

Materials for A-level Citizenship Studies

Activity 4: What are the differences between the civil and criminal law?

Background, organisation and resources

This activity is an introduction to the topic concerning how a citizen's rights are protected and supported by the legal system. Students should already have an awareness of the different statutes and how they protect/support our rights, for example the Human Rights Act and Freedom of Information Act. This topic area takes the students' knowledge of law further by highlighting ways in which the legal system, particularly the civil and criminal courts, can help enforce and protect a citizen's rights. It also examines punishments and remedies for those found to be either guilty or liable.

The activities make use of a PowerPoint presentation to introduce students to differences between civil and criminal law and a sorting exercise so that students can reinforce and develop their knowledge of the differences between civil and criminal law, whilst also encouraging them to consider punishments and remedies for crimes and disputes.

For the last task each pair of students will need scissors, paper and pens and a set of sources. They will then participate in a teacher-led discussion to develop their ideas concerning the aims of sentencing/remedies and whether they are always successful. Students should draw from their own knowledge of examples, e.g. the Jamie Bulger case. Students will then require a worksheet to complete summarising their knowledge of sentences and remedies developed from the discussion. These four activities will require roughly two hours of lesson time.

Link to AQA specification

This topic falls under CIST1 Rights and Responsibilities and how a citizen's rights are protected and supported by the English Legal System. It particularly focuses on introducing students to differences between civil and criminal law, punishments and compensation, and links to how a citizen can make appropriate arrangements.

Aims of the activity

- To identify the differences between civil and criminal law
- To identify the different terminology used in civil and criminal law
- To recognise different punishments/remedies in civil and criminal law.

QCA post-16 citizenship learning objectives

- Show understanding of key citizenship concepts
- Discuss and debate citizenship issues
- Express and justify a personal opinion to others.

Tasks

Stage 1

Use the PowerPoint presentation to introduce the topic and ask students to make notes.

Stage 2

Ask students to complete the table in the Worksheet for Stage 2, **Differences between civil and criminal law**, using knowledge gained from the PowerPoint and statements provided, to determine the different terminology and phrasing in civil and criminal law.

Stage 3

Run off articles on the following cases from the BBC website. Then ask students to sort them into civil and criminal cases and answer the questions below.

Civil case – Naomi Campbell (source A)

<http://news.bbc.co.uk/1/hi/uk/3689049.stm>

Criminal case – Pete Doherty (source B)

<http://news.bbc.co.uk/1/hi/entertainment/4925492.stm>

Civil case – Dr Abedin (source C)

<http://news.bbc.co.uk/1/hi/england/london/7787648.stm>

Criminal case – Rachel Nickell murder (source D)

<http://news.bbc.co.uk/1/hi/england/london/7783796.stm>

Criminal case – terrorism charges (source E)

<http://news.bbc.co.uk/1/hi/uk/7791602.stm>

1. Identify which sources are criminal cases and which are civil cases.
2. Of the criminal cases, what were the punishments?
3. Of the civil cases, what were the punishments?
4. What do you think the aims of these punishments are?
5. Do you think the punishments would successfully prevent somebody from acting in the same way again? Explain your answer with reference to the sources.

Stage 4

Lead a discussion on sentencing and punishments in civil and criminal law using the **Teachers' notes 4a – 4d** provided so that students can complete the worksheets : **Punishment or compensation (4a)**, **Types of offences (4b)**, **Sentences and remedies (4c)**, and **Types of civil dispute (4d)**.

Stage 5 (extension activities)

Ask students to research crime or civil disputes that are currently in the media and produce a presentation identifying the key elements of the case – the facts of the case, the courts hearing the case and the punishment/remedies for the crime/dispute. Invite students to present their research to the class.

This could be linked in to the Active Citizenship Profile by visiting the courts to see law in action and then taking the knowledge and experience gained to devise their own mock court case.

