

PROVISIONAL

DELIVERY GUIDE

Theme: Citizenship –
Our Rights, Responsibilities
and the Law

June 2015

GCSE (9–1)
Citizenship Studies



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Introduction

Delivery guides are designed to represent a body of knowledge about teaching a particular topic and contain:

- Content: A clear outline of the content covered by the delivery guide;
- Thinking Conceptually: Expert guidance on the key concepts involved, common difficulties students may have, approaches to teaching that can help students understand these concepts and how this topic links conceptually to other areas of the subject;
- Thinking Contextually: A range of suggested teaching activities using a variety of themes so that different activities can be selected which best suit particular classes, learning styles or teaching approaches.

If you have any feedback on this Delivery Guide or suggestions for other resources you would like OCR to develop, please email resourcesfeedback@ocr.org.uk.

KEY



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Curriculum Content

Studying Citizenship enables learners to understand and appreciate their rights and responsibilities at home, in school and as young citizens in their wider community.

Many teachers will introduce the GCSE course through the theme *Our Rights, Responsibilities and the Law*. This enables learners to build on their existing knowledge and understanding before applying this learning to some complex and controversial debates about our rights and the responsibilities we have to each other.

The theme's first section *Rights and Responsibilities* encourages learners to begin their course with an investigation of rights and responsibilities in a school or college context. From this familiar starting point, learners can go on to consider the origins of our rights, the ways in which human rights have been extended and safeguarded, and the difficulties that occur when different rights conflict.

In the second and third sections of the theme, learners have the opportunity to apply their knowledge and understanding of rights and responsibilities to explore the nature of laws and rules, and the ways in which the law is administered and enforced.

In order to facilitate their active, knowledgeable and considerate participation in society, learners should learn to: apply their knowledge and understanding to different contexts; analyse evidence; and draw conclusions following careful evaluation of different viewpoints. The teaching and learning suggestions in this Delivery Guide offer learners opportunities to develop these important skills.



Thinking Conceptually

Approaches to teaching the content

The section on *Rights and Responsibilities* develops concepts and raises issues central to the whole specification. As it builds on concepts and issues familiar to most learners, choosing *Rights and Responsibilities* as the course's introductory section should help everyone make a confident start to GCSE (9–1) Citizenship Studies. This accessible section of the course will provide opportunities for teachers to become more familiar with learners' identities, personal values and attitudes. Such familiarity is likely to be an important pre-requisite for successful teaching of later and potentially more complex themes such as *Identities and Diversity in UK Society*.

This section aims to develop learners' knowledge and understanding of the nature of both legal and moral rights and responsibilities within schools or colleges as well as nationally and internationally.

By studying the origins of our legal rights and the framework provided by international declarations and conventions, learners are able to place their own legal rights and responsibilities within a wider context. This Delivery Guide shows how teachers can encourage learners to apply their knowledge of rights and responsibilities to the debate about increasing the age of criminal responsibility in England and Wales.

Through their studies, learners will appreciate that rights sometimes come into conflict and need to be balanced. How far, for example, should a citizen's right to freedom be constrained in order to protect other people's rights to safety and security? This Delivery Guide shows how learners might evaluate viewpoints on the controversial issue of pre-charge detention by applying their understanding of balancing rights to the debate.

This section can also provide a context for informed citizenship action. Learners should have the opportunity to apply their knowledge, understanding and skills to address a citizenship issue or question linked to rights and responsibilities. Suggestions are included in the activities below.

Learners should be encouraged to use key concepts to help organise their own thinking and sharpen their communication skills. Some of the most important are listed below:

- Association

In a citizenship context, an association is a group of people with the same interests who meet together and cooperate to achieve agreed aims. An association usually has weaker bonds than a union (see below). Members of an association usually have weaker links with each other than members of a union. For example, an employers' association will usually share



Thinking Conceptually

ideas between members and discuss business issues with the government but members would not be expected to support one another in the same way trade union members would.

- **Balancing rights**

Sometimes rights might conflict with each other and need to be balanced. For example, the right people have to speak freely may conflict with the rights of others to privacy, safety and family life. To resolve this conflict United Kingdom (UK) law restricts free speech where it might cause personal distress or encourage hatred of particular groups.

- **Criminal responsibility**

A criminal act is behavior which is considered by society as wrong and damaging to other individuals or society as a whole. To be held responsible for a criminal act a person must understand what they are doing and that it is wrong. Young children and people who are unable to control themselves, perhaps because of mental illness, are not usually held responsible.

- **Duty**

A moral or legal responsibility or obligation. For example, if you saw another student in danger at school you would have a duty to help them yourself or get help.

- **Equality**

In a citizenship context equality means having the same rights as other people and not being treated differently on the grounds of such things as your gender, race, religion, social class or age.

- **Freedoms**

In a citizenship context freedoms refer to those activities that governments should not usually restrict. For example, the European Convention on Human Rights states that everyone is free to hold a broad range of views, beliefs and thoughts, and to follow a religious faith.

- **Human rights**

The basic rights and freedoms that belong to every person in the world. These rights and freedoms have been decided by international agreement and should be safeguarded through the laws of each country.

- **Legal responsibility**

Duties that are reinforced by the law. For example, a parent has a legal responsibility to provide shelter for their children up to the age of 18.



Thinking Conceptually

- Legal right

Expectations that are reinforced by law. For example, learners expect to be taught in a safe classroom. This is a legal right. If a student is hurt because a classroom is unsafe, they can take legal action against the people responsible for keeping classrooms safe.

