

MODULE SPECIFICATION

1. **Title of the module**
Personal Injury and Clinical Negligence
2. **School or partner institution which will be responsible for management of the module**
Pearson College London
3. **The level of the module**
Level 4
4. **The number of credits and the ECTS value which the module represents**
15 credits (7.5 ECTS)
5. **Which term(s) the module is to be taught in (or other teaching pattern)**
The module will always be taught in the second term of a student's studies at level 4 (whether or not they start in September or January)
6. **Prerequisite and co-requisite modules**
Prerequisites: Law of Tort, ELS I and II
Co-requisites: Civil Litigation
7. **The programmes of study to which the module contributes**
Certificate of Higher Education

Diploma of Higher Education

LLB (Honours)

LLB Law with Accountancy

LLB Law with Business Management

MLaw Legal Professional Practice (Exempting)
8. **The intended subject specific learning outcomes**
On successful completion of this module, students should be able to demonstrate:
Subject Specific Knowledge and Skills
 1. A knowledge and understanding of the underlying principles, practices and procedures operative in this area, including: how to establish liability (in the context of two major areas of personal injury litigation); how to both initiate and defend personal injury claims; and how to quantify damages for this head of loss.
 2. An ability to apply their academic knowledge of the law of tort to practice, utilising the procedural rules governing personal injury litigation, and to recognise alternative outcomes to legal disputes e.g. settlement.

MODULE SPECIFICATION

3. An ability to identify the client's goals and the means of achieving them, with an awareness of the rules governing professional conduct as set out in the Code of Conduct.
4. An ability to investigate and identify the relevant facts, research and identify the relevant legal issues, and advise the client on the legal consequences accordingly.
5. An ability to formulate basic legal advice in standard road traffic personal injury litigation with an awareness of the costs, benefits and risks associated with the litigation process in this area.

Transferable Skills

1. An ability to analyse and evaluate a complex factual matrix (including mathematical data) and apply the relevant principles and procedures, with a view to providing appropriate advice.

9. A synopsis of the curriculum

The module will deal with all the main issues in relation to making and defending personal injury and clinical negligence claims from receipt of initial instructions to settlement.

The module aims to enable students to further develop their knowledge and skills in specific areas of civil litigation, namely personal injury and clinical negligence matters; and to put the knowledge and skills learnt into practice through practical exercises based on a variety of scenarios.

Outline syllabus

The module provides an examination of the key elements of making and defending personal injury negligence claims, including:

- Establishing liability – particularly in the context of road traffic accidents and clinical negligence
- Limitation issues
- Initiating a claim
- Instructing expert witnesses
- Issuing proceedings and case management
- Defending a claim
- Quantification of claims
- Fatal accidents
- Acting for parties under a legal disability

MODULE SPECIFICATION

- Settlement of claims

Key Skills developed include:

- Drafting
- Communication and Literacy
- Practical legal research
- File management
- Negotiation
- Numeracy
- Teamwork
- Managing and Developing Self
- Managing tasks and solving problems
- Computing and IT Skills

10. Reading List (Indicative list, current at time of publication. Reading lists will be published annually)

All textbooks and practitioner materials will be updated annually. Textbooks will be held in the latest edition and older editions will be withdrawn.

	<ul style="list-style-type: none"> ● Title, author, publisher
Core Text	<ul style="list-style-type: none"> ● Personal Injury and Clinical Negligence, Mardell, J & Serfozo, K, Legal Practice Guide
Essential Reading	<ul style="list-style-type: none"> ● Civil Litigation, Browne, K & Catlow, M, Legal practice guide ● SRA Code of Conduct [Online] http://www.sra.org.uk/solicitors/handbook/code/content.page Solicitors Regulation Authority ● The Highway Code [online] https://www.gov.uk/browse/driving/highway-code HMSO ● Butterworths Personal Injury Litigation Service [Online] Lexis ● Personal Injury Pleadings, Curran, P et al, [Online] Westlaw ● Archbold Criminal Pleading: evidence and practice [Online] Westlaw ● Bullen & Leake & Jacob's Precedents of Pleadings [Online] Westlaw
Recommended Reading	<ul style="list-style-type: none"> ● Skills for lawyers, Elkinton, A et al, Legal Practice Guide ● Effective Legal Research, Knowles, J, Sweet & Maxwell ● Learning Method, Skills and Reasoning, Hanson, S, Routledge ● Successful Legal Writing, Higgins, E & Tatham, L, Sweet and Maxwell ● Legal foundations, Bamford, K et al, Legal Practice Guide

