

# **AQA GCSE**

# **Citizenship Studies**



**Paper 2**

**Rights & Responsibilities**

**Knowledge Book**

# WHY HAVE I GOT THIS BOOKLET?

- This booklet has been put together to ensure you have a reference to the specified content contained on your GCSE specification. Do not feel overwhelmed by the content, you know your stuff!
- It brings together all the work you have done across Year 10 & 11 and aims to **compliment** your personal notes, research and hard work over the year.
- It may replace the notes you have lost/missed due to absence, especially due to COVID.
- The published resources are becoming outdated. This will also outdate as you are using it.

# HOW TO USE THIS BOOKLET?

- Like all your GCSE subjects, Citizenship Studies is a rigorous and academic study. It requires you to know a collection of core content and then apply to situations and issues. It is made a little harder, but its constant evolution, but it also makes it fun!
- **Retrieval Practice:** use the content to help you make flash cards.
- **Memory Dump:** use a section of the booklet to test your self. Pick a topic question, write/sketch what you can **remember** about the topic. Check the content using the booklet/notes.
- **Transform:** use the booklet to help when making your own revision notes/flash cards/quizzes etc.
- **Reference Point:** unsure about something? Have a read of the corresponding pages to see if it helps. If not, ASK!

I HOPE IT HELPS! 😊

APOLOGISES IN ADVANCE FOR ANY TYPOS.

## WHAT IS THE LAW?

A system of rules that are created and enforced by the state to ensure order, safety and regulate behaviour within a society

## WHY DO SOCIETIES NEED LAWS?

**Safety:** to ensure citizens are kept safe and protected within a society.

**Justice:** to ensure everybody is treated fairly and equally.

**Deterrence:** to ensure that criminals are put off from committing crime.

**Regulation:** to ensure everybody behaves in a way which is accepted. Law helps to establish societal norms.

**Deal With Complex Problems:** to ensure that when issues arise within society they can be dealt fairly and justly e.g. discrimination.

## WHAT ARE THE FUNDAMENTAL PRINCIPLES OF LAW?

**Ensure Rights and Freedoms:** the law ensures everybody can access their entitlements and liberties.

**Equality Before the Law:** the law treats every person equally and every person is allowed equal access to the justice system.

**Presumption of Innocence:** the law ensures those who are accused of criminal activity are innocent until their guilt is proved beyond reasonable doubt (i.e. no other logical explanation can be given for the crime).

## WHAT IS THE NATURE OF CRIME IN THE UK TODAY?

### WHAT TYPES OF CRIME ARE COMMITTED?

Homicide (e.g. murder/manslaughter)

Violence Crime (e.g. GBH, ABH)

Knife Crime (e.g. threatening, stabbing)

Robbery & Theft (e.g. vehicle theft)

Fraud (e.g. identity theft)

Computer/Technology Misuse (e.g. hacking)

Domestic Violence

Rape

Environmental/Ecological Crime (e.g. polluting)

Tax Evasion

Anti-Social Behaviour

Arson (e.g. burning a building)

Hate Crime (e.g. Anti-Semitism)

Not all crime that is committed is discovered. One reason for this is because some crimes are **hidden**, this can be due to **their nature and/or who carried them out**.

## HOW DOES SOCIETY KNOW CRIME IS TAKING PLACE?

Although it is **impossible** to get a true picture of crime in any society, **crime statistics** can go some way in informing citizens and policy makers of the the **type of crime** and **who is committing crime**.

In the UK, there are **two main methods of collating crime statistics**:

**The Crime Survey of England and Wales** – a victim survey carried out with randomly selected members of the population. It covers approximately 35,000 households.

**Police Recorded Crime** – these are the offences detected or reported to/by the police.

## WHO IS COMMITTING CRIME – WHAT’S THE TYPICAL CRIMINAL PROFILE?

It is impossible to say **who is a ‘typical’ criminal**, there is no one person or group of people who commit crime. However, **criminological literature** does offer reasons to explain why some groups do and why some groups do not appear in official crime statistics.

Group	Explanation 1	Explanation 2	Statistic
Age	Young people are typically thought to commit crime in <b>response to their status in society</b> . Mainstream society, often <b>marginalises</b> and <b>frustrates</b> young people. In response, some turn to <b>delinquent subcultures</b> for fulfillment, excitement and status. Here, via committing criminal acts, they gain respect and are afforded excitement. Within this subculture they have a sense of <b>belonging, approval and acceptance</b> .	Young people are often <b>labelled</b> by those in power e.g. government, CJS etc. If the labels become accepted, young people are widely considered ‘criminals’ and are often <b>selectively targeted</b> and thus <b>pursued</b> by police.	16-24 years old most likely to commit violent crime.
Gender		Men are often <b>labelled</b> by those in power e.g. government, CJS etc. If the labels become accepted, men are widely considered ‘criminals’ and are often <b>selectively targeted</b> and thus <b>pursued</b> by police.  Due to engrained ideas about gender roles, women are then considered <b>‘less criminal’</b> or if they do commit crime, <b>punished more harshly</b> for breaking traditional norms, values and roles.	1.07 million arrests – 27% female: 73% male  95% prison population = male

Group	Explanation 1	Explanation 2	Statistic
Ethnicity	<p>Many ethnic minorities are often <b>discriminated against</b> by the CJS. The CJS hold preconceived ideas about the actions and roles of minorities and are therefore treated differently by them.</p> <p>In the wake of Stephen Lawrence's death, the Met police were found to be '<b>institutionally racist</b>'. Nearly 20 years later, the Lammy Report <b>found significant racial bias in the UK justice system.</b></p> <p>Many high-profile Black Barristers have been automatically considered defendants when arriving in court e.g. Alexandra Wilson.</p>	<p>Minority ethnic groups are often <b>labelled</b> by those in power e.g. government, CJS etc. If the labels become accepted, ethnic minorities are considered 'criminals' and are often <b>selectively targeted</b> and thus <b>pursued</b> by police.</p> <p>Ethnic minorities are <b>overrepresented</b> in the UK's CJS. Especially in crime statistics and prison populations.</p>	<p>Black People x3 arrested than White people.</p> <p>Black = 32/1000 White = 10/1000</p> <p>GMP x8 more likely to stop and search Black People than White People.</p>
Social Class	<p><b>White collar and corporate crime</b> are committed by the middle-class, these due to their nature and the power held by the middle-classes often go unnoticed and unpunished.</p>	<p>Those in working-class groups are often <b>labelled</b> by those in power e.g. government, CJS etc. If the labels become accepted, the working class are considered 'criminals' and are often <b>selectively targeted</b> and thus <b>pursued</b> by police.</p>	<p>50% of all young (child) sentences/cautions received FSM.</p>

It is important to view these social groups in **isolation**, adopting an **intersectional approach** reveals further trouble with accepting the notion of a 'typical criminal' and furthers arguments that crime statistics are fundamentally flawed.

