence.

Full definitions of types of assessment are given in *Appendix 2*. These are some of the main types of assessment:

- written reports
- projects
- time-constrained practical assessments with observation records and supporting evidence
- recordings of performance
- sketchbooks, working logbooks, reflective journals
- presentations with assessor questioning.

The form(s) of evidence selected must:

- allow the learner to provide all the evidence required for the learning aim(s) and the associated assessment criteria at all grade levels
- allow the learner to produce evidence that is their own independent work
- allow a verifier to independently reassess the learner to check the assessor's decisions.

For example, when you are using performance evidence, you need to think about how supporting evidence can be captured through recordings, photographs or task sheets.

Centres need to take particular care that learners are enabled to produce independent work.

For example, if learners are asked to use real examples, then best practice would be to encourage them to use their own or to give the group a number of examples that can be used in varied combinations.

Making valid assessment decisions

Authenticity of learner work

Once an assessment has begun, learners must not be given feedback on progress towards fulfilling the targeted criteria.

An assessor must assess only learner work that is authentic, i.e. learners' own independent work. Learners must authenticate the evidence that they provide for assessment through signing a declaration stating that it is their own work.

Assessors must ensure that evidence is authentic to a learner through setting valid assignments and supervising them during the assessment period. Assessors must take care not to provide direct input, instructions or specific feedback that may compromise authenticity.

Assessors must complete a declaration that:

- the evidence submitted for this assignment is the learner's own
- the learner has clearly referenced any sources used in the work
- they understand that false declaration is a form of malpractice.

Centres can use Pearson templates or their own templates to document authentication.

During assessment, an assessor may suspect that some or all of the evidence from a learner is not authentic. The assessor must then take appropriate action using the centre's policies for malpractice. Further information is given in *Section 7*.

Making assessment decisions using criteria

Assessors make judgements using the criteria. The evidence from a learner can be judged using all the relevant criteria at the same time. The assessor needs to make a judgement against each criterion that evidence is present and sufficiently comprehensive. For example, the inclusion of a concluding section may be insufficient to satisfy a criterion requiring 'evaluation'.

Assessors should use the following information and support in reaching assessment decisions:

- the *Essential information for assessment decisions* section in each unit gives examples and definitions related to terms used in the criteria
- the explanation of key terms in *Appendix 2*
- examples of assessed work provided by Pearson
- your Lead IV and assessment team's collective experience, supported by the standardisation materials we provide.

Pass and Merit criteria relate to individual learning aims. The Distinction criteria as a whole relate to outstanding performance across the unit. Therefore, criteria may relate to more than one learning aim (for example A.D1) or to several learning aims (for example DE.D3). Distinction criteria make sure that learners have shown that they can perform consistently at an outstanding level across the unit and/or that they are able to draw learning together across learning aims.

Dealing with late completion of assignments

Learners must have a clear understanding of the centre policy on completing assignments by the deadlines that you give them. Learners may be given authorised extensions for legitimate reasons, such as illness at the time of submission, in line with your centre policies.

For assessment to be fair, it is important that learners are all assessed in the same way and that some learners are not advantaged by having additional time or the opportunity to learn from others. Therefore, learners who do not complete assignments by your planned deadline or the authorised extension deadline may not have the opportunity to subsequently resubmit.

If you accept a late completion by a learner, then the assignment should be assessed normally when it is submitted using the relevant assessment criteria.

Issuing assessment decisions and feedback

Once the assessment team has completed the assessment process for an assignment, the outcome is a formal assessment decision. This is recorded formally and reported to learners.

The information given to the learner:

- must show the formal decision and how it has been reached, indicating how or where criteria have been met
- may show why attainment against criteria has not been demonstrated
- must not provide feedback on how to improve evidence
- must be validated by an IV before it is given to the learner.

Resubmission of improved evidence

An assignment provides the final assessment for the relevant learning aims and is normally a final assessment decision, except where the Lead IV approves one opportunity to resubmit improved evidence based on the completed assignment brief.

The Lead IV has the responsibility to make sure that resubmission is operated fairly. This means:

- checking that a learner can be reasonably expected to perform better through a second submission, for example that the learner has not performed as expected
- making sure that giving a further opportunity can be done in such a way that it does not give an unfair advantage over other learners, for example through the opportunity to take account of feedback given to other learners
- checking that the assessor considers that the learner will be able to provide improved evidence without further guidance and that the original evidence submitted remains valid.

