



Unit 26: Aspects of Criminal Law Impacting on Business and Individuals

Delivery guidance

Approaching the unit

Crime and criminal law are fascinating areas of study for your learners. The range of resources available to you is vast with crime reported on a daily basis both locally and nationally. Criminal statistics and trends could also be utilised for learner activities with interesting results. This unit may be your learners' first experience of studying law and a strong introduction to the unit is necessary to distinguish between criminal and civil law and their characteristics. If your learners have already studied *Unit 23: The English Legal System*, the introduction to this unit may be more of a recap. The next stage is to identify the elements of crime before concentrating on specific offences and the consequences of crime. The final part of this unit is more practical and includes investigating law enforcement and crime prevention.

It is important to use a range of delivery methods, including discussion, case studies and presentations, as well as research exercises on aspects of law, cases and statistics. Learners will benefit from a range of different approaches incorporating games and competitions. You could add more variety by using guest speakers and highlighting links to career options and employability skills. Arranging visits to courts, law enforcement agencies and business organisations to investigate security measures also adds to learners' interest and enthusiasm for the unit.

You can involve local employers in the delivery of this unit by inviting them as:

- guest speakers
- audience members who can feed back on learner presentations
- mentors for learners
- providers of business materials as basis for case studies and exemplars
- providing opportunities for work experience for learners.

Delivering the learning aims

Your learners need to be well prepared for their assignments, and it is important that they compile a folder or portfolio with their notes, activities and research, as these could be useful evidence. Learners may find it helpful to organise these materials in sections relating to each learning aim together with a section for general use. Learners could also compile a glossary of legal terminology as an ongoing activity. You need to show learners how to find facts about cases and statutes by introducing them to law books and tables of cases and statutes (you will need to explain law report abbreviations to them); you also need to stress the importance of using up-to-date resources.

For learning aim A, it is useful to ensure that learners understand the words fatal and non-fatal and can appreciate that individuals and staff of a business

organisation can be vulnerable as victims or perpetrators of crime. A good starting point is to discuss current local and national reports of offences against the person. News reports of actual criminal cases may be used for a 'Crime Mystery' activity to examine who, what, why, when, where and how. Local or national newspapers can be used or official websites (e.g. BBC News). To encourage independent learning, it would be a good idea to allocate different cases to each individual learner and to build their confidence by asking them to share what they have learnt about their case with a small group or the whole class. This type of activity could be developed further to examine the relevant law, the offence, the evidence and criminal procedure. You need to encourage learners to use only UK law and advise them on how to identify whether a website they may use for research is based on UK law (as opposed to, say, USA, Malaysia or Australia).

Actus reus and *mens rea* can be difficult concepts to grasp and researching actual cases to identify these elements is useful. Encourage learners to focus on the consequences of crime to all parties affected. This could be done as a group activity to produce a table or chart on the consequences of a given specific offence relating to a business organisation. Learners tend to be drawn to homicide offences. This allows you to introduce corporate manslaughter, for which both the Health and Safety Executive (HSE) and Hazards Campaign offer valuable information and statistics. Official websites such as 'Ministry of Justice' allow learners to take part in activities in relation to sentencing for specific offences. Adam's story on www.eahconsequences.com offers the potential of a guest speaker with first-hand experience of being affected by crime.

Local magistrates are often happy to visit as guest speakers and can be contacted through the local magistrates' court. Court visits are useful but it is important to plan ahead, keep the group size small (around six learners per member of staff) and fully brief learners about behaviour in court. Some courts allow you to see the listings for that day and this may guide you as to the most interesting courtroom to observe. Carefully selected cases or written scenarios that learners can research and carry out practice tasks on are also helpful if you wish to stretch and challenge your learners.