**Location** also has an impact on criminality. **Urban** areas are more likely to see crime than **rural areas**. One explanation for this is the **opportunities**. It is suggested that there are simply more criminal opportunities in cities compared to rural localities.

However, there also some differences in criminality between urban and rural settings. Rural communities face some crimes that urban areas do not e.g. sheep worrying, tractor theft etc.

## WHAT FACTORS AFFECT THE CRIME RATE?

Factor	Explanation	Mitigation
<p>Poverty</p>	<p>Could lead to crime due to not being able to meet the basic needs of survival so turn to theft (absolute).</p> <p>Or if individuals feel their standard of living does not match those around them (relative).</p>	<p>However, if more <b>government support</b> was put place e.g. financial support, UBI, this factor could be reduced.</p>
<p>Peer Pressure</p>	<p>Could lead to crime due to individuals, especially young people, being forced into criminal activity to gain and seek social/peer approval.</p>	<p>However, if more <b>investment</b> was made into education to inform young people about the dangers of crime this factor could be reduced.</p> <p>Moreover, if young services were improved/created young people may not seek the thrill of criminal activity.</p>
<p>Addiction (drug, alcohol, gambling)</p>	<p>Could lead to crime due to individuals becoming dependent upon substances/activities but not having the legitimate means to fund this pursuit.</p>	<p>However, if more <b>investment</b> was made in <b>educating</b> people about the dangers of substance misuse this factor could be reduced.</p> <p>Moreover, if a more open and <b>accessible system</b> of rehabilitation was established, those in this situation could seek help, rather than crime to fund their behaviour.</p>
<p>Opportunities</p>	<p>Could lead to crime due to opportunistic criminals taking advantage e.g. lack of police, security, harsh sentences etc.</p>	<p>However, if more <b>investment</b> was made into policing, harsher laws/punishments and security measures and <b>environmental design</b> improved this factor could potentially be reduced.</p>
<p>Lack of shared values/norms which bind society together.</p>	<p>Could lead to crime due to not feeling part of a group, community or society. This may make an individual not concerned of the consequences on criminal activity.</p>	<p>However, if opportunities for <b>socialisation</b> were increased and communities ensured all those within them felt connected this factor could be reduced.</p> <p>Moreover, if <b>targeted work</b> was undertaken against those who try to radicalise/ distort society crime may also be reduced.</p>

## HOW HAS LAW DEVELOPED?

Generally, before legal systems were introduced, societies were ruled by the will of those in charge e.g. monarchs. Societies were **unjust** and often governed in the interests of the **powerful**. Justice was often **arbitrary** and **favoured the rich and powerful**.

In **1215**, King John signed the **Magna Carta** this is seen by many as laying the **foundations** for the contemporary English legal system.

There are many elements of the Magna Carta which still afford citizens rights today, some of these elements include:

- Trial by jury.
- Justifiable arrests.
- Rule of Law - everybody equal before the law.
- Presumption of innocence (you are innocent, until proven guilty).
- Equal access to the justice system for all.
- A fair trial.

**Clause 39 and 40 remain law** today and the principles within them have been exported to legal systems around the world. These state:

*“No free man shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way, nor in any way proceeded against, except by the lawful judgement of his peers and the law of the land”.*

*“To no one will we sell, to no one will we deny or delay right or justice.”*

However, due to the structure and functioning of society at the time of the Magna Carta's introduction, much of it has little impact today e.g. feudal customs, royal forests etc. There are also many things the Magna Carta does not cover, which are a fundamental part of our legal system today e.g. LGBTQ+ rights.

In **1998** the Human Rights Act was passed in UK Parliament. This means:

This incorporates the European Convention on Human Rights (1950) into domestic UK law. It allows everybody in the UK (regardless of their citizenship) to bring and resolve human rights cases in front of UK courts rather than travelling to the European Court of Human Rights, Strasbourg, France

UK courts must follow decisions and consider rulings by the European Court of Human Rights in their own legal practice.

UK public bodies e.g. NHS, local authorities, courts etc. must respect, protect and act in accordance with an individual's human rights.

There are 16 rights contained with the HRA. Some of these are **absolute**, meaning they can never be interfered with (right to life, freedom from torture etc.), some rights are **limited**, meaning they can be restricted in certain circumstances (liberty, imprisonment) and some of these are **qualified**, meaning they can be restricted to protect others (privacy).

## WHAT ARE THE SOURCES OF UK LAW?

**Parliament:** One of the three branches of government is the **legislative**, this means they are **responsible for making new laws**. When parliament pass a law it becomes **legislation or statute**.

**Judges:** when making a judgement on a case, a judge **particularly when the issue is newly arising** (a matter of the first impression), will offer a new/unprecedented ruling. This ruling then becomes the **common/accepted** way of dealing with the legal issue. All future cases will follow this ruling. Therefore, Common Law is always constantly evolving/responding to legal developments. The Supreme Court is the highest court in the land.