Once an assessment decision has been given to the learner, the resubmission opportunity must have a deadline within 15 working days in the same academic year.

A resubmission opportunity must not be provided where learners:

- have not completed the assignment by the deadline without the centre's agreement
- have submitted work that is not authentic.

Retake of internal assessment

A learner who has not achieved the level of performance required to pass the relevant learning aims after resubmission of an assignment may be offered a single retake opportunity using a new assignment. The retake may only be achieved at a pass.

The Lead Internal Verifier must only authorise a retake of an assignment in exceptional circumstances where they believe it is necessary, appropriate and fair to do so. For further information on offering a retake opportunity, you should refer to the *BTEC Centre Guide to Assessment*. We provide information on writing assignments for retakes on our website (www.btec.co.uk/keydocuments).

Planning and record keeping

For internal processes to be effective, an assessment team needs to be well organised and keep effective records. The centre will also work closely with us so that we can quality assure that national standards are being satisfied. This process gives stakeholders confidence in the assessment approach.

The Lead IV must have an assessment plan, produced as a spreadsheet. When producing a plan, the assessment team may wish to consider:

- the time required for training and standardisation of the assessment team
- the time available to undertake teaching and carry out assessment, taking account of when learners may complete external assessments and when quality assurance will take place
- the completion dates for different assignments
- who is acting as IV for each assignment and the date by which the assignment needs to be verified
- setting an approach to sampling assessor decisions through internal verification that covers all assignments, assessors and a range of learners
- how to manage the assessment and verification of learners' work so that they can be given formal decisions promptly
- how resubmission opportunities can be scheduled.

The Lead IV will also maintain records of assessment undertaken. The key records are:

- verification of assignment briefs
- learner authentication declarations
- assessor decisions on assignments, with feedback given to learners
- verification of assessment decisions.

Examples of records and further information are given in the *Pearson Quality Assurance Handbook*.

7 Administrative arrangements

Introduction

This section focuses on the administrative requirements for delivering a BTEC qualification. It will be of value to Quality Nominees, Lead IVs, Programme Leaders and Examinations Officers.

Learner registration and entry

Shortly after learners start the programme of learning, you need to make sure that they are registered for the qualification and that appropriate arrangements are made for internal and external assessment. You need to refer to the *Information Manual* for information on making registrations for the qualification and entries for external assessments.

Learners can be formally assessed only for a qualification on which they are registered. If learners' intended qualifications change, for example if a learner decides to choose a different pathway specialism, then the centre must transfer the learner appropriately.

Access to assessment

Both internal and external assessments need to be administered carefully to ensure that all learners are treated fairly, and that results and certification are issued on time to allow learners to progress to chosen progression opportunities.

Our equality policy requires that all learners should have equal opportunity to access our qualifications and assessments, and that our qualifications are awarded in a way that is fair to every learner. We are committed to making sure that:

- learners with a protected characteristic are not, when they are undertaking one of our qualifications, disadvantaged in comparison to learners who do not share that characteristic
- all learners achieve the recognition they deserve for undertaking a qualification and that this achievement can be compared fairly to the achievement of their peers.

Further information on access arrangements can be found in the Joint Council for Qualifications (JCQ) document *Access Arrangements, Reasonable Adjustments and Special Consideration for General and Vocational Qualifications*.

Administrative arrangements for internal assessment

Records

You are required to retain records of assessment for each learner. Records should include assessments taken, decisions reached and any adjustments or appeals. Further information can be found in the *Information Manual*. We may ask to audit your records so they must be retained as specified.

Reasonable adjustments to assessment

A reasonable adjustment is one that is made before a learner takes an assessment to ensure that they have fair access to demonstrate the requirements of the assessments. You are able to make adjustments to internal assessments to take account of the needs of individual learners. In most cases this can be achieved through a defined time extension or by adjusting the format of evidence. We can advise you if you are uncertain as to whether an adjustment is fair and reasonable. You need to plan for time to make adjustments if necessary.

Further details on how to make adjustments for learners with protected characteristics are given on our website in the document *Supplementary guidance for reasonable adjustment and special consideration in vocational internally-assessed units*.