Learning aim B builds upon learning aim A in that learners are already aware of the elements of crime, so they could be given definitions of property crimes in order to extract *actus reus* and *mens rea*. You could use a similar style of delivery to look at local and national cases and focus on the aftereffects of property crime. Case law drawing games work well as they allow learners to identify important points of law and match case facts to case names. Give each group of learners a grid containing case names and very brief details. The same case names and details could be matched to pictures and printed off separately. Volunteers choose a random case, like drawing out a raffle ticket, and they have to draw images suggesting the case and content for the others to guess. Crosswords, games, anagrams and puzzles could be used to identify the elements of specific property offences. You may wish to ask learners to work as two groups to devise a quiz for each other, with questions relating to property crime. To help learners see the bigger picture, you could encourage them to research the extent and cost of crimes that affect businesses. The 'crime against businesses commercial victimisation survey', that can be found online, offers useful information related to industry sectors – manufacturing, wholesale and retail, transportation and storage, accommodation and food.

Having established the extent and cost of crimes against businesses and individuals, learning aim C naturally progresses to consider law enforcement and crime prevention. This outcome presents you with an ideal opportunity for visits to, and guest speakers from, local enforcement agencies and businesses. You could introduce learners to job advertisements, job descriptions and person



specifications for specific law enforcement roles and give learners information that relates these roles about potential career options, qualifications, skills and training. Group activities could be used to investigate appropriate advice to give to a business organisation from a specific agency and then each group could share their advice with the other groups and answer questions. Local councils have websites that relate to some of these agencies and which show case examples and penalties. Crime prevention strategies need to be built up from a personal level to a household level and then to a business organisation perspective. Investigating the approach of a school or college to security may fall within this process. A systematic approach to this part of the unit is useful, and the following key questions could be explored.

- What are the business assets that need protecting?
- What are the potential risks?
- What are appropriate, realistic and cost effective crime prevention measures for a specific business organisation?

You could also give learners practice tasks that involve working on security plans for different business organisations in different types of location.

Learning aim	Key content areas	Recommended assessment approach
A Examine the elements of crimes against people in order to establish liability	A1 Elements of crime A2 Corporate manslaughter A3 Non-fatal offences	Learners provide advice on case studies/scenarios involving business problems relating to offences committed either against, or by, the business.
B Examine the elements of crimes against property in order to establish liability	B1 The elements of offences under the Theft Acts B2 The elements of offences under the Fraud Act B3 The elements of criminal damage offences	
C Explore strategies for crime prevention and the roles of enforcement agencies in protecting businesses	C1 Strategies to prevent crime for businesses C2 The role and powers of specific enforcement agencies	A plan for the security of a local business that includes the help and advice which could be available/ provided by enforcement agencies. An individual written report, evaluating how effective the law is in protecting businesses and the people connected to business.

Assessment guidance

Your unit specification (see summary of unit table above as a reference) suggests an outline programme of two suggested assignments, the first covering learning aims A and B, and the second covering learning aim C.

The first assignment (learning aims A and B) asks learners to give advice on case studies/scenarios involving business problems relating to offences committed either against, or by, the business.

Case studies or scenarios are an excellent way for learners to demonstrate their knowledge and understanding by identifying the relevant law, offence, evidence, criminal procedure and consequences. Actual cases could be used where learners have access to the facts of the case but not the final decision. You could allocate different cases for each learner to investigate so as to encourage independent work, although this is timeconsuming.

The second assignment (for learning aim C) gives learners an opportunity to be more creative using for example, floor plans, diagrams or maps to support their work. The evidence could take the form of a presentation (which could be video recorded) and a report. You may want to invite representatives of local organisations and use an employer panel to assess the validity and practicality of the security plans produced.



Getting started

This gives you a starting place for one way of delivering the unit, based around the recommended assessment approach in the specification.

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Introduction

You could give an outline of the unit content, duration and assessment before encouraging learners to take an active role in identifying facts or terminology related to either criminal or civil law, characteristics, examples of offences and civil wrongs and procedure. Discuss local and national current legal issues, using selected clips available from, for example, the TV programmes *Crimewatch* and *Watchdog*. Your learners could make a start on researching definitions for their glossary of terms.