MODULE SPECIFICATION

11. Learning and Teaching Methods, including the nature and number of contact hours and the total study hours which will be expected of students, and how these relate to achievement of the intended module learning outcomes

Learning and teaching takes place through four key activities. These provide a blend of technical skills training, guided tasks assisting in self-directed research and study, practical application and consolidation. Conceptually, the aim of the learning and teaching method is to mirror as closely as possible a trainee's experience in the civil department of a law firm.

Part A – Technical skills training

The trainee is briefed in detail on the relevant legal area (this can take a variety of forms, including, for example: webinars; live and / or recorded lectures; and conference calls).

Part B – Self-directed research/Guided tasks

The supervising partner will guide the trainee via memoranda, e-mails and/or recorded voicemails into the relevant areas that need to be researched.

This may include reading articles, practitioner texts, preparing checklists, drafting documentation for the clients to be explained to the client, providing advice on various aspects of the matter and answering client/supervisor questions etc.

Part C – Seminar

The trainee will present their findings to the client and/or supervisor. New issues may arise from the presentation and / or further client information being provided to change the dynamics of advice.

Section D – Consolidation

This may be in the form of independent reflection and reading / online student discussion forum / associated tutor dialogue (e.g. via email) as students absorb the issues raised in the briefings and seminars through the consolidation process.

Activity	Notional Hours of Study
Technical Skills Training	10
Self-directed preparation	100 (included preparation and completion of assessments)
Seminars	20
Independent consolidation	20
Total	150

12. Assessment methods and how these relate to testing achievement of the intended module learning outcomes

This module will be assessed by a supervised assessment of three hours' duration, split into two parts:

MODULE SPECIFICATION

Part A - an examination based on unseen questions set in a practical context, in which students will be required to analyse various provided documents in order to advise a client or supervising partner accordingly (2 hours) (70%);

Part B – objective testing (1 hour) (30%).

The pass mark for the module is 50%. Students will be required to attempt both parts of this assessment. Since the learning outcomes tested by each part overlap (see further detail below) an overall pass of 50% will be sufficient to pass the assessment.

Rationale

This methodology reflects two key objectives: firstly, and most importantly, to assess that the learning outcomes set out above have been achieved by the students in a way which complies with the Legal Practice Course Assessment Regulations. Secondly, to align our assessment regime with that proposed by the Solicitors Regulation Authority for the new Solicitors Qualifying Exam.

The proposed assessment methodology, combining a transaction based examination with objective testing we feel achieves both of these goals.

13. Map of Module Learning Outcomes to Learning and Teaching Methods and methods of Assessment

Module learning outcome		SS1	SS2	SS3	SS4	SS5	GTS 1
Learning/teaching method	Hours allocated						
Technical Skills Training	10	X	X				
Self-directed preparation	108	X	X	X	X	X	X
Seminar	12	X		X	X	X	X
Consolidation	20	X	X			X	X
Assessment method							
Part A Examination		X	X	X	X	X	X

MODULE SPECIFICATION

<i>Part B</i>		X	X				X
<i>Objective testing</i>							

14. The Collaborative Partner recognises and has embedded the expectations of current disability equality legislation, and supports students with a declared disability or special educational need in its teaching. Within this module we will make reasonable adjustments wherever necessary, including additional or substitute materials, teaching modes or assessment methods for students who have declared and discussed their learning support needs. Arrangements for students with declared disabilities will be made on an individual basis, in consultation with the Collaborative Partner’s disability/dyslexia student support service, and specialist support will be provided where needed.

1. Centre where module will be delivered:

Pearson College London

If the module is part of a programme in a Partner College or Validated Institution, please complete sections 17 and 18. If the module is not part of a programme in a Partner College or Validated Institution these sections can be deleted.

2. Partner College/Validated Institution:

Pearson Business School, part of Pearson College

3. University School responsible for the programme:

Kent Law School

FACULTIES SUPPORT OFFICE USE ONLY

Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.

Date approved	Major/minor revision	Start date of the delivery of revised version	Section revised	Impacts PLOs (Q6&7 cover sheet)