Special consideration

Special consideration is given after an assessment has taken place for learners who have been affected by adverse circumstances, such as illness. You must operate special consideration in line with our policy (see previous paragraph). You can provide special consideration related to the period of time given for evidence to be provided or for the format of the assessment if it is equally valid. You may not substitute alternative forms of evidence to that required in a unit, or omit the application of any assessment criteria to judge attainment. Pearson can consider applications for special consideration in line with the policy.

Appeals against assessment

Your centre must have a policy for dealing with appeals from learners. These appeals may relate to assessment decisions being incorrect or assessment not being conducted fairly. The first step in such a policy could be a consideration of the evidence by a Lead IV or other member of the programme team. The assessment plan should allow time for potential appeals after assessment decisions have been given to learners. If there is an appeal by a learner, you must document the appeal and its resolution. Learners have a final right of appeal to Pearson but only if the procedures that you have put in place have not been followed. Further details are given in the document *Enquiries and appeals about Pearson vocational qualifications and end point assessment policy*.

Administrative arrangements for external assessment

Entries and resits

For information on the timing of assessment and entries, please refer to the annual examinations timetable on our website.

Access arrangements requests

Access arrangements are agreed with Pearson before an assessment. They allow students with special educational needs, disabilities or temporary injuries to:

- access the assessment
- show what they know and can do without changing the demands of the assessment.

Access arrangements should always be processed at the time of registration. Learners will then know what type of arrangements are available in place for them.

Granting reasonable adjustments

For external assessment, a reasonable adjustment is one that we agree to make for an individual learner. A reasonable adjustment is defined for the individual learner and informed by the list of available access arrangements.

Whether an adjustment will be considered reasonable will depend on a number of factors, to include:

- the needs of the learner with the disability
- the effectiveness of the adjustment
- the cost of the adjustment; and
- the likely impact of the adjustment on the learner with the disability and other learners.

Adjustment may be judged unreasonable and not approved if it involves unreasonable costs, timeframes or affects the integrity of the assessment.

Special consideration requests

Special consideration is an adjustment made to a student's mark or grade after an external assessment to reflect temporary injury, illness or other indisposition at the time of the assessment. An adjustment is made only if the impact on the learner is such that it is reasonably likely to have had a material effect on that learner being able to demonstrate attainment in the assessment.

Centres are required to notify us promptly of any learners who they believe have been adversely affected and request that we give special consideration. Further information can be found in the special requirements section on our website.

Conducting external assessments

Centres must make arrangements for the secure delivery of external assessments. External assessments for BTEC qualifications include examinations, set tasks and performance.

Each external assessment has a defined degree of control under which it must take place. Some external assessments may have more than one part and each part may have a different degree of control. We define degrees of control as follows.

High control

This is the completion of assessment in formal invigilated examination conditions.

Medium control

This is completion of assessment, usually over a longer period of time, which may include a period of controlled conditions. The controlled conditions may allow learners to access resources, prepared notes or the internet to help them complete the task.

Low control

These are activities completed without direct supervision. They may include research, preparation of materials and practice. The materials produced by learners under low control will not be directly assessed.

Further information on responsibilities for conducting external assessment is given in the document *Instructions for Conducting External Assessments*, available on our website.

Dealing with malpractice in assessment

Malpractice means acts that undermine the integrity and validity of assessment, the certification of qualifications, and/or that may damage the authority of those responsible for delivering the assessment and certification.

Pearson does not tolerate actions (or attempted actions) of malpractice by learners, centre staff or centres in connection with Pearson qualifications. Pearson may impose penalties and/or sanctions on learners, centre staff or centres where incidents (or attempted incidents) of malpractice have been proven.

Malpractice may arise or be suspected in relation to any unit or type of assessment within the qualification. For further details regarding malpractice and advice on preventing malpractice by learners, please see Pearson's *Centre guidance: Dealing with malpractice and maladministration in vocational qualifications*, available on our website.

The procedures we ask you to adopt vary between units that are internally-assessed and those that are externally assessed.

Internally-assessed units

Centres are required to take steps to prevent malpractice and to investigate instances of suspected malpractice. Learners must be given information that explains what malpractice is for internal assessment and how suspected incidents will be dealt with by the centre. The *Centre Guidance: Dealing with Malpractice* document gives full information on the actions we expect you to take.

