



# Learning Waves



## Head of Function Training Programme

### Libel and Defamation

### Module Descriptor

**COMHAIRLE NÁISIÚNTA NA  
gCÁILÍOCHTAÍ GAIRMOIDEACHAIS**

**NATIONAL COUNCIL FOR  
VOCATIONAL AWARDS**



# **Libel and Defamation**

**Level 2 22287**

**February 2005**

## Level 2 Module Descriptor Summary of Contents

<b>Introduction</b>	Describes how the module functions as part of the national vocational certificate framework.
<b>Module Title</b>	Indicates the module content. This title appears on the learner's certificate. It can be used to download the module from the website <a href="http://www.ncva.ie">www.ncva.ie</a> .
<b>Module Code</b>	An individual code is assigned to each module; a letter at the beginning denotes a vocational or general studies area under which the module is grouped and the first digit denotes its level within the national vocational certificate framework.
<b>Level</b>	Indicates where the module is placed in the national vocational certificate framework, from Foundation to Level 3.
<b>Credit Value</b>	Denotes the amount of credit that a learner accumulates on achievement of the module.
<b>Purpose</b>	Describes in summary what the learner will achieve on successfully completing the module and in what learning and vocational contexts the module has been developed. Where relevant, it lists what certification will be awarded by other certification agencies.
<b>Preferred Entry Level</b>	Recommends the level of previous achievement or experience of the learner.
<b>Special Requirements</b>	Usually 'none' but in some cases detail is provided here of specific learner or course provider requirements. There may also be reference to the minimum safety or skill requirements that learners must achieve prior to assessment.
<b>General Aims</b>	Describe in 3-5 statements the broad skills and knowledge learners will have achieved on successful completion of the module.
<b>Units</b>	Structure the learning outcomes; there may be no units.
<b>Specific Learning Outcomes</b>	Describe in specific terms the knowledge and skills that learners will have achieved on successful completion of the module.
<b>Portfolio of Assessment</b>	Provides details on how the learning outcomes are to be assessed.
<b>Grading</b>	Provides details of the grading system used.
<b>Individual Candidate Marking Sheets</b>	List the assessment criteria for each assessment technique and the marking system.
<b>Module Results Summary Sheet</b>	Records the marks for each candidate in each assessment technique and in total. It is an important record for centres of their candidate's achievements.
<b>Appendices</b>	Can include approval forms for national governing bodies.
<b>Glossary of Assessment Techniques</b>	Explains the types of assessment techniques used to assess standards.
<b>Assessment Principles</b>	Describes the assessment principles that underpin the NCVA approach to assessment.

## Introduction

A module is a statement of the standards to be achieved to gain an NCVA award. Candidates are assessed to establish whether they have achieved the required standards. Credit is awarded for each module successfully completed.

The standards in a module are expressed principally in terms of specific learning outcomes, i.e. what the learner will be able to do on successful completion of the module. The other elements of the module - the purpose, general aims, assessment details and assessment criteria - combine with the learning outcomes to state the standards in a holistic way.

While the NCVA is responsible for setting the standards for certification in partnership with course providers and industry, it is the course providers who are responsible for the design of the learning programmes. The duration, content and delivery of learning programmes should be appropriate to the learners' needs and interests, and should enable the learners to reach the standard as described in the modules. Modules may be delivered alone or integrated with other modules.

The development of learners' **core skills** is a key objective of vocational education and training. The opportunity to develop these skills may arise through a single module or a range of modules. The core skills include:

- taking initiative
- taking responsibility for one's own learning and progress
- problem solving
- applying theoretical knowledge in practical contexts
- being numerate and literate
- having information and communication technology skills
- sourcing and organising information effectively
- listening effectively
- communicating orally and in writing
- working effectively in group situations
- understanding health and safety issues
- reflecting on and evaluating quality of own learning and achievement.

Course providers are encouraged to design programmes which enable learners to develop core skills.

- 1 **Module Title** Libel and Defamation
- 2 **Module Code** L22287
- 3 **Level** 2
- 4 **Credit Value** 1 credit
- 5 **Purpose** This module is a statement of the standards to be achieved to gain an NCVA credit in [module name] at Level 2.  
  