## WHAT ARE THE DIFFERENT TYPES OF UK LAW?

	<b>Civil Law</b>	<b>Criminal Law</b>
<b>What is the Purpose of this Law?</b>	To <b>settle private disputes</b> between individuals, groups or businesses.	To <b>punish</b> wrongdoers when they break the law, as set by the government, as the offender is deemed a risk/threat to wider society.
<b>Who Investigates and Tries this Law?</b>	The <b>victim</b> of the crime will collect and present evidence and bring the case to a court/tribunal. They may be assisted by legal representatives but may not be.	The case will be <b>reported by the victim, investigated by the police and brought to court by the</b> Crown Prosecution Service.
<b>Where Will a Court Case Take Place?</b>	Most cases will take place at a <b>County Court</b> , Family Court or Tribunal.  Appeals will be heard at the <b>High Court</b> .	All cases will begin in a <b>Magistrates' Court</b> .  The majority will end here (summary offences). However, those which are more serious in nature (indictable offences) will be heard and then sent to the <b>Crown Court</b> .
<b>What is a Typical Punishment /Outcome?</b>	Compensation Damage Payments Orders e.g. Child Custody	Imprisonment Fines Community Sentences
<b>What are Examples of These Crimes?</b>	Contract Disputes Child Custody Divorce Copyright Infringements Employment Disputes	Murder Rape Drug Smuggling Terrorism



## WHAT ARE THE DIFFERENT ELEMENTS OF THE CRIMINAL JUSTICE SYSTEM?

### HOW DO THE CRIMINAL AND CIVIL COURTS WORK?

	<b>Criminal Court</b>	<b>Civil Court</b>
<b>Examples of Courts</b>	Magistrates Court (MC)  Crown Court (CrC)	County Court (CC)  High Court (HC)  <i>Although many civil cases are settled outside of formal courts, using alternative dispute resolutions.</i>
<b>Who is Involved in the Case?</b>	Magistrates X3 (MC)  Judges* (CrC)  Jury (CrC)  Legal Representatives (CrC & MC)  CPS (CrC)  <i>* A District Judge may hear cases in a Magistrates' Court if it is long &amp; complex.</i>	Judge. (CC & HC)
<b>What Crimes are Heard?</b>	Handle summary crimes e.g. motor offences and minor criminal damage. (MC)  Handle indictable crime e.g. murder, terrorism and rape. (CrC)	Cases involving disputes between individuals/groups/organisations. (CC & HC)
<b>What are the Punishments?</b>	Guilty vs Not Guilty  Give an unlimited fine as a punishment. (MC & CrC)  Can punish criminals by sentencing them up to a lifetime in prison. (CrC)  Can only punish criminals by sentencing them to a maximum of 6 months in prison or 12 if two offences have been committed. (MC)  Can punish criminals with community service. (MC & CrC).	Liable vs Not Liable  Punishments often involve the awarding of damages/ compensation. (CC & HC)  Use County Court Judgments which call for the repayment or return of money or property as punishment. (CC)

## WHAT DOES SENTENCING (PUNISHMENT) AIM TO ACHIEVE?

Aim	Purpose	Example of Punishment	Most Effective? Not Effective?
<b>Deterrence</b>	To prevent and put off criminals from committing an offence.	Prison Sentence  Criminal Record  Discharge Order	<p>☺: If the aim is achieved, it <b>prevents crime taking place</b> due to the feared consequences. Therefore, if the aim is met effectively, it will stop the damage/ effects/harms of crime on victims and wider society.</p> <p>☺: The aim can be <b>achieved by both citizens and the criminal justice system</b> thus it is easy to implement. Citizens can employ methods of deterrence e.g. CCTV and target hardening. The CJS can ensure punishments for crime are fit for purpose and make criminals consider if criminal activity is worth the consequences e.g. prison, monitoring etc.</p> <p>☹: The Criminal Justice System is <b>failing to deter criminals due to an ineffective penal system</b>. The Prison Reform Trust suggest that in the UK, <b>47% of adults reoffended and are reconvicted within 1 year</b>. Are prisons fit for purpose? Do they address the factors leading to crime? Are they criminogenic environments?</p>
<b>Rehabilitation</b>	To change the behaviour of a criminal to prevent them committing crime again.	Rehabilitation Centre  Sobriety Tag	<p>☺: If undertaken with trained professionals and multiagency teams it <b>could have a life-long beneficial impact on the criminal</b> and allow them to change their life/outcome. It could prevent them from committing crime in the future. This avoids further stigmatisation of criminal and the victim suffering the consequences of crime.</p> <p>☺: Schemes have been <b>shown to work, reducing recidivism and allowing the ex-criminal to contribute positively society</b>. For example, Timpson, HGV driver, hospitality worker recruitment – these schemes often address some factors which lead to criminality e.g. poverty, lack of opportunities etc.</p> <p>☺: It has <b>international support/evidence</b>. For example, it is reported that in 2016, due to the success of rehabilitation, the Netherlands had a shortage of prisoners, resulting in the closure of 19 prisons.</p>

			<p>☹: It is <b>reactionary not preventative</b>. Many rehab programmes only begin once the crime has been committed. If a sole sentence, do they offer retribution?</p> <p>☹: Requires a <b>large investment of capital: time, money and effort</b>. For programmes to work, the offender needs the desire to change. How is this desire successfully ascertained? Could it be faked so the punishment is softer? Scheme which fail have led to disastrous outcomes e.g. London Bridge Attack.</p>
<p style="text-align: center;"><b>Protection</b></p>	<p>To keeping the population in the community safe from criminals.</p>	<p>Prison</p> <p>Tag</p> <p>Restraining Order</p>	<p>☺: If the <b>criminal is imprisoned, it will be difficult for them to harm wider society</b> thus offering the ultimate form of protection. (although possible e.g. gang affiliation).</p> <p>☺: Developments in technology allow for <b>round the clock surveillance</b> of criminals. This makes it difficult for them to reoffend and cause harm. For example, sobriety tags.</p> <p>☹: Some <b>methods of protection require the criminal to self-monitor</b>. If this is used in isolation how effective will it be? Although a restraining order prevents an action, it is often too late and the consequences too high to know when it has been broken. This is often the case with some violent and sexual crime.</p> <p>☹: Requires <b>investment in capital: time, money, effort</b> e.g. probation officers &amp; technology for methods to be fully effective. Is this always possible? Funding for crime/prisoners is often not popular with the electorate.</p> <p>☹: Some who propagate this method can forget that <b>criminals are people and have rights too</b>. Prison has been found to negatively impact inmates leading to long term physical and mental health conditions. Women are adversely affected by imprisonment e.g. children removed, suicide etc. Ultimately, leading to reoffending if they leave prison.</p>