Pearson may conduct investigations if we believe that a centre is failing to conduct internal assessment according to our policies. The above document gives further information, examples and details the penalties and sanctions that may be imposed.

In the interests of learners and centre staff, centres need to respond effectively and openly to all requests relating to an investigation into an incident of suspected malpractice.

Externally-assessed units

External assessment means all aspects of units that are designated as external in this specification, including preparation for tasks and performance. For these assessments centres must follow the JCQ procedures set out in the latest version of *JCQ Suspected Malpractice in Examinations and Assessments Policies and Procedures* (www.jcq.org.uk).

In the interests of learners and centre staff, centres need to respond effectively and openly to all requests relating to an investigation into an incident of suspected malpractice.

Learner malpractice

Heads of Centres are required to report incidents of any suspected learner malpractice that occur during Pearson external assessments. We ask that centres do so by completing a *JCQ Form M1* (available at www.jcq.org.uk/exams-office/malpractice) and emailing it and any accompanying documents (signed statements from the learner, invigilator, copies of evidence, etc.) to the Investigations Team at candidatemalpractice@pearson.com. The responsibility for determining appropriate sanctions or penalties to be imposed on learners lies with Pearson.

Learners must be informed at the earliest opportunity of the specific allegation and the centre's malpractice policy, including the right of appeal. Learners found guilty of malpractice may be disqualified from the qualification for which they have been entered with Pearson.

Teacher/centre malpractice

Heads of Centres are required to inform Pearson's Investigations Team of any incident of suspected malpractice by centre staff, before any investigation is undertaken. Heads of centres are requested to inform the Investigations Team by submitting a *JCQ Form M2(a)* (available at www.jcq.org.uk/exams-office/malpractice) with supporting documentation to pqsmalpractice@pearson.com. Where Pearson receives allegations of malpractice from other sources (for example Pearson staff or anonymous informants), the Investigations Team will conduct the investigation directly or may ask the head of centre to assist.

Incidents of maladministration (accidental errors in the delivery of Pearson qualifications that may affect the assessment of learners) should also be reported to the Investigations Team using the same method.

Heads of Centres/Principals/Chief Executive Officers or their nominees are required to inform learners and centre staff suspected of malpractice of their responsibilities and rights; see Section 6.15 of the *JCQ Suspected Malpractice in Examinations and Assessments Policies and Procedures* document.

Pearson reserves the right in cases of suspected malpractice to withhold the issuing of results and/or certificates while an investigation is in progress. Depending on the outcome of the investigation results and/or certificates may be released or withheld.

You should be aware that Pearson may need to suspend certification when undertaking investigations, audits and quality assurances processes. You will be notified within a reasonable period of time if this occurs.

Sanctions and appeals

Where malpractice is proven we may impose sanctions or penalties.

Where learner malpractice is evidenced, penalties may be imposed such as:

- mark reduction for external assessments
- disqualification from the qualification
- being barred from registration for Pearson qualifications for a period of time.

If we are concerned about your centre's quality procedures we may impose sanctions such as:

- working with you to create an improvement action plan
- requiring staff members to receive further training
- placing temporary blocks on your certificates
- placing temporary blocks on registration of learners
- debarring staff members or the centre from delivering Pearson qualifications
- suspending or withdrawing centre approval status.

The centre will be notified if any of these apply.

Pearson has established procedures for centres that are considering appeals against penalties and sanctions arising from malpractice. Appeals against a decision made by Pearson will normally be accepted only from Heads of Centres (on behalf of learners and/or members of staff) and from individual members (in respect of a decision taken against them personally). Further information on appeals can be found in our *Enquiries and appeals about Pearson vocational qualifications and end point assessment policy*, which is on our website. In the initial stage of any aspect of malpractice, please notify the Investigations Team by email via pqsmalpractice@pearson.com who will inform you of the next steps.

Certification and results

Once a learner has completed all the required components for a qualification, even if final results for external assessments have not been issued, then the centre can claim certification for the learner, provided that quality assurance has been successfully completed. For the relevant procedures please refer to our *Information Manual*. You can use the information provided on qualification grading to check overall qualification grades.

Results issue

After the external assessment session, learner results will be issued to centres. The result will be in the form of a grade. You should be prepared to discuss performance with learners, making use of the information we provide and post-results services.