- Moral responsibility

Our duty to support others so that they can enjoy certain rights. For example, in a school context, all learners have the responsibility to make sure that their behaviour doesn't interfere with others' right to learn.

- Moral right

What we can reasonably expect from others in a particular context. For example, parents expect to be contacted by teachers if their son or daughter misbehaves. There is no law requiring teachers to do this but parents still expect contact to be made and feel that they have a right or entitlement to hear from a teacher.

- Political rights

Rights and freedoms linked to citizens' participation in decision making. An example of a basic political right is the right to vote.

- Rights of representation

The right to have someone help you by speaking on your behalf. For example, people arrested by the police in the United Kingdom (UK) have the right to independent legal support. Many people join trade unions so that they can rely on one of the union's trained officers to safeguard their rights at work.

- Rule of Law

The rule of law means that the law should apply equally to everyone.

- Union

In a citizenship context, a union is a group of people, organisations or nations with the same aims that work together to achieve those aims. For example, a trade union is a group of workers that join together in order to achieve fair pay and good working conditions.



Thinking Conceptually

Common misconceptions or difficulties students may have

Some learners' personal circumstances may make it difficult for them to discuss legal rights and responsibilities in a family context, especially if parenting rights are subject to dispute. It may therefore be more appropriate to introduce concepts of moral and legal rights and responsibilities within a school or college context.

Many learners may think that the right to freedom of expression is unconstrained. It will be important for them to consider the circumstances in which freedom of expression may be restricted in order to protect other, equally important rights connected with safety, privacy and family life.

Learners are likely to have strong opinions about issues of free speech as they apply to religious faith and identity. It is important to introduce learners to different viewpoints on free speech and censorship in order that they can explore the circumstances in which state censorship or self-censorship may and may not be appropriate.

Some learners will be uncertain about the differences between criminal and civil law. Others will be sceptical about the extent to which UK law is applied fairly to everyone. It may be useful for all learners to analyse a range of examples to evaluate the Rule of Law in practice.

Many learners will share public misconceptions about the extent of crime in the UK and subscribe to a general view that crime is increasing overall. Research shows that while property crimes against adults over 16 have declined substantially, sexual offences have not and young people, especially males, remain the most likely victims of personal crime. It is important for learners to appreciate these complexities and to use a range of reliable evidence to evaluate different responses to criminal behaviour.

It is possible but not likely that young people will make racist or other unacceptable comments while in class. It is important to confront such attitudes firmly and explicitly to signal your own disapproval to the whole class. Deal with the matter according to the school/college behaviour policy but also address any misconceptions with the learner(s) concerned.



Thinking Conceptually

Conceptual links to other areas of the specification – useful ways to approach this topic to set students up for topics later in the course.

Key concepts developed in *Our Rights, Responsibilities and the Law* – moral and legal rights and responsibilities, human rights, equalities, freedoms and the *Rule of Law* – will be important organising ideas for learners throughout the specification.

The sections on: *Democracy, governance and the economy*; *Citizen participation in democracy and society*; *Identities and diversity in UK society*; and *The UK and its relations with the wider world* all have strong conceptual links with *Our Rights, Responsibilities and the Law*. Schemes of work will be more effective in promoting learning when the key concepts identified below are reinforced and frequently exemplified. For example, work on the UK's political system should be underpinned through the development of learners' understanding of political rights and the *Rule of Law*.

Concepts from this section link to other sections as follows:

Specification section	Concepts introduced or developed in <i>Our Rights, Responsibilities and the Law</i>
Democracy, governance and the economy	Rights to representation Political rights Rule of Law Freedoms Equality Balancing rights
Citizen participation in democracy and society	Rights to representation Political rights Union Association
Identities and diversity in UK society	Human rights
The UK and its relations with the wider world	Human rights Union Association



ACTIVITIES

When selecting the contexts through which conceptual learning will take place, teachers must ensure that learners are also able to develop the full range of citizenship skills reflected by the specification's assessment objectives (AOs).

1. **Apply knowledge & understanding** of citizenship concepts, terms and issues to contexts and actions. (AO2)
2. **Analyse** and **evaluate** a range of evidence relating to citizenship issues, debates and actions, including different viewpoints, to develop reasoned, coherent arguments and make substantiated judgments. (AO3)

These skills (application, analysis and evaluation) will be tested in the final examinations.

The three activities below illustrate how these skills might be developed within the section *Rights and Responsibilities*.

Activities	Resources
<p>Activity 1 – Analysing and evaluating a range of evidence relating to citizenship issues, debates and actions, including different viewpoints, to develop reasoned, coherent arguments and make substantiated judgments.</p> <p>Context/Key Question: Should the age of criminal responsibility be increased to 12 in England and Wales?</p> <p>Concepts: Rights, responsibilities, criminal responsibility, human rights</p> <p>Method:</p> <ol style="list-style-type: none">1. Stimulate a debate about rights and responsibilities for young people by starting with an 'age laws' quiz (Learner Resource 1.1). Ask learners about criminal responsibility. Discuss criteria that might be used to decide a suitable age for criminal responsibility and other age-related legal rights and responsibilities.2. Ask learners to research awareness of the current age of criminal responsibility in England and Wales, and viewpoints on whether 10 is an appropriate age by gathering information from other learners, family and friends. Share this information in class.3. Ask learners to check the United Nations Convention on the Rights of the Child and report back their findings on what it has to say about juvenile justice in general and the age of criminal responsibility in particular. (As part of the specification's content requirement, learners will need to know about the role of the United Nations, and the status of its declarations and conventions.)	



