



OTHM LEVEL 3 DIPLOMA IN LAW

Qualification Number: 610/3541/5

Specification | December 2023

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QUALIFICATION OBJECTIVES

The objective of OTHM Level 3 Diploma in Law is to provide students with a grounding in the legal system of England and Wales. The qualification will help students understand how the legal system operates, how the legal system works as a function and some of the key laws that underpin the legal system. Students will be able to develop their academic skills and capabilities around law and prepare them for further study.

QUALITY, STANDARDS AND RECOGNITIONS

OTHM Qualifications are approved and regulated by Ofqual (Office of Qualifications and Examinations Regulation). Visit register of [Regulated Qualifications](#).

OTHM has progression arrangements with several UK universities that acknowledges the ability of learners after studying Level 3-7 qualifications to be considered for advanced entry into corresponding degree year/top up and Master's/top-up programmes.

REGULATORY INFORMATION

Qualification Title	OTHM Level 3 Diploma in Law
Qualification Ref. Number	610/3541/5
Regulation Start Date	13/12/2023
Operational Start Date	18/12/2023
Total Credit Value	120 credits
Total Qualification Time (TQT)	1200 hours
Guided Learning Hours (GLH)	480 hours
Sector Subject Area (SSA)	15.5 Law and Legal Services
Overall Grading Type	Pass / Fail
Assessment Methods	Coursework
Language of Assessment	English

EQUIVALENCES

OTHM qualifications at Level 3 represent practical knowledge, skills, capabilities and competences that are assessed in academic terms as being equivalent to GCE AS/A Levels.

QUALIFICATION STRUCTURE

The OTHM Level 3 Diploma in Law qualification consists of 6 mandatory units for a combined total of 120 credits, 1200 hours Total Qualification Time (TQT) and 480 Guided Learning Hours (GLH) for the completed qualification.

Unit Ref. No.	Mandatory Units	Credit	GLH	TQT
K/650/9381	Introduction to Law and Practice	20	80	200
L/650/9382	Principles of Contract Law	20	80	200
M/650/9283	Principles of Criminal Law	20	80	200
R/650/9384	Introduction to Employment Law	20	80	200

T/650/9385	Aspects of Tort Law	20	80	200
Y/650/9386	Academic and Research Skills for Law	20	80	200

DEFINITIONS

Total Qualification Time (TQT) is the number of notional hours which represents an estimate of the total amount of time that could reasonably be expected to be required in order for a learner to achieve and demonstrate the achievement of the level of attainment necessary for the award of a qualification.

Total Qualification Time is comprised of the following two elements –

- a) *the number of hours which an awarding organisation has assigned to a qualification for Guided Learning, and*
- b) *an estimate of the number of hours a Learner will reasonably be likely to spend in preparation, study or any other form of participation in education or training, including assessment, which takes place as directed by – but, unlike Guided Learning, not under the Immediate Guidance or Supervision of – a lecturer, supervisor, tutor or other appropriate provider of education or training.*

(Ofqual 15/5775 September 2015)

Guided Learning Hours (GLH) are defined as the hours that a teacher, lecturer, or other member of staff is available to provide immediate teaching support or supervision to a student working towards a qualification.

Credit value is defined as being the number of credits that may be awarded to a learner for the successful achievement of the learning outcomes of a unit. One credit is equal to 10 hours of TQT.

ENTRY REQUIREMENTS

The OTHM Level 3 Diploma Law qualification can be offered to learners from age 16. OTHM does not specify entry requirements for these qualifications, but delivery centres are required to ensure that learners admitted to the programme have sufficient capability at the right level to undertake the learning and assessment.

OTHM Centre must ensure learners are recruited with integrity onto appropriate qualifications that will:

- meet their needs
- enable and facilitate learning and achievement
- enable progression

English requirements: If a learner is not from a majority English-speaking country must provide evidence of English language competency. For more information visit the [English Language Expectations](#) page.

PROGRESSION

Successful completion of the Level 3 Diploma in Law qualification enables learners' direct entry into Year 1 of a three-year UK Bachelor's degree or pursue Level 4 Diplomas.

As this qualification is approved and regulated by Ofqual (Office of the Qualifications and Examinations Regulation), many universities acknowledge the ability of learners after studying Level 3 Diploma in Law and consider for direct entry into a range of their Bachelor's degree

programmes. For more information visit the OTHM [University Progressions](#) webpage.

DELIVERY OF OTHM QUALIFICATIONS

OTHM do not specify the mode of delivery for its qualifications, therefore OTHM Centres are free to deliver this qualification using any mode of delivery that meets the needs of their learners. However, OTHM Centres should consider the learners' complete learning experience when designing the delivery of programmes.

OTHM Centres must ensure that the chosen mode of delivery does not unlawfully or unfairly discriminate, whether directly or indirectly, and that equality of opportunity is promoted. Where it is reasonable and practicable to do so, it will take steps to address identified inequalities or barriers that may arise.

