

Teacher's Handbook

GCSE Law

OCR GCSE Law: J485

This handbook is designed to accompany the OCR GCSE Law specification for teaching from September 2009.

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Introduction

This GCSE specification was part of a suite of new GCSEs for first teaching in September 2009.

We made improvements to our new GCSEs in three key areas: updated and relevant content, a focus on developing students' personal, learning and thinking skills, and flexible assessment, so you can choose the best learning approach for the job.

The main changes are:

- the content of specifications has been brought up to date;
- examinations provide opportunity for extended writing and more varied question types;
- all GCSEs meet the requirements of the Disability Discrimination Act.

Our approach is to provide consistency across all our GCSEs by offering the flexibility that unitised qualifications bring, allowing teaching and assessment to be either a linear or unitised fashion.

OCR offers a range of support materials, developed following extensive research and consultation with teachers. We've designed them to save you time when preparing for the new specification and to support you while teaching them.

It is important to make the point that this Teacher's Handbook plays a secondary role to the specification itself. The GCSE Law specification is the document on which assessment is based: it specifies what content and skills need to be covered. At all times therefore, the Teacher's Handbook should be read in conjunction with the Specification. If clarification on a particular point is sought, then that clarification must be found in the Specification itself.

Subject Specific Guidance

Unit B141: The nature of law. Criminal courts and criminal processes

The object of this unit is to place the law in context and to facilitate an understanding of its purpose, using aspects of the criminal justice system to illustrate the law in action.

The first thing which needs to be achieved is an appreciation of what law is and its importance to everyday life by looking at where law comes from and exploring the similarities with, and differences from, morality. Next comes an understanding of why law is needed, achieved by giving the function of the law a context by considering the basic principles which underpin both civil and criminal law, as well as an appreciation of bigger issues such as rights, freedoms and human rights.

Once a context is established it is possible to investigate the different ways law is made by considering the major law-making bodies which are Parliament, judges and the European Union (EU). It is important to gain an overview of how law is made, the different situations in which it is used, the effect it has on those who have to follow it and how it has developed the English legal system as a whole. As well as knowledge of the different types of law making some critical awareness of the process is necessary as a development of evaluative skills. After this it is necessary to focus on two main branches of law; civil and criminal. Key distinctions need to be drawn such as the difference in role between criminal law, which is the state acting on behalf of society with the aim of punishment of a wrongdoer, whilst civil law focuses more on disputes between parties with the aim of achieving a legal and just settlement.

The remainder of this unit focuses on the criminal justice system and follows the steps through the system, beginning with the role of the police. There is a need to understand the basic rights the police have and how these are used in key areas such as stop and search, arrest, detention and treatment at the police station. These powers are found in the Police and Criminal Evidence Act 1984 and the associated Codes of Practice but there is no need for detailed knowledge of all the provisions they contain. It is often possible to visit police station custody suites to see what happens in reality – contact your local police station for information. The different classifications of criminal offences need to be understood alongside an appreciation of what this means for the type of court which will then hear the case and the impact this may have on a defendant. Appeal structures of the criminal courts need to be investigated to give a holistic picture of a case from start to eventual conclusion. If possible, it is very valuable to visit a court or even courts of different types but if this is impossible there are some excellent materials on the Internet such as:

www.cjsonline.gov.uk and www.hmcourts-service.gov.uk

There is no need for detailed knowledge of legal aid schemes, particularly not their financial complexities, but an understanding of the duty solicitor scheme is necessary and information is available at http://www.legalservices.gov.uk/criminal/contracting/duty_solicitor.asp.

There is a need to consider the role of lay people in the legal system, particularly magistrates and jurors. This is a good area for practical involvement, perhaps getting someone who has done jury service to talk about their experiences or to visit a magistrates' court. The magistracy also provides speakers who will visit schools and colleges and conduct mock sentencing exercises which help to bring this part of the course to life.

You can get information from www.magistrates-association.org.uk.