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Activities	Resources
<ol style="list-style-type: none">4. Ask learners to research the age of criminal responsibility in other countries and draw up a table or chart. Point out that the age of criminal responsibility was increased to 12 in Scotland in 2009. (As part of the specification's content requirement, learners should know that the devolved government in Scotland has responsibility for such legal matters and that Scotland has its own justice system.)5. Learners should use secondary sources to find out the reasons for increasing the age of criminal responsibility in Scotland.6. Ask learners to analyse evidence linked to the debate over the age of criminal responsibility in England and Wales. Ask them to record reasons for leaving the age of criminal responsibility at 10 and for increasing it.7. Discuss learners' findings and take the opportunity to formatively assess their understanding.8. Introduce learners to a sample examination question on this issue (Learner Resource 1.2). Ask them to plan a response to the question in pairs or small groups, or prepare a debate based on the question. Emphasise the need to use evidence to support their arguments and show them how best to do this. Give learners time to collect further relevant evidence of their own.	
<p>Action opportunities:</p> <p>The specification requires that learners carry out at least one in-depth, critical investigation leading to a planned course of informed action to address a citizenship issue or question of concern.</p> <p>In order to prepare for such activity, it is important that learners have other manageable and time-limited opportunities to take action. The section on <i>Rights and responsibilities</i> offers good opportunities for such action. Action opportunities leading on from the activity above could include:</p> <ul style="list-style-type: none">• Organising a presentation and debate in school for student representatives, staff and governors/directors.• Inviting the local MP to school for a discussion on the age laws and the age of criminal responsibility in particular. Recording the discussion and producing an article for the school/college website or newsletter.• Starting an e-petition at epetitions.direct.gov.uk	



Thinking Contextually

Activities	Resources
<p>Data sources: <i>(Teachers should select from these sources and/or adapt the information to suit learners' needs. It is important for all learners to gain experience in analysing secondary data and conducting some of their own primary research rather than relying on commentary.)</i></p> <p>a. The United Nations Convention on the Rights of the Child http://unicef.org.uk/UNICEFs-Work/UN-Convention/ This page gives access to versions of the Convention with different levels of detail. Article 40 covers children's rights in relation to juvenile justice. (States must specify a "minimum age below which children shall be presumed not to have the capacity to infringe the penal law", but no minimum age is specified even though such minimum ages are written in to other articles of the Convention.)</p> <p>b. Justice for Children briefing on the minimum age of criminal responsibility, published by Penal Reform International http://www.penalreform.org/resource/justice-children-briefing-no4-minimum-age-criminal-responsibility/ This is a complex resource for teachers and able learners that includes an important reference on its first page to the Convention on the Rights of the Child committee view that the minimum of age of criminal responsibility less than 12 is "not internationally acceptable". The chart on the final page gives ages of criminal responsibilities in countries that are a concern to Penal Reform International because of their record on human rights.</p> <p>c. Briefing on the age of criminal responsibility from UR Boss, a youth project supported by the Howard League for Penal Reform http://www.urboss.org.uk/youth-justice-professionals/youth-justice-policy/minimum-age-of-criminal-responsibility This includes similar material to source 'b' above but is more accessible to learners.</p> <p>d. Scots criminal age to go up to 12, BBC Scotland news item with links to other news items on the same issue http://news.bbc.co.uk/1/hi/scotland/7916561.stm A clear and concise article describing a reform of juvenile justice in Scotland and the reasons for increasing the age of criminal responsibility from 8 to 12.</p>	



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Activities	Resources
<p>e. House of Lords Private Members Bill to increase the age of criminal responsibility to 12, UK Parliament http://services.parliament.uk/bills/2013-14/ageofcriminalresponsibility.html</p> <p>This source provides learners with a useful insight into parliamentary processes and into to arguments for and against increasing the age of criminal responsibility. Sections of the debate transcript can be extracted to improve accessibility for learners. A video of the debate is available at http://www.bbc.co.uk/democracylive/house-of-lords-24868079</p> <p>f. This House Would Raise the Age of Criminal Responsibility, International Debate Education Association (IDEA) http://idebate.org/debatabase/debates/law-crime/house-would-raise-age-criminal-responsibility</p> <p>A useful, partly interactive resource for learners showing a range of arguments for and against an increase in the age of criminal responsibility to 18. Suggesting such a substantial increase does tend to skew the debate against change and the arguments in this source will need adapting to the question of increasing the age of criminal responsibility from 10 to 12.</p> <p>g. The Big Question: Should 12, rather than 10, be the age of criminal responsibility? The Independent http://www.independent.co.uk/extras/big-question/the-big-question-should-12-rather-than-10-be-the-age-of-criminal-responsibility-1921857.html</p> <p>An accessible coverage of the background to the debate and main arguments for and against.</p>	



Thinking Contextually

Activities	Resources
<p>Activity 2 – Applying knowledge & understanding of citizenship concepts, terms and issues to citizenship contexts and actions.</p> <p>Context/Key Question: The Magna Carta is an ancient agreement made in a field near the River Thames in the year 1215. Is it still relevant today?</p> <p>Concepts: <u>Reinforce:</u> Rights, responsibilities, human rights <u>Introduce:</u> The <i>Rule of Law</i></p> <p>Method:</p> <ol style="list-style-type: none">1. Ask learners to analyse the importance of the Magna Carta by using a selection of the data sources below and completing the introductory tasks on Learner Resource 2.1.2. Through discussion of their findings from the introductory tasks, learners should begin to identify which main features of the Magna Carta may have most relevance today.3. Focus on the concept of the Rule of Law. Ask learners to compete with each other to devise a clear and comprehensive definition of the Rule of Law. Compare these definitions across the class and with examples from Learner Resource 2.2. Learners can amend their own definitions accordingly.4. Ask for learners' current views on whether they think all people in the UK are equal before the law. What evidence would learners use to support their viewpoint? What other types of evidence could they seek to evaluate the validity of their viewpoint?5. Ask learners to apply their knowledge and understanding of the Rule of Law to modern contexts by considering a selection of secondary evidence drawn from the data sources below. Learners should use Learner Resource 2.3 to help them analyse the evidence, find more evidence of their own and begin to draw conclusions about how far the Rule of Law applies to life in modern Britain.	



