



Key stage 3 and 4 teaching framework for exploring and understanding the different ways in which convicted criminals are sentenced in England and Wales.

This content relates to the following elements of key stage 3 and 4.

Key stage 3: the nature of rules and laws and the justice system, including the role of the police and the operation of courts and tribunals.

Key stage 4: the role of the judiciary; the legal system in the UK, different sources of law and how the law helps society deal with complex problems.

Introduction

Laws are a very important part of society and help people to live together peacefully.

The criminal law has developed over centuries to provide justice, fairness and equality. It gives protection to victims and punishes those who have committed unlawful acts.

However, proving that someone has committed a crime is only part of the solution. Once you know someone is guilty, how do you go about deciding their sentence?

Expectations

This framework has been designed to help students:

- ❖ Understand that there are many different aspects to sentencing (punishment, rehabilitation, public protection, crime reduction), and explore how these are balanced.
- ❖ Understand and discuss the factors taken into consideration when deciding on a sentence i.e. harm to victim and culpability of offender, then mitigating and aggravating factors.
- ❖ Understand the different types of sentence available i.e. prison, community-based or financial.
- ❖ Discuss the issues and ethics around sentencing.
- ❖ Explore the 'fairness' of current sentencing laws and guidelines in England and Wales.

Learning objectives:

- ❖ Basic knowledge of sentencing laws and guidelines in England and Wales.
- ❖ Understanding of the different bodies involved: Parliament, judiciary, Crown Prosecution Service (CPS).
- ❖ Knowledge of the different types of court (Magistrates', Crown, Appeal) and sentencer (magistrates and judges).
- ❖ Understanding of how sentences are decided upon and implemented.
- ❖ Knowledge of the different types of sentences available.
- ❖ Develop an educated opinion by examining the current approach to sentencing in England and Wales.

Possible teaching activities:

- ❖ Run through the '[You be the Judge](#)' video case studies as a group and discuss the possible sentencing decisions. Ask students about how they came to their decision.
- ❖ Consider the different purposes of the sentences given in the 'You be the Judge' case studies. For example, punishment, reducing crime, protecting the public and rehabilitation. Ask students to discuss what the balance between these should be and why.
- ❖ Explore the effect or impact of the sentences given in the 'You be the Judge' case studies. Work in groups to understand what each sentence will mean for the offender, their family and the local community.
- ❖ Use case studies and role-play to create a 'You be the Judge' environment in the classroom. Ask students to be the criminal and be sentenced by their classmates.
- ❖ Analyse media reports of a particular case and compare them with the judge's sentencing remarks. Do the media reports reflect what the judge said?

<p>Learning outcomes for pupils:</p> <ul style="list-style-type: none"> ❖ Basic knowledge of UK sentencing laws and guidelines. ❖ Greater awareness of the factors Judges and Magistrates take into account when sentencing. ❖ Ability to be able to describe the differences between sentences and understand what this means for the criminal, victim and general public. ❖ Have developed an opinion on the issues surrounding and 'fairness' of sentencing in England and Wales. 	<p>Points to note:</p> <ul style="list-style-type: none"> ❖ Local initiatives, such as Magistrates in the community (Magistrates' Association), can help get Magistrates in the classroom to talk about sentencing. ❖ With the support of the Magistrates' Association or local initiatives, some teaching activities could be completed in a mock trial scenario. ❖ Sentencing can be a complicated issue and can easily branch into other subject areas. It's beneficial to keep a tight focus on the learning objectives. ❖ Make sure all of the factors are being considered if discussing high profile cases. Don't rely on the accuracy of media reports alone. ❖ Encourage students to share their thoughts and views on sentencing with friends, family and through social media.
<p>You be the Judge (interactive video sentencing scenarios) - www.ybtj.justice.gov.uk Open Justice (information about the criminal justice system) – www.open.justice.gov.uk Sentencing Council (information about sentencing) - http://sentencingcouncil.judiciary.gov.uk Sentencing Council (video: how sentencing works) - http://sentencingcouncil.judiciary.gov.uk/about-sentencing.htm The Magistrates' Association (information about the work of magistrates)- www.magistrates-association.org.uk Judiciary (published judgements) - https://www.judiciary.gov.uk/judgments/</p>	

Glossary

Aggravating and mitigating factors

Aggravating factors are things that make an offence more serious and are likely to increase the sentence. Mitigating factors are things about the offence that make it less serious or things about the offender that may lead to a reduction in the sentence.

Community sentence

Community sentences give punishment such as 40-300 hours unpaid work, and try to help people stop offending through for example treatment for drug addiction.

Court of Appeal

The Court of Appeal deals with appeals against conviction and sentence from the Crown Court.

Crown Court

The Crown Court deals with the most serious criminal cases such as murder, robbery and rape. It also deals with appeals against conviction or sentence from the magistrates' court.

Crown Prosecution Service (CPS)

The body responsible for public prosecutions of people charged with criminal offences in England and Wales.

Culpability

The level of responsibility or blame for committing a crime. For example a person who plans a crime will normally be considered to be more culpable than someone who commits it on the spur of the moment.

Discharge

For the least serious offences like very minor thefts, a court may give an absolute discharge, which means it decides not to impose a punishment because the experience of going to court has been punishment enough, but the offender still gets a criminal record. A conditional discharge means that if the offender commits another crime, they can be sentenced for both offences.

Fine

Fines are a financial punishment given for lower level crimes. The amount is set by the court after considering the seriousness of the offence and how much money the offender can pay. Fines can be given to organisations as well as people and are the most common type of sentence given.

Judge

Judges are experienced lawyers who are publicly appointed to preside over trials and pass sentences in criminal cases. They have to be unbiased and fair.

Judiciary

The judiciary comprises judges and magistrates.

Jury

A group of normally 12 members of the public who decide if a defendant in a Crown Court trial is either guilty or not guilty of an offence, based on evidence presented in court.

Life sentence

There are different types of life sentence, but in essence, the sentence lasts for the rest of the offender's life. They will serve a period in prison then be released if the Parole Board thinks they are not a risk to the public. However, they can be recalled to prison at any time for other offences. For the most serious cases, a 'whole life order' can be given, meaning the offender will spend the rest of their life in prison.

Magistrates

Magistrates are volunteer members of the public who deal with cases in the magistrates' court. Three magistrates usually sit together to decide on sentences or to hear evidence in trials.

Magistrates' Court

All criminal cases start in a magistrates' court and most cases are sentenced by magistrates. If a case is serious it is passed to the Crown Court.

Parliament

The national representative body representing the UK made up of the House of Lords and the House of Commons, responsible for passing laws.

Parole Board

The Parole Board is an independent body that carries out risk assessments on prisoners to determine whether they can be safely released into the community.

Prison sentence

Prison is used when a crime is so serious, or an offender's record is so bad, no other sentence will do. Offenders will normally spend half their sentence in prison, and the rest on licence in the community. Being on licence means offenders have to obey certain rules, which could include wearing an electronic tag which restricts where they can go. If they don't follow the rules, they can be sent back to prison.

Rehabilitation

One of the purposes of sentencing is to assist and encourage offenders to turn away from crime and live a productive life in society. This may take the form of training in life skills within prison or in the community.

Sentence

A sentence is the punishment that a court imposes on a person who is convicted of a criminal offence. Maximum sentences for different offences are set by law and in some cases there are minimum sentences. In the case of murder the sentence is fixed by law (life imprisonment).

Sentencing guidelines

Guidelines set out a way for judges and magistrates to consider the seriousness of particular offences, and so decide on the appropriate sentence for each case. They set out different levels of sentence based on the harm caused to the victim and how blameworthy the offender is.