



Unit 43: Aspects of UK Criminal Law Impacting on Business and Individuals

Delivery guidance

Approaching the unit

UK crime and criminal law are fascinating areas of study for your learners. The range of resources available to you is vast with both local and national crime reported on a daily basis in the UK. Criminal statistics and trends from the UK could also be used for learner activities with interesting results.

This unit may be your learners' first experience of studying UK 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 40: 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 in the UK. The final part of this unit is more practical and includes investigating UK 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 UK 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. Using real-life case studies on UK courts, law enforcement agencies and business organisations to investigate security measures also adds to learners' interest and enthusiasm for the unit.

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 learner 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.

You can involve local employers with knowledge and experience of UK criminal law 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
- providers of 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.

This unit is based on aspects of UK criminal law and must be delivered from a UK perspective.

For learning aim A, it is useful to ensure that learners understand the terms '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 in the UK. News reports of actual criminal cases may be used for a 'Crime Mystery' activity to examine who, what, why, when, where and how. Online versions of 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 UK 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.

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 after-effects 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 in the UK. 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 guest speakers from local enforcement agencies and businesses with a knowledge and experience of UK criminal law.

You could introduce learners to job advertisements, job descriptions and person specifications for specific law enforcement roles to be found online 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 in the UK 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 give 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 UK 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 report on the security of a plan 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

This unit is internally assessed through a maximum of two summative assignments, one for learning aims A and B, and one for learning aim C. An assignment is a distinct activity, completed independently by learners, that is separate from teaching, practice, exploration and other activities that learners complete with direction from tutors. All learners must independently generate individual evidence that can be authenticated.

The unit specification suggests the learner provides advice for learning aims A and B, and two reports for 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.

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 report on the security of a plan of a local business. The evidence could take the form of a presentation (which could be video recorded). 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 for the first report. A second report is also required to evaluate how effective the law is in protecting businesses and the people connected to business.

Suitable forms of evidence for a presentation include slides, preparation notes, script, cue cards, peer assessment records and records of activity. BTEC assessors can complete observation records and learners' colleagues in placements or part-time work can complete witness statements. Records of



activity alone are not sufficient sources of learner evidence; the original learner-generated evidence must also support them. Assessors should remember that they are assessing the content of the presentation against the learning aim and not the skill with which the presentation was delivered.

Learners should ensure that all research is fully referenced with a bibliography.

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 43: Aspects of UK Criminal Law Impacting on Business and Individuals

Introduction

This unit considers the relationship that United Kingdom (UK) businesses have with consumers and employees and considers the civil legal obligations placed on them and how they are required to respond by law. **All delivery must therefore be from a UK perspective.**

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. Your learners could make a start on researching definitions for their glossary of terms.

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.

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

- Give a presentation on the elements of crime to include common law and statutory offences, summary, either way and indictable offences. Ask learners to work in pairs to research examples of these offences online and lead a class discussion on their findings.
- Give a presentation on actus reus (wrongful act) and mens rea (guilty mind). Definitions of offences taken from relevant statute law could be used to demonstrate identification of actus reus and mens rea.
- Ask learners to work in small groups. Each group should research instances of each online, discuss the difference between actus reus and mens rea then share their findings with the class
- Ask learners to work in pairs. Give each pair a set of mini case studies and ask them to identify the different types of wrongful acts and the guilty mind element.
- Give a presentation on defences relating to property offences and offences against the person,
- Lead a discussion on strict liability and types of offences. Ask learners to write an individual letter to a business organisation that explains and compares types of liability.
- Using case studies lead a class discussion bringing together offences committed by employees of a business or committed against a business. Discuss how each offence is classified according to source or seriousness, and any and aggravating and/or mitigating factors.
- Ask learners to work in small groups with a number of case studies (for example 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 sets of flash



cards and ask them to arrange these in order 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.

- Give a presentation on corporate manslaughter. Lead a discussion on potential corporate manslaughter cases in the UK for example the Grenfell Tower Fire (www.keepcalmtalklaw.co.uk/grenfell-tower-fire-a-turning-point-for-corporate-manslaughter/).
- Ask learners to work in small groups to research a specific corporate manslaughter case using a website such as www.shponline.co.uk/corporate-manslaughter/. Alternatively ask learners to use reports from 'Hazards' publications to compile facts and research cases relating to corporate manslaughter. Each group then prepares a PowerPoint presentation explaining the facts and applying the current UK law to the case. Use the findings in the presentations to lead a discussion on the range of consequences following such events.
- Ask learners to work in pairs to produce graphs and charts to display relevant trends relating to deaths at work in the UK, according to geographical area and industry sector. Learners could also research UK statistics relating to fatal and non-fatal offences against the person.
- Give a presentation on non-fatal offences: common assault and what has to be proved to establish liability. This should include the offences from Offences Against the Person Act 1861:
- Ask learners to research real cases of ABH (actual bodily harm), GBH (grievous bodily harm) and malicious wounding and prepare a PowerPoint presentation to share their findings with the class.
- Lead a discussion on what has to be proved to establish liability.