Thinking Contextually

Activities	Resources
<p>6. Ask learners to design a webpage or information leaflet showing how far the Magna Carta is still relevant. Share outcomes and ensure that each learner has time to amend their presentations accordingly.</p> <p>7. As a further research and sharing exercise, ask learners to report on the long term significance of one of the groups mentioned in the Mirror's Magna Carta article (Roundheads, Levellers, Tolpuddle Martyrs, Chartists or Suffragettes). How far do the actions of these groups still have impact today?</p> <p>8. Show the short video <i>The Story of Human Rights</i> (see data source 'f' below). Discuss and begin to evaluate the viewpoint that, "The Magna Carta continues to affect modern life in the UK and across the world. It was perhaps the most important citizens' action of all time."</p> <p>Action opportunities:</p> <p>Action opportunities leading on from the activity above could include:</p> <ul style="list-style-type: none">• Planning and delivering an assembly on the historical background to the Magna Carta and its significance today.• Writing an 'improved version' of the Mirror's Magna Carta article for the school/college website or newsletter.• Designing a learning resource for younger learners describing the Magna Carta and explaining its implications. <p>Data sources:</p> <p><i>(Teachers should select from these sources and/or adapt the information to suit learners' needs.)</i></p> <p>Sources on the Magna Carta</p> <p>a. The importance of the Magna Carta</p> <p>http://www.bbc.co.uk/news/uk-11745856</p> <p>A short video summary by the BBC of the significance of the Magna Carta for rights and freedoms in Britain today.</p> <p>b. Magna Carta the unstoppable: 15 facts about the deal that's reined in royalty for 800 years</p> <p>http://www.mirror.co.uk/news/uk-news/magna-carta-unstoppable-15-facts-5114374</p> <p>A simple and accessible summary from the Mirror website of some of the ways the Magna Carta has influenced rights in modern Britain.</p>	



Thinking Contextually

Activities	Resources
<p>c. Magna Carta: an introduction http://www.bl.uk/magna-carta/articles/magna-carta-an-introduction The British Library's clear, sufficiently detailed and reliable account of the background to the Magna Carta, and its short and long term significance.</p> <p>d. Magna Carta http://www.historylearningsite.co.uk/magna_carta.htm A clear and concise summary of the reasons King John and the barons needed to make an agreement. There is a link from this page to a transcript of the Magna Carta's 63 clauses which can also be found at http://www.historylearningsite.co.uk/magna_carta-transcript.htm</p> <p>e. Magna Carta unpicked http://www.bbc.co.uk/news/magazine-19761919 A translation of the three parts of the Magna Carta that are still in law. The text should be accessible to most learners once they have understood the Magna Carta's main purpose but some teacher assistance will be needed.</p> <p>f. The Story of Human Rights documentary http://www.humanrights.com/what-are-human-rights/brief-history/magna-carta.html This nine minute video from the USA places the Magna Carta in a much broader global historical context as it explores the importance of human rights today, their development and the responsibility everyone has in helping to uphold those rights.</p>	



Thinking Contextually

Activities	Resources
<p>Sources relating to the Rule of Law in modern Britain</p> <p>g. Denis McShane jailed for MP expenses fraud http://www.bbc.co.uk/news/uk-politics-25492017 An accessible news item from 2013 which shows that even law-making Members of Parliament are not above the law.</p> <p>h. Constance Briscoe guilty: Judge jailed for role in Chris Huhne scandal http://www.independent.co.uk/news/uk/crime/constance-briscoe-guilty-judge-jailed-for-role-in-chris-huhne-scandal-9315582.html This 2014 case, reported by the Independent, is more complex than the Denis McShane example above but shows that judges can also be imprisoned if they break the law.</p> <p>i. The Business Law Economic Boom for the UK http://www.economicvoice.com/the-business-law-economic-boom-for-the-uk/ This article explains that international clients use UK legal services because of their respect for the impartiality of British justice. The implication of the article is that the Rule of Law in the UK is recognised and respected internationally.</p> <p>j. Legal aid cuts hit parents and ex-couples after budget is sliced by a whopping £141m http://www.mirror.co.uk/news/uk-news/legal-aid-cuts-hit-parents-5101181 This 2015 press report suggests that government cuts to legal aid will deny justice to the poor.</p> <p>k. One law for the rich, no law for the poor http://www.theguardian.com/commentisfree/2012/mar/11/roman-abramovich A much more complex article from the Guardian develops the argument that justice is denied to the poor. Teachers may need to edit this piece to make it more accessible.</p>	<p>Click here to view page</p>



