

Year 9 PCSHE Topic 2 – The Justice System

Key Terms

- **Law:** a system of rules which a country uses to regulate the behaviour of its citizens.
- **Civil Law:** When there is a dispute between two people and is usually a personal matter, rather than a crime. E.g. divorce
- **Criminal Law:** When someone breaks a law. E.g. stealing
- **Barrister:** A type of lawyer that defends the person charged with a crime in court.
- **Jury:** is made up of 12 adults, who sit in a crown court and decide whether the accused person is innocent or guilty.
- **Judges:** a person who is in charge of a trial in a court and decide how a guilty person should be punished.
- **Magistrate's Court:** All trials starts in a Magistrate's court. A Magistrate can give out sentences but don't have the same power as a Judge so they only rule over minor offenses. More serious crimes get referred to a Crown court, in front of a Judge.
- **The Crown Prosecution Service:** They advise the police on whether they have enough evidence to prosecute someone. They prepare cases for the court and can decide what charge they think the accused should receive.
- **Probation Officer:** they supervise offenders in the community when they've been released from prison.
- **Bail:** an amount of money that a person who has been accused of a crime pays so that they can be released until their trial.
- **Custody:** being kept in prison, while waiting to go to court for trial.
- **Caution:** a spoken warning given by the police to someone who has broken the law
- **Reoffend:** To offend again
- **Joint Enterprise:** a if a persons' presence, actions or knowledge lead to a murder or assault then they can be charged even if they didn't directly do anything.

KPI1: Introduction to Laws

Our law comes from legislation (laws passed by parliament) Common law and EU law. England and Wales have the same legal system; Northern Ireland has a very similar system. Scotland has its own system of laws

Types of Law:

- Criminal law: A specific crime has been committed. Case between an offender and the government (acting for all citizens) These cases will go through the criminal justice system and could lead to a custodial sentence. Range in severity, not all 'serious' An Act of Parliament has been broken.
- Civil law: Disputes between individuals or group. Often linked to rights e.g. company law, adoption, consumer rights. A claimant can bring a case to civil court, normally to claim damages (to sue for money) Can still be 'serious' and involve very emotive issues.

Legal responsibilities:

- Many people in the UK take a role in the running of the legal system. You still have rights, even if you are an offender Citizens can be on a jury (compulsory) train to be a magistrate (to hear cases in courts in their community), become a special constable (trained volunteers who support police) or advise in a tribunal (as an expert) These roles offer great support to justice within the community.
- If you are arrested you must be told the reason for the arrest, can tell someone, able to get legal aid, offered medical help if needed, provided with a written notice about your rights and offered an interpreter. Human Rights must also be followed in prison (within reason e.g. liberty, democracy.

KPI2: Types of Court:

Criminal Courts

- Magistrates court: 95% of cases, less serious crimes e.g. theft. Led by trained magistrates, no jury can only give minimal penalties.
- Crown court: Serious cases e.g. murder. Led by judge, formal, jury decides on guilt.

Courts must consider mitigating factors. The Crown prosecution Service (CPS) advises the police on cases for possible prosecution. It reviews cases submitted by the police for prosecution and decides the charge in very serious or complex cases.

Civil Courts:

- A dispute between two individuals or groups that requires legal advice Disputes can be solved in civil courts, but also via tribunals (less formal courts) Ombudsmen (expert decision makers) Mediation (talking it through) these are often cheaper and quicker.
- Tribunals produce rulings that are legally binding; an expert judge takes the lead. Ombudsmen are independent and free of charge but can be slow. Mediation can lead to a legally binding agreement.

Youth Justice System:

- The part of the justice system that deals with young people (10- 17) The youth justice system aims to prevent youth crime.
- The UK recognise that YP who break the law should be treated differently.
- Sentences will often focus on rehabilitation.
- YP must have an appropriate adult with them before they are questioned.
- Youth Offending Teams will work with YP to support and educate.
- Youth courts (less formal) are used but very serious crimes can be passed to a crown court.

Office for national statistics:

- The organisation that collects data about what is happening in the UK (including crime).
- Most YP who commit crime have low literacy or difficult backgrounds. Rates of reoffending are high (especially with YP) Violent crime has fallen over the last 20 years
- There is a growing view that prisons need to focus more on rehabilitating prisoners.
- Questions what government are doing to address the root causes of crime (literacy, poor home life)
- Crime statistics can be misleading as certain crimes (e.g. rape) may be underreported