Guided Learning Hours (GLH) which are listed in each unit gives the Centres the number of hours of teacher-supervised or direct study time likely to be required to teach that unit.

ASSESSMENT AND VERIFICATION

All units within this qualification are internally assessed by the centre and externally verified by OTHM. The qualifications are criterion referenced, based on the achievement of all the specified learning outcomes.

To achieve a 'pass' for a unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria. Judgement that the learners have successfully fulfilled the assessment criteria is made by the assessor.

The assessor should provide an audit trail showing how the judgement of the learners' overall achievement has been arrived at.

RECOGNITION OF PRIOR LEARNING AND ACHIEVEMENT

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

RPL policies and procedures have been developed over time, which has led to the use of a number of terms to describe the process. Among the most common are:

- Accreditation of Prior Learning (APL)
- Accreditation of Prior Experiential Learning (APEL)
- Accreditation of Prior Achievement (APA)
- Accreditation of Prior Learning and Achievement (APLA)

All evidence must be evaluated with reference to the stipulated learning outcomes and assessment criteria against the respective unit(s). The assessor must be satisfied that the evidence produced by the learner meets the assessment standard established by the learning outcome and its related assessment criteria at that particular level.

Most often RPL will be used for units. It is not acceptable to claim an entire qualification through RPL. Where evidence is assessed to be only sufficient to cover one or more learning outcomes, or to partly meet the need of a learning outcome, then additional assessment

methods should be used to generate sufficient evidence to be able to award the learning outcome(s) for the whole unit. This may include a combination of units where applicable.

EQUALITY AND DIVERSITY

OTHM provides equality and diversity training to staff and consultants. This makes clear that staff and consultants must comply with the requirements of the Equality Act 2010, and all other related equality and diversity legislation, in relation to our qualifications.

We develop and revise our qualifications to avoid, where possible, any feature that might disadvantage learners because of their age, disability, gender, pregnancy or maternity, race, religion or belief, and sexual orientation.

If a specific qualification requires a feature that might disadvantage a particular group (e.g. a legal requirement regarding health and safety in the workplace), we will clarify this explicitly in the qualification specification.

UNIT SPECIFICATION

Introduction to Law and Practice

Unit Reference Number	K/650/9381
Unit Title	Introduction to Law and Practice
Unit Level	3
Number of Credits	20
Total Qualification Time (TQT)	200 K/650/9381
Guided Learning Hours (GLH)	80
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

Unit Aims

This unit will introduce students to the basic concepts of the English Legal System, as well as the UK's relationship with the EU and the changes as a result of Brexit. Students completing his unit will be provided with a fundamental grounding in basic concepts of English Law and the foundations of law.

Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – The learner will:	Assessment Criteria – The learner can:	Indicative content
1.Understand the structure of the English legal system	1.1 Describe the differences between civil and criminal law. 1.2 Describe the organs of the government, European Union and Brexit. 1.3 Differentiate the classifications of the legal system. 1.4 Explain what law is and the impact that it has on society.	<ul style="list-style-type: none"> • Introduction into law, historical general development, understanding how the law has developed. • Equity and how it works in the legal system. • Concept of criminal law, civil law, operation and burden of proof/balance of probabilities; comparison between remedies in civil law, punishment, options in criminal law. • Common law and precedent, development of common law, statutory law; equity and

	<p>1.5 Examine the differences between common law and statutory law.</p>	<p>equitable remedies. An overview of the Doctrine of Judicial Precedent, ratio decidendi, obiter dictum, avoidance of judicial precedent, including by 'distinguishing'.</p> <ul style="list-style-type: none"> • The legislature, the executive and the judiciary – the role in the UK Constitution. How all of these fit together and the function they provide. • An overview of European Union Law, joining and withdrawal from the union, what this means for European law, influence and impact.
<p>2. Understand how Parliament passes an Act</p>	<p>2.1 Outline the role of the Law Commission. 2.2 Describe what is meant by delegated legislation. 2.3 Explain the formal consultation process. 2.4 Analyse the different stages involved in creating an Act. 2.5 Examine the different types of Bill which are created.</p>	<ul style="list-style-type: none"> • Green and White papers, formal consultation process. The process the papers go through. • The role of the Law Commission, how it operates, what it produces, examples of some of the reports. • Public Bills, Private Bills, Hybrid Bills - the differences between these and how they operate. • First Reading, Second Reading, Committee Stage; Report Stage, Third Reading and Royal Assent in the House of Commons and House of Lords. • The role and purpose of delegated legislation, who this can be delegated to, how it can be delegated, what are the limitations of delegation.
<p>3. Understand the hierarchy of the Courts</p>	<p>3.1 Compare the different types of civil courts. 3.2 Describe the hierarchical structure and types of criminal courts. 3.3 Explain the appeal processes.</p>	<ul style="list-style-type: none"> • County Court, High Court, the Court of Appeal and the United Kingdom Supreme Court. • The different roles within the courts, the function of each court and the jurisdiction of each court. Civil Procedure Rules 1998. Allocation of claims and track system.