Thinking Contextually

Activities	Resources
<p>i. eBay-style online courts could resolve smaller claims http://www.bbc.co.uk/news/uk-31483099 News of a proposal that could make the law more accessible to those wanting to make small claims.</p> <p>m. Pre-charge detention in terrorism cases http://www.parliament.uk/business/publications/research/briefing-papers/SN05634/precharge-detention-in-terrorism-cases This note produced by the House of Commons Library provides a short history and update on the length of time terrorist suspects can be detained without being charged (14 days, February 2015). The note is accessible to more able learners but will otherwise need some teacher editing. This issue links well with clauses 39 and 40 of the Magna Carta and the ancient principle of <i>Habeas Corpus</i> both of which oppose imprisonment without charge or trial. (See Activity 2 for a development of this issue.)</p>	



Thinking Contextually

Activities	Resources
<p>Activity 3 – Analysing and evaluating a range of evidence relating to citizenship issues, debates and actions, including different viewpoints, to develop reasoned, coherent arguments and make substantiated judgments.</p> <p>Context/Key Question: Is it fair to keep people imprisoned before they are charged with an offence?</p> <p>Concepts: <u>Reinforce:</u> rights, responsibilities, the <i>Rule of Law</i>, human rights <u>Introduce:</u> freedoms, balancing rights</p> <p>Method:</p> <ol style="list-style-type: none">1. Ask learners to reinforce their knowledge from Activity 2 to summarise the current arrangements for detaining terrorist suspects without charge in the UK.2. Focus next on the regulations for holding other criminal suspects without charge. Ask learners to investigate and explain reasons why the police are given time with a suspect before charging them and why they have longer for suspected terrorist offences.3. Ask learners to refer back to the Magna Carta (clause 39) to reinforce their understanding of what it has to say about imprisonment. Ask learners to research the ancient right of <i>Habeas Corpus</i> and to analyse its implications for imprisonment without charge or trial.4. Ask learners to analyse the Universal Declaration of Human Rights and the European Convention of Human Rights to select clauses that provide guidance to governments on imprisonment. A useful exercise to help learners develop their understanding of the documents would be to ask them to re-draft the relevant sections using more straightforward language. (Learners should also refer to the Human Rights Act or and UK Bill of Rights that might have replaced.)5. Discuss with learners whether current arrangements for holding criminal suspects without charge is fair. What issues does a government have to take into account when making decisions about the length of pre-charge detention? What rights are being balanced when such decisions are being made?	



Thinking Contextually

Activities	Resources
<ol style="list-style-type: none">6. Following their own discussions above, ask learners to analyse the government's own 2011 review of counter terror legislation. What recommendations did the review make about pre-charge detention? What reasons were given to support the recommendations? What rights are being balanced by Lord MacDonal QC, the review's author? Learners can use Learner Resource 3.1 to help them organise their analysis.7. Ask learners to analyse further source material to find out why pressure groups such as Liberty oppose 14 day pre-charge detention.8. Discuss learners' findings and take the opportunity to formatively assess their understanding.9. Introduce learners to a sample examination question on this issue (Learner Resource 3.2). Ask them to plan a response to the question in pairs or small groups. Emphasise the need to use evidence to support their arguments and show them how best to do this. Give learners time to collect further relevant evidence of their own. Please note: the sample question provided is not necessarily indicative of finalised question types.10. Learners can write the essay either in class or at home. To make this a formative assessment exercise, allocate time to: enable peer assessment; allow a discussion of outcomes and approaches; and enable learners to improve their essays.11. Some learners may like to critically explore other aspects of counter terrorism legislation such as the controversial Terrorism Prevention and Investigation Measures (TPIMs).	



Thinking Contextually

Activities	Resources
<p>Data sources: <i>(Teachers should select from these sources and/or adapt the information to suit learners' needs.)</i></p> <p>Sources on the current arrangements for pre-charge detention</p> <p>a. Use source 'm' from Activity 2 for current arrangements for pre-charge detention in cases of suspected terrorism.</p> <p>b. Citizens' Advice – guide to police powers http://www.adviceguide.org.uk/england/law_e/law_legal_system_e/law_police_e/police_powers.htm#h_your_rights_on_arrest A clear and detailed guide to current police powers in cases of suspected criminal activity.</p> <p>Sources on human rights</p> <p>c. Use source 'd' from Activity 2 to check clauses 39 and 40 of the Magna Carta.</p> <p>d. The homepage of the Habeas Corpus Project – an organisation that “challenges illegal detention throughout the UK” http://habeas-corpus.org.uk/ Learners should be able to analyse the interesting homepage of this site to describe the principle of <i>Habeas Corpus</i> and explain its significance to the key question underpinning this activity.</p> <p>e. The Universal Declaration of Human Rights https://www.un.org/en/documents/udhr/ Learners may need directing to Articles 8–12 and some teacher assistance in interpreting the language used in the declaration.</p> <p>f. European Convention on Human Rights www.echr.coe.int/Documents/Convention_ENG.pdf The European Convention is more detailed but also clearer than the earlier UN Declaration. Learners may need directing to Articles 5 and 6, as well as some teacher assistance in interpreting the language used in the declaration.</p>	



Thinking Contextually

Activities	Resources
<p>g. Equality and Human Rights Commission – commentary on the Human Rights Act http://www.equalityhumanrights.com/your-rights/human-rights/what-are-human-rights%3F/the-human-rights-act/right-to-liberty-and-security</p> <p>A detailed commentary on the right to liberty and security within the UK Human Rights Act. It includes useful references to relevant legal cases. (This source offer students a useful link to the next sections of this theme – the law and the legal system.)</p> <p>Sources for further discussion of the length of pre-charge detention</p> <p>h. Review of Counter Terrorism and Security Powers 2011 https://www.gov.uk/government/publications/review-of-counter-terrorism-and-security-powers</p> <p>A detailed but reasonably accessible government document that sets out the reasons for reviewing counter terrorism and security powers in 2011. The document includes a list of people who were consulted and justifies the Home Office’s recommendation for a reduction in pre-charge detention from 28 to 14 days. <i>This is an excellent source for helping learners to understand the need to balance rights (and re-balance them in response to public representations), and the separation of powers between civil servants, government ministers and the judiciary.</i></p> <p>i. Extended pre-charge detention – commentary from the human rights pressure group Liberty https://www.liberty-human-rights.org.uk/human-rights/countering-terrorism/extended-pre-charge-detention</p> <p>This summary of changes to the length of pre-charge period from 2000 is followed by a clear statement of opposition to the current 14 day maximum detention and a useful reference to shorter pre-charge periods in other democracies.</p>	