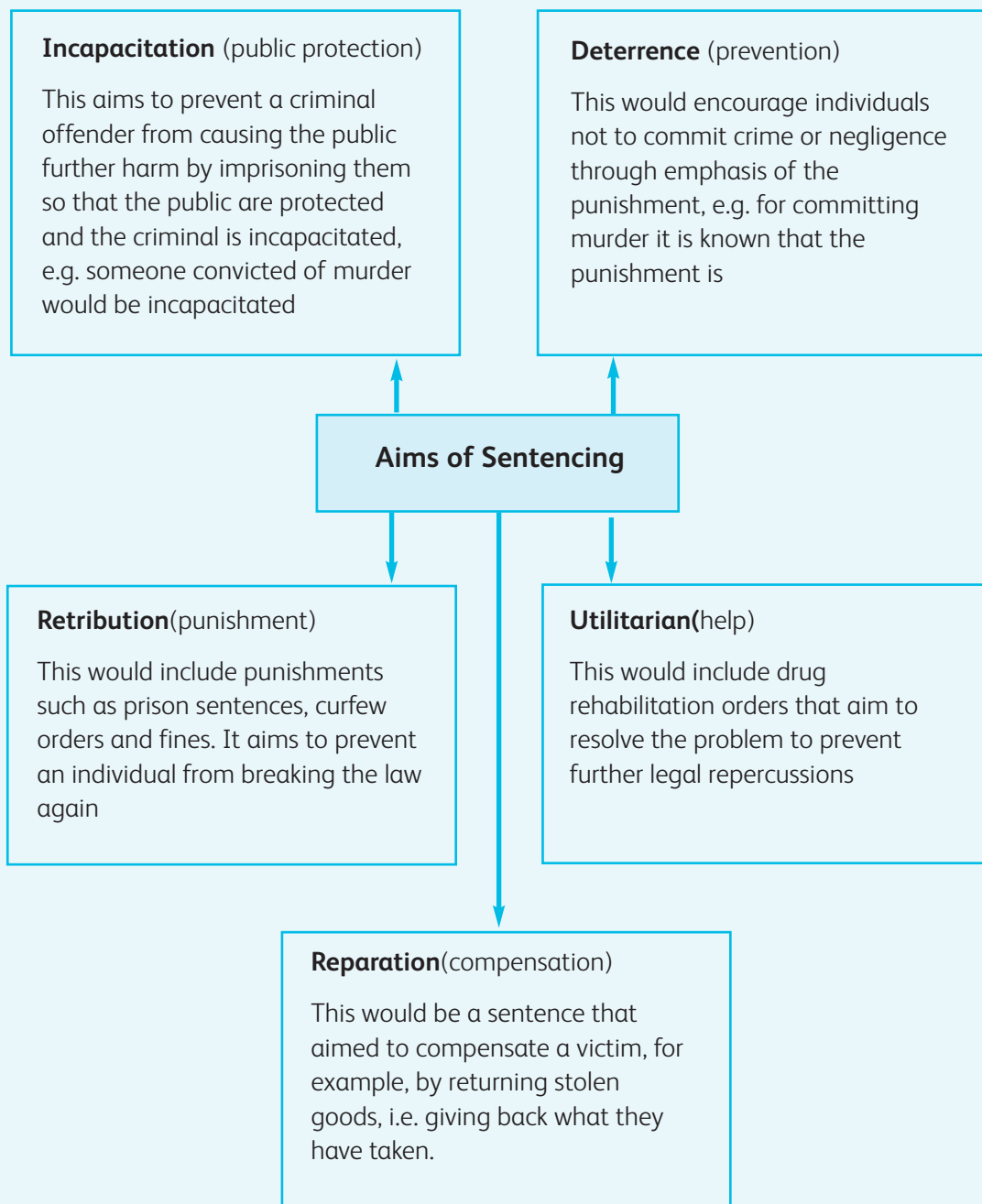
Assessment

- Show understanding of key citizenship concepts: staff feedback and question and answer following the PowerPoint and sorting activity on differences between civil and criminal law
- Discuss and debate citizenship issues: staff observation of class discussion and feedback on sentencing and remedies, plus completed summaries.
- Express and justify a personal opinion to others: staff observation and feedback on each of the stages.