	<p>3.4 Analyse the work that civil courts undertake.</p> <p>3.5 Analyse the work that criminal courts undertake.</p>	<ul style="list-style-type: none"> ● Magistrates Court, Crown Court, the Court of Appeal and the United Kingdom Supreme Court. ● The different roles within the courts, the function of each court and the jurisdiction of each court. Types of offences - summary offences, offences triable either way and offences triable only on indictment. ● Outline of appeals procedure. Civil – options for appeal after each court. Criminal courts – options for appeal after each court.
<p>4. Understand roles in the legal profession</p>	<p>4.1 Identify the judges that sit in each court within the hierarchy of law and appointment process.</p> <p>4.2 Outline the work undertaken by Magistrates.</p> <p>4.3 Explain the role of Juries in the legal profession.</p> <p>4.4 Explain the training required to become a barrister and the role a barrister plays in the legal profession.</p> <p>4.5 Analyse the ethical responsibilities of the legal profession.</p>	<ul style="list-style-type: none"> ● Types: Justices of the Supreme Court, Lords Justices of Appeal, High Court Judges, Circuit judges, Recorders and District judges. Judicial appointments and training. ● Academic stage, the Bar Course Aptitude Test, Vocational stage, and the Bar Professional Training Course, Call to the Bar, Pupillage, the Inns of Court. ● Degree SQE1 SQE 2 (LPC historically), role – rights of audience, SRA, practice, Office for Legal Complaints, Legal Ombudsman, Legal Services Board. ● Legal ethics of a solicitor and a barrister, the ‘cab rank’ rule. Judges and ethics. Ethical standards of the oversight boards such as SRA. ● Magistrates, the function they serve in courts, types, appointment process. ● Juries Act 1974, appointment, selection, eligibility, secrecy, role of the jury.

Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count (approx. length of coursework)
LO1 to LO4	All ACs under LO1 to LO4	Coursework	2500 words

Indicative Reading list

- English Legal System, 21st Edition by Emily Allbon; Sanmeet Kaur Dua, Published by Pearson
- The English Legal System, 19th Edition, by Slapper and Kelly, Published by Routledge

Principles of Contract Law

Unit Reference Number	L/650/9382
Unit Title	Principles of Contract Law
Unit Level	3
Number of Credits	20
Total Qualification Time (TQT)	200
Guided Learning Hours (GLH)	80
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

Unit Aims

This unit covers what is meant by a contract through to offer and acceptance and invitation to treat. Students will be introduced to key terms and how these form part of a contract in both express terms and implied terms. The unit will also cover the principles of how contracts can end, including breaching and remedies for the breach.

Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – The learner will:	Assessment Criteria – The learner can:	Indicative contents
1. Understand the principle requirements of a binding agreement	1.1 Define what a contract is. 1.2 Outline how to make a legally binding offer and acceptance. 1.3 Identify how offer and acceptance may be withdrawn. 1.4 Explain how to enforce a contract. 1.5 Explain the terms invitation to treat and the intention to create legal relations.	<ul style="list-style-type: none"> Contract – agreement, obligations, enforcement under law Identifying parties to a contract Making an offer; Communicating an offer; Accepting an offer; Communicating acceptance of an offer; Carlill v Carbolic Smoke Ball Co (1893). Invitation to treat and offer - Pharmaceutical Society of Great Britain v Boots Cash Chemists (Southern) Ltd (1953).

		<ul style="list-style-type: none"> ● The postal rule and exceptions to the rule Adams v Lindsell (1818). ● Electronic acceptance and the postal rule. ● Revocation of an offer. ● Withdrawing acceptance before offer or receipt of acceptance. ● Counteroffer - destroying original offer: Hyde v Wrench (1840). ● Privity of contract. ● Consideration – e.g., Dunlop v Selfridge (1915). ● Promissory estoppel. ● Intention to create legal relations. ● Rebutting the presumption to create legal relations in social/domestic relations e.g. Jones v Padavatton (1969). ● Honour clauses in business relations.
<p>2. Understand the principle contents of a contract</p>	<p>2.1 Outline statutory express terms.</p> <p>2.2 Explore how representation is different from a term.</p> <p>2.5 Explore how terms may be implied in common law.</p> <p>2.3 Explain how terms can be incorporated into a contract.</p> <p>2.4 Explain contract conditions, warranties and innominate terms.</p> <p>2.6 Evaluate the validity of exclusion clauses.</p>	<ul style="list-style-type: none"> ● Representation and what factors the court take into consideration in deciding if it would fall as representation or a term. ● Express terms and methods of incorporation e.g. L’Estrange v Graucob (1934). ● Terms implied by custom, trade, and usage. <p>Conditions - Poussard v Spiers & Pond (1876), warranties, and innominate terms - Hong Kong Fir Shipping v Kawasaki Kisen Kaisha (1962). Discharge of remaining contractual duties on breach of terms.</p> <ul style="list-style-type: none"> ● Exclusion clauses, limitation clauses and operation of these in business.