Learner Resource 1.1 – Age laws quiz and information

Age laws are subject to change and so it is worth checking the latest position, especially with regard to voting in elections.

Use the quiz first. Ask learners to complete the first column individually before discussing and amending their answers with partners. Use the *Age Laws Information Sheet* with learners to find out the actual ages at which legal rights and responsibilities apply to young people. Generate a discussion about:

- The age laws that should be changed and the reasons for this.
- Whether there should be a maximum as well as a minimum age for particular citizen rights and responsibilities.
- The factors politicians consider when deciding an age limit for legal rights and responsibilities.

Age Laws Quiz

Legal rights and responsibilities	When should you?	When can you?
Work up to five hours on a Saturday between 7.00am and 7.00pm		
Buy a pet		
Buy liquor chocolates		
Leave education and training		
Give consent to medical, dental and surgical treatment		
Fly commercial transport aeroplanes, helicopters, and airships		
Have a tattoo		
Get married without parental permission		
If you were adopted you can see your original birth certificate (and have your name added to the Adoption Contact Register)		
Be legally responsible if you commit a criminal offence		
If convicted of a serious criminal offence (in a Youth Court), you can be held in secure accommodation for no more than 24 months. You could also get a fine for a maximum of £1,000		



Learner Resource 1.1 – Age laws Information Sheet

The age of criminal responsibility is 10 in England and Wales, and 12 in Scotland.

At 14 + you can

- You can get a part time job, for a maximum of two hours on a school day, working sometime between 7.00am and 8.00am and 5.00pm and 7.00pm.
- You can work on Sundays between 7.00am and 7.00pm, but again for no more than two hours.
- You can work up to five hours on a Saturday between 7.00am and 7.00pm.
- During school holidays you can work five hours a day from Monday to Saturday. But you can only work two hours a day on Sundays.
- You can go into a bar and order soft drinks.
- If convicted of a [serious criminal offence](#) (in a Youth Court), you can
- be held in secure accommodation for no more than 24 months. You could also get a fine for a maximum of £1,000.
- Wearing a seatbelt is considered your own personal responsibility.

At 15 + you can

- Working restrictions are the same as 14-year-olds, except you can work up to eight hours on a Saturday between 7.00am and 7.00pm.
- You can view, rent or buy a 15 rated film.
- If you are awaiting trial for a criminal offence, you may be held in a remand centre.
- If convicted, you can be sent to a [young offenders institute](#) for up to two years.

At 16+ you can

- You have the right to give consent to medical, dental and surgical treatment. This includes contraceptive advice and treatment.
- Up to the age of 18, you are entitled to free full-time further education (at school, sixth form college and city technology college) or job-related training.
- You can have sex, gay or straight, if your partner is also 16+
- If you're 17 and under, it is [an offence](#) for someone in a position of trust who is 18 or over to engage in any kind of sexual activity with you.
- You can obtain a [National Insurance number](#).
- You can apply for [legal aid](#).
- You can drink a [beer, wine, or cider](#) with a meal in a pub or restaurant if you are with an adult.
- You can ride a [moped](#) with a max engine power of 50cc (and a [provisional licence](#)). You can also drive an invalid vehicle (with a licence) and a mowing machine.
- You can choose your own [doctor](#).
- You can move out of the family home with your parents' permission. (If you're under 17 then Social Services may apply for a [Care Order](#)).
- You can rent accommodation, but a [guarantor](#) is required until you're 18 (this is an adult who can be responsible for you).
- You must pay for prescription charges (unless you're pregnant, on income support or in full-time education). Laws in [Wales](#) differ though.
- You can order your [own passport](#).
- If convicted of a criminal offence, but not given a custodial sentence, you can receive a youth rehabilitation order.
- You can play the National Lottery.
- You can buy premium bonds.
- You can buy a pet.
- You can fly a [glider](#).
- You can get [married](#) (with parental consent).
- You can buy liquor chocolates.



Learner Resource 1.1 – Age laws Information Sheet

At 17+ you can

- You can [drive](#) most types of vehicles (with a provisional driving licence and a 21+ adult in the passenger seat who is qualified to drive).
- If you pass your driving test, and you're properly insured, you can drive on your own.
- You can apply for a [private pilot's licence](#) for a plane, helicopter, hot air balloon and airship.
- You can be interviewed by the police without an adult present, given a reprimand or a warning. Should you be [charged](#) with an offence (without being granted bail) then you could be sent to a remand centre or prison.
- You can become a [blood donor](#).
- You can leave your body for medical study.