<p style="text-align: center;"><b>Reparation</b></p>	<p>To make the criminal pay back for damages caused.</p>	<p>Compensation</p> <p style="text-align: center;">Fine</p> <p>Community Sentence</p>	<p>☺: It is a <b>fitting punishment</b> for many crimes e.g. if the criminal has stolen something, compensation can be paid back until the amount taken is repaid or if damage has been caused, the criminal can use their time to repair/carry out appropriate work.</p> <p>☹: Sometimes <b>it is used as part of a wider restorative justice programme</b>, this requires the criminal and victim to come together and discuss the crime. This may make the criminal fully aware of their actions and result in a long-term change. For example, hate crime, robbery etc.</p> <p>☺: Research by Prison Reform UK indicates that <b>reparative punishments are more beneficial at reducing reoffending than custodial sentences</b>. As ex-Justice Secretary, Clarke says: “it is virtually impossible to do anything productive with offenders on a short sentences.” Whereas a structured programme can allow criminals to reflect in their wrongdoing, whilst making meaningful change in society e.g. supporting community projects, removing rubbish etc.</p> <p>☹: Some suggest it is a <b>soft form of justice if used in isolation</b>. Programmes are relatively short, and some make have no/limited impact on the criminal/it is not taken seriously.</p>
<p style="text-align: center;"><b>Retribution</b></p>	<p>Taking revenge on a criminal, typically with an act of equal severity. Ensuring the punishment fits the crime. Typically used to punish murder.</p>	<p>Death Penalty</p> <p style="text-align: center;">Prison Sentence</p>	<p>☺: Some argue that retributive justice, if discussing in the context of the death penalty <b>is the ultimate form of protection within society</b> – if the criminal is killed, they, themselves, can't harm others.</p> <p>☹: Is it <b>permissible to take the life of another</b>? Does it not enter into a circular argument of life for life – are the state then not just as wrong as the killers?</p> <p>☹: In the UK, this aim is <b>fulfilled by prison sentences being appropriate to the crime</b>. A YouGov poll in 2019 found that 70% surveyed thought the UK is too soft on crime – many were also in favour of reintroducing the death penalty.</p>

## WHAT ARE THE DIFFERENT TYPES OF SENTENCES WITHIN THE UK COURT SYSTEM?

The **Sentencing Council** produce the **Sentencing Guidelines** which are used by criminal courts to punish/sentence criminals. These are used to ensure there is a **fair and consistent** approach across the criminal justice system. The guidelines offer an array of **differing types of sentence (punishment)**.

Sentence	Explanation	Example
<b>NON-CUSTODIAL – NOT PRISON</b>		
Discharge	<p>These are given for the least-serious offences. It means that the person is released from court without any further action. But they will still get a criminal record.</p> <p><b>Absolute Discharge</b> – no further punishment is imposed as the experience of going to court is enough.</p> <p><b>Conditional Discharge</b> – released but if the offender commits another crime, can be charged for both the old and new crime.</p>	Minor theft
Fine	<p>These are the most common type of sentence given by the courts. In 2019, 78% of all offenders received a fine.</p> <p>Where the criminal is asked to pay an amount of money (can be unlimited) based on the seriousness of their crime and income levels.</p>	Minor theft Minor driving offence
Community Sentence	<p>These are where the criminal is asked to complete activities from a list of 13 – ranging from unpaid work, attend rehabilitation, being excluded for visiting a place/location and/or being placed under curfew.</p> <p>More than 1 of the 13 can be used at the same time.</p>	Damage Assault
<b>CUSTODIAL - PRISON</b>		
Prison	<p>The most serious form of punishment used by the courts.</p> <p><b>Suspended Sentence</b> - not being sent to prison immediately but living with conditions &amp; undertaking community service.</p> <p><b>Determinate Prison Sentence</b> – a fixed length of time must be served. Typically, 50% in custody, 50% in the community, with additional monitoring.</p> <p><b>Life Sentence</b> – a criminal is subject to prison/monitoring for their entire life. A <b>tariff</b> is set by the judge giving the minimum length of time in prison, usually 25 years. Sometimes a <b>'whole life order'</b> is given which is where the <b>prisoner must remain in prison for their life</b>.</p>	6 months for threatening with a weapon Life sentence for murder 4-15 years for rape 14 years in custody for terrorism

Those passing sentence e.g. judge/magistrate will use the **Sentencing Guidelines** to help decide an offender's sentence. When using these guidelines and passing sentence certain factors must be considered when sentencing.

<b>Factor</b>	<b>Description</b>	<b>Example</b>
Harm	What happened to the victim?	Physical Psychological
Culpability	This relates to how blameworthy/ responsible the criminal was for their actions.	Premeditated Weapon
Aggravating Factors	Things that make the offence more serious.	Targeting vulnerable groups  Previous convictions  Misusing positions of trust.
Mitigating Factors	Things that make the offence less serious.	First time offence Remorse Guilty plea

# WHO'S WHO IN THE CRIMINAL JUSTICE SYSTEM?

## WHO ARE THE LEGAL PROFESSIONALS?

Operation	Role	Power
<p><b>Police</b></p> <p><i>a state organisation responsible for protecting citizens and maintaining public order by preventing and detecting crime.</i></p>	<p>Maintain law and order within society, by being on patrol in communities.</p> <p>Use/piece together evidence to solve crimes which have been committed.</p>	<p>Arrest, due to the existence of compelling evidence, suspected and guilty criminals.</p> <p>When a warrant has been lawfully obtained, search and seize property.</p>
<p><b>Judiciary</b></p> <p><i>Judge. Those responsible for enforcing the law.</i></p>	<p>Hear cases against criminals in courts of law.</p> <p>Set common law, by making rulings on cases.</p>	<p>Sentence criminals to suitable punishments e.g. prison, paying damages etc.</p> <p>Set common law, by making rulings on cases.</p>
<p><b>Legal Representatives</b></p> <p><i>those who are members of the legal profession who are appointed to act on behalf of citizens when they encounter the law e.g. legal executives, solicitors, barristers etc.</i></p>	<p>Represent defendants in courts.</p> <p>Offer legal advice to the public. Often in on a specialist area of law.</p>	<p>Barristers cross-examine witnesses and defendants in courtrooms.</p> <p>Speak to judges and juries whilst in court.</p>