Post-assessment services

Once results for external assessments are issued, you may find that the learner has failed to achieve the qualification or to attain an anticipated grade. It is possible to transfer or reopen registration in some circumstances. The *Information Manual* gives further information.

Changes to qualification requests

Where a learner who has taken a qualification wants to resit an externally-assessed unit to improve their qualification grade, you firstly need to decline their overall qualification grade. You may decline the grade before the certificate is issued. For a learner receiving their results in August, you should decline the grade by the end of September if the learner intends to resit an external assessment.

Additional documents to support centre administration

As an approved centre you must ensure that all staff delivering, assessing and administering the qualifications have access to this documentation. These documents are reviewed annually and are reissued if updates are required.

- *Pearson Quality Assurance Handbook*: this sets out how we will carry out quality assurance of standards and how you need to work with us to achieve successful outcomes.
- *Information Manual*: this gives procedures for registering learners for qualifications, transferring registrations, entering for external assessments and claiming certificates.
- *Lead Examiners' Reports*: these are produced after each series for each external assessment and give feedback on the overall performance of learners in response to tasks or questions set.
- *Instructions for Conducting External Assessments (ICEA)*: this explains our requirements for the effective administration of external assessments, such as invigilation and submission of materials.
- *Regulatory policies*: our regulatory policies are integral to our approach and explain how we meet internal and regulatory requirements. We review the regulated policies annually to ensure that they remain fit for purpose. Policies related to this qualification include:
 - adjustments for candidates with disabilities and learning difficulties, access arrangements and reasonable adjustments for general and vocational qualifications
 - age of learners
 - centre guidance for dealing with malpractice
 - recognition of prior learning and process.

This list is not exhaustive and a full list of our regulatory policies can be found on our website.

8 Quality assurance

Centre and qualification approval

As part of the approval process, your centre must make sure that the resource requirements listed below are in place before offering the qualification.

- Centres must have appropriate physical resources (for example, equipment, IT, learning materials, teaching rooms) to support the delivery and assessment of the qualification.
- Staff involved in the assessment process must have relevant expertise and/or occupational experience.
- There must be systems in place to ensure continuing professional development for staff delivering the qualification.
- Centres must have in place appropriate health and safety policies relating to the use of equipment by learners.
- Centres must deliver the qualification in accordance with current equality legislation.
- Centres should refer to the teacher guidance section in individual units to check for any specific resources required.

Continuing quality assurance and standards verification

On an annual basis, we produce the *Pearson Quality Assurance Handbook*. It contains detailed guidance on the quality processes required to underpin robust assessment and internal verification.

The key principles of quality assurance are that:

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

The approach of quality-assured assessment is through a partnership between an approved centre and Pearson. We will make sure that each centre follows best practice and employs appropriate technology to support quality-assurance processes, where practicable. We work to support centres and seek to make sure that our quality-assurance processes do not place undue bureaucratic processes on centres. We monitor and support centres in the effective operation of assessment and quality assurance.

The methods we use to do this for BTEC Level 3 include:

- making sure that all centres complete appropriate declarations at the time of approval
- undertaking approval visits to centres
- making sure that centres have effective teams of assessors and verifiers who are trained to undertake assessment
- assessment sampling and verification, through requested samples of assessments, completed assessed learner work and associated documentation
- an overarching review and assessment of a centre's strategy for delivering and quality assuring its BTEC programmes, for example making sure that synoptic units are placed appropriately in the order of delivery of the programme.

Centres that do not fully address and maintain rigorous approaches to delivering, assessing and quality assurance cannot seek certification for individual programmes or for all BTEC Level 3 programmes. An approved centre must make certification claims only when authorised by us and strictly in accordance with requirements for reporting.

Centres that do not comply with remedial action plans may have their approval to deliver qualifications removed.

9 Understanding the qualification grade

Awarding and reporting for the qualification

This section explains the rules that we apply in awarding a qualification and in providing an overall qualification grade for each learner. It shows how all the qualifications in this sector are graded.

The awarding and certification of these qualifications will comply with regulatory requirements.

Eligibility for an award

In order to be awarded a qualification, a learner must complete all units, achieve a Near Pass (N) or above in all external units and a pass or above in all mandatory units unless otherwise specified. Refer to the structure in *Section 2*.