The module is designed to give participants a practical understanding of the laws of libel and defamation and in particular how they apply to radio
- 6 **Preferred Entry Level** National Vocational Certificate Level 1, Leaving Certificate or equivalent qualifications and/or relevant life and work experiences. Minimum two years experience in a newsroom/programme environment.
- 7 **Special Requirements** None.
- 8 **General Aims**  
  
*Learners who successfully complete this module will:*
  - 8.1 Gain an understanding of the legal definition of libel and defamation
  - 8.2 Understand the roles of the various parties who may be involved i.e. who can sue, who can be sued, the courts
  - 8.3 Be familiar with the proofs which must be required by a plaintiff

- 8.4** Be familiar with the defences which may be used by the defendant
  
- 8.5** Know how to develop a checklist which may act as a guideline for station personnel

- 9 Units**                    **The specific learning outcomes are grouped into 5 unit(s).**  
**σ**  
**The specific learning outcomes are not grouped into units.**

<b>Unit 1</b>	<b>Defamation and Libel</b>
<b>Unit 2</b>	<b>The Parties</b>
<b>Unit 3</b>	<b>Plaintiff Proofs</b>
<b>Unit 4</b>	<b>Defences</b>
<b>Unit 5</b>	<b>Guideline Development</b>

**10 Specific Learning Outcomes**

<b>Unit 1</b>	<b>Defamation and Libel</b>
	<i><b>Learners should be able to:</b></i>
<b>10.1.1</b>	Outline the historical context from which defamation and libel developed
<b>10.1.2</b>	Outline the legal framework under which journalists and programmers work
<b>10.1.3</b>	Outline the rights and responsibilities of the media that are enshrined in law
<b>10.1.4</b>	Identify the sources of law as they affect libel and defamation
<b>10.1.5</b>	Explain what the terms libel and defamation mean and what they refer to
<b>10.1.6</b>	Explain are they defined in a constitutional framework
<b>10.1.7</b>	Explain are they defined in a legislative framework
<b>10.1.8</b>	List key Common Law rules
<b>10.1.9</b>	Outline any international influences which apply
<b>10.1.10</b>	Outline the key elements of defamation
<b>10.1.11</b>	List examples of decided cases/case scenarios

**Unit 2                    The Parties**

***Learners should be able to:***

- 10.2.1                    Identify who can sue and be sued
- 10.2.2                    Define the practical aspects of libel and defamation
- 10.2.3                    Determine who can sue and on what grounds they can sue
- 10.2.4                    Determine who can be sued in cases arising
- 10.2.5                    List what courts have jurisdiction
- 10.2.6                    List what remedies are available

**Unit 3                    Plaintiff Proofs**

***Learners should be able to:***

- 10.3.1                    Outline what a person suing in court for libel or defamation must prove in order to succeed
- 10.3.2                    State what constitutes publication
- 10.3.3                    Outline the effect of repeating a libel
- 10.3.4                    Explain the role of identification
- 10.3.5                    Show proof of defamatory effect
- 10.3.6                    Demonstrate the presumption of falsity
- 10.3.7                    Demonstrate the effect of innuendo

**Unit 4                    Defences**

***Learners should be able to:***

- 10.4.1                    Identify the defences open to the media if they are sued
- 10.4.2                    Predict the possibility of pleading that a plaintiffs proof are not met
- 10.4.3                    Display defences which are common to all civil actions

- 10.4.4 Define the defence of justification
- 10.4.5 Explain the elements of fair comment and its use as a defence
- 10.4.6 Outline what constitutes privilege and the difference between absolute and qualified privilege
- 10.4.7 Outline the scope of statutory qualified privilege
- 10.4.8 State the conditions for making an offer of amends
- 10.4.9 Outline the status of apologies and other remedies

**Unit 5            Developing guidelines**

*Learners should be able to:*

- 10.5.1 Identify guidelines which could be used by broadcasters in preparing pieces for broadcast
- 10.5.2 Know what criteria should be used in drawing up a checklist for staff preparing stories/programmes
- 10.5.3 Identify how to tailor this to a station's own needs

**11    Portfolio of Assessment**

Please refer to the glossary of assessment techniques and the note on assessment principles at the end of this module descriptor.  
All assessment is carried out in accordance with NCVA regulations.  
Assessment is devised by the internal assessor, with external moderation by the NCVA.