There is information on jurors at the courts' website listed above. This area is one which develops evaluative skills through discussions to the merits, or otherwise, of this kind of involvement. The unit ends with the issue of sentencing – its mechanics, the types of sentences on offer and the theories which underpin its operation. Again this is a good opportunity for discussion and whilst visits to prisons are hard to organise they are possible depending of the age of the visitors and the category of prison.

There is a lot of information available and here are some ideas:

<http://www.sentencing-guidelines.gov.uk/>

<http://www.hmprisonservice.gov.uk/>

<http://www.cjsonline.gov.uk/offender/walkthrough/>

<http://www.prisonreformtrust.org.uk/>, <http://www.womeninprison.org.uk/>.

Unit B142: Civil courts and civil processes. Civil liberties and human rights

This object of this unit is to provide an awareness of the civil justice system and the people who work in it before moving on to consider the wider issues of the rights and freedoms members of society possess.

Initially it is necessary to achieve an understanding of the civil courts structure and how the civil justice system works. There needs to be familiarity with the track system and the rules which operate within it to give justice and efficiency. Information is on the courts' website listed in the unit B141 section of this Handbook. In order to use the civil courts there may be a need to access legal services which provide help and assistance. These are complex and frequently changing so it is sufficient to have an overview of the types of help which are available, and some discussion as to their relative merits. There is no need for candidates to master the detailed financial provisions and information is on the legal services website referred to in the unit B141 section of this Handbook.

Also important are the methods for resolving legal problems which exist outside the court structure – collectively known as Alternative Dispute Resolution (ADR). The different methods need to be understood along with some awareness of their relative strengths and weaknesses. It is possible to visit Employment Tribunals and arbitrators may be willing to visit schools and colleges to talk about their work, see:

<http://www.employmenttribunals.gov.uk/> and <http://www.acas.org.uk/index.aspx?articleid=1461>

An understanding of the personnel who work in the legal profession is vital, beginning with barristers, solicitors and paralegals. Differences in education, training and work need to be studied as does the organisation of the professional bodies which regulate their work.

Information is available from:

<http://www.lawsociety.org.uk/home.law>

<http://www.barcouncil.org.uk/>

<http://www.nationalparalegals.com/>

If you can organise meeting with a local solicitor or barrister this is a good way to bring this area of the course to life. After this the judges need to be studied in terms of the qualifications and skills they need to have as well as the way they are appointed and how they do their job, see:

<http://www.judiciary.gov.uk/> and <http://www.judiciary.gov.uk/>

This unit also focuses on the area known as civil liberties and human rights. This covers basic freedoms, the reasons why we need to have them, how these freedoms may be restricted and why this needs to be the case. The roles of the European Convention on Human Rights and the Human Right Act 1998 are important and certain key provisions are studied in detail as they cover matters which affect life for everyone in a society.

There is a lot of information available. Good starting points are:

<http://www.guardian.co.uk/world/humanrights>

http://www.opsi.gov.uk/ACTS/acts1998/ukpga_19980042_en_1

<http://www.yourrights.org.uk/>, <http://www.dca.gov.uk/peoples-rights/human-rights/index.htm>

<http://www.echr.coe.int/echr/>.

Unit B143: Employment rights and responsibilities

This unit investigates the area of work, the rights and obligations relating to employers and employees. It is an area in which there is a lot of activity and although there is key information which is vital there is no need to have enormously detailed knowledge of provisions which change regularly but only in small ways. This topic was included in the specification as the world of work is one which affects almost everyone in some capacity and it is rich in cases reported by the media which helps to inform understating and awareness.

Initially there is a need to understand some key terms (employer, employee and independent contractor) and the legal tests used to confirm status. Employment relationships are governed by contracts and there is need to understand how a contract of employment is made, what it must contain and how some of the terms in the contract are interpreted and implied to provide fairness and efficiency. A good information resource is:

<http://www.direct.gov.uk/en/Employment/Employees/EmploymentContractsAndConditions/index.htm>.