Punishment or compensation (Teachers' note 4a)

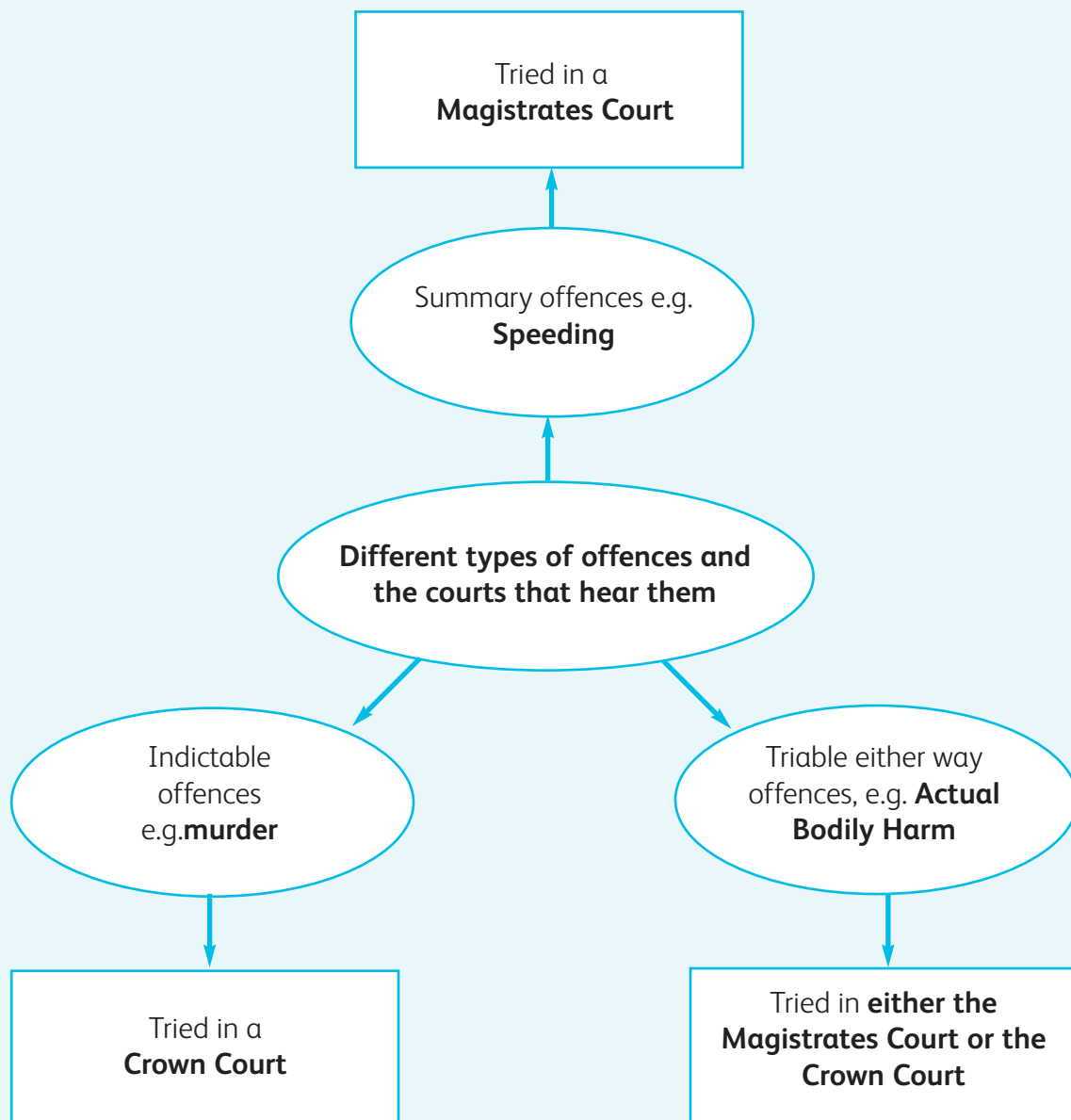
Once a person has been found guilty of an offence or liable in a dispute, it is up to the judge to determine whether an individual should be punished in some way.

