

Topic: The legal system

| | |
|---|---|
| Lesson 2: Young people – the need for a different approach? | KS or Year Group: KS 3 |
| Resources: <ol style="list-style-type: none">1. Resource 2 - Types of sentence for young people (from previous lesson)2. Resource 4 - Application to become a magistrate (1 each)3. Resource 5 - Youth justice system (teacher information sheet)4. Resource 6 - Case studies (choose one from the selection - rest of selection to be used during Lesson 3)5. Rope/string and a large ball for throwing | Outcomes: <ul style="list-style-type: none">• Students understand the purpose of the criminal justice system in relation to young people.• Students understand the role that magistrates play in the criminal justice system.• Students consider whether we need new approaches to punishment. |

National Curriculum

Key concept – 1.1b

Key processes – 2.1a, 2.2a, 2.2b & 2.2c

Range and content – 3b

Lesson 2

This second lesson asks students to consider the relationship between crime and punishment in the context of youth offending, focusing on the role of the magistrate who makes the decision.

Starter

Hang the rope or string in a straight line down the middle of the classroom. Explain that this line represents 'the great divide'. One side of it represents 'I agree' and the other side 'I disagree'. Before you read out the statements, explain that the students must stand on one side of the rope or the other according to how strongly they feel. Thus, a person who strongly disagrees with a statement would move as far away as possible from the rope in the middle. Someone 'not sure' would be close to or on the line. Students will be asked to explain why they have placed themselves where they have, but pupils may only speak when they are holding the power ball (not everyone has to speak about every statement). If they wish to speak, they should put up their hand and wait to be thrown the power ball. They then pass this to the next person wishing to speak (the teacher is allowed to throw the ball to whomever they choose).

Start with simple statements to demonstrate the activity. For example:

- Red is a nicer colour than blue.
- Dogs are better than cats.
- *EastEnders* is better than *Coronation Street*.

Once students have a clear idea of how it works, move onto statements related to crime and justice. For example:

- it is OK to steal if you are hungry and homeless
- stealing from your parents is not as bad as stealing from a stranger
- punishments aren't tough enough these days
- anti-social behaviour orders are a good idea
- the age of criminal responsibility should be changed
- parents should be fined and held responsible for what their children do.

It is possible to develop this activity to allow for discussion. Explain that they are allowed to come up with a good argument to try to persuade others to move more towards their side of the line. Are they successful? Why or why not?

Main activity

- Explain that we are now going to learn more about the people who sit in court and make the actual decision about what sentence to give.
- Using **Resource 4 - Youth justice system (teacher information sheet)**, explain the role of the youth justice system and the part that magistrates play in it. Emphasise that magistrates volunteer to do the role and do not get paid. Instead their employers must release them to do the job (perhaps you could investigate whether it is possible to invite a magistrate in to talk to the class).
- In groups, ask the students to discuss the qualities and skills that a magistrate would need to fulfil their role.
- Ask the groups to feedback their answers to the whole class. The teacher should write a list of necessary qualities and skills on the board.
- Distribute copies of **Resource 5 - Application to become a magistrate** to each student.
- Clarify their understanding of the terminology used on the form. Encourage them to complete the application after discussing their own personal qualities and skills with a friend or someone whose opinion they trust in the group.
- Emphasise that many of these skills and qualities would be essential or desirable for a whole range of jobs. Discuss the kinds of examples they could use as proof of these qualities or skills. For example, if they state that they are responsible, then they could use as evidence any position of responsibility they have recently held (the completion of the application form could also be set for homework).
- Explain they will all have the opportunity to take on the role of a magistrate in the follow-up lesson. However, in today's lesson, three volunteers are going to take on the role of a magistrate to demonstrate the process they go through. Ask the three magistrates to sit together and explain they are going to consider a case and reach a judgement. Explain that the rest of the class will also do this in their groups so they can discuss whether they agree with the verdict or not.
- Give the magistrates and all groups the cards from **Resource 2 - Types of sentence for young people** used in the previous lesson. Each group should also be given the same case study selected by the teacher from **Resource 6 – Case studies**.
- The teacher should read the case study out, explaining that a young person has been found guilty of committing the offence. In their groups, they should then discuss the case, decide on a sentence, record their decision and state what they hope will be achieved by the sentence in the spaces provided in the sentencing report part of the case study. If they don't think any of the sentences currently available are suitable, they can 'create' their own sentence using the blank cards.
- The magistrates should deliver their sentences, explaining their reasons.
- The groups should discuss whether they agree with the sentencing handed down by the magistrates. Did the magistrates or any group devise their own sentence? If so, the rest of the class should discuss this sentence in relation to whether it would prove effective or not.

Plenary

The students could perform an alphabet activity. Starting with the letter A and working through the alphabet, students take it in turns to complete the sentence 'A magistrate is ...'. They should pick a word or phrase to describe a magistrate in terms of their skills, qualities or what they do. The first word of the description must begin with the letter. For example, 'A magistrate is **A**ble to sentence offenders'.