## WHO ARE THE CITIZENS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM?

Citizen	Definition	Role and Responsibility
<b>Criminal</b>	Somebody who perpetrates a crime.	Commit crime & break the law.
<b>Victim of Crime</b>	Somebody who has suffered the consequences of criminal activity.	Be affected by criminal activity. Report criminal activity.
<b>Witness of Crime</b>	Somebody who sees a crime taking place. They may report the crime to the police and/or appear in court to give evidence about what they saw.	Report criminal activity. Give evidence to the police/in court on what they saw.
<b>Juror</b>	Citizens who come together to make up the jury. A group of citizens randomly selected to hear and make a judgement in a legal case.	Listen to the details of a trial and decide if the defendant is guilty or not guilty.  If the jury foreman, give the verdict in the court room.
<b>Magistrate</b>	Also known as Justices of the Peace. Volunteer members of the community who hear and pass judgement on criminal cases in the Magistrates' Court.	Listen, typically with two other magistrates and decide if a criminal is guilty or not guilty. If guilty, give punishment.  Sign warrants to allow police searches.
<b>Special Constable</b>	Volunteer police officers. They wear a similar uniform and have the same powers as full-time, paid police officers.	Patrol an area.  Arrest criminals.
<b>Police and Crime Commissioner</b>	A citizen who is elected to hold local police to account by ensuring they are meeting the needs of the their community.	Meeting the public to listen to their views about crime and policing  Set policing priorities & budgets.  Appoint and dismiss chief constables.
<b>Member of a Tribunal</b>	Citizens with specialist knowledge who provide support to Tribunal Judges. They listen, question and help decide the final outcome.	Listen to a Tribunal hearing.  Aid Tribunal Judge with decision by offering insight/specialist knowledge e.g. mental health.
<b>Police Community Support Officer (PCSO)</b>	Citizens who support and work alongside the police by being visible in communities and interacting with members of the public. They can give notices and demand addresses, but not arrest criminals.	Patrol an area.  Develop relationships with communities.  Give fixed-penalty notices.



## SHOULD ORDINARY CITIZENS PLAY A ROLE IN THE CRIMINAL JUSTICE SYSTEM?

Yes	No
<p>Citizens bring with them their own <b>experiences and understandings</b> of communities. This may enable them to build better and stronger relationships leading to a reduction of crime. For example, a community member might be more willing to speak to somebody they know who is a local PCSO/Special officer, rather than a regular unknown police officer from outside the community.</p>	
<p>Many citizen roles within the legal system e.g. Magistrate/Special Officer <b>are carried out for free/very little cost</b> this saves the legal system money and this saving be invested into improving other aspects of the legal system or wider society.</p>	<p>In our increasingly work-centric societies, <b>is it fair to ask people to abandon their usual work to help the legal system?</b> Exemptions and deferrals are possible for jury service but these are limited. What if you are called coincidentally at a very inconvenient time?</p>
<p>By involving themselves within the legal system <b>ordinary citizens get to understand more about how it works</b>, this means they develop their knowledge and skillset. Their newfound understandings can then be disseminated back into their local communities. This may reduce fear/the unknown surrounding the legal system.</p>	<p>Some may argue the <b>training for citizens to involve themselves/support the legal system is minimal</b>. Should something so important not be left to professionals who have been educated and trained for these roles over many years?</p> <p>Having citizens involved may also <b>complicate matters and slow down the process</b>. For example, during COVID-19 trials with juries were suspended, this meant hearings were suspended and a backlog grew. But, if cases only required a single judge to hear them, it could reduce pressure and speed up the CJS.</p>
<p>Some may see their involvement within the legal system as their <b>civic responsibility/duty</b>. They may argue it makes the system fairer as it is peers judging their peers e.g. jurors.</p>	<p>Some may suggest that <b>rather than increasing the legal system's diversity and representativeness, asking for citizen's involvement makes the legal system appear only for the few</b>. How practical is it for many industries to have their workforce regularly absent to perform magistrate duty? How might a single mother/father find time to volunteer as a Special? Are juries fair: sexism? racism? Media coverage? Etc.</p>

## WHAT IS A TRIBUNAL?

Tribunals are specialist courts **which decide disputes in a particular area of law**. In the main, they deal with areas of civil law.

The Tribunal System is **tiered**. Claimants enter the tribunal system at the First Tier: First Tier Tribunals. If they are unhappy with the decision/outcome of their hearing they can appeal to the Upper Tribunal System.

There **are different tribunals for different issues**, some specialist tribunals include: Employment Tribunals, Asylum & Immigration Tribunals and Mental Health Review Tribunals. The issues tribunals oversee are grouped into Chambers. For example, the Social Entitlement Chamber, contain within it: Asylum Support, Social Security, Criminal Injustices.

Tribunals are often **overseen by panels**. These often include a legal professional (Tribunal Judges) and non-legal professionals, Tribunal Members, ordinary citizens, who have **specific areas of expertise**.

The outcome of a Tribunal is often fines, compensation payments, allowance/disallowance e.g. benefits, leave/refusal to stay in the UK etc.

Tribunals are less formal than traditional court rooms. Those attending the Tribunal, usually represent themselves.

## HOW CAN LEGAL DISPUTES BE SETTLED OUTSIDE OF THE COURT SYSTEM?

There has been a considerable development in the growth of ways to settle disputes outside of the formal court system. Collectively, these systems are known as **Alternative Dispute Resolutions (ADR)**.

