

Examiner's report

Qualifications Framework

Stage 1: Unit 2 Business and Consumer Legal Frameworks

Written Examiner's Report September 2024

General

Well done to all candidates who sat the Unit 2 examination paper during the September cycle. Taking examinations is a big undertaking. 5 candidates sat the Unit 2 examination paper in this cycle and 80% of candidates successfully obtained a pass mark or higher.

The marks awarded ranged from 38% to an excellent 70%.

There were some excellent answers provided by candidates and the examiner was pleased to see the hard work and preparation that had clearly been put into preparing for the examination. The main areas for improvement were a lack of detail in some of the questions, particularly the Part B questions, which require more detail to obtain the higher marks on offer. Some candidates also failed to focus on the question being asked and discussed areas outside the scope of the question or did not address all aspects of the question. Practicing answering past papers under timed conditions and applying a methodical approach to examination questions can help to address these issues and help maximise the marks obtained.

Section A

Q1 This question was chosen by 2 candidates. The answers were of an excellent standard and the marks awarded were between 9 and 10.

Candidates who had revised this model and were able to draw it and explain it, achieved high marks in this question. The question required a drawing of the model including inputs, transformations, outputs and organisational goals and achievements, all supported by examples.

Q2 Four candidates elected to answer this question. The marks awarded were between 5 and 9.

This question provided an opportunity for candidates to demonstrate their knowledge of the CTSI Codes Approval Scheme. Strong answers included formatting the answer in a leaflet style and explaining the key elements of the scheme, such as the two-stage approval process, the use of the logo, the code sponsor etc. The question also required benefits of the scheme to be listed such as an increase in consumer confidence, driving up industry standards, high level of customer service, unique selling point etc.

Q3 Two candidates chose to answer this question. The marks achieved were between 2 and 5.

A working knowledge of other regulators and partnership organisations is an important part of the Unit 2 syllabus. This question asked candidates to outline the role of the Office of Product Safety and Standards and provide two examples of how they work with Trading Standards Services. Answers could have included their role as the national regulator in areas such as product safety, construction products, weights and measures,

hallmarking and their role with the Primary Authority scheme. Two different examples of their work with Trading Standards Services were also required to fully answer the question set.

Q4 Three candidates answered this question. The range of marks achieved was between 5 and 9.

Part (a) of this question was answered well by all candidates. Areas of discussion included a fair playing field, clear consequences for breaching the law, application to all businesses not just the ones that sign up, stronger penalties etc.

Part (b) required candidates to discuss three alternative options to achieve compliance, other than the use of regulation. Alternatives such as media campaigns, voluntary agreements, self-regulation options such as industry led codes of practice etc, could have been discussed. Benefits discussed could include being more cost effective, less burden on business, more buy-in from the sector, easier to change codes than regulation etc.

Q5 One candidate chose to answer this question.

This question provided candidates with the opportunity to demonstrate their knowledge of Local Authorities and the differences between unitary and two-tier authorities. Part (a) required an explanation of the differences between unitary and two-tier authorities and asked candidates to provide one example of each. Part (b) required candidates to identify four statutory functions of Local Authorities such as education, housing, social care, environmental health etc.

Q6 This question was chosen by 3 candidates and the marks ranged between 6 and 7.

Intelligence is on the basic knowledge part of the Unit 2 syllabus, and it is important for candidates to cover the breadth of the syllabus when preparing for their examination, to give them as much choice as possible with their examination questions. The candidates who selected this question were clearly familiar with the intelligence cycle and although some marks were lost due to errors or omissions, this question was a good choice for candidates who had revised this part of the syllabus. Most candidates achieved good marks for part (b) of the question. Part (a) required candidates to demonstrate an understanding that intelligence is not just information and to explain whether they agreed or disagreed with the statement. Marks were lost by not fully answering the question.

Section B

Q7 Two candidates elected to answer this question. The marks awarded ranged from 21 to 24 marks out of the 35 marks on offer.

This question was assessing the candidates' knowledge of business entities and some of the relevant controls, which is on the detailed knowledge part of the syllabus for Unit 2. All candidates should ensure they have a detailed knowledge of business entities and their controls when preparing for their Unit 2 examination.

