

Learning Assessment Guide

Unit Standard 4244 – Version 5

Give evidence in a judicial hearing

Level 5 – 4 Credits

Assessment Summary			
Learner to complete			
Learner's name:			
Employer:			
NSN no. (ROL):		DOB:	
Signed:		Date:	
Assessor to complete			
<input type="checkbox"/> Meets requirements <input type="checkbox"/> More training required <input type="checkbox"/> More evidence required			
Assessor's name:		Assessor's No.	
Signed:		Date:	

Before you begin...

- As well as this Learning Assessment Guide, you may also want to refer to the unit standard from the NZQA website (<http://www.nzqa.govt.nz>).
- Read the Trainee Information Kit. The kit contains important information and guidelines for Learners and can be found on the Learning State website (<http://www.learningstate.govt.nz>) under Learners, then Learning Assessment Guides.
- Check the learning resources available for this unit standard on the Learning State website (<http://www.learningstate.govt.nz>) under Learners, then Learning Assessment Guides.

The tasks in this assessment are designed to show your assessor that you can:

- Respond to prosecution counsel in a judicial hearing.
- Respond to cross examination in a judicial hearing.

This Learning Assessment Guide is made up of:

- A task for you to complete.
- An Observation checklist for your assessor or an approved observer to complete.
- Assessment Guide that the assessor will use to assess your competence.

Special notes relating to this unit standard:

1. Assessment will be in relation to those laws, regulations, bylaws, activities, procedures and policies defined by the compliance and/or regulatory organisation relevant to the performance context.
2. Judicial hearing may include quasi-judicial hearing.

Assessment Task One – Elements 1 and 2

Introduction

The assessment task is designed to assess your ability to respond to both the prosecution counsel and cross-examination in a judicial hearing.

Instructions

- The primary source of evidence will be a completed Observer Checklist. This should be completed by the assessor or an approved observer.
- The observation should relate to one or more hearings that have taken place recently or is to take place soon. If the hearings took place more than a year ago, the observer may not be able to recall enough detail. Please discuss your choice of hearing and observer with your assessor. More than one hearing may be necessary to meet all criteria.
- Be prepared to discuss the hearings to give your assessor background and context.
- If at all possible, please provide any documentary or recorded evidence.

The completed assessment will include:

- Observation Checklist completed by your assessor or an approved observer.
- Supporting documentation where possible.
- Assessor's notes if they were not the observer.

Observation Form

(For use by assessor or approved observer)

Name of Learner:			
Name of Observer			
Position		Phone	
Location of Hearing		Date and time	

_____ is currently being assessed toward Unit Standard 4244 'Give evidence in a judicial hearing'.

Your signature below confirms that the learner has completed the following in accordance with organisational requirements.

LEARNER'S RESPONSE TO COUNSEL:		
Confirmed that the learner:	Comments	Yes / No
Followed court procedures at all times.		
Presented legally admissible verbal evidence that was: <input type="checkbox"/> factual <input type="checkbox"/> relevant <input type="checkbox"/> easily assimilated by counsel.		
Used language that was: <input type="checkbox"/> non-sexist <input type="checkbox"/> non-racist <input type="checkbox"/> non-discriminatory.		
Gave answers specific to the questions asked.		
Requested permission to refer to records.		

LEARNER'S RESPONSE TO CROSS-EXAMINATION		
Confirmed that the learner:	Comments	Yes / No
Followed court procedures at all times.		
Presented verbal evidence that was: <input type="checkbox"/> factual <input type="checkbox"/> relevant <input type="checkbox"/> easily assimilated by counsel.		
Used language that was: <input type="checkbox"/> non-sexist <input type="checkbox"/> non-racist <input type="checkbox"/> non-discriminatory.		
Gave answers specific to the questions asked.		
Requested permission to refer to records.		
Used a calm and direct manner. Was not distracted or upset by the approach used by the defence counsel.		

Signature:

Thank you for your assistance.

Assessment Guide

These are the evidence and judgements that your assessor will use to assess your competence in unit standard 4244.

Element / Task	Evidence required	Judgement
<p><i>Task 1 / Element 1</i></p> <p>In this task the learner must respond to the prosecution counsel.</p>	<p>Evidence may be from one or more hearings.</p> <p>Completed Observation Checklist.</p> <p>Assessor's notes where relevant.</p> <p>Supporting documentation where possible.</p>	<p>Learner must be observed:</p> <ul style="list-style-type: none"> • Following court procedures. • Giving verbal evidence that is admissible, factual, relevant and can be easily assimilated by the counsel. • Using language that is neither sexist, racist nor discriminatory. • Using language and giving evidence that is in accordance with the requirements of the organisation. • Giving answers that are specific to the questions asked. • Asking permission to refer to records.
<p><i>Task 1 / Element 2</i></p> <p>In this task the learner must respond to cross-examination.</p>	<p>Evidence may be from one or more hearings.</p> <p>Completed Observation Checklist.</p> <p>Assessor's notes where relevant.</p> <p>Supporting documentation where possible.</p>	<p>Learner must be observed:</p> <ul style="list-style-type: none"> • Following court procedures. • Using verbal evidence that is factual, relevant and can be easily assimilated by the counsel. • Using language that is neither sexist, racist nor discriminatory. • Using language and giving evidence that is in accordance with the requirements of the organisation.

<i>Element / Task</i>	<i>Evidence required</i>	<i>Judgement</i>
		<ul style="list-style-type: none">• Giving answers specific to the questions asked.• Asking permission to refer to records.• Responding in a calm and direct manner with no sign of being upset by the defence counsel's tactics.