Young people – the need for a different approach?

Resource 4 – Youth justice system (teacher information sheet)

Role of magistrates

Magistrates, also known as Justices of the Peace, are unpaid members of their local community. You can become a magistrate at 18 and you have to retire at 70.

Criminal cases come to court after a decision has been made by the Crown Prosecution Service to prosecute someone for an alleged crime. Magistrates hear less serious criminal cases including motoring offences. They also refer serious cases such as rape and murder to the higher courts, consider bail applications, deal with enforcement of fines and grant search warrants and right of entry applications. They may also consider cases where people have not paid their council tax, their vehicle excise licence or TV licences.

Magistrates sit in criminal courts as panels of three, mixed whenever possible in terms of gender, age and ethnicity, to bring a broad experience of life to the bench. All three have equal decision making powers but only one, the chairman, will speak in court and preside over the proceedings. The two magistrates sitting either side are referred to as wingers. Having found someone guilty or when someone has pleaded guilty, the magistrates proceed to sentence using a structured decision-making process and sentencing guidelines which set out the expected penalty for typical offences. They will also take note of case law and any practice directions from the higher courts and are advised in court by a legally qualified adviser.

Magistrates undergo basic training before they sit in court for the first time, have mentors for their first two years and are fully appraised. Training and appraisal are continuous throughout every magistrate's career to keep abreast of new legislation, new sentencing policy and new developments.

Youth courts

The Youth Court is a specialised form of magistrates' court. The youth court deals with young people who have committed criminal offences, and who are aged between 10 and 17.

There are a few similarities between a Youth court and the Adult Criminal Court - both have three magistrates sitting as a Bench, a Clerk of the Court (a highly professional legal advisor) and the Prosecution and Defence lawyers. The Youth Court is not open to the general public and only those directly involved in the case will normally be in court. Young defendants should always be accompanied by a responsible adult when they appear in court unless they are mature enough to be considered independent of their parents.

Magistrates are specially trained to sit in youth courts where procedures are slightly more informal than in adult criminal courts. In order to engage with young defendants, magistrates deliberately talk directly to them rather than always through their legal representative.

Young people – the need for a different approach?

Resource 5 – Application to become a magistrate

Name:.....

Please give the reasons why you would like to become a magistrate.

What skills and qualities do you possess that would enable you to successfully do the work of a magistrate? Please support your statement with evidence.

Any further information that you think would usefully support your application:

Thank you for taking the time to complete this application form.

Young people – the need for a different approach?

Resource 6 – Case studies

1. Mike

Mike is fourteen years old. He has been picked up by the police for joy-riding. He was part of a group that took a car and drove several miles along country lanes before abandoning it in the town centre. Mike says he just went along with two older boys who took and drove the car. It is his first offence. However, he has also been taken home by the police late at night for causing disturbances on the estate where he lives.

Sentencing report

The sentence we have agreed on is:

The main reasons for our decision are:

(include what you are hoping to achieve by the sentence)

2. Rob

Rob is twelve years old and he has been caught mugging young people for their mobile phones. He has admitted at least three cases. He has made people hand over their phones by threatening them and handling them roughly, but he has never hit anybody or used any weapons.

Sentencing report

The sentence we have agreed on is:

The main reasons for our decision are:

(include what you are hoping to achieve by the sentence)

3. Sara

Sara is fifteen years old. She has been truanting from school and, with several friends, has been causing a disturbance in the local shopping centre. Shopkeepers and the public have complained. Sara was caught by the police shoplifting. She had stolen various items of make-up.

Sentencing report

The sentence we have agreed on is:

The main reasons for our decision are:

(include what you are hoping to achieve by the sentence)

4. Ash

Ash is fifteen years old. She bought some ecstasy tablets and gave one to a friend who then collapsed and had to be admitted to hospital.

Sentencing report

The sentence we have agreed on is:

The main reasons for our decision are:

(include what you are hoping to achieve by the sentence)

5. Shabaz

Shabaz is fifteen years old. He took a car without the owner's consent and hit a cyclist, badly injuring her.

Sentencing report

The sentence we have agreed on is:

The main reasons for our decision are:

(include what you are hoping to achieve by the sentence)

6. Kirsty

Kirsty is fifteen years old. She was found drunk outside the pub, shouting abuse at passers-by. This is her first offence.

Sentencing report

The sentence we have agreed on is:

The main reasons for our decision are:

(include what you are hoping to achieve by the sentence)

7. Jordan

Jordan is thirteen years old. He was found breaking into a house and stealing computer games. He already has a conditional discharge for shoplifting.

Sentencing report

The sentence we have agreed on is:

The main reasons for our decision are:

(include what you are hoping to achieve by the sentence)