

Unit 23: The English Legal System

Delivery guidance

Approaching the unit

The focus of this unit is the people involved in the operation of the English legal system, procedures for dealing with criminal and civil issues and the sources of law.

The English legal system has existed for hundreds of years and although laws and procedures have changed over time, the law affects every individual and organisation. This unit is a foundation for studying any other area of law and allows you to put cases and court actions into context. Your learners will particularly enjoy the 'story' element of actual cases though it is important that they recognise that the cases are real life and appreciate the long lasting consequences. Case law is reported on a daily basis locally, nationally and internationally and will give you a rich source of information. Laws and the legal system have to adapt to the needs of society, and you will find the Law Commission, Courts and Tribunals Judiciary and Parliament websites extremely useful sources of contemporary materials. This unit may be your learners' first experience of studying law and a strong introduction to the unit is necessary to emphasise the distinction and differences between criminal and civil law.

A range of delivery methods is important, including discussion, case studies, presentations, as well as research exercises on aspects of law, cases and statistics. Learners 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. Visits to courts or tribunals give learners the opportunity to see laws applied first-hand.

You can use a range of delivery methods in this unit, for example:

- discussions – class and small group discussions on the English legal system
- individual or group presentations – examples of the English legal system in local businesses
- case studies – illustrating the English legal system in local businesses
- appropriate video extracts.

Group work is an acceptable form of delivery but you must ensure that learners individually produce work for assessment that meets the assessment criteria.

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

- guest speakers
- mentors for learners
- audience members who can provide feedback for learner presentations
- 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 notes, activities and research. Learners may find it helpful to organise these materials into sections relating to each learning aim, together with a section for general use. You could also instruct learners to 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, tables of cases and statutes and explaining law report abbreviations. You also need to stress the importance of using up-to-date resources.

A starting point for this unit is to explain content, duration and assessment before you lead a discussion to ascertain what your learners already know about law and legal procedure. To deliver learning aim A, you could initiate a question-and-answer session and encourage learners to contribute to a diagram showing the difference between criminal and civil law characteristics.

To encourage independent learning and build confidence, it is a good idea to allocate different cases for each individual learner to investigate and allow them to share what they have learnt about their case to the class. News reports of actual cases, both criminal and civil, may be used for an 'investigative' type activity to examine who, what, why, when, where and how. Local or national newspapers and official websites (e.g. BBC News) could be used. The main aim here is for your learners to be able to distinguish between public and private law and between civil and criminal law.

You could use diagrams or charts to illustrate the court hierarchy and supplement discussion. In order to distinguish between first instance and appellate courts, it is useful to examine both civil and criminal cases which have reached the Supreme Court and to follow their stages chronologically. You need to encourage learners to use only UK law and help them to identify whether a website they may use for research is based on UK law (as opposed to, say, USA, Malaysia or Africa).

Local magistrates and legal professionals are often happy to visit as guest speakers and can be contacted through the local magistrates' court or law firms. This would allow you to link learning aims A and B and give an opportunity to explore potential career options and employability skills. Court or tribunal visits are useful but it is important to plan ahead, notify the court in advance, 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 gives you the opportunity to examine real life, workplace situations for members of the legal profession. You may direct your learners to change their classroom into a mock court and represent the parties in a civil and criminal case and to explain their given role. You could also arrange activities where small groups are given the task of researching the training and qualifications needed for specific roles, as well as job adverts, job descriptions, skills needed and potential salaries. Moots may be arranged to enable learners to develop arguments for each side of the case, and assign a judge or jury (depending on the nature of the case) to have responsibility for delivering a verdict, bearing in mind the burden of proof.

Your learners need to be able to distinguish between legal professionals and lay people. You may ask learners to take part in a debate discussing why lay people are used and what their role is. You may have colleagues or parents who have experience of jury service and they may offer to talk through their experiences.

Websites for the Law Society, the Bar Council, the Magistrates Association, the Ministry of Justice and the Courts and Tribunals Judiciary are all extremely useful sources of information.

Learning aim C covers more technical areas of law and learners may struggle with the doctrine of precedent and the rules of statutory interpretation so it is useful to start with the legislative process and European law. You could devise activities around pressure groups and changes to the law with learners working in groups on different campaigns. You could use flow charts for the legislative process and track the progress of specific bills. Some learners may not be aware of the European Union (EU), what it does or even where it is – here you could use maps, flags, currency, culture or even football teams to encourage learners. To illustrate the impact of EU law, you may ask learners to research case law that has been overruled by the EU, or cases in conflict with EU law, regulations and directives which affect all member states.

