

Examiner's report

Qualifications Framework

Stage 1: Unit 3 Trading Standards Law

Written Examiner's Report September 2024

General

Nine Candidates sat the exam in Sept 2024, marks ranged from 42 to 72 so all candidates passed. There is a lot of material to study for this paper and candidates should be commended for their hard work.

Most candidates showed a good understanding of the syllabus for Unit 3. Some students failed to demonstrate a detailed knowledge in the key areas of the syllabus in particular CPRs, ICACS, and Powers as has been the case for previous years. It is also clear which candidates have applied the knowledge in their day-to-day duties, which is essential to cement learning and apply the legislation to different situations. Firstly, some general feedback that applies to all candidates and in every exam cycle, time management. It's important to enable sufficient time to be spent on each question. It was clear by some of the answers that the candidate had run out of time on some questions having spent far too much time writing detailed answers for Section A questions. Candidates should understand how the exam is structured and answer three questions from Section A and two from Section B. Another recurring, important piece of feedback is not only to read the question, but also to understand what the question is looking for. Candidates have a limited time so it is essential that they stick to the relevant points, if the questions asks for an explanation this should be in your own words rather than reciting definitions to show understanding, if the question asks for case law or examples remember to include them. You can only be awarded marks for including points that relate to the question. Some candidates strayed way off topic or gave answers which did not relate to the question at all. Whilst it can be tempting to fill the page with the things you can remember, this is very unlikely to gain marks and candidates should focus that time on other questions. On the other end of the scale, some candidates write far too little, one or two sentences is very unlikely to contain sufficient points for a 10 mark question. Finally, try to formulate a structured answer and deal with points in order rather than mixing all together, unless otherwise indicated by the question, write in sentences and paragraphs not bullet points, it is generally your explanation that shows understanding (unless you're running out of time and you may then pick up basic marks).

Section A

Q1 4 candidates answered question 1

Marks ranges from 4 to 8

Some candidates appeared confused by the definition of professional diligence and due diligence, but most explained it really well and gained most of the marks. Including terms like special care and skill and honest and fair practice, and a discussion of what this means was required. The question also asked for examples which again, there were mixed answers, one person referred to a case instead of examples. Only a couple of candidates highlighted the differences in terms of elements to prove and particularly the mens rea requirement and therefore no due diligence defence.

Q2 1 candidate answered question 2

Mark 9

Only one candidate answered this question which was a general question from the basic knowledge area of the syllabus, animal health and welfare. The question required candidates to explain the role of trading authorities in terms of animal health and welfare legislation by giving a brief overview of the scope of those duties and identify the key legislation. The candidate clearly had a good knowledge of animal health and welfare duties of TS and gave a thorough explanation gaining the majority of the marks.

Q3 4 Candidates answered question 3

Marks ranged from 6 to 9

This question on the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, which is in the detailed knowledge of the syllabus, was answered reasonably well. Candidates generally provided the correct interpretation, a couple of candidates that initially started to discuss cancellation rights and 14-day periods when actually that type of product would be exempt. Candidates were expected to pick up on that point and the requirement that goods have got to be delivered within 30 days unless otherwise agreed, in this case 48 hours had been agreed, that became a term of the contract. There were also marks for mentioning passing of risk and the trader to prove that goods were delivered, and the consumer was entitled to treat the contract and receive a refund.

Q4 9 candidates answered question 4

Marks ranged from 4 to 8

All candidates answered this question which mirrors the popularity of price marking questions over recent years. The candidates who scored the higher marks gave a good explanation of unit pricing, those that didn't refer to goods sold from bulk or those required to be marked with made up in prescribed quantities or marked with quantity under Weights and Measures legislation, scored lower marks. One candidate listed the exemptions from selling price instead of the exemptions from unit pricing, some candidates who listed exemptions, did not explain the reason for these exemptions. This illustrates the need for candidates to read the questions properly and that they also need to show an understanding of the rationale behind legislation as well as the content.

Q5 6 candidates answered question 5

Marks ranged from 6 to 9

This question covered continuity of evidence, what it means, why it's important and how officers demonstrate this when investigating offences. Most candidates gave a reasonable answer, but most didn't go into the required depth in explaining what continuity means. Some covered the implications in terms of the effect on the case which wasn't what the question asked for. Other candidates failed to give good examples of, or sufficient details, or examples of how they record continuity and only one candidate referred to the legislation in terms of the Criminal Procedures and Investigations Act 1996.