A key area relating to employment is that of discrimination to ensure that employees have equal and fair rights to work and to the economic wellbeing this provides. This is achieved by investigating the differences between direct and indirect discrimination, the definitions of harassment and bullying in an employment law context and acquiring an understanding of what is meant by victimisation. Topical areas such as equal pay, differences between married and single workers and issues affecting the disabled are focused on. Also pertinent are recent developments such as discrimination based on age, sexual orientation, religion and belief and issues relating to transsexuals.

This is an area in which a lot of material can be found in the media. It is worthwhile keeping a scrapbook collection of cases which can be discussed and there is a lot of information on websites such as:

<http://www.direct.gov.uk/en/Employment/DiscriminationAtWork/index.htm>

<http://www.oneworkplace.co.uk/oneworkplace/426.202.html>

<http://www.discriminationonline.com/>

Employer organisations can provide information and speakers and trades unions offer wealth of information from the employee's perspective, see:

<http://www.cbi.org.uk/ndbs/staticpages.nsf/StaticPages/home.html/?OpenDocument>

<http://www.tuc.org.uk/>.

While someone is working they need to be sure that they are kept healthy and safe and this involves investigating the role of the judges, laws made by Parliament and delegated legislation and the influence of the European Union (EU). It is good to use examples of cases, perhaps those in the scrapbook being kept from the local or national media. The role of the judges has been to extend and interpret the law in order that workers are in a safe environment, they are not exposed to risks from other workers, the way in which they work keeps them safe, any equipment they have to use will not expose them to risk and they are protected from physical and psychiatric injury.

There is a need to have a basic understanding of the main provisions of the Health and Safety at Work Act 1974:

<http://www.hse.gov.uk/legislation/hswa.htm>

and also to understand the provisions of the EU Six Pack:

<http://www.usdaw.org.uk/healthandsafety/toolkit/files/SixPack0205.pdf> .

This topic offers a good opportunity for students to investigate the law, see how it is applied and discuss how well, or otherwise, it succeeds in achieving its aims.

The final part of this unit looks at the ending of a contract of employment and focuses on the issues of dismissal and redundancy. There is a need to look in some detail at the different types of dismissal and redundancy as well as considering when dismissal may be fair and redundancy is an acceptable solution.

A great deal of information is readily available at websites such as:

<http://www.adviceguide.org.uk/index/life/employment/dismissal.htm>

http://www.direct.gov.uk/en/Employment/RedundancyAndLeavingYourJob/DG_10026692

http://www.direct.gov.uk/en/Employment/RedundancyAndLeavingYourJob/DG_10026692.

There is also a need to strike a balance between the rights and duties of employers and employees and this provides a good area for discussion. Helpful websites are:

<http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1074200615>

<http://www.worksmart.org.uk/rights/dismissal>

Unit B144: Consumer rights and responsibilities

This unit is based on consumer rights and responsibilities and was chosen because it is an area of life which affects everyone, whether as a consumer when buying an item such as a new pair of trainers or taking out a mobile phone contract and also from the perspective of the manufacturer or provider of good and services. There is a lot of statute law in this area and again an overview rather than a seriously detailed knowledge of relevant legislation is required.

Initially there needs to be an understanding of how consumer contracts are made, based on the need for an agreement by both parties, the giving and receiving of something of value by both sides and the intention to create legal relations, and the rules which govern them so they are workable and fair. There is also a need to appreciate the basic principles of negligence that are used when one of the parties to a consumer contract owes a duty a care which they breach and so cause harm which is foreseeable.