To achieve any qualification grade, learners must:

- complete and **have an outcome** (D, M, P, N or U) for all units within a valid combination
- achieve the required units at Pass or above shown in Section 2, and for the Extended Diploma achieve a minimum 900 GLH at Pass or above (or N or above in external units)
- achieve the **minimum number of points** at a grade threshold.

It is the responsibility of a centre to ensure that a correct unit combination is adhered to.

Learners who do not achieve the required minimum grade (N or P) in units shown in the structure will not achieve a qualification.

Learners who do not achieve sufficient points for a qualification or who do not achieve all the required units may be eligible to achieve a smaller qualification in the same suite provided they have completed and achieved the correct combination of units and met the appropriate qualification grade points threshold.

Calculation of the qualification grade

The final grade awarded for a qualification represents an aggregation of a learner's performance across the qualification. As the qualification grade is an aggregate of the total performance, there is some element of compensation in that a higher performance in some units may be balanced by a lower outcome in others.

In the event that a learner achieves more than the required number of optional units, the mandatory units along with the optional units with the highest grades will be used to calculate the overall result, subject to the eligibility requirements for that particular qualification title.

BTEC Nationals are Level 3 qualifications and are awarded at the grade ranges shown in the table below.

Qualification	Available grade range
Certificate, Extended Certificate, Foundation Diploma	P to D*
Diploma	PP to D*D*
Extended Diploma	PPP to D*D*D*

The *Calculation of qualification grade* table, shown further on in this section, shows the minimum thresholds for calculating these grades. The table will be kept under review over the lifetime of the qualification. The most up to date table will be issued on our website.

Pearson will monitor the qualification standard and reserves the right to make appropriate adjustments.

Learners who do not meet the minimum requirements for a qualification grade to be awarded will be recorded as Unclassified (U) and will not be certificated. They may receive a Notification of Performance for individual units. The *Information Manual* gives full information.

Points available for internal units

The table below shows the number of **points** available for internal units. For each internal unit, points are allocated depending on the grade awarded.

	Unit size	
	60 GLH	90 GLH
U	0	0
Pass	6	9
Merit	10	15
Distinction	16	24

Points available for external units

Raw marks from the external units will be awarded **points** based on performance in the assessment. The table below shows the **minimum number of points** available for each grade in the external units.

	Unit size	
	90 GLH	120 GLH
U	0	0
Near Pass	6	8
Pass	9	12
Merit	15	20
Distinction	24	32

Pearson will automatically calculate the points for each external unit once the external assessment has been marked and grade boundaries have been set. For more details about how we set grade boundaries in the external assessment please go to our website.

Claiming the qualification grade

Subject to eligibility, Pearson will automatically calculate the qualification grade for your learners when the internal unit grades are submitted and the qualification claim is made. Learners will be awarded qualification grades for achieving the sufficient number of points within the ranges shown in the relevant *Calculation of qualification grade* table for the cohort.

Calculation of qualification grade

Applicable for registration from 1 September 2017.

Certificate		Extended Certificate	
180 GLH		360 GLH	
Grade	Points threshold	Grade	Points threshold
U	0	U	0
Pass	18	P	36
Merit	26	M	52
Distinction	42	D	74
Distinction*	48	D*	90

The table is subject to review over the lifetime of the qualification. The most up-to-date version will be issued on our website.

Examples of grade calculations based on table applicable to registrations from September 2017

Example 1: Achievement of an Extended Certificate with a P grade

	GLH	Type (Int/Ext)	Grade	Unit points
Unit 1	90	Ext	Pass	9
Unit 2	90	Int	Pass	9
Unit 3	120	Ext	Merit	20
Unit 4	60	Int	Unclassified	0
Totals	360		P	38

The learner has achieved Near Pass or higher in Units 1 and 3 and Pass or higher in Unit 2.

The learner has sufficient points for a P grade.

Example 2: Achievement of an Extended Certificate with a D grade

	GLH	Type (Int/Ext)	Grade	Unit points
Unit 1	90	Ext	Near Pass	6
Unit 2	90	Int	Distinction	24
Unit 3	120	Ext	Distinction	32
Unit 4	60	Int	Distinction	16
Totals	360		D	78

The learner has sufficient points for a D grade.