		<ul style="list-style-type: none"> ● Common law incorporation of exclusion clauses. ● Statutory governance of exclusion clauses, Unfair Contract Terms Act 1977, Consumer Rights Act 2015.
<p>3. Understand the principal factors that may vitiate a contract</p>	<p>3.1 Outline various types of contractual mistakes.</p> <p>3.2 Outline different types of misrepresentation.</p> <p>3.3 Explain how a contract can be discharged.</p> <p>3.4 Explain how lack of capacity, illegality and public policy may void a contract.</p> <p>3.5 Summarise how undue influence and duress may void a contract.</p>	<ul style="list-style-type: none"> ● Capacity to enter contractual relations. ● Minors' contractual capacity and contracts for necessities. ● Intoxication and intention to create legal relations. ● A 'meeting of the minds' requirement ● Contracts void on the grounds of public policy, including certain pre-nuptial agreements. ● Statutory illegality. ● Misrepresentation; fraudulent, innocent, and negligent misrepresentation and consequences. ● Misrepresentation Act 1967. ● Mistake; common mistake, mutual mistake, unilateral mistake. ● The effect of mistake on the contract and the remedies available to the innocent party. ● Duress and undue influence, including in family relations and professional capacity. ● Frustration of a contract by destruction of subject matter, death of parties, illegality, impossibility of performance in manner agreed.

<p>4.Understand how a contract may be breached</p>	<p>4.1 Outline the effect that a breach has on a contract.</p> <p>4.2 Describe the role of equitable remedies in contractual breach.</p> <p>4.3 Discuss types of contract breach, including anticipatory and repudiatory breach.</p> <p>4.4 Explain the meaning of damages in relation to contracts.</p> <p>4.5 Analyse what remedies are available for breach of contract.</p>	<ul style="list-style-type: none"> ● Breach of contract by one or more parties. ● Anticipatory breach and repudiatory breach. ● The effect of breach of contract on the remaining contractual duties. ● Liquidated damages clauses and penalty clauses. ● How damages can be calculated e.g. expectation loss, market value, loss of enjoyment. ● Equitable remedies; rectification, specific performance, and injunction. ● Requirements for accessing equitable remedies, including clean hands.
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Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count (approx. length of coursework)
LO1 to LO4	All ACs under LO1 to LO4	Coursework	2500 words

Indicative Reading list

- Poole's Textbook on Contract Law, Fifteenth edition, 2021, Robert Merkin QC, Severine Saintier, June 2021, OUP

Principles of Criminal Law

Unit Reference Number	M/650/9283
Unit Title	Principles of Criminal Law
Unit Level	3
Number of Credits	20
Total Qualification Time (TQT)	200
Guided Learning Hours (GLH)	80
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

Unit Aims

This unit introduces students to the concepts around criminal law including liability, offences and defences. The unit builds on the foundations of criminal law, actus reus and mens rea. It will investigate the areas of non fatal and fatal offences, theft, criminal damage and defences. Students will also research the key cases and common law precedents that came out of these cases.

Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – The learner will:	Assessment Criteria – The learner can:	Indicative content
1. Understand the principles of actus reus and mens rea requirements of criminal offences	1.1 Outline the requirements of actus reus. 1.2 Outline the requirements of mens rea. 1.3 Discuss the relationship between actus reus and mens rea. 1.4 Discuss the nature of criminal conduct.	<ul style="list-style-type: none"> • Criminal conduct as an act against the state. • The presumption of innocence and the standard of proof in a criminal court. • Both actus reus and mens rea must be proven beyond a reasonable doubt for any criminal conviction. • Actus reus - guilty act; all the elements of the offence other than the mens rea.

		<ul style="list-style-type: none"> ● Actus reus - voluntary and involuntary acts, liability for omissions where a legal duty of care exists. ● Actus reus - factual and legal causation, novus actus interveniens, third party breaks in chain of causation. ● Mens rea, guilty mind- the defendant must intend the consequences of his act, intention requires a high degree of fault to be proven. ● Subjective recklessness, negligence and gross negligence, coincidence of actus reus and mens rea. ● Strict liability offences as an exception to the actus reus and mens rea requirements. ● Strict liability where the court will, and will not, presume mens rea.
<p>2. Understand the classification of violent offences</p>	<p>2.1 Outline all violent offences.</p> <p>2.2 Explain the defences of loss of control and diminished responsibility.</p> <p>2.3 Analyse the actus reus and mens rea of common law offences against the person, including assault, battery, actual bodily harm (ABH) and grievous bodily harm (GBH).</p> <p>2.4 Analyse the actus and reus elements for murder.</p>	<ul style="list-style-type: none"> ● Common law assault and battery occasioning actual bodily harm. ● Offences Against the Person Act 1861, assault and battery occasioning actual bodily harm, unlawful and malicious wounding or causing grievous bodily harm with intent. ● Homicide – unlawful killing of a human being, causation in law and causation in fact – thin skull rule and breaking the chain of causation (Pagett (1983) and Blaue (1975)) Medical intervention Cheshire (1991). ● Common law offence of murder. ● Loss of control. ● Coroners and Justice Act 2009 s 52 and 54. ● Refer to Clinton (2012) and Dawes (2013). ● Diminished responsibility.