Parliament has enacted many laws to protect those buying good and using services and the key provisions are found in the Sale of Goods Act 1979 and the Supply of Goods and Services Act 1982:

<http://www.berr.gov.uk/whatwedo/consumers/fact-sheets/page38311.html>

http://www.bbc.co.uk/consumer/guides_to/law_goods.shtml

Particular issues are the terms in any contract and this is common to both Acts. There needs to be an awareness of the fact that goods must be as they are described and fit for purpose; services must be carried out appropriately, in a timely fashion and at a reasonable cost. See:

<http://whatconsumer.co.uk/the-sale-of-goods-act/>

<http://www.businesslink.gov.uk/bdotg/action/layer?topicId=1074027367>

<http://www.tradingstandards.gov.uk/cgi-bin/bglitem.cgi?file=badv073-1011.txt>

http://www.adviceguide.org.uk/index/your_world/consumer_affairs.htm

It is also important to understand the remedies available when a contract fails.

In an effort to protect consumers from unscrupulous businessmen, the courts, Parliament and the European Union (EU) have devised measures to ensure they are not taken advantage of by the regulation of unfair terms in contracts. Some awareness of these measures is needed and this area is another which provides a good opportunity for discussion.

Again there is a lot of information available from sources such as:

http://www.oft.gov.uk/advice_and_resources/resource_base/legal/unfair-terms/guidance

<http://www.consumerdirect.gov.uk/>

<http://www.berr.gov.uk/whatwedo/consumers/buying-selling/sale-supply/unfair-contracts/act/index.html>.

When a consumer contract is made there is also a need to make sure that the goods and services are not defective and do not cause harm. This links back to a consideration of the basic principles of negligence and also offers the opportunity to investigate law made by parliament in the Consumer Protection Act 1987, see:

<http://www.berr.gov.uk/files/file22866.pdf>

and made by the European Union (EU) in Product Safety Directive, see:

<http://www.berr.gov.uk/whatwedo/consumers/fact-sheets/index.html>

Again this is an area of the law often covered by the media and it is also one of which most people have some kind of personal experience offering an opportunity to investigate the law, apply its provisions and discuss its effectiveness.

General sources of information include the:

Trading Standards Authority <http://www.tradingstandards.gov.uk/cgi-bin/callist.cgi>

Citizens' Advice Bureaux http://www.adviceguide.org.uk/index/your_world/consumer_affairs.htm

BBC - http://www.bbc.co.uk/consumer/guides_to/law_index.shtml

Resources

A resource list for teachers

OCR Law for GCSE, Turner, Shepherd, Teal & Beauman, Hodder Education, ISBN: 9780340984307, Published: August 2009

GCSE Law, Jacqueline Martin, 4th Edition, Hodder Education, ISBN: 9780340983775, Published: 24/04/2009

English Legal System, Elliott & Quinn, 9th Edition, Pearson Education, ISBN 9781405859417, 2008

Law Machine, Marcel Berlins & Claire Dyer, 5th Edition, Penguin, ISBN 9780140287561

GCSE Law, WJ Brown, 9th Edition, Sweet and Maxwell, ISBN: 9780421897908, Published: 22/09/2005

GCSE Law, Peter Shears, 4th Edition, Longman, ISBN 9780582318922, 20/05/1998**

Essential GCSE Law, Kenny Chin, Routledge-Cavendish, ISBN: 9781859415436, 04/09/2000

The English Legal System, Jacqueline Martin, 5th Edition, Hodder Education, ISBN: 9780340941560, 25/05/2007

Key Facts: The English Legal System, Jacqueline Martin, 3rd Edition, Hodder Education, ISBN: 9780340958667, 27/06/2008

Key Facts: Human Rights, Peter Halstead, 2nd Edition, Hodder Education, ISBN: 9780340966853, 27/06/2008

Complete A-Z Law Handbook, Jacqueline Martin, Mary Gibbins, 3rd Edition, Hodder Education, ISBN: 9780340872680, 28/11/2003

A key human rights teaching resource is the comprehensive (and free) KS3 teacher's resource 'Right Here, Right Now: Teaching Citizenship through Human Rights' available to download free at Teachernet.gov at: <http://www.teachernet.gov.uk/teachingandlearning/subjects/citizenship/rhrn/>

Another important resource is 'Human Rights Impact' available to download free at the Citizenship Foundation website at: http://www.citizenshipfoundation.org.uk/lib_res_pdf/0003.pdf