Part (a) required a discussion about the different types of partnerships, Limited Companies and Community Interest Companies. Applying a methodical approach to the question would ensure marks are not missed. Candidates were therefore required to identify that there are three types of partnerships - ordinary partnerships, limited partnerships and limited liability partnerships. An explanation of each was required, as well as explaining what Limited Companies and Community Interest Companies are and providing examples for all the business entities mentioned in the question.

Part (b) gave candidates the opportunity to demonstrate their knowledge of the Companies Act 2006 requirements that apply to partnerships and required candidates to set out the legal requirements for supplying their trading name and address. Candidates needed to write more for this part of the question.

Q8 This was a popular question with 4 candidates choosing to answer it. Marks ranged from 10 to 16.

Primary Authority is a detailed part of the Unit 2 syllabus and is an area that comes up on most Unit 2 examination papers in either Part A or Part B. The question was broken down into three parts and for these types of questions, candidates should be guided by the number of marks on offer, as to how much detail they need to provide in their answers.

Part (a) was assessing candidates' knowledge of the parties involved in Primary Authority partnerships and enforcement work and this part was generally answered well.

Part (b) focused on assured advice and required candidates to explain what it is, how it impacts on enforcing authorities and the time frames enforcing authorities need to be aware of. There were 20 marks on offer for this part of the question, but some candidates did not provide very detailed answers which led to obtaining a small amount of the marks on offer. An explanation of assured advice and how it is part of the Primary Authority Scheme was required, as well as considering the areas of law covered by the Partnership, whether a partnership and the relevant area of law or devolved or reserved and whether it applies in the area you are operating in, were all areas for discussion in this part of the question. Considerations such as whether the assured advice applies to the situation and whether it has been followed needed to be outlined, as well as the legal requirements set out in the Regulatory Enforcement and Sanctions Act 2008 (as amended), including the requirement to notify the Primary Authority of proposed enforcement action in most cases and the timescales involved in the process, such as 5 working days.

Part (c) of the question assesses the knowledge of the candidate in relation to determinations and required candidates to explain what a determination is. Candidates then needed to explain the process to demonstrate their awareness of what their options are if they disagree with a Primary Authority who has given notice to prevent enforcement action being taken and to set out the timescales for applying for a determination. An example of a recent determination was also asked for and these are publicly available on the gov.uk website, so candidates could have chosen any of these to discuss in their answer.

Q9 This was another popular question with 4 candidates choosing to answer it. The allocated marks ranged between 14 and 26.

This question was divided into three parts and candidates who took a methodical approach to answering each part, obtained higher marks for this question.

Part (a) gave candidates the opportunity to demonstrate their knowledge of the key principles of safeguarding and Local Authorities' duty in relation to safeguarding. Some candidates wrote very little for this part of the question, which meant not many of the 13 marks on offer were obtained. Candidates could have talked about requirements under England: Care Act 2014, Wales – Social Services and Well-being (Wales) Act 2014 or Scotland – Adult Support and Protection (Scotland) Act 2007 etc, and principles such as empowerment, prevention, proportionality, partnership, accountability etc.

Part (b) was generally answered well by candidates. Some candidates spent time writing about legislation, which is not what the question asked. Candidates that adopted a methodical approach to their answer, ensuring they answered each part of the question, obtained higher marks and didn't provide information that went beyond the scope of the question.

Finally, part (c) assessed the candidates' knowledge across the breadth of work that Trading Standards Services carry out. Areas such as product safety, doorstep crime, scam prevention and education work, allergens, public health etc, are some examples of areas that could have been discussed, and a clear example with a brief explanation of the importance of the work, would have obtained full marks for this part of the question.

Q10 This question was answered by one candidate.

Essay style questions offer candidates the opportunity to demonstrate their knowledge in particular areas of the syllabus and to develop their discussion points in more depth. For a question of this type, it is important that candidates fully answer the question set. The question asks about the role of Trading Standards as local regulators and so a discussion about their role and what being a local regulator means, was required to address that part of the question. Good regulatory practice is another part of the question which could include discussing principles from the Regulators' Code 2014 and enforcement policies, relevant codes etc.

The question then continues by mentioning the impact regulation has on businesses. This required candidates to discuss the role Trading Standards in supporting the economy and growth, the advantages of improving relationships between regulators and businesses, reduction in enforcement activities, cost savings etc.

Candidates then needed to discuss the quote and state whether they agree or disagree with it and whether they believe it is still a relevant quote today, providing their reasons. Having a clear structure when answering essay questions can help candidates to maximise their marks and ensure they answer all parts of the question.