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

- Give a presentation on the elements of offences under the Theft Acts 1968 and 1996, and relevant case law. You should include the elements of theft.
- Ask learners to work in small groups to analyse press reports on all types of offences against people and property as listed in B1. Each group should identify the facts of the case, the progress of the investigation, the evidence, criminal procedure and the consequences.
- Give a presentation on the elements of offences under the UK Fraud Act. Using recent case study materials lead a discussion on charges of offences against property committed in the workplace and how such situations could be prevented.
- Give a presentation on the elements of criminal damage offences. Lead a discussion on the elements which have to be proved to establish liability for criminal damage offences.
- Using role plays, ask learners to put forward arguments for the prosecution and defence or to portray a crime scene investigation.
- Ask learners to work in small groups to 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.
- As learning aim B builds on the elements of crime covered in learning aim A it is a good idea to recap this by means of quizzes, games and crosswords. Ask learners to help in devising these.
- Give learners a set of questions that require them to individually detect the answers using crime statistics and surveys that look at the impact of crime on businesses.
- Ensure all learners are prepared before providing them with the assignment brief for the assessment of learning aims A and B.

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

- Give a presentation on strategies to prevent crime for businesses. Ask learners to work in small groups 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 and share their findings with the class.
- Ask learners to work in pairs to prepare leaflets or posters on crime prevention relating to different situations that affect could affect a person in the UK, either at home or at work.
- Lead a discussion on the typical crimes affecting UK businesses that builds on learners understanding of topics from learning aim B.
- Ask learners to work in pairs to research the extent and costs of crime against UK business organisations, using statistics available on the internet. You may ask learners to research current cases affecting businesses, either locally or nationally.
- Give a presentation on the 'onion peeling process'. Ask learners to participate in group activities that use diagrams and maps based on this process to look at different levels of protection.
- Ask learners to work in pairs 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, then share their findings with the class.
- Give a presentation on the role and powers of UK enforcement agencies. Ask learners to volunteer to read out short statements about a specific agency jobs and ask the class to piece



together the statements to discover what the job role is. Alternatively, picture boards could be used to indicate job roles.

- Ask learners to work in small groups to further explore the roles of different agencies by looking at their job descriptions, salary, skills, powers and who they work in partnership with. Each group could then present the information using PowerPoint.
- Ask learners to individually research the extent and costs of crime against UK business organisations, using statistics available on the internet. You may ask learners to research current cases affecting businesses, either locally or nationally. Learners prepare a short written report on their findings.
- Ask learners to work in pairs to explore the websites of UK trading standards departments to find quizzes, competitions and recent cases. Encourage learners to investigate these.
- Give learners case study materials on recent cases. 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.
- Ensure all learners are prepared before providing them with the assignment brief for the assessment of learning aim C.

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

Pearson BTEC International Level 3 Qualifications in Business:

- Unit 40: The English Legal System.
- Unit 41: UK Employment Law.
- Unit 42: Aspects of UK Civil Liability Affecting Business.

Resources

In addition to the resources listed below, publishers are likely to produce Pearson endorsed textbooks that support this unit of the BTEC International Level 3 Qualifications in Business. Check the Pearson website (<http://qualifications.pearson.com/endorsed-resources>) for more information as titles achieve endorsement.

Textbooks

- Storey T – Unlocking Criminal Law, 7th edition (Routledge, 2019) ISBN 9780367244736
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-guidance/corporate-manslaughter
The UK Crown Prosecution Service's definition of corporate manslaughter.
- www.e-lawresources.co.uk/Criminal.php
Games, quizzes, cases and text on aspects of UK 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 in the UK.
- www.hse.gov.uk/corpmanslaughter
The UK Health and Safety Executive website. It contains useful resources on amendments to corporate manslaughter law.
- www.magistrates-association.org.uk
The Magistrates Association website (a national membership charity representing UK magistrates). It contains useful information on the history, training and role of UK magistrates.



- www.open.justice.gov.uk/courts/criminal-cases
The Ministry of Justice website contains useful facts and statistics on UK criminal and civil cases.

Pearson is not responsible for the content of any external internet sites. It is essential for tutors to preview each website before using it in class so as to ensure that the URL is still accurate, relevant and appropriate. We suggest that tutors bookmark useful websites and consider enabling learners to access them through the school/college intranet.