At 18+ you can

- You can [vote](#) in local and general elections.
- You can [stand for election as a Member of Parliament](#), local councillor or Mayor.
- You can serve on a [jury](#), or be tried in a magistrates court and go to jail if you're found guilty of a criminal offence.
- If you were [adopted](#) you can see your original birth certificate (and have your name added to the Adoption Contact Register).
- You can [make a will](#).
- You can [get married](#) without parental permission.
- You can [view, rent or buy](#) an 18 rated film.
- You can buy fireworks.
- You can place a bet in a betting shop/casino.
- You can buy [cigarettes, rolling tobacco and cigarette papers](#).
- You can open your own bank account.
- You can buy an alcoholic drink in a pub or a bar.
- You can [pawn stuff](#) in a pawn shop.
- You can have a tattoo.
- You can drive lorries weighing up to 7.5 tonnes, with a trailer attached.



Learner Resource 1.2 – Specimen examination question on the age of criminal responsibility



Evaluate the following viewpoint using evidence to support your answer:

“The age of criminal responsibility in England and Wales should not change. People know right from wrong by the time they are 10 years old”

In your answer you should:

- State what is meant by the term ‘age of criminal responsibility’.
- Explain the reasons for keeping the age of criminal responsibility at 10 using evidence to support this viewpoint.
- Explain the reasons for increasing the age of criminal responsibility at 10 using evidence to support this viewpoint.
- Evaluate how far you agree with the viewpoint above.

12 marks

*please note, the sample question/marking guide provided is not necessarily indicative of finalised question types.

Assessment criteria

Level 4. 10-12 marks

- An informed and well-argued personal response to the viewpoint based on a thorough analysis and evaluation of a range of evidence.
- A very good understanding of what the ‘age of criminal responsibility’ means and of why it is an important issue in England and Wales.
- Specific and accurate references to reasons for keeping the age of criminal responsibility at age 10.
- Specific and accurate references to reasons for increasing the age of criminal responsibility.
- A range of examples / evidence that are well organised to support the evaluation.
- Valid additional research by the learner that makes good use of most of the materials provided in the OCR Delivery Guide and additional materials linked to the learner’s own research.
- A good and convincing summary of the learner’s own position in response to the viewpoint.
- Spelling, grammar and punctuation are accurate. Meaning is communicated clearly.

Level 3. 7-9 marks

- Some valid evaluation of the viewpoint
- Sound understanding of what the ‘age of criminal responsibility, means
- Sound explanation of reasons for leaving the age of criminal responsibility unchanged.
- Sound explanation of reasons for increasing the age of criminal responsibility.
- Appropriate examples and evidence are selected from the materials referred to in the Delivery Guide.
- A reasoned conclusion
- Spelling, grammar and punctuation are mostly accurate. Meaning is communicated clearly.

Level 2. 4-6 marks

- Limited evaluation of the viewpoint
- Limited understanding of what ‘age of criminal responsibility’ means.
- Sound explanation of the reasons for either leaving the age of criminal responsibility unchanged OR increasing it.
- There are mistakes in spelling, grammar and punctuation; however, meaning is still communicated clearly for most of the answer.

Level 1. 1-3 marks

- Personal opinion on the viewpoint
- Some limited but valid points or examples relating to issues or debates about the age of criminal responsibility.
- Information is organised at a simple level to aid communication but frequent mistakes in spelling, grammar and punctuation sometimes makes meaning unclear.



Learner Resource 2.1 – Analysing the Magna Carta

Complete the chart below as part of your analysis of the Magna Carta

What does 'Magna Carta' mean?	
Which King agreed to the Magna Carta?	
With whom did the King make his agreement?	
When was the agreement made?	
Explain why the King needed to make this agreement.	
The most famous clauses in the Magna Carta are clauses 39 and 40. Re-write each of these clauses to make their meaning clear and suitable for the 21st century.	Clause 39
	Clause 40
It is sometimes said that the Magna Carta was one of the first agreements to improve legal rights for women. Find one piece of evidence to support this view.	
It is sometimes said that the Magna Carta reinforced the importance of private property. Find on piece of evidence to support this view.	
Choose one other clause that would have been of lasting importance to people at the time. Explain reasons for your choice.	



Learner Resource 2.2 – Definitions of the Rule of Law

Below are four definitions of the Rule of Law.

Each one of them includes accurate information about what the Rule of Law is.

Assess the definitions and rank them for quality.

Devise a final definition – avoid repeating anything.

Start with your favourite definition. Add the best qualities of each other example.

Definition	Ranking 1–4 (1 = best)
The Rule of Law means that all laws must be clear. People should be able to find information about them easily. Laws must be applied to people evenly and must protect basic rights such as property ownership and personal security.	
The Rule of Law means that the government and its officials have to obey the law like everyone else. Citizens must be able to have a say in what laws are made. Everyone must be able to get the law to support them if necessary. Law enforcement must be fair and efficient.	
The Rule of Law began with the Magna Carta in 1215. It means that even the Monarch has to obey the law. Those who decide cases should be impartial and should be chosen from the community.	
The Rule of Law means that justice has to be delivered on time using clear laws. Legal representatives should be skilled and not influenced by anyone except the person they are representing.	
Final definition of the Rule of Law:	



Learner Resource 2.3 – Applying the Rule of Law to modern Britain

Make sure that you understand what is meant by the term 'Rule of Law'. Refer to your definition in Learner Resource 2.2.

Use this table to help you to apply your knowledge and understanding of the 'Rule of Law' to a modern British context.

Analyse each secondary source for information about how far the 'Rule of Law' applies in modern Britain today. Find at least one other source of your own for additional information.

Sum up your findings. How far does the 'Rule of Law' apply in modern Britain today?

Each source has a star rating

-  = a simple source that's quick and easy to understand
-  = a more challenging source that repays more careful reading and analysis
-  = a source for determined and expert learners.
(Analyse these sources a section at a time and enlist your teacher's help as you need it.)