Learning aim A – Examine the elements of crimes against people in order to establish liability

You may use the following in preparation for the formal assignment. This will allow you to give formative feedback on learners' work, as well as using peer feedback or feedback from a visiting guest speaker, before formal assessment begins.

- Throughout the delivery of each learning aim, activities should be used that develop practical skills related to formative and summative assessment. 'How to' activities to demonstrate to learners how they should, for example, prepare for a presentation, carry out a successful presentation, format a report or a professional letter, display statistics in a variety of visual formats or use punctuation and grammar. The 'How to' activities will be determined by the strengths and areas for improvement of your learners and the requirements of class tasks and summative assessments.
- Give learners starter activities that recap content and skills in the form of games or quizzes. For example, you could devise a word search on characteristics of criminal law, produce a spelling and definitions quiz or ask learners to write a list of offences in a given time.
- The black bag activity could be used on a regular basis – it is simply a dustbin bag containing random items that are relevant to the topic (they should be different each time). Each learners should pick out one item and be given a card saying either D (describe), A (analyse) or E (evaluate). Then each learner needs to describe, analyse or evaluate the chosen object. You could develop this activity later so that learners are analysing and evaluating cases, points of law, legal concepts and law reform. This activity could be used to analyse corporate manslaughter, non-fatal offences or property offences and their impact.
- Initiate a discussion of offences committed by employees of a business or committed against a business. Discuss how such offences are classified according to source or seriousness.
- Give learners opportunities for group activity using a case study (e.g. work related death, outbreak of food poisoning through selling unfit food, burglary of business premises or armed robbery causing a bank cashier to die of a heart attack). Give each group flash cards that they need to arrange in order so as to make a flow chart that outlines criminal procedure and the people involved in the process, from detection of the offence to someone being convicted.
- You could use mini case studies to enable learners to identify the different types of wrongful acts and the guilty mind element. Definitions of offences taken from relevant statute law could be used to demonstrate identification of *actus reus* and *mens rea*.

- To enable learners to explain and compare types of liability, they could write a letter to a business organisation giving advice.
- Courtroom observations and guest speakers such as magistrates, police or prison officers and legal professionals would be particularly useful. Under controlled conditions, it may be possible for ex-offenders to visit schools and colleges to talk about how being found guilty of a crime affected their lives.
- You could encourage learners to produce graphs and charts to display relevant trends relating to deaths at work, according to geographical area and industry sector. Learners could research statistics relating to fatal and non-fatal offences against the person.
- You may ask learners to work in groups and research a specific disaster and potential corporate manslaughter case such as the *Marchionesse*, *Herald of Free Enterprise*, the King's Cross fire or the Southall rail crash and then prepare a PowerPoint presentation explaining the facts and applying the current law to the case. You may ask learners to include a range of consequences following such an event. Learners could also use reports from 'Hazards' publications to compile facts and research cases relating to corporate manslaughter.

Learning aim B – Examine the elements of crimes against property in order to establish liability

- Learners could analyse press reports on all types of offences against people and property. They should identify the facts of the case, the progress of the investigation, the evidence, criminal procedure and the consequences. Use role plays to put forward arguments for the prosecution and defence or to portray a crime scene investigation.
- Learners could produce diagrams to show the consequences of a particular crime such as the destruction of retail premises in a riot situation. Different scenarios could be used for different groups.
- Learning aim B builds on the elements of crime covered in learning aim A so it is a good idea to recap this by means of quizzes, games and crosswords that learners could devise.
- You could set questions that require learners to detect the answers using crime statistics and surveys that look at the impact of crime on businesses.
- Encourage learners to produce a glossary of terms throughout the activities of this unit to promote their understanding of the use of legal terminology.

Learning aim C – Explore strategies for crime prevention and the roles of enforcement agencies in protecting businesses

The following tasks may be used in preparation for the formal assignment. This will allow you to give formative feedback on learners' work, which should also be based on peer feedback or feedback from a visiting guest speaker, before formal assessment begins.