<b>Summary</b>	<b>Assignments (1)</b>	<b>30%</b>
	<b>Project</b>	<b>40%</b>
	<b>Exam</b>	<b>30%</b>

- 11.1 **Assignment**            The internal assessor will devise two briefs that require the candidate to produce evidence that they have explored and understood what the law of defamation consists of, and what are the principal rules and precautions which journalists need to be aware of.

Assignment 1: The brief for the first assignment will present the candidate with a case study involving a story which needs to be checked for possible defamation before it is published or broadcast.

## 11.2 Project

The internal assessor will give a project brief which will require the candidate to create a checklist which will summarise the rules and some advice for journalists, in the form of a list of Do's and Don'ts when preparing information for publication or broadcast, with an emphasis on the practical aspect of producing the specified checklist.

## 11.3 Examination

The internal assessor will devise a theory based examination that assesses the candidates ability to recall and apply theory and understanding through responses to a range of short answer questions.

The examination will be based on a range of specific learning outcomes from all the units, and will be 45 minutes in duration.

The format of the examination will be as follows:  
12 short answer questions. Candidates will be required to answer 10 questions ( 3 marks each)

## 12 Grading

Pass	50 - 64%
Merit	65 - 79%
Distinction	80 - 100%

<b>Individual Candidate Marking Sheet 1</b>		<b>Libel and Defamation L22287 Assignment 30%</b>
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Candidate Name: \_\_\_\_\_ NCVA Candidate No.: \_\_\_\_\_


Centre: \_\_\_\_\_ Roll No.: \_\_\_\_\_

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Assessment Criteria	Maximum Mark	Candidate Mark
<b><u>Assignment 1</u></b>		
Highlight facts which would need to be checked for possible defamation before a sort is broadcast	10	
Explain how the details could be checked	10	
Spot any possible incidence of defamation	10	
<b>Subtotal</b>	<b>30</b>	
<b>TOTAL MARKS</b> <i>This mark should be transferred to the Module Results Summary Sheet</i>	<b>30</b>	

**Internal Assessor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**External Examiner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<b>Individual Candidate Marking Sheet 2</b>		<b>Libel and Defamation L22287 Project 40%</b>
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Candidate Name: \_\_\_\_\_ NCVA Candidate No.: \_\_\_\_\_

Centre: \_\_\_\_\_ Roll No.: \_\_\_\_\_

Assessment Criteria	Maximum Mark	Candidate Mark
<b><u>Project</u></b>		
Compile a checklist of Do's and Don'ts for journalists to use in order to avoid the risk of being sued for defamation	20	
Demonstrate an understanding of the definition of defamation, who can sue and be sued	10	
Demonstrate an understanding of the defences media can use if sued for defamation	10	
	40	
<b>TOTAL MARKS</b>	<b>40</b>	
<i>This mark should be transferred to the Module Results Summary Sheet</i>		

**Internal Assessor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**External Examiner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

<b>Individual Candidate Marking Sheet 3</b>		<b>Libel and Defamation L22287 Examination 30%</b>
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Candidate Name: \_\_\_\_\_ NCVA Candidate No.: \_\_\_\_\_

Centre: \_\_\_\_\_ Roll No.: \_\_\_\_\_

Assessment Criteria	Maximum Mark	Candidate Mark
Section A : Short Answer Questions  10 short answer questions, 3 marks each  Question no 1 2 3 etc		
<b>TOTAL MARKS</b>	<b>30</b>	
<i>This mark should be transferred to the Module Results Summary Sheet</i>		

**Internal Assessor's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**External Examiner's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_