In criminal law the judge will pass a sentence and in civil law the judge will award a remedy

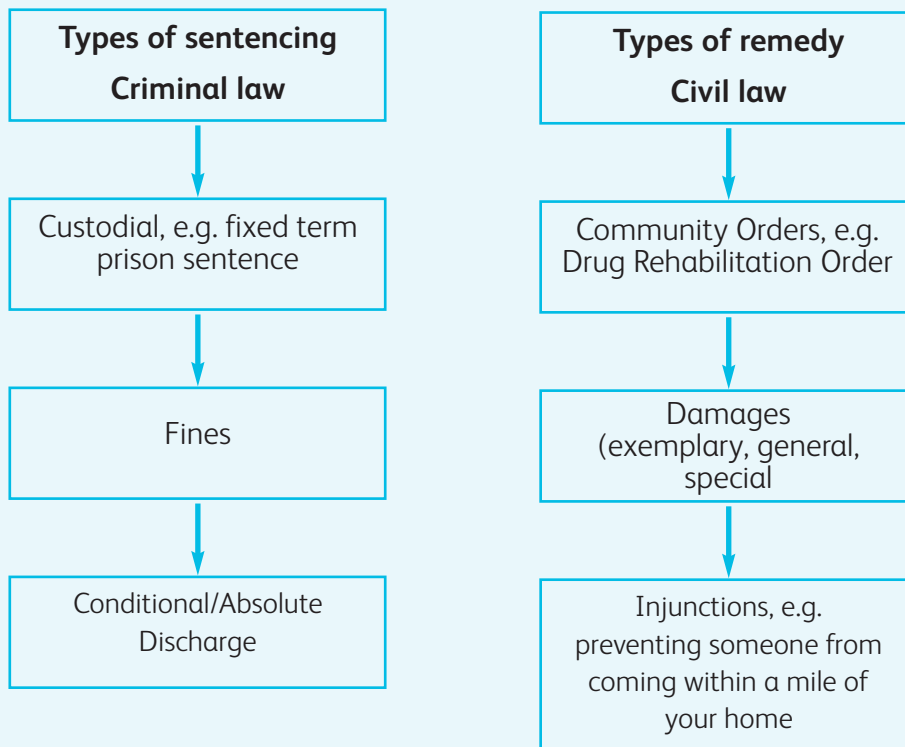


Types of offences (Teachers' note 4b)

Students should use the information they have learnt from discussions to complete the following diagram on the worksheet concerning the different types of offences and the courts that hear them.



Sentences and remedies (Teachers' note 4c)



What are mitigating and aggravating factors?

- Mitigating factors are those that lessen and punishment once a defendant has been found guilty of an offence. For example, if they are the sole carer for an elderly relative or the defendant is a first-time offender.
- Aggravating factors are those that worsen a punishment once a defendant has been found guilty of an offence. For example, if the defendant was particularly violent.

Types of civil dispute (Teachers' note 4d)

A civil dispute is one between two disagreeing parties such as a dispute with your neighbour. There are many types of dispute which include:

1. family disputes
2. recovery of debt
3. administration of estates, wills, land
4. child custody
5. breach of duty including negligence, nuisance
6. contractual disputes
7. personal injury.

Differences between civil and criminal law (Students' worksheet for stage 2)

Using the information you have learnt from the PowerPoint complete the following table using the statements provided to help you.