<p>3.Understand the legal liability requirements for criminal damage and theft</p>	<p>3.1 Define criminal damage, aggravated criminal damage and theft.</p> <p>3.2 Explain the defences to criminal damage.</p> <p>3.3 Analyse the actus reus and mens rea elements of criminal damage.</p> <p>3.4 Analyse the actus reus and mens rea elements of theft.</p>	<ul style="list-style-type: none"> ● Criminal Damage Act 1971. ● Subjective Recklessness - R v G (2003). ● S1(2) CDA 1971 – aggravated Criminal Damage. ● S.5 Criminal Damage Act 1971: belief in consent; belief in other property in need of protection. ● S1 Theft Act 1968. ● Appropriation (s.3) – Gomez (1993). ● Dishonesty - Ghosh (1982) test as amended by Ivey (2017), Barton and Booth v R (2020). ● Property S.4. ● Belonging to another S.5. ● Intention to permanently deprive S.6.
<p>4.Understand the general defences to criminal conduct</p>	<p>4.1 Define intoxication, duress and strict liability.</p> <p>4.2 Explain the circumstances in which intoxication can provide a defence.</p> <p>4.4 Explain the circumstances in which duress can provide a defence.</p> <p>4.5 Explain how mistakes can give rise to a defence.</p> <p>4.6 Analyse how defence of self, others or property can provide a defence.</p>	<ul style="list-style-type: none"> ● Intoxication. ● Voluntary and involuntary intoxication. ● Classification of offences - specific intent or basic intent. ● Voluntary intoxication eg: Gallagher (1963), Majewski (1976). ● Involuntary intoxication; Kingston (1994). ● Duress – threats Hasan (2005) - Re A (2000) Dudley and Stephens (1884), Pommell (1995), Pipe v DPP (2012). ● Threats of death or serious injury. ● Mistake as to fact not law. ● Self-defence – reasonable force, proportionality, assisting others and prevention of crime. ● Strict liability and how this works in criminal law.

Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count (approx. length of coursework)
LO1 to LO4	All ACs under LO1 to LO4	Coursework	2500 words

Indicative Reading list

- Ashworth's Principles of Criminal Law, Tenth Edition, Jeremy Horder, April 2022, Published by OUP

Introduction to Employment Law

Unit Reference Number	R/650/9384
Unit Title	Introduction to Employment Law
Unit Level	3
Number of Credits	20
Total Qualification Time (TQT)	200
Guided Learning Hours (GLH)	80
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

Unit Aims

This unit aims to introduce knowledge around the areas of law relating to employment, self employment and workers. The unit covers contracts of employment, main employment law, rights and duties of employees and employers. The unit will also cover equality and discrimination and the ways employment can be terminated.

Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – The learner will:	Assessment Criteria – The learner can:	Indicative content
1.Understand the different types of employment status	1.1 Define employees. 1.2 Define workers. 1.3 Define self employed. 1.4 Explain the differences between being employed and being self employed.	<ul style="list-style-type: none"> • An introduction to employment law including its judicial and administrative structure, sources and materials. • Define employee - Employment Rights Act. • (ERA) 1996: Protected by all employment protection legislation. • Workers - broad definition granting eligibility for protection/rights under anti-discrimination legislation Working Time/Minimum Wage

		<p>legislation – exclusion from - right not to be unfairly dismissed/redundancy.</p> <ul style="list-style-type: none"> ● Agency Workers Regulations 2010. ● IR35. ● Control test, Integration test, Multiple test. ● Pimlico Plumbers Ltd v Smith (2018). ● Ready Mixed Concrete (Southeast) Ltd v Minister of Pensions (1968). ● Independent contractors. ● Differences – tax, rights, protection, acceptance of work. ● Rights duties and obligations. ● Formation of contract of employment, express and implied terms. ● Duties of employee and employer. ● Fundamental breach.
2.Understand the law relating to contract of employment	<p>2.1 Define a contract of employment.</p> <p>2.2 Explain how contracts are formed and how terms can be expressed or implied.</p> <p>2.3 Explain the duties of the employer.</p> <p>2.4 Explain the duties of the employee.</p>	<ul style="list-style-type: none"> ● Contracts of employment may be oral or written: (s.230(2) ERA 1996). ● Formation of contract of employment, express and implied terms. ● Statute: Working Time Regs 1998 National Minimum Wage Act 1998. ● Duties of employee and employer. ● Common law implied terms. ● Employer – duty to provide work & pay, duty of mutual trust & confidence, duty to provide a safe working environment. ● Employee - duty of obedience, personal service, good faith/fidelity, mutual duty of trust and confidence. s1-3 ERA
3.Understand the law relating to equality and discrimination	3.1 Define the types of protected characteristics and discrimination detailed in the Equality Act 2010.	<ul style="list-style-type: none"> ● Protected characteristics – age, disability, gender reassignment, marriage and civil partnership, race, religion and belief, sex