## Glossary of Assessment Techniques

- Assignment** *An exercise carried out in response to a brief with specific guidelines and usually of short duration.*
- Each assignment is based on a brief provided by the internal assessor. The brief includes specific guidelines for candidates. The assignment is carried out over a period of time specified by the internal assessor.
- Assignments may be specified as an oral presentation, case study, observations, or have a detailed title such as audition piece, health fitness plan or vocational area profile.
- Collection of Work** *A collection and/or selection of pieces of work produced by candidates over a period of time that demonstrates the mastery of skills.*
- Using guidelines provided by the internal assessor, candidates compile a collection of their own work. The collection of work demonstrates evidence of a range of specific learning outcomes or skills. The evidence may be produced in a range of conditions, such as in the learning environment, in a role play exercise, or in real-life/work situations.
- This body of work may be self-generated rather than carried out in response to a specific assignment eg art work, engineering work etc
- Examination** *A means of assessing a candidate's ability to recall and apply skills, knowledge and understanding within a set period of time (time constrained) and under clearly specified conditions.*
- Examinations may be:
- practical, assessing the mastery of specified practical skills demonstrated in a set period of time under restricted conditions
  - oral, testing ability to speak effectively in the vernacular or other languages
  - interview-style, assessing learning through verbal questioning, on one-to-one/group basis
  - aural, testing listening and interpretation skills
  - theory-based, assessing the candidate's ability to recall and apply theory, requiring responses to a range of question types, such as objective, short answer, structured, essay. These questions may be answered in different media such as in writing, orally etc.

**Learner Record** *A self-reported record by an individual, in which he/she describes specific learning experiences, activities, responses, skills acquired.*

Candidates compile a personal logbook/journal/diary/daily diary/record/laboratory notebook/sketch book.

The logbook/journal/diary/daily diary/record/laboratory notebook/sketch book should cover specified aspects of the learner's experience.

**Project** *A substantial individual or group response to a brief with guidelines, usually carried out over a period of time.*

Projects may involve:

research – requiring individual/group investigation of a topic  
process – eg design, performance, production of an artefact/event

Projects will be based on a brief provided by the internal assessor or negotiated by the candidate with the internal assessor. The brief will include broad guidelines for the candidate. The work will be carried out over a specified period of time.

Projects may be undertaken as a group or collaborative project, however the individual contribution of each candidate must be clearly identified.

The project will enable the candidate to demonstrate: (*some of these – about 2-4*)

- understanding and application of concepts in (specify area)
- use/selection of relevant research/survey techniques, sources of information, referencing, bibliography
- ability to analyse, evaluate, draw conclusions, make recommendations
- understanding of process/planning implementation and review skills/ planning and time management skills
- ability to implement/produce/make/construct/perform
- mastery of tools and techniques
- design/creativity/problem-solving/evaluation skills
- presentation/display skills
- team working/co-operation/participation skills.

## Skills

**Demonstration** *Assessment of mastery of specified practical, organisational and/or interpersonal skills.*

These skills are assessed at any time throughout the learning process by the internal assessor/another qualified person in the centre for whom the candidate undertakes relevant tasks.



The skills may be demonstrated in a range of conditions, such as in the learning environment, in a role-play exercise, or in a real-life/work situations.

The candidate may submit a written report/supporting documentation as part of the assessment.

Examples of skills: laboratory skills, computer skills, coaching skills, interpersonal skills.

## NCVA Assessment Principles

- 1 Assessment is regarded as an integral part of the learning process.
- 2 All NCVA assessment is criterion referenced. Each assessment technique has **assessment criteria** which detail the range of marks to be awarded for specific standards of knowledge, skills and competence demonstrated by candidates.
- 3 The mode of assessment is generally local i.e. the assessment techniques are devised and implemented by internal assessors in centres.
- 4 Assessment techniques in NCVA modules are valid in that they test a range of appropriate learning outcomes.
- 5 The reliability of assessment techniques is facilitated by providing support for assessors.
- 6 Arising from an extensive consultation process, each NCVA module describes what is considered to be an optimum approach to assessment. When the necessary procedures are in place, it will be possible for assessors to use other forms of assessment, provided they are demonstrated to be valid and reliable.
- 7 To enable all learners to demonstrate that they have reached the required standard, candidate evidence may be submitted in written, oral, visual, multimedia or other format as appropriate to the learning outcomes.
- 8 Assessment of a number of modules may be integrated, provided the separate criteria for each module are met.
- 9 Group or team work may form part of the assessment of a module, provided each candidate's achievement is separately assessed.