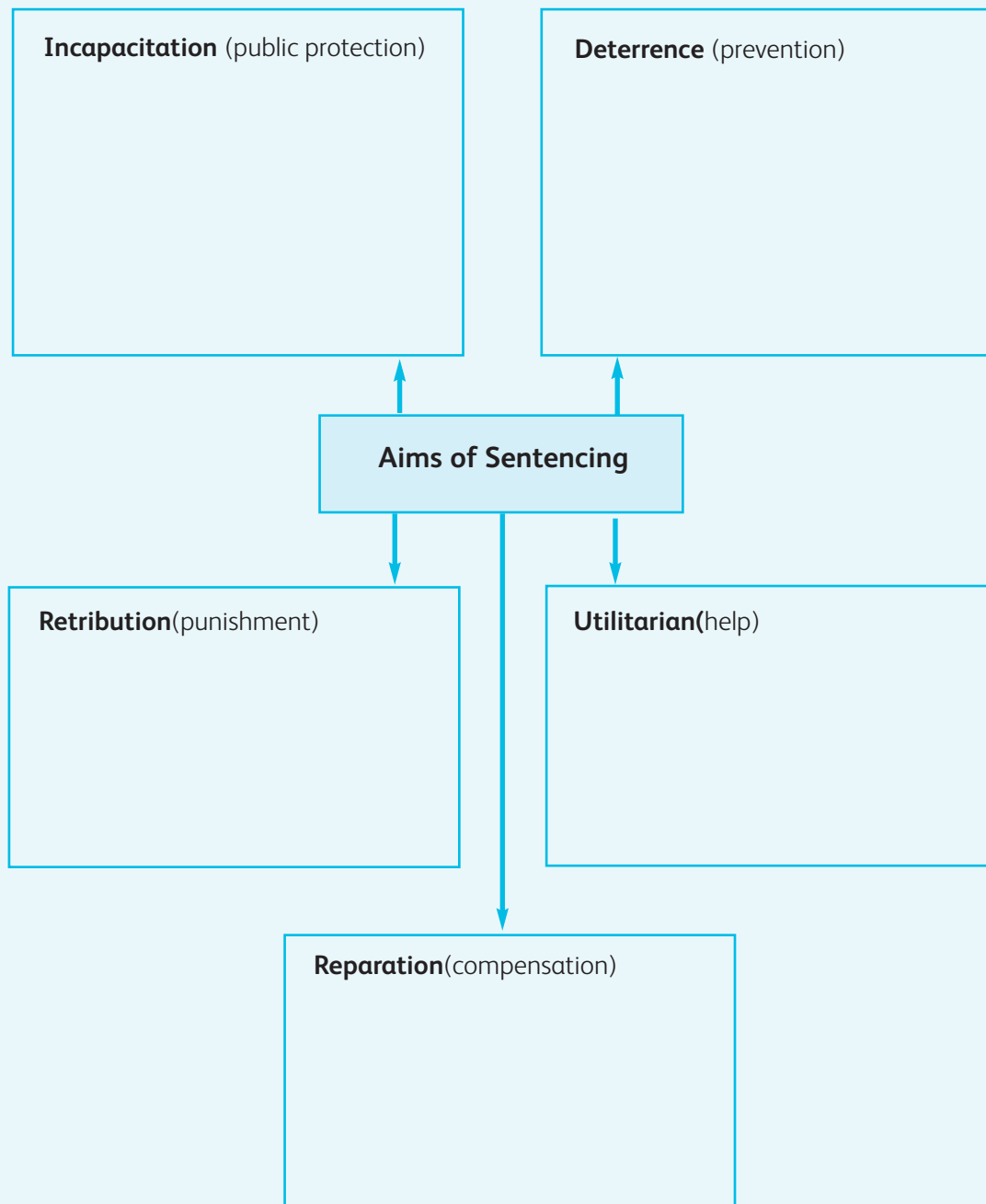
	CRIMINAL LAW	CIVIL LAW
Purpose of the law	To punish the guilty and protect the innocent	To settle disputes between parties
Courts hearing the case		
Person/people hearing the case		
Burden of proof		
Standard of proof		
Verdict		
Sentence/remedy		