	<p>3.2 Explain the provisions and defences on equal pay under the Equality Act 2010.</p> <p>3.3 Explain the types of disability discrimination contained in the Equality Act 2010.</p> <p>3.4 Analyse the legal consequences following a breach of discrimination legislation.</p>	<p>discrimination, sexual orientation, pregnancy and maternity.</p> <ul style="list-style-type: none"> ● EU and Equal Pay, equality clause, claiming equality, Equality Act 2010, equal value, remedies. ● Equality – Equality Act 2010. ● Gender pay gap, Executive pay ratio reporting: ● Disability discrimination i.e: <ul style="list-style-type: none"> ○ Direct discrimination ○ Indirect discrimination ○ Harassment ○ Victimisation
<p>4. Understand how employment can be terminated</p>	<p>4.1 Define the preliminary requirements needed to bring a claim for unfair dismissal.</p> <p>4.2 Describe how an employee can be dismissed.</p> <p>4.3 Explain how employment can be terminated by both parties.</p> <p>4.4 Explain action that can be taken when an employee has been wrongfully dismissed.</p> <p>4.5 Analyse what constitutes fair dismissal.</p>	<ul style="list-style-type: none"> ● Termination by both parties - mutual consent. Resignations. ● notice periods included as express terms in contracts (s.86 ERA 1996); ● Dismissal - 5.2 S.95 ERA 1996 outlines 3 situations: Termination by employer, Expiry of fixed term contract, Termination by employee in circumstances where employee is entitled to terminate. ● Wrongful dismissal - must be a dismissal without notice and that the employee must not have given grounds for a repudiation of the contract by the employer. ● s.86 ERA 1996. ● Remedies for wrongful dismissal-reinstatement, re-engagement and financial award consisting of the basic award and the compensatory award. ● Unfair dismissal - Preliminary requirements: Employee with two years continuous service (s.108 ERA 1996) when continuity of employment is not broken s212(3); and not an

		<p>excluded category. The claim is brought in time; the employee must have been dismissed; effective date of termination s97 ERA 1996.</p> <ul style="list-style-type: none"> • Fair dismissal - S.98(2) ERA 1996: capability, conduct, redundancy, illegality, statutory restriction, some other substantial reason.
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Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count (approx. length of coursework)
LO1 to LO4	All ACs under LO1 to LO4	Coursework	2500 words

Indicative Reading list

- Selwyn's Law of Employment Paperback, 22nd Edition; by Astra Emir, published by OUP

Aspects of Tort Law

Unit Reference Number	T/650/9385
Unit Title	Aspects of Tort Law
Unit Level	3
Number of Credits	20
Total Qualification Time (TQT)	200
Guided Learning Hours (GLH)	80
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

Unit Aims

This unit introduces students to aspects of tort law and how it has developed through common law and statutory law. The unit will cover negligence and duty of care principles as well as defences for claims that arise in negligence. Students will also explore the area of vicarious liability and where this arises.

Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – The learner will:	Assessment Criteria – The learner can:	Indicative contents
1. Understand the development of common tort law	1.1 Define duty of care. 1.2 Define tort law. 1.3 Define the functions of tort law. 1.4 Describe the term negligence. 1.5 Explain the historical origins of tort law.	<ul style="list-style-type: none"> ● Overview of the purpose of tort law and the historical development of this area. ● Description of common law and statutory. ● example of torts such as: nuisance; trespass (to land, goods and the person); defamation; breach of statutory duty under the Occupier's Liability Acts 1957 and 1984; etc. ● Negligence is a non-contractual civil wrong. ● The connection between tort, contract law and criminal law.