- You could instruct groups of learners to carry out an audit of the school or college to identify resources needing protection. Learners should outline the potential threats and the security measures that could be used to prevent them.
- Ask learners to prepare leaflets or posters on crime prevention relating to different situations that affect them personally, at home or at work.
- You could arrange visits so that learners can assess crime prevention measures in a business, or you could invite a guest speaker to talk about security.
- Lead a discussion of typical crimes affecting businesses that builds on learners understanding of topics from learning aim B.



- You could ask learners to research the extent and costs of crime against business organisations, using statistics available on the internet. You may ask learners to research current cases affecting businesses, either locally or nationally.
- Learners could participate in group activities that use diagrams and maps based on the 'onion peeling process' to look at different levels of protection.
- You could ask learners to research different security measures, such as new technologies, and to make a judgement, based on costs and benefits, about whether such measures are practical for a small to medium sized business.
- To introduce the role of enforcement agencies, you could use an activity in which volunteers have to read out short statements about a specific job and the group have to piece together the statements to discover what the job role is. Alternatively, picture boards could be used to indicate job roles.
- You could ask learners to work in groups to explore the roles of different agencies by looking at their job descriptions, salary, skills, powers and who they work in partnership with. The groups could then present the information.
- Try to arrange visits to, or guest speakers from, the agencies so that learners can find out first-hand about the work that they do.
- Some trading standards departments have excellent websites that include quizzes, competitions and recent cases. Encourage learners to investigate these.
- You could ask learners to stage a press conference in which they are representing one agency and reporting on a recent case. Encourage learners to see the benefits of such agencies to business organisations and individuals.

Details of links to other BTEC units and qualifications, and to other relevant units/qualifications

Pearson BTEC Level 3 Nationals in Business (NQF):

- Unit 23: The English Legal System.
- Unit 24: Employment Law.
- Unit 25: Aspects of Civil Liability Affecting Business.
- Unit 30: Legal Principles and Professional Ethics in Financial Services.
- Unit 31: Effective Management of Personal Debt.

Resources

In addition to the resources listed below, publishers are likely to produce Pearson endorsed textbooks that support this unit of the BTEC Nationals in Business. Check the Pearson website (<http://qualifications.pearson.com/endorsed-resources>) for more information as titles achieve endorsement.

Textbooks

- Martin J and Storey T – *Unlocking Criminal Law*, 5th edition (Routledge, 2015) ISBN 9781138780934.
This book is useful as a tutor resource as it contains key facts and brief case details.

Websites

- www.cps.gov.uk
This is the Crown Prosecution Service (CPS) website. It explores the role of the CPS and includes information on recent cases.
- www.cps.gov.uk/legal/a_to_c/corporate_manslaughter
CPS's definition of corporate manslaughter.
- www.e-lawresources.co.uk/Criminal.php
Games, quizzes, cases and text on aspects of criminal law.
- www.eahconsequences.com
'Adam's story' – every action has a consequence and education pack.
- www.europa.eu/publications/slide-presentations/index_en.htm
European Union website, which has a wide range of useful tutor resources. This particular link is to a set of slide presentations illustrating various aspects of the EU, including the legal system.
- www.hazards.org/index.htm
Hazards magazine. It contains useful resources on amendments to corporate manslaughter law.
- www.hse.gov.uk/corpmanslaughter
The Health and Safety Executive website. It contains useful resources on amendments to corporate manslaughter law.



- www.lawcommission.justice.gov.uk
The Law Commission website. It contains information on current law reform projects.
- www.magistrates-association.org.uk
The Magistrates Association website (a national membership charity representing magistrates). It contains useful information on the history, training and role of magistrates.
- www.northyorkshire.police.uk/tenprinciples
The North Yorkshire Police website contains detailed information on crime prevention including the 'onion peeling' process.
- www.open.justice.gov.uk/courts/criminal-cases
The Ministry of Justice website contains useful facts and statistics on criminal and civil cases.