Example 3: An Unclassified Result for an Extended Certificate

	GLH	Type (Int/Ext)	Grade	Unit points
Unit 1	90	Ext	Merit	15
Unit 2	90	Int	Unclassified	0
Unit 3	120	Ext	Distinction	32
Unit 4	60	Int	Merit	10
Totals	360		U	57

The learner has a U in Unit 2.

The learner has sufficient points for an M grade but has not met the minimum requirement for an N or higher in Units 1 and 3 and P or higher in Unit 2.

10 Resources and support

Our aim is to give you a wealth of resources and support to enable you to deliver BTEC National qualifications with confidence. On our website you will find a list of resources to support teaching and learning, and professional development.

Support for setting up your course and preparing to teach

Specification

This **specification** (for teaching from September 2017) includes details on the administration of qualifications and information on all the units for the qualification.

Delivery Guide

This free guide gives you important advice on how to choose the right course for your learners and how to ensure you are fully prepared to deliver the course. It explains the key features of BTEC Nationals (for example employer involvement and employability skills). It also covers guidance on assessment (internal and external) and quality assurance. The guide tells you where you can find further support and gives detailed unit-by-unit delivery guidance. It includes teaching tips and ideas, assessment preparation and suggestions for further resources.

Schemes of work

Free sample schemes of work are provided for each mandatory unit. These are available in Word™ format for ease of customisation.

Curriculum models

These show how the BTECs in the suite fit into a 16–19 study programme, depending on their size and purpose. The models also show where other parts of the programme, such as work experience, maths and English, tutorial time and wider study, fit alongside the programme.

Study skills activities

A range of case studies and activities is provided; they are designed to help learners develop the study skills they need to successfully complete their BTEC course. The case studies and activities are provided in Word™ format for easy customisation.

Support for teaching and learning

Pearson Learning Services provides a range of engaging resources to support BTEC Nationals, including:

- textbooks in e-book and print formats
- revision guides and revision workbooks in e-book and print formats
- teaching and assessment packs, including e-learning materials via the Active Learn Digital Service.

Teaching and learning resources are also available from a number of other publishers. Details of Pearson's own resources and of all endorsed resources can be found on our website.

Support for assessment

Sample assessment materials for externally-assessed units

Sample assessments are available for the Pearson-set units. One copy of each of these assessments can be downloaded from the website/available in print. For each suite an additional sample for one of the Pearson-set units is also available, allowing your learners further opportunities for practice.

Further sample assessments will be made available through our website on an ongoing basis.

Sample assessment materials for internally-assessed units

We do not prescribe the assessments for the internally-assessed units. Rather, we allow you to set your own, according to your learners' preferences and to link with your local employment profile.

We do provide a service in the form of Authorised Assignment Briefs, which are approved by Pearson Standards Verifiers. They are available via our website.

Sample marked learner work

To support you in understanding the expectation of the standard at each grade, examples of marked learner work at PM/MD grades are linked to the Authorised Assignment Briefs.

Training and support from Pearson

People to talk to

There are many people who are available to support you and provide advice and guidance on delivery of your BTEC Nationals. These include:

- Subject Advisors – available for all sectors. They understand all Pearson qualifications in their sector and so can answer sector-specific queries on planning, teaching, learning and assessment
- Standards Verifiers – they can support you with preparing your assignments, ensuring that your assessment plan is set up correctly, and support you in preparing learner work and providing quality assurance through sampling
- Curriculum Development Managers (CDMs) – they are regionally based and have a full overview of the BTEC qualifications and of the support and resources that Pearson provides. CDMs often run network events
- Customer Services – the ‘Support for You’ section of our website gives the different ways in which you can contact us for general queries. For specific queries, our service operators can direct you to the relevant person or department.

Training and professional development

Pearson provides a range of training and professional development events to support the introduction, delivery, assessment and administration of BTEC National qualifications. These sector-specific events, developed and delivered by specialists, are available both face to face and online.

‘Getting Ready to Teach’

These events are designed to get teachers ready for delivery of the BTEC Nationals. They include an overview of the qualifications’ structures, planning and preparation for internal and external assessment, and quality assurance.

Teaching and learning

Beyond the ‘Getting Ready to Teach’ professional development events, there are opportunities for teachers to attend sector- and role-specific events. These events are designed to connect practice to theory; they provide teacher support and networking opportunities with delivery, learning and assessment methodology.

Details of our training and professional development programme can be found on our website.

