



**ACADEMIC SERVICES**

**MODULE SPECIFICATION**

Part 1: Basic Data					
Module Title	Employment (BPTC)				
Module Code	UJXUSH-10-M	Level	M	Version	1
UWE Credit Rating	10	ECTS Credit Rating	5	WBL module?	No
Owning Faculty	Business and Law	Field	Law Non Modular		
Department	Law: BILP	Module Type	Professional Practice		
Contributes towards	Bar Professional Training Course				
Pre-requisites	None	Co- requisites	None		
Excluded Combinations	None	Module Entry requirements	N/A		
First CAP Approval Date	QSC 28 April 2010	Valid from	September 2010		
Revision CAP Approval Date	1 June 2016	Revised with effect from	September 2016		

Part 2: Learning and Teaching	
Learning Outcomes	<p>On successful completion of this module students will be able to:</p> <ul style="list-style-type: none"> <li>• Understand the law relating to claims of race and sex discrimination under the Equality Act 2010 – direct discrimination, harassment, victimisation, limitation, the burden of proof and vicarious liability and how quantum is assessed</li> <li>• Understand the law relating to wrongful dismissal</li> <li>• Understand the law relating to unfair dismissal</li> <li>• Review the case study material and identify the core legal/evidential and procedural issues in relation to               <ul style="list-style-type: none"> <li>○ Liability</li> <li>○ Quantum</li> </ul> </li> <li>• Undertake an effective case analysis               <ul style="list-style-type: none"> <li>○ identify the factual and legal issues and how they relate to each other</li> <li>○ consider the perspective of the client's case and the outcome sought</li> <li>○ consider the perspective of the opponent's case</li> <li>○ identify the strengths and weaknesses of each side</li> <li>○ consider how weaknesses in the evidential case may be compensated for</li> <li>○ identify where further research is needed</li> </ul> </li> <li>• Prepare a written conference plan for the advice to be given on whether settlement of the case should be considered and if so, an appropriate figure for settlement</li> <li>• Deliver the advice in an oral conference with a client</li> </ul>

Syllabus Outline	<p>Introductory Large Group Session</p> <p>A lecture of the key legal areas covered by the course and a review of the core skills of case analysis, conferencing and the written plan required.</p> <p>Small Group Session 1 Review of pre session preparation and undertake case analysis of a sex discrimination scenario. This session will allow students to practice the skill of case analysis by looking at the legal and factual strengths and weakness of the case. This is a universal skill and is essential for conference preparation.</p> <p>Small Group Session 2 This session examines unlawful race discrimination by way of a conferencing exercise. This exercise also allows students to practice the skills of case analysis by looking at the legal and factual strengths and weakness of the case.</p> <p>Small Group Session 3 This is the Practice Assessment which is a conference with the lay client in the context of a sex discrimination case.</p> <p>Small Group Session 4 This will review the answers to SAQ's on the core areas covered by the module and there is a further opportunity to conduct a conference in the context of a sex discrimination and unfair dismissal case with peer review.</p> <p>Small Group Session 5 This session considers dismissal and race discrimination in the context of an upcoming tribunal hearing involving group work on case analysis and preparation together with a client conference and a negotiation exercise. Revision queries are also dealt with.</p>
Contact Hours	Each Session is 3.5 hours of interactive working. In addition, there is 1 tutor led Large Group Session of 1.5 hours. This is a total of 22.5 contact hours.
Teaching and Learning Methods	<p>Teaching and learning methods:</p> <ul style="list-style-type: none"> <li>• Students undertake Independent Learning in preparation for their workshops, with essential reading (from a designated textbook), and case study preparation. Student are also given MCQ's with answers and an explanation for the answers to allow the student to check their understanding on core topics.</li> <li>• Students undertake Scheduled Learning through their tutor led workshops in which students predominantly spend time working in small groups analysing the case study problems undertaking skills exercises &amp; with whole group review of learning outcomes with their tutor. In one session SAQ's with a mark scheme are used to allow student to gauge their understanding, the level of detail needed and a structured approach to advice.</li> <li>• Students will undertake Consolidation Work but considering Points to Note for the case scenario considered in each session and two sample conference plans and using this to compare and reflect on their own case analysis.</li> </ul>
Reading Strategy	<p>Students are given indicative reading from the course text together with tutor written handouts on the various subject areas covered by the module at the outset. They are then directed to revisit this reading as they need to as part of their case analysis and pre session preparation.</p> <p>In the introductory lecture and SGS1 Student Instructions they are directed to explore the Blackboard folder for this module which contains links to useful electronic</p>

	resources and are reminded how to access key practitioner texts in the Library's electronic resources databases.
Indicative Reading List	<p>The students are provided with a course textbook, currently is Selwyn's Law of Employment 18th Edition. Via Blackboard the students have access to and are made aware of a range of electronic resources and the practitioner texts of Harvey's and Tolley's – available via Lexis Library.</p> <p>Links to useful web pages are also given</p> <ul style="list-style-type: none"> <li>• <a href="http://www.opsi.gov.uk">http://www.opsi.gov.uk</a> – for Acts and Statutory Instruments</li> <li>• <a href="https://www.gov.uk/browse/employing-people">https://www.gov.uk/browse/employing-people</a> - Department for Business Innovation and Skills</li> <li>• <a href="http://www.acas.org.uk/index.aspx?articleid=1461">http://www.acas.org.uk/index.aspx?articleid=1461</a> - Advisory and Conciliation Service</li> <li>• <a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a> - Commission for Equality and Human Rights</li> <li>• <a href="https://www.gov.uk/equality-act-2010-guidance">https://www.gov.uk/equality-act-2010-guidance</a> - various guides to the Equality Act and the obligations of employers and service providers from the Government Equalities Office</li> <li>• Link to EAT judgments <a href="http://www.employmentappeals.gov.uk/public/search.aspx">http://www.employmentappeals.gov.uk/public/search.aspx</a></li> </ul>