Statements to fit into the table

Beyond all reasonable doubt; on the claimant; to punish the guilty and protect the innocent; the Magistrates or Crown Court; prison sentences; community orders and fines; on the balance of probabilities; the County or High Court; compensation; guilty or not guilty; on the prosecution; to settle disputes between parties; by the judge and jury, or the judge, or the magistrate; liable or not liable; by the judge.

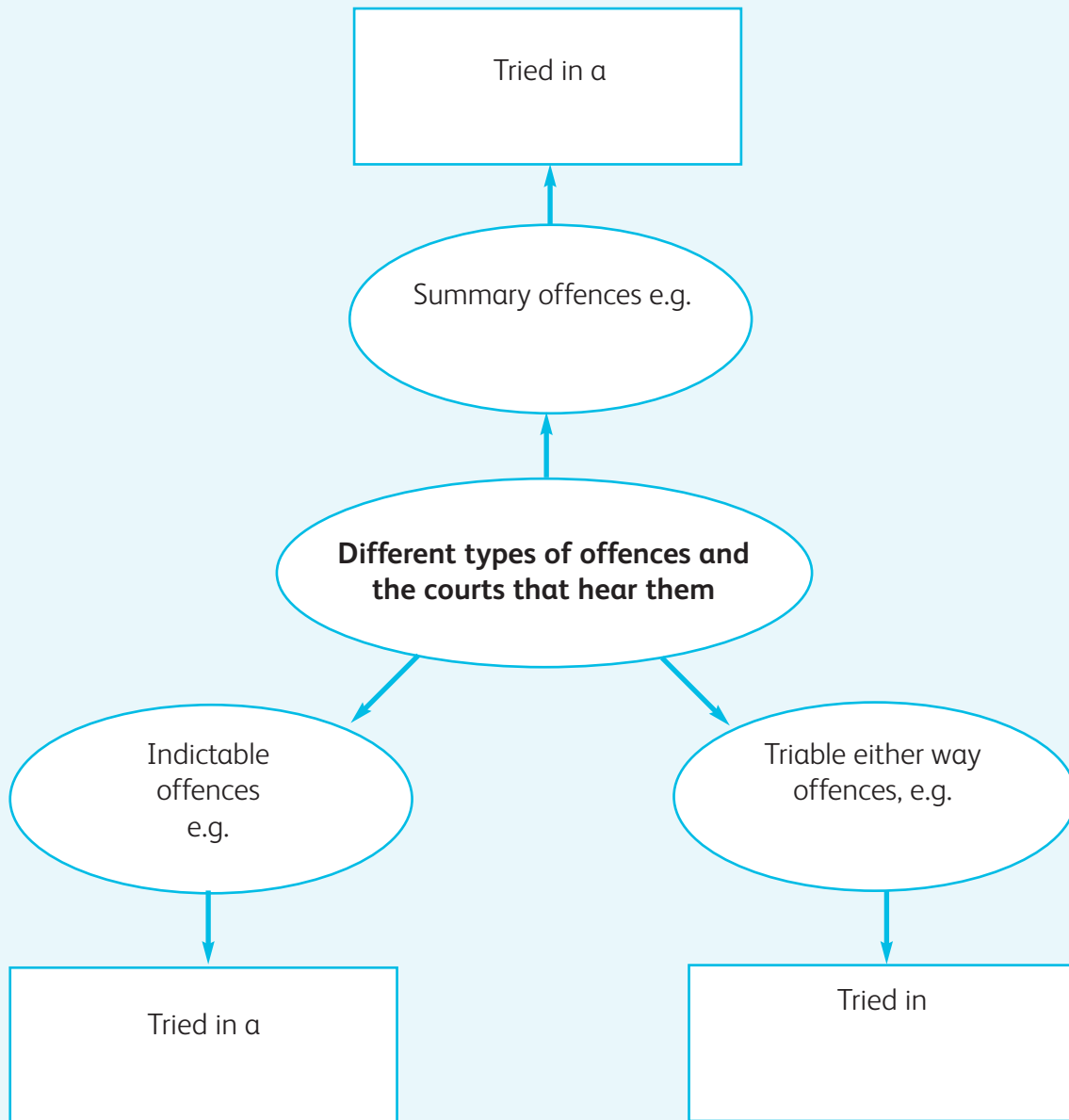
Punishment or compensation (Students' worksheet 4a)