		<ul style="list-style-type: none"> ● Function of tort law within society and the mechanism behind damages and compensation. ● Duty of care: D owed a duty of care to the claimant, D's breach caused the damage, the damage suffered by the claimant was not too remote.
<p>2. Understand the law governing duty of care</p>	<p>2.1 Define the tests governing duty of care in negligence.</p> <p>2.3 Define the current law relating to duty of care in cases of psychiatric harm.</p> <p>2.3 Describe the standard test for breach of duty.</p> <p>2.4 Explain the meaning of public policy in the context of duty of care in negligence.</p> <p>2.5 Explain the breaks in the chain of causation.</p> <p>2.6 Explain the requirement of reasonable foreseeability.</p> <p>2.7 Analyse causation and the legal tests that are needed.</p>	<ul style="list-style-type: none"> ● Duty of care tests. ● Established/recognised duty situations, e.g. between doctor and patient. ● Neighbour Test – Donoghue v Stevenson (1932). ● Three-stage Test – Caparo v Dickman (1990). Reasonable foreseeability - Haley v London Electricity Board (1965). ● s.1 Compensation Act 2006. ● Consideration of how public policy issues affect the liability of the emergency services - Hill v CC of W Yorkshire (1988). Osman v UK (1998). ● Consideration of how public policy issues affect the liability of local authorities. ● Poole BC v GN (2019), The 'floodgates' argument. The 'rescuer' situation. ● Psychiatric harm (also known as nervous shock), Bourhill v Young (1942), Alcock & Ors v CC of S Yorkshire Police (1992). ● Nature and quality of harm suffered. ● Primary and secondary victims. ● The standard (basic) 'reasonable man' test; the test is objective. Blyth v Birmingham Waterworks Co (1856). ● Reasonable foreseeability of harm at the time, Roe v Minister of Health (1954) Standard of care

		<p>expected of a defendant exercising a particular skill. <i>Nettleship v Weston</i> (1971) <i>Bolam v Friern Hospital Management Committee</i> (1957), <i>Bolitho v City and Hackney Health Authority</i> (1997).</p> <ul style="list-style-type: none"> ● Causal link. ● (a) a factual link between the Defendant’s breach of duty of care and the harm suffered by the Claimant; and ● (b) the type harm suffered by the Claimant must not be too remote in law if the claim is to be successful. ● The ‘but for’ test. <i>Barnett v Chelsea & Kensington HMC</i> (1969) The ‘material increase in risk’ test. Quantification of risk. ● Multiple causes of harm. <i>Wilsher v Essex AHA</i> (1986). Multiple tortfeasors. ● New intervening acts <i>McKew v Holland</i> (1969) ● The effect of negligent medical treatment on the chain of causation. Foreseeability of type of injury. <i>The Wagon Mound (No 1)</i>(1961). ● The ‘thin-skull’ rule.
<p>3.Understand vicarious liability and describe the tests used in establishing vicarious liability</p>	<p>3.1 Define vicarious liability.</p> <p>3.2 Explain the elements needed to establish vicarious liability.</p> <p>3.3 Analyse the tests for identifying employment status.</p>	<ul style="list-style-type: none"> ● Definition of the doctrine: ● Liability for acts of third parties. ● The effect of vicarious liability. ● The three requirements for establishing vicarious liability: a) Is it a tort? b) Is it committed by an employee? c) Is it committed in the course of employment? ● The tests for identifying employment status: ● <i>Yewens v Noakes</i> (1880). ● Multiple test. <i>Ready Mixed Concrete (SE) v MPNI</i> (1968).

		<ul style="list-style-type: none"> ● Position of casual, temporary, agency workers & priests etc; mutuality of obligation; personal service. A relationship 'akin to employment': Barclays Bank plc v Various Claimants (2020). Carmichael v National Power (1999), English Province of Our Lady Charity (2011). ● Need for tort to be committed in "course of employment." Gravil v Carroll & Anor (2008). ● Development of close connection test Mohamud v WM Morrison (2016), WM Morrison v Various Claimants (2020).
<p>4.Understand defences to claims in negligence</p>	<p>4.1 Outline the use of exclusion clauses.</p> <p>4.2 Define the function and nature of defences.</p> <p>4.3 Explain appropriate defences to claims of negligence.</p> <p>4.4 Explain the defence of contributory negligence.</p> <p>4.5 Analyse the defence of ex turpi causa.</p> <p>4.6 Analyse the defence of consent Volenti non-fit injuria.</p>	<ul style="list-style-type: none"> ● Contributory negligence - partial defence. ● 'Volenti non fit injuria'. ● Ex Turpi Causa - a bar to an action, based on illegality. ● Henderson v Dorset Healthcare University NHS Foundation Trust [2020]. ● Definition & explanation, knowledge of risk; exercise of free choice; voluntary acceptance of risk; rescuers; spectators at sports, participants in hazardous activities. ● s.149 Road Traffic Act 1988 in relation to claims by passengers in road vehicles. ● Law reform (Contributory Negligence) Act 1945. ● proportionate reduction in damages; Claimant places himself in dangerous position; Claimant increases amount of harm; Claimant places himself in a position where likely to suffer harm

		<ul style="list-style-type: none"> • Situations where the court is reluctant to find contributory negligence: children, employees, rescuers, dilemma principle. • Nature and purpose of limitation periods. Limitation Act 1980; General limitation period in tort; Limitation period in personal injury cases; Exclusion attempts to restrict/exclude liability for death or personal injury - subject to s.65. • Consumer Rights Act 2015. • Unfair Contract Terms Act 1977 (UCTA 1977).
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Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count (approx. length of coursework)
LO1 to LO4	All ACs under LO1 to LO4	Coursework	2500 words