<b>Settlement (ADRs)</b>	<b>Explanation</b>	<b>Use</b>
<b>Negotiation</b>	When those in dispute attempt to come to an agreement directly. This is typically done in private without the aid of outside influences.	Contract Dispute Divorce Child Custody
<b>Mediation</b>	When those involved in dispute, along with a neutral third party (mediator) come together to try and resolve their dispute. The mediator does not involve themselves in the discussion, they are facilitators.	Employment Disputes
<b>Conciliation</b>	When those involved in dispute, along with a neutral third party (conciliator) come together to try and resolve their dispute. The conciliator can take an active role in the discussion, for example, they may suggest possible actions and compromises.	Employment Disputes
<b>Arbitration</b>	When those in dispute seek the services of an arbitrator. Those in dispute, submit their dispute to a private arbitration service. The arbitrator will come to a judgement/resolve and offer an award.	Contract Disputes e.g. publishing  Trade Disputes
<b>Online Dispute Resolution</b>	When those in dispute about an online transaction can use an online service to resolve the issue - e-adjudication process.	eBay  Depop
<b>Ombudsmen</b>	An officially appointed organisation who investigate and resolve complaints. They can be used after the citizen has attempted to raise the complaint the organisation themselves, but the outcome has not been satisfactory.  Complaints can be about private industry e.g. energy suppliers, financial services or public/government services e.g. NHS, housing, prisons etc.	Energy  Communication

ADR Method	Advantages	Disadvantages
<b>Negotiation</b>	<p>Conducted between the parties themselves, no need for lawyers, if the parties don't want there to be. Thus, could potentially be very <b>fast and cheap</b>.</p>	<p>Requires both parties to comprise and listen to one another, difficult if both antagonistic. This could make the process <b>long and physically and emotionally stressful</b>.</p> <p>If this method fails, the process will <b>need to start again, with another method</b>.</p> <p>Doesn't automatically lead to a <b>legally binding outcome</b>. Therefore, may require court proceedings, adding to distress and length of process.</p>
<b>Mediation</b>	<p>Practically, the process can be arranged around those involved, rather than a court system. This may make the method <b>more convenient and workable for those involved</b>.</p> <p>The <b>outcome can be very individualised and personal</b> this is because the resolution comes from those in dispute, not an external influence e.g. a judge, mediator etc.</p>	<p>The process requires a <b>skilled mediator</b>; this may be difficult to find and costly.</p> <p>The mediator is there to <b>guide only</b>, therefore, requires those involved to take an active role in resolving the dispute.</p> <p>Doesn't automatically lead to a <b>legally binding outcome</b>. Therefore, may require court proceedings, adding to distress and length of process.</p>
<b>Conciliation</b>	<p>Practically, the process can be arranged around those involved, rather than a court system. This may make the method <b>more convenient and workable for those involved</b>.</p> <p>The <b>outcome can be very individualised and personal</b> this is because the resolution comes from those in dispute, not an external influence e.g. a judge, conciliator.</p> <p>The conciliator can <b>guide the discussion/outcome</b>. This maybe helpful, if parties are having difficulty coming to an agreement.</p>	<p>The process requires a <b>skilled conciliator</b>, this may be difficult to find.</p> <p>Doesn't automatically lead to a <b>legally binding outcome</b>. Therefore, may require court proceedings, adding to distress and length of process.</p>

ADR Method	Advantages	Disadvantages
<b>Arbitration</b>	<p><b>The process is governed by the Arbitration Act 1996</b>, this may give those involved peace of mind about the process, <b>as what can/can't be done is set out in law.</b></p> <p>Practically, <b>the process can be arranged around those involved, rather than a court system.</b> An arbitrator can be selected with an expert knowledge in the area of dispute and the outcome will be binding.</p> <p>The process is <b>private.</b> This is particularly advantageous if the dispute is between companies who don't want public attention being brought to the issue.</p>	<p>Arbitrator <b>fees could be expensive</b>, these fees may increase if lawyers are required for 'points of law' or if expert witnesses are needed.</p> <p>There are <b>typically delays</b> in the process, especially when the issue being resolved is connected to commerce or involving international parties.</p>
<b>Online Dispute Resolution</b>	<p>Can be carried out from the comfort of one's own home with clearly explained processes. This may make the process <b>easy.</b></p> <p>Many companies <b>offer the process for free or at a very low cost.</b></p>	<p>Can <b>only successfully be used for certain types of disputes</b> e.g. contract disputes on eBay. It wouldn't be very useful where the issue is complex, and evidence is needed e.g. child custody.</p> <p>Requires <b>access to a computer and an understanding of how the process will work.</b> Often the process is very automated and can at times be difficult to <b>get a 'voice'</b>. This may make the process difficult and frustrating.</p>
<b>Ombudsmen</b>	<p>They are <b>quick, easy and free to access.</b></p> <p>Cover <b>public and private sector.</b> This means they can be used by those wanting to complain and something they pay for e.g. energy and/or freely government run service e.g. care homes, NHS etc.</p>	<p>Often require <b>paperwork</b>, this may be difficult to access and make the case longer.</p> <p>Relies on the <b>processes</b> of the Ombudsmen, this could be <b>take a long time.</b></p> <p>If the case is upheld, they can <b>make recommendations</b> to the company/body. However, <b>this isn't automatically a legally binding outcome. Therefore, may require court proceedings, adding to distress and length of process.</b></p>

10	16	17	18
In England & Wales, become criminally responsible for your actions.	Marry, with parental permission.	Driving License.	Vote – General and Local Elections England.
	16		18
	Join the Armed Forces with parental permission.		Freely marry.
			18
			Freely join Armed Forces.

When a young person reaches the age of 10, they become **criminally responsible for their actions**. This means that if they commit a crime and are caught, **they can be arrested and taken to court**. This is known as the age of **criminal responsibility**.

When a young person enters the criminal justice system they **are treated differently to adults**, this remains until they are 17. Their cases are heard by **youth courts**, they receive **different sentence** and if they receive a custodial sentence, they **are sent to a secure youth centre**, not adult prisons.

If a child commits a crime under the age of 10, although they cannot be formally charged, **they can still be punished**. For example, they may be placed under curfew or be given a safety order. This means their actions are restricted between set hours or their behaviour is monitored by the youth offending time. Sometimes, parents are held responsible for their child’s action. Social services will become involved with the families of those children who commit crime under 10.

**HOW DO YOUTH COURTS OPERATE?**

Youth Court cases are overseen by **three magistrates** or a **district judge**. These are specially trained. They pass **sentence**. There is **no jury**.