Once a person has been found guilty of an offence or liable in a dispute, it is up to the judge to determine whether an individual should be punished in some way. In criminal law the judge will pass a sentence and in civil law the judge will award a remedy.

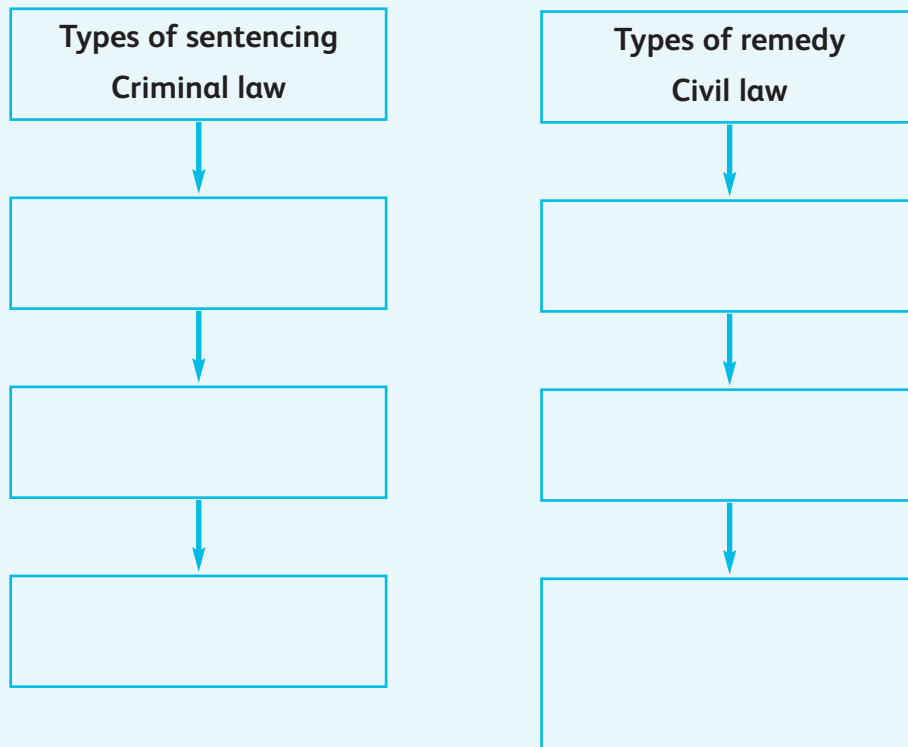


Types of offences (Students' worksheet 4b)

Using the information you have learnt from your discussions, complete the following



Sentences and remedies (Students' worksheet 4c)



When do you think it is best to pass a sentence that punishes a defendant?

When do you think it is best to pass a sentence that helps a defendant?

What are mitigating and aggravating factors?

Types of civil dispute (Students' worksheet 4d)

A civil dispute is one between two disagreeing parties such as a dispute with your neighbour. There are many types of dispute. Try to think of as many kinds of dispute that are not criminal in nature.

Types of civil dispute

1.

2.

3.

4.

5.

6.

7.