Appendix 1 Links to industry standards

BTEC Nationals have been developed in consultation with industry and appropriate sector bodies to ensure that the qualification content and approach to assessment aligns closely to the needs of employers. Where they exist, and are appropriate, National Occupational Standards (NOS) and professional body standards have been used to establish unit content.

Appendix 2 Glossary of terms used for internally-assessed units

This is a summary of the key terms used to define the requirements in the units.

Term	Definition
Analyse	<p>Learners present the outcome of methodical and detailed examination, either:</p> <ul style="list-style-type: none"> • breaking down a theme, topic or situation in order to interpret and study the interrelationships between the parts and/or • of information or data to interpret and study key trends and interrelationships. <p>Analysis could be through activity, practice, written or verbal presentation.</p>
Apply	<p>To establish some relationship or connection, as in the application of a rule or principle to a case or fact. Learners indicate the main features or purpose of something by recognising it and/or being able to discern and understand facts or qualities. They then make connections and relate to examples to show what is meant or what might result in a specific context.</p>
Assess	<p>Learners present a careful consideration of varied factors or events that apply to a specific situation or, to identify those which are the most important or relevant and arrive at a conclusion.</p>
Compare	<p>Learners identify the main factors relating to two or more items/situations or aspects of a subject that is extended to explain the similarities, differences, advantages and disadvantages. This is used to show depth of knowledge through selection of characteristics.</p>
Demonstrate	<p>Learners' work, performance or practice shows the ability to carry out and apply knowledge, understanding and/or skills in a practical situation.</p>
Discuss	<p>Learners consider different aspects of:</p> <ul style="list-style-type: none"> • a theme or topic; • how they interrelate; and • the extent to which they are important. <p>A conclusion is not required.</p>

Term	Definition
Evaluate	<p>Learners' work draws on varied information, themes or concepts to consider aspects such as:</p> <ul style="list-style-type: none"> • strengths or weaknesses • advantages or disadvantages • alternative actions • relevance or significance. <p>Learners' enquiries should lead to a supported judgement showing relationship to its context. This will often be in a conclusion.</p> <p>Evidence will often be written but could be through presentation or activity.</p>
Examine	Learners select and apply knowledge to less familiar contexts.
Explain	<p>Details and gives reasons and/or evidence to support an opinion, view or argument. It could show how conclusions are drawn (arrived at). Learners show that they comprehend the origins, functions and objectives of a subject, and its suitability for purpose.</p>
Explore	Learners apply their skills and/or knowledge in contexts involving practical research or investigation.
Identify	Learners indicate the main features or purpose of something by recognising it and/or being able to discern and understand facts or qualities.
Investigate	Learners' application of knowledge is based on personal research and development.
Justify	<p>Learners give reasons or evidence to:</p> <ul style="list-style-type: none"> • support an opinion; or • prove something right or reasonable.
Outline	A summary, overview or a brief description of something.
Research	Learners proactively seek information from primary and secondary sources of law.
Synthesise	Written work that takes a unique viewpoint about a central idea, theme or topic and backs it up with a combination of information from different sources.
Understand	Learners demonstrate knowledge related to defined situations.

This is a key summary of the types of evidence used for BTEC Nationals.

Type of evidence	Definition and purpose
Article	Information on a specified topic or related topics, usually based on information gathered during relevant research and presented in written format for a specified audience.
Brief to barrister/counsel	Comprehensive synopsis of a legal case written by solicitors, containing instructions and detailed research relevant to the case, including statements from witnesses interviewed and relevant law.
Case study/scenario	A specific example to which all learners must select and apply knowledge. Used to show application to a realistic context where direct experience cannot be gained.
Correspondence to clients	Formal letter, email, leaflet containing legal information but written appropriately for a non-lawyer.
Leaflet	Document providing well-presented information for a specified purpose.
Presentation	Evidence that learners have given, provided or made something known. The presentation may be given through oral or practical demonstration, often using visual slides or other visual aids to show information.
Report	Learners adhere to protocols, codes and conventions in setting out findings or judgements in an objective way.
Solicitor's letter	Formal letter containing legal information but written appropriately for a non-lawyer.
Summary or file note	Brief but comprehensive synopsis of a legal case written by solicitors, containing detailed research relevant to the case.

Pearson BTEC Level 3 Nationals in Applied Law

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