Members of the **public & press are not permitted to hear/watch the case**.

They have **less formality** e.g. first names are used, and young people are not referred to as offenders.

Parents/carers **must attend if the child is under 16**.

Specialists Youth Court hear and sentences **less serious crimes e.g. theft, anti-social behaviour, drug offences**. Crimes of a **more serious nature** are transferred to the **Crown Court** as they have increased sentencing powers.

## HOW ARE YOUNG PEOPLE PUNISHED?

If a young person appears before the Youth Court and is found **guilty of their offence**. They can receive several types of punishments:

- **A Detention and Training Order**. They spend some of their time in a secure centre (custodial sentence) the rest is spent in the community.
- **Fines**. The payment of this is the responsibility of the parent/carer.
- **Youth Rehabilitation Order**. This is a sentence served in the community and could include completing unpaid work, receiving treatment (e.g. addiction support, mental health treatment), education, and/or placed under curfew.

When a young person is being sentenced, their specific circumstances will be considered e.g. their age, severity of the crime, past criminal activity, plea offered etc.

Once a child offends, they become known to a Youth Offending Team. These multi-agency teams try to support the child to ensure they don't reoffend.

Youth Justice and Youth Offending Teams are overseen by the **Youth Justice Board**.

## HOW DO LEGAL SYSTEMS DIFFER WITHIN THE UK?

The UK's legal systems have much in common. However, **history and the process of Devolution** has led to some differences within the legal systems of England and Wales, Scotland and Northern Ireland.

The devolved administrations have the power to establish their own law, order and justice systems. Although, the power to legislate is **restricted to devolved matters** e.g. education, health and the environment etc.

England and Wales **hold a single legal jurisdiction** – this means the legal systems and legal professionals are virtually the same. There will be some 'Welsh Law' and some 'English Law' which are not shared, but only on specific issues.

**Scotland and Northern Ireland have legal systems which differ to England and Wales**. These differences relate principally to the **court system and how they are organised**, along with **some differences in law** and at **the age you become criminally responsible**.

Scotland has **the most distinctive legal system** as until 1707 it was an independent country.

## SHOULD THE AGE OF CRIMINAL RESPONSIBILITY BE RAISED IN ENGLAND & WALES?

Yes	No
<p>Neuroscientists suggest <b>the brain is not developed enough</b> for children to recognise their behaviour as criminal. Thus, they aren't aware of the far-reaching consequences of their actions.</p> <p>Children &lt;10 commonly commit crime because of neurodevelopment disorders, these need to be understood and children need support not locking away!</p>	<p>Children <b>undergo a period of primary socialisation (by the family) and secondary socialisation</b> (education, peers etc) this teaches them by the age of 10 what actions are morally/criminally permissible. Therefore, if they commit a crime, they should face the consequences of their actions – sentencing.</p>
<p>Many <b>international organisations and conventions suggest that 10 is too young.</b></p> <p>For example, the Equality and Human Rights Commission (EHRC) and the UN CRC suggest that 10 is too young because being prosecuted, especially imprisoned, leads to long-lasting harmful effects on a young person's wellbeing. Moreover, it gives them the stigma and associated label of 'being a criminal' and this is hard to remove.</p> <p>Many <b>young people partake in criminal activity due to their circumstances.</b> For example, the poverty cycle, victimisation, coercion and abuse by those who are older (peer pressure). Recent research has found children as young as 7 are becoming involved in drug trafficking in Manchester due to exploitive recruitment methods by drug gangs. Is it fair that circumstances beyond their control lead to life limiting convictions?</p>	<p>Having the age as low as 10 acts as a <b>useful deterrent.</b> It stops children committing crime in the first place.</p>
<p>England has one of the lowest ages of criminal responsibility globally (for example, Scotland is 12). This age is <b>not 'internationally acceptable'</b>.</p> <p>England should look to other countries and find other solutions. Methods which are community based, focusing on rehabilitation and reparation etc. For example, Scotland is 12.</p> <p>The UN CRC campaign for 12 to be the lowest global limit.</p>	<p>Children <b>are capable of committing crime at 10 years old, so they should be punished</b> for it e.g. killers of Jamie Bugler.</p> <p>Some argue that sentences that focus on rehabilitation are too soft and do not punish offenders – they do not give justice, especially to the victims of crime.</p>



	England and Wales	Scotland	Northern Ireland
Age of Criminal Responsibility	10	12	10
Court Systems		<p>Scotland is divided into six Sheriffdoms. Sheriff Courts deal with most legal cases in Scotland.</p> <p>Has 2 Supreme Courts:</p> <p>The Court of Session (Civil) &amp; High Court of Justiciary (Criminal)</p> <p>They can both sit and hear cases in the 'first instance.'</p> <p>When the High Court of Justiciary sits in the first instance hearing the most serious cases such as murder and rape. It is presided over by a single judge and a jury of 15 people.</p>	
Equalities Legislation			<p>Northern Ireland does not have a single piece of equality legislation. Rather, it has individual pieces of legislation which protects against discrimination based on characteristics e.g. age, race, gender, disability etc.</p>
Sentencing		<p>Has in place a <b>presumption against short sentences</b>. This means that offences which previously would be punished by a prison sentence of less than 12 months are now typically punished via Community Payback Orders.</p>	

## HOW DOES GLOBAL COOPERATION HELP TO SOLVE GLOBAL CRIMINAL PROBLEMS?

The world is in a constant state of change. As the world is becoming increasingly **globalised**, a global criminal economy is developing. This is leading to **new types of crime** and **new opportunities for developing and committing crime**.

There are a range of organisations and agreements which are attempting the combat/fight crime across national borders (global crime).