Source	Reference	Analysis
Denis McShane jailed for MP expenses fraud 	BBC News website http://www.bbc.co.uk/news/uk-politics-25492017	What does this tell us about decision-makers and the law?
Constance Briscoe guilty: Judge jailed for role in Chris Huhne scandal 	The Independent news website http://www.independent.co.uk/news/uk/crime/constance-briscoe-guilty-judge-jailed-for-role-in-chris-huhne-scandal-9315582.html	What does this tell us about judges and the law?
The Business Law Economic Boom for the UK 	Economic Voice website http://www.economicvoice.com/the-business-law-economic-boom-for-the-uk/	Why are businesses and wealthy people from other countries getting British lawyers and courts to deal with their legal disputes?
Legal aid cuts hit parents and ex-couples after budget is sliced by a whopping £141m 	Mirror website http://www.mirror.co.uk/news/uk-news/legal-aid-cuts-hit-parents-5101181	How far is law accessible to everyone in England and Wales? (Use evidence from all three sources on the left as you can.)



Learner Resource 2.3 – Applying the Rule of Law to modern Britain

Source	Reference	Analysis
One law for the rich, no law for the poor 	The Guardian website http://www.theguardian.com/commentisfree/2012/mar/11/roman-abramovich	
eBay-style online courts could resolve smaller claims 	Website of Parliament UK http://www.parliament.uk/business/publications/research/briefing-papers/SN05634/precharge-detention-in-terrorism-cases	
Pre-charge detention in terrorism cases 		What is pre-charge detention? Why is it used? In what ways might pre-charge detention be a breach of the 'Rule of Law'?
Add your own source here		
Summary – How far does the 'Rule of Law' apply in modern Britain today?		



Learner Resource 3.1 – Analysing the UK counter terrorism laws

In 2011, Lord MacDonald QC (a judge) was asked by the government to check a review into the UK's counter terrorism laws.

Analyse the document, *Review of Counter Terrorism and Security Powers 2011*

<https://www.gov.uk/government/publications/review-of-counter-terrorism-and-security-powers>

Use the table below to help organise your ideas.

The first row of analysis and some page references have been completed for you.

Your task is to conduct the analysis and provide evidence to support your findings.

Focus for analysis	Your findings	Page references and evidence
Why was a review needed?	<p>The government was worried that existing terrorism laws were limiting people's freedom too much.</p> <p>Many people were unhappy with the laws.</p> <p>The government wanted to find ways of changing the laws. They wanted laws that still protected people's safety but with fewer restrictions on personal freedom.</p>	<p>Introduction, page 2, paragraphs 1, 2 and 3.</p> <p>"... the boundary between freedom and security may have started to shift in the wrong direction in the United Kingdom in recent years, partly as a result of our responses to the increased security threats we have been facing ..."</p>
Why was Lord MacDonald asked to check the review?		Forward, page 1, paragraphs 1, 2 and 3
Who was consulted by Lord MacDonald?		Forward, page 1, paragraphs 6 and 7
<p>What did the review recommend on pre-charge detention?</p> <p>What were the reasons for this recommendation?</p>		Page 4, paragraphs 1–7
<p>What did the review recommend on terrorism stop and search?</p> <p>What were the reasons for this recommendation?</p>		Pages 4 and 5
Choose any other review recommendations for analysis		
Does the review seem to be thorough and fair?		The whole of the document.



Learner Resource 3.2 – Specimen examination question on pre-trial detention



Evaluate the following viewpoint using evidence to support your answer:

"It isn't fair to take away people's freedom for 14 days before they are charged with an offence."

In your answer you should:

- Explain why people might have their freedom taken away for 14 days before being charged with an offence.
- Explain why some people think the existing UK laws on pre-charge detention are fair.
- Explain why other people think the existing UK laws on pre-charge detention are unfair.
- Evaluate how far you agree with the viewpoint above.*

12 marks

*please note, the sample question/marking guide provided is not necessarily indicative of finalised question types.

Assessment criteria

Level 4. 10–12 marks

- An informed and well-argued personal response to the viewpoint based on a thorough analysis and evaluation of a range of evidence.
- Specific and accurate references to reasons for supporting the current laws on this issue.
- Specific and accurate references to the reasons people may have for thinking that current laws on this issue are unfair.
- A range of examples / evidence that are well organised to support the evaluation.
- A good and convincing summary of the learner's own position in response to the viewpoint with explicit or implicit understanding of the need to balance rights.
- Spelling, grammar and punctuation are accurate. Meaning is communicated clearly.

Level 3. 7–9 marks

- Some valid evaluation of the viewpoint
- Sound understanding of the current law.
- Sound explanation of reasons for supporting the current laws on this issue.
- Sound explanation of the reasons people may have for thinking that current laws on this issue are unfair.
- Appropriate examples and evidence are used in support.
- A reasoned conclusion
- Spelling, grammar and punctuation are mostly accurate. Meaning is communicated clearly.

Level 2. 4–6 marks

- Limited evaluation of the viewpoint
- Limited understanding of current laws on this issue.
- Sound explanation of the reasons for either supporting the current law OR wanting to change it.
- There are mistakes in spelling, grammar and punctuation; however, meaning is still communicated clearly for most of the answer.

Level 1. 1–3 marks

- Personal opinion on the viewpoint
- Some limited but valid points or examples relating to counter terrorism laws and / or pre-charge detention.
- Information is organised at a simple level to aid communication but frequent mistakes in spelling, grammar and punctuation sometimes makes meaning unclear.





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