Q6 3 candidates answered question 6

Marks ranged from 8 to 10

Questions on the Human Rights Act do not generally seem to appeal to candidates but this cycle it is encouraging to see a third of candidates attempt this one and attain good marks! Future candidates should not be put off by these types of question, and having had sufficient on the job experience, candidates should be able to give plenty of examples. The question required an understanding of the difference between absolute and qualified rights and for candidates to give examples of how these rights are protected with relevance to TS.

Section B

Q7 5 candidates answered Q7

Marks ranged from 15 to 23

This was a pricing, and promotions question mainly focussing on the Consumer Protection from Unfair Trading Regulations 2008 with a few other aspects such as the Price Marking Order 2004 and the Business Protection from Misleading Marketing Regulations 2008. The main issue was that candidates failed to identify all the potential issues in the scenario or failing to identify the relevant offences and correct legislation. None of the candidates discussed the fact that the goods were all catalogue stock, and the prices referred to with those from the original retailer and had never been charged by the trader. In general, the answers regarding the covert human intelligence sources element were reasonable, some candidates failed to obtain all the available marks where they did not explain the process in sufficient detail. Similarly with the final part of the question, candidates generally didn't go into enough detail regarding the considerations in terms of all the different types of enforcement action or informal action they could take.

Q8 6 candidates answered Question 8

Marks ranged from 12 to 22

This question was a typical trader advice question with some specific issues that the trader had raised. Candidates often struggle with how to word trader advice questions and can often fail to recognise the importance of being able to explain requirements in simple terms and include too much "legal speak" or others not going into sufficient detail but including reference sources such as Business Companion. Getting these questions right means condensing the information and specifically relating it to the trader/business type, unless the circumstances are extremely similar, avoid quoting case law in trader advice. Candidates should cover the overall purpose, scope and requirements of regulations and explain how it affects the business. The most common mistake was not correctly assessing the type of contract, this is an on-premises contract as it does not fit within the definitions of off-premises. As this legislation is in the detailed knowledge candidates should be able to demonstrate in-depth understanding, getting this bit incorrect limited ability to achieve good marks, and in practice, can also significantly change the trader's obligations and the consumers rights. One candidate identified correctly it was an on-premises contract and another erred on the side of caution and covered all three contracts – ultimately getting some of the marks but wasting a lot of time with detail that was not relevant. Candidates should be clear on the definitions. Some candidates did not fully answer all the points raised by the trader, particularly those relating to due diligence.

Q9 5 candidates answered Question 9

Marks ranged from 13 to 22

This question focussed on another core part of the syllabus, enforcement powers and procedures, in relation to a scenario most candidates should be familiar with – vapes. Candidates were required to prepare a response to questions from the Police Sergeant whose team would be accompanying the inspection. In contrast to the previous question, specific detail and reference to individual powers was expected as well as an explanation of the processes to be followed. Again, the main reason for losing marks was this lack of sufficient detail, some candidates did not cover the power to enter the premises and the procedure or explain whether notice was required or not. A key consideration here should have been obtaining a warrant under para 32 due to the adjoining residential premises and vehicles, which some candidates failed to mention. Another issue was when covering the potential to break open containers, or the challenges when a car is used to store goods - it should be associated with the premises so research would be required and/or a warrant. When describing the procedure

most candidates did not include asking/requiring a person on the premises to open the container first before breaking it open. Powers are extremely important for candidates and officers to know in depth.

Q10 2 candidates answered Question 10

Marks ranged from 19 to 24

The two candidates that attempted this question achieved a reasonable mark. As with many scenario questions, there is a lot for candidates to read and various potential offences to cover. It's understandable that most candidates miss a few points. This question was no different, in general answers were good but failed to pick up on or identify relevant offences, here potentially bait and switch as well as misleading actions, when identifying offences candidates should be including reference to the relevant regulation e. g. Reg 5(4)(a) nature or 5(5)(b) benefits etc. for full marks. Candidates who are aware of current developments should have been mentioning the NTSEALT material information guidance. The second part of the question draws on topics in the basic knowledge such as Tenants Fees, and holding deposits, therefore neither candidate scored particularly well in this area. The final part of the question was a typical scenario element asking candidates to identify the evidence they would collect and how they would do it, both candidates achieved good marks for this part.