Organisation	Role	Example
International Criminal Police Organization (INTERPOL)	<p>Focuses on 3 areas of criminality - terrorism, cybercrime and organized crime.</p> <p>It supports police working together by enabling them to share data via criminal databases. Moreover, coordinates a global database of wanted criminals – the ‘red notice’.</p>	<p>HAECHEI-I Operation in across Asia led to 585 arrests for online financial crime.</p>
The European Arrest Warrant	<p>A cross-border judicial surrender procedure. Allowing for quicker and easier transfer of suspected criminals across member states.</p>	<p>In 2019 20,226 warrants were issued.</p> <p>Suspect in Aya Hachem drive-by shooting was arrested in Spain.</p>
United Nations Office on Drugs and Crime	<p>A UN Office which encourages a global approach and action against drug and terror related crimes and political corruption.</p>	<p>World Drugs Report</p>
International Criminal Court	<p>Investigates and charges individuals who have committed the gravest of crimes: genocide, war crimes, crimes against humanity and the crime of aggression.</p>	<p>Al Mahdi was prosecuted for 9 years in 2016 for co-perpetrating in crimes directly attacking religious and historic buildings in Timbuktu, Mali</p>

Drug Use  
e.g. recreational Cannabis.

Weapons  
e.g. carrying guns.



Death  
e.g. assisted suicide and euthanasia .

Finance  
e.g. no payment of income tax.

WHAT ARE THE RESPONSIBILITIES ASSOCIATED WITH LEGAL RIGHTS?

Legal Right	Responsibility
Freedom of Speech	Not to discriminate. Not to incite hatred. Not to spread mis, dis or mal information. To speak out against injustice.
To Life	Not to take another's life. Protect those who's life is in danger. Save lives when/where you can.
Freedom of Thought, Belief and Religion	Not to interfere with others' beliefs. Not enforce your beliefs on others without consent. Support others to practice and follow their beliefs. Use beliefs for positive action.

A trade union is a **group of workers in the same trade or profession who have joined together to protect their rights.**

They work **collectively to represent the views of a trade or profession.** This could be in a single workplace or a national scale.

## WHAT ARE SOME KEY MOMENTS IN THE HISTORY OF TRADE UNIONS?

Skilled workers **began to organise themselves formally into trade unions in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries.**

Largely in industrial cities e.g. Manchester, Leeds etc.

With the **Industrial Revolution** (1700s-1800s) working conditions changed significantly, this meant workers began to come together in collective action to improve conditions and rights.

Early in their development legislation was passed (**The Combination Act, 1800**) **outlawing Unionism.**

The Combination Act was **repealed in 1824/ 1825.** Trade Unions began to **rise in popularity and effectiveness.**

**1868** saw the establishment of new national or regional trade organisations. **The Trades Union Congress (TUC)**, a national forum for co-ordinating trade union demands.

**1871** Gladstone's Liberal government established the legal status of trade unions with the **Trade Union Act.**

In **1888** the first female workers at the Bryant & May match factory went on strike.

**1900s** saw the alignment of Trade Unions with politics. To this day, there is a strong link between many **trade unions and the Labour Party.** Trade Unions helped to establish the Labour Party.

**2000s** saw the work of Trade Unions develop e.g. BMA & Junior Doctor Strikes in 2015. During the 2020 COVID-19 pandemic, Trade Unions lobbied to ensure workers were adequately protected.

*The 1<sup>st</sup> May commemorates International Workers' Day*

<p><b>ENSURE WORKERS HEALTH, SAFETY AND CONDITIONS</b></p>	<p><b>ACT ON BEHALF AND WITH WORKERS</b></p>	<p><b>ENGAGE IN COLLECTIVE BARGAINING</b></p>
<p>Unions do this by:</p> <p>Ensuring health and safety legislation is followed.</p> <p>Ensuring workers receive their pay and holiday entitlement.</p> <p>Ensure working hours are being kept/met.</p>	<p>Unions do this by:</p> <p>Balloting members following proper protocols to support or reject strike action. The majority must agree otherwise a strike is not agreeable.</p> <p>Organise strike action e.g. pickets.</p> <p>Negotiate demands with employers to try to resolve dispute which caused industrial action.</p>	<p>Unions do this by:</p> <p>Encouraging workers to band together.</p> <p>Undertaking official process to negotiate with employers, on behalf of their members.</p>

**Examples**

NEU – Education  
 BMA – Doctors  
 NFU – Famers

Unite – Various  
 RCN – Nurses  
 Bakers, Food and Allied Workers Union (BFAWU)

Yes	No
<p>One role Trade Unions fulfil is ensuring the <b>safety and protection of workers</b>. Throughout the COVID-19 pandemic, Trade Unions have been instrumental in ensuring workers are protected against the effects of the virus. For example, the NEU &amp; BMA have taken part in continuous lobbying of the government to ensure all those in schools are safe and protected.</p>	<p>One role of Trade Unions is to <b>protect and bargain for the rights of workers</b>. However, many argue that due to the changing nature of today's labour markets e.g. the gig economy, 0-hour contracts, online working etc. it is difficult for Trade Unions to be as effective as they once were (e.g. the number of strikes are decreasing). How do you encourage a workforce, who know they can be easily replaced, to strike? Moreover, legislation (e.g. minimum wage, working hours, health and safety) and access to information (e.g. Citizens Advice) has developed so much, this now protects workers and allows them to protect/represent themselves – are Trade Unions dying or needed in today's workplace?</p>
<p>One role Trade Unions fulfil <b>is holding employers to account</b>. In the UK there have been a number of high-profile cases, where Trade Unions have been instrumental in organising legal proceedings against employers on behalf of the employees. For example, GMB and the Equal Pay; GMB and the Unionisation of Uber workers.</p>	<p>One role Trade Unions fulfil <b>is to represent workers</b>. However, there are many workers/workforces who are not unionised, some through choice, but there is evidence of some deciding not to unionise due to harassment/fear from employers. For example, there are claims Amazon attempts to interfere if workers attempt to Unionise, both in the UK and USA. This means these workers to do not a voice of support to ensure better working conditions and are being denied their right to of association and assembly – in the UK this is protected via the Human Rights Act (1998).</p>

**HOW DO EMPLOYERS' ASSOCIATIONS OPERATE?**

Employers' associations **are the owners' and managers' version of trade unions**. These groups often **represent employers** during any negotiation with the unions. Examples include:

**National Hair and Beauty Federation:** the trade association for hairdressing, barbering and beauty salon owners.

**Federation of Window Cleaners:** the trade association who represent the Window Cleaning industry.

**Confederation of British Industry (CBI):** the association for British businesses.