<b>Part 3: Assessment</b>	
Assessment Strategy	<p><b>Assessment strategy</b> Across the SGS's students have opportunities to practice the core skills needed to pass the assessment – case analysis, knowledge queries, practice of a conference, tutor and peer feedback on their delivery of a conference. Individual tutor feedback on a conference and the written plan is given in a formative assessment.</p> <p>The learning outcomes demonstrated during the conference are –</p> <ul style="list-style-type: none"> <li>• conduct the conference in a structured and efficient way and cover all relevant issues in a logical sequence;</li> <li>• communicate effectively with the client</li> <li>• prepare and conduct conferences dealing with and advising on</li> <li>• the legal strengths and weaknesses of the claim</li> <li>• the evidential strengths and weaknesses of a claim</li> <li>• the value of the claim</li> <li>• proposals for settlement that reflect the advice on merit</li> </ul> <p><b>The assessment</b> The assessment has one element. It is skills exercise with a written element building on the core skills already taught on the BPTC, adapted to the new area of law covered by the option. The current skill is conferencing and so students must conduct a client conference of 20 minutes and hand in a written conference plan covering the advice to the client on liability and quantum.</p> <p>The assessment is carried out in controlled conditions in an assessment room with an actor/tutor playing the lay client and a separate tutor assessing. Alternatively, a tutor can conduct the role play and assess if necessary.</p> <p>The student instructions containing a brief to counsel and supporting documents containing all the case information are released to the students one week prior to the assessment (two weeks for part time students). During this week the students will undertake a case analysis, prepare their conference plan and research the law.</p> <p>These stages demonstrate the learning outcomes of</p> <ul style="list-style-type: none"> <li>• understanding the objectives of a conference and the factual, legal, procedural and evidential issues that should be raised in a conference</li> <li>• conduct the conference in a structured and efficient way and cover all relevant</li> </ul>

- issues in a logical sequence;
- advise on relevant law and issues during the conference.

The student must then conduct the conference, during which they must ask a few relevant questions and advise appropriately on the strengths and weaknesses of the case, how much the case is worth and whether an attempt to settle the case should be made, advising on an appropriate settlement figure (which is in line with their advice).

As per other assessment on the BPTC, the assessment performance must not breach the applicable Professional Conduct rules or – thought a specific issue or overall poor advice that puts the client at risk, breach the BSB regulation regarding a Red Light Fail/Fatal Flaw.

<b>Assessment Criteria</b>
<b>Plan - 15 %</b>
<ul style="list-style-type: none"> <li>Is it clearly written.</li> <li>Well structured.</li> <li>Is it sufficiently detailed to be a useful aid in conference.</li> <li>Was plan followed and if not is there a good reason for this.</li> </ul>
<b>Relationship with Client - 20%</b>
<p><i>How effectively did the student:</i></p> <ul style="list-style-type: none"> <li>Welcome the client and make them feel comfortable.</li> <li>Explain the objectives of the conference to the client.</li> <li>Actively listen to the client as indicated by responses to client questions and eye contact.</li> <li>Not rely on a script</li> <li>Ensure client had opportunity to raise concerns.</li> <li>Respond fully and frankly to any question the client may ask.</li> <li>Show empathy and did not judge the client.</li> </ul>
<b>Review of the facts - 10%</b>
<p><i>How effectively did the student:</i></p> <ul style="list-style-type: none"> <li>Recap briefly on the key facts to show an effective ability to sift the relevant/core facts on which advice is based.</li> <li>Raise a few pertinent questions to clarify information to deal with gaps in the evidential case.</li> <li>Listen to the client responses and adapt any advice if necessary.</li> <li>Summarise as and when appropriate.</li> </ul>
<b>Advice - 55%</b>
<p><i>How effectively did the student:</i></p> <ul style="list-style-type: none"> <li>Provide an accurate factual/legal analysis of the client's case i.e. strengths and weaknesses.</li> <li>Identify accurately and clearly all of the options available to the client.</li> <li>Demonstrate sound judgement in giving appropriate advice to the client.</li> <li>Give the advice in clear and unambiguous language and confirms that the client understands the advice.</li> <li>Ensure that the client understands prospects of success.</li> <li>Advise on next steps/recommendations</li> </ul>
<b>Professional conduct</b>
<ul style="list-style-type: none"> <li>Observes the rules of professional conduct</li> </ul>
<b>Fatal Flaw</b>
<ul style="list-style-type: none"> <li>Legal or other analysis so clearly wrong that puts a client at risk?</li> </ul>

% weighting between components A and B	<b>A:</b>	<b>B:</b>
	100%	
<b>First Sit</b>		
<b>Component A</b> (controlled conditions) <b>Description of each element</b>	<b>Element weighting</b> (as % of component)	
1. Skills assessment of 20 minutes ( client conference ) with submission of written plan	100%	
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting</b> (as % of component)	
1.n/a		
<b>Resit (further attendance at taught classes is not required)</b>		
<b>Component A</b> (controlled conditions) <b>Description of each element</b>	<b>Element weighting</b> (as % of component)	
1. Skills assessment of 20 minutes ( client conference ) with submission of written plan	100%	
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting</b> (as % of component)	
1.n/a		
If a student is permitted a retake of the module under the University Regulations and Procedures, the assessment will be that indicated by the Module Description at the time that retake commences.		