The doctrine of precedent and the rules of statutory interpretation are complex mechanisms used by the legal profession and they can be controversial and sometimes span over years or decades. You will find it useful to break this part of the learning aim into small stages: for example, learners could find a definition and a case illustration for the different terms, before discussing the advantages and disadvantages. Crosswords, games, anagrams and puzzles could be used throughout this unit to reinforce and recap on learning.

Learning aim	Key content areas	Recommended assessment approach
A Examine the jurisdiction of the courts and their alternatives, in contributing to case outcomes	A1 Meaning, purpose and terminology of the law A2 The role and jurisdiction of criminal first instance and appeal courts A3 The role and jurisdiction of civil first instance and appeal courts A4 Alternative dispute resolution (ADR)	Individual presentation on the appropriate courts and personnel for settlement of court cases, for given scenarios / case studies, and the practice and procedures used in both civil and criminal courts to come to a verdict or decision.
B Investigate the role of the legal profession and lay people in contributing to case outcomes	B1 Different types of judges and their roles B2 Different types of lawyers and their roles B3 Participation of lay people and their roles	
C Explore sources of law relevant for providing legal advice	C1 Judicial precedent C2 How Acts of Parliament are created and applied to cases C3 Types of European legislation and their influence on domestic law	An individual presentation to demonstrate the legislative process, precedent and statutory interpretation rules. An individual report on how far the sources of law provide certainty for lawyers providing legal advice and the impact of EU law.



Assessment guidance

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

All learners must independently generate evidence that can be authenticated.

BTEC assessors should complete observation records, while people such as work colleagues can complete witness statements. Observation records alone are not sufficient sources of learner evidence; the original learner-generated evidence must support them.

Case studies or scenarios are an excellent way for learners to demonstrate their knowledge and understanding by identifying the relevant law, offence or civil wrong, evidence, procedure and consequences. Actual cases could be used, and learners could have access to the facts of the case but not the final decision. You could allocate different cases for each learner to encourage independent work, and, although this is time consuming, it does make marking more interesting. Learning aims A and B are compatible for an assessment concentrating on criminal and civil law and procedure, alternative dispute resolution and the roles of lay people and the legal profession.

The assignment for learning aim C gives learners an opportunity to be more creative by considering ideas for changes in the law and how such changes could be made through legislation and delegated law. The suggested evidence is by means of a presentation of a case study and a report, which could be a video or voice recording.

Getting started

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

Unit 23: The English Legal System

Introduction

After explaining the unit content, duration and assessment you could lead a discussion on how to define law, how it affects learners throughout their life (you could use a timeline activity) and the difference between law, rules and morality by encouraging examples and comparing school or college rules to laws. You could further develop the discussion by considering the classification of law by topic, according to source, as criminal or civil or as public or private. Your learners could work in groups or individually, to draw up a table showing the differences between criminal and civil law. Your learners could make a start by researching definitions for their glossary of terms.

Learning aim A – Examine the jurisdiction of the courts and their alternatives, in contributing to case outcomes

You may use the following in preparation for the formal assignment. This allows 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 could be used to develop practical skills related to formative and summative assessment. 'How to' activities could demonstrate to learners how, for example, to prepare for a presentation, carry out a successful presentation, format a report or a professional letter, display statistics in a variety of visual formats, use punctuation and grammar. The 'How to' activities will be determined by the strengths and areas of improvement for your learners and the requirements of class tasks and summative assessments.
- Initiate starter activities to recap content and skills in the form of games or quizzes, for example, a word search on characteristics of criminal law, a spelling and definitions quiz or a timed list of offences and civil wrongs.
- The black bag activity could be used on a regular basis – it is simply a dustbin bag containing random items (different each time) from which each learner should pick out one item. Each learner should be given a card saying either D (describe), A (analyse) or E (evaluate), and then have to describe, analyse or evaluate the chosen object. You could develop this activity so that learners are analysing and evaluating cases, points of law, legal concepts and law reform. This activity could be used to analyse and evaluate the impact of different types of law, the efficiency of methods of dispute resolution and the role of lay people and the legal profession.
- Ask learners to research the different courts, roles and jurisdiction. Prepare a jigsaw-type activity to show how the courts operate in a hierarchy and showing appeal routes.
- You could use a selection of videos and documentaries from those which are available on video-sharing websites that show both criminal and civil court procedure. Television dramas could also be used, but only where appropriate and realistic.
- Use case studies for actual criminal and civil cases to identify the type of case and relevant court procedure – learners should identify what happened, when, where and how.
- You could devise an activity called 'Get on the right track' where learners allocate civil cases to the appropriate track.