Indicative Reading list

- Elliott & Quinn's Tort Law, 12th Edition; by Frances Quinn, published Pearson

Academic and Research Skills for Law

Unit Reference Number	Y/650/9386
Unit Title	Academic and Research Skills for Law
Unit Level	3
Number of Credits	20
Total Qualification Time (TQT)	200
Guided Learning Hours (GLH)	80
Mandatory / Optional	Mandatory
Sector Subject Area (SSA)	15.5 Law and legal services
Unit Grading Structure	Pass/Fail

Unit Aims

This unit introduces students to the fundamentals of skills development and the basic elements of research, this includes researching case law and statutory law and helping students understand how to read cases and statutes. Students will explore academic writing and approaches to academic writing as well as developing skills such as completing citations and references for their work.

Learning Outcomes, Assessment Criteria and Indicative Content

Learning Outcomes – The learner will:	Assessment Criteria – The learner can:	Indicative contents
1. Understand how to research case law	1.1 Explain what is meant by case law. 1.2 Identify examples of case law. 1.3 Explain how case law precedent is followed by other courts.	<ul style="list-style-type: none"> ● Researching All England Law Reports and locating case law. ● How to cite legal reasoning within case law ● Knowledge of available websites, eg: Westlaw, OPSI, Lexis Nexis. ● Explain the headnote in the case report and how it summarises the case. ● Understand the structure of a case including the reasoning, the facts, ratio decidendi and obiter dictum.

		<ul style="list-style-type: none"> ● Understand how a case can be overruled or followed by other courts. ● The hierarchy of the courts in following and case law precedent.
2. Understand how to research statutory law	<p>2.1 Explain where to find legislation.</p> <p>2.2 Identify reasons why the statute was created and what function it is meant to perform.</p> <p>2.3 Identify whether a statute or section is in force.</p> <p>2.4 Identify supporting material inside a statute.</p>	<ul style="list-style-type: none"> ● Knowledge of available websites, eg: Westlaw, OPSI, LexisNexis. ● Understand the structure of a statute, sections schedules, categorisation of information in the statute. ● Understand how to use the interpretation section of the statute to check for the meaning of words/phrases. ● Understand that words might have their definitions located in other places aside from the interpretation section eg: in other statutes, in statutory instruments, etc. ● Identifying where in the statute the initial purpose of the statute is located, eg: a purpose section at the beginning of the statute. ● Understand the issues and problems that the statute was designed to address. ● Identify explanatory notes and using these along with other information to explain why the statute was created.
3. Be able to apply the skills of legal citation	<p>3.1 Plan and structure various types of legal assignments.</p> <p>3.2 Explain the role of legal citation in academic assessments.</p> <p>3.3 Accurately reference legal citations in written text.</p>	<ul style="list-style-type: none"> ● Planning and structuring legal essays. ● How to approach a problem/issue spotting or scenario- based question using the Identify Define Explain Apply (IDEA) approach/other approaches. ● How to identify legal issues in a problem question.

		<ul style="list-style-type: none"> • How to use legal citation in answering legal assessments. • Using legal dictionaries and academic textbooks • Report structures and report writing • How to use quotations to support legal ideas and arguments. • Using the Harvard/OSCOLA Referencing system • Using Turnitin. • Reading the similarity index and acceptable similarity scores based on the assessment level and type.
4.Be able to identify personal strengths and areas for development in relation to academic research and writing skills	<p>4.1 Identify and record development needs and specify priority areas for development.</p> <p>4.2 Describe the range of approaches to learning and study used.</p> <p>4.3 Explain the importance of independent learning skills.</p> <p>4.4 Create a plan for further improvement.</p>	<ul style="list-style-type: none"> • Identify their own personal learning journey. • Identify their skills development. • Identify personal skills and qualities, personal Skills for academic work (time management, initiative, flexibility, responding positively, to change and feedback). • Strengths and weaknesses. • Action plan: for academic development, for personal development.

Assessment

To achieve a 'pass' for this unit, learners must provide evidence to demonstrate that they have fulfilled all the learning outcomes and meet the standards specified by all assessment criteria.

Learning Outcomes to be met	Assessment criteria to be covered	Type of assessment	Word count (approx. length of coursework)
LO1 to LO4	All ACs under LO1 to LO4	Coursework	2500 words

Indicative Reading list

- Legal Research, Analysis, and Writing, 4th Edition by William H. Putman, JD; Jennifer R. Albright, JD, Published by Cengage
- Legal Research, Analysis, and Writing: 6th edition, By Joanne Hames; Yvonne Ekern, Published by Pearson

IMPORTANT NOTE

Whilst we make every effort to keep the information contained in programme specification up to date, some changes to procedures, regulations, fees matter, timetables, etc may occur during the course of your studies. You should, therefore, recognise that this document serves only as a useful guide to your learning experience. For updated information please visit our website www.othm.org.uk.

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