- You could arrange visits to the magistrates' court and county court or invite guest speakers who could familiarise learners with relevant procedures.
- Use worksheets for learners to identify and assess the different types of alternative dispute resolution (ADR), and role plays to illustrate the difference between negotiation, mediation, conciliation, arbitration and the work of tribunals.
- You could lead a group discussion on the differences between resolution of disputes in court or through ADR and ask learners to compile lists of advantages and disadvantages of each.

Learning aim B – Investigate the role of the legal profession and lay people in contributing to case outcomes

- Instruct learners to create a picture board and commentary to show members of the legal profession.
- Visit courts or invite guest speakers so that learners are able to identify who would be present in different courts and what their roles are.
- You could instruct learners to research job roles, salaries, skills needed, training and qualifications of members of the legal profession and the role of professional bodies. There are a variety of videos and documentaries illustrating these roles.
- Ask learners to answer a set question on the judiciary by using the 'Courts and Tribunals Judiciary' website and make use of the 'You be the judge' activity. Learners could research relevant statistics to use later for evaluation of the courts.
- Arrange for a panel of guest speakers from the legal profession to attend the class and ask learners to prepare lists of questions to ascertain each guest's job role – the questions should only be answered by yes or no. After this introduction, each guest could talk about their role.
- Set up role plays to encourage learners to actively take part in decision making as magistrates or juries, using a case study for the facts of a case.
- You could lead a group discussion on the pros and cons of lay people being involved in decision making in court and tribunals.

Learning aim C – Explore sources of law relevant for providing legal advice

- You may use the following in preparation for the formal assignment. This allows 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.
- You could lead a discussion on why and how the law changes, followed by a research activity into the role of the Law Commission.
- Devise a group activity where groups should represent a pressure group and produce an outline of their campaign for a specific change in the law.
- You could instruct learners to produce flow charts, diagrams and posters on the legislative process and delegated law. You could allocate a bill to each learner and ask them to track its progress in the legislative stages.
- Use maps, flags, currency, culture or even football teams to encourage learners to identify the nature of the European Union.
- You could use a range of resources including handouts, slide shows, or videos from the 'Europa.eu' (EU) website. These resources also cover options for young people to study, work or take part in voluntary work in member states of the EU, which may link to career options and employability skills.
- To introduce learners to statutory interpretation, use a list of words or statements with double meanings, and encourage learners to find dual definitions.



- You could then lead a discussion on the rules of statutory interpretation and use case law examples to illustrate them. You could develop the discussion to consider the pros and cons of judicial intervention, the supremacy of parliament and the separation of powers.
- Engage learners in an interactive activity to recap on the courts and the hierarchy to introduce precedent. You could then ask learners to research definitions of key terms.
- You could include a research activity examining the history, nature and types of law reports.
- You could use case examples to follow through the hierarchy of courts to illustrate how precedent works.
- Finally, you could devise a group activity in which learners need to produce a table of advantages and disadvantages of precedent and report back to the other groups.



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

Pearson BTEC Level 3 Nationals in Business (NQF):

- Unit 24: Employment Law.
- Unit 25: Aspects of Civil Law Affecting Business.
- Unit 26: Aspects of Criminal Law Impacting on Business and Individuals.
- 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

- Elliot C and Quinn F – *English Legal System*, 16th edition (Pearson, 2015) ISBN 9781292076737.
- Huxley-Binns R and Martin J – *Unlocking the English Legal System*, 4th edition (Routledge, 2014) ISBN 9781444174236.

Websites

- www.open.justice.gov.uk/courts/criminal-cases
The Ministry of Justice website contains useful facts and statistics on criminal and civil cases.
- 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.europa.eu/publications/slide-presentations/index_en.htm
The 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.lawcommission.justice.gov.uk
The Law Commission website. It contains information on current law reform projects.
- www.judiciary.gov.uk
The Courts and Tribunal Judiciary website. It contains some useful information about the justice system, going to court and the judiciary.