Free Human Rights Study Guide (from the Ministry of Justice) at: <http://www.justice.gov.uk/docs/act-studyguide.pdf>

DirectGov.com at: <http://www.direct.gov.uk/en/Governmentcitizensandrights/Yourrightsandresponsibilities/index.htm>

Ministry of Justice Human Rights pages at: <http://www.justice.gov.uk/whatwedo/humanrights.htm>

BBC World Service 'I Have a Right To' at:

http://www.bbc.co.uk/worldservice/people/features/ihavearightto/low_b/all_rights.shtml

United Nations Human Rights site at:

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

European Court of Human Rights case law and jurisprudence at: <http://www.echr.coe.int/echr/>

The Human Rights Act 1998 at: http://www.opsi.gov.uk/acts/acts1998/ukpga_19980042_en_1

The European Convention on Human Rights at:

<http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>

The Universal Declaration of Human Rights at: <http://www.unhcr.ch/udhr/index.htm>

Other Forms of Support

In order to help you implement the new GCSE Law Specification effectively, OCR offers a comprehensive package of support. This includes:

Published Resources

OCR offers centres a wealth of quality published support with a fantastic choice of 'Official Publisher Partner' and 'Approved Publication' resources, all endorsed by OCR for use with OCR specifications.

Publisher partners

OCR works in close collaboration with three Publisher Partners; Hodder Education, Heinemann and Oxford University Press (OUP) to ensure centres have access to:

- better published support, available when you need it, tailored to OCR specifications;
- quality resources produced in consultation with OCR subject teams, which are linked to OCR's teacher support materials;
- more resources for specifications with lower candidate entries;
- materials which are subject to a thorough quality assurance process to achieve endorsement.

Hodder Education is the publisher partner for OCR GCSE Law.



Hodder Education has produced the following resource to support the delivery of this specification:

OCR Law for GCSE, Turner, Shepherd, Teal & Beauman, Hodder Education, ISBN: 9780340984307, Published: August 2009

Approved publications

OCR still endorses other publisher materials, which undergo a thorough quality assurance process to achieve endorsement. By offering a choice of endorsed materials, centres can be assured of quality support for all OCR qualifications.



Endorsement

OCR endorses a range of publisher materials to provide quality support for centres delivering its qualifications. You can be confident that materials branded with OCR's "Official Publishing Partner" or "Approved publication" logos have undergone a thorough quality assurance process to achieve endorsement. All responsibility for the content of the publisher's materials rests with the publisher.

These endorsements do not mean that the materials are the only suitable resources available or necessary to achieve an OCR qualification. Any resource lists which are produced by OCR shall include a range of appropriate texts.

OCR Training

A number of course dates are offered each year and the courses are generally full-day events. More information about the courses which support our GCSE Law specification can be found on our website www.ocr.org.uk.

e-Communities

Over 70 e-Communities offer you a fast, dynamic communication channel to make contact with other subject specialists. Our online mailing list covers a wide range of subjects and enables you to share knowledge and views via email.

Visit <https://community.ocr.org.uk>, choose your community and join the discussion!

Interchange

OCR Interchange has been developed to help you to carry out day to day administration functions online, quickly and easily. The site allows you to register and enter candidates online. In addition, you can gain immediate a free access to candidate information at you convenience. Sign up at <https://interchange.ocr.org.uk>

Frequently Asked Questions

General

FAQ updated 06/02/12 – Unit B142 computer based testing (CBT) in June 2012 and onwards

In the June 2012 series and onwards unit B142 will be available for assessment either as CBT or a traditional written paper exam. The OCR Admin Guide and Entry Codes booklet for 14-19 qualifications reflects this.

Do I need to be a lawyer or have a law degree to teach this course?

No. The course is designed to be accessible to teachers of other disciplines. It focuses on issues which are part of everyday life and those areas where there is plenty of information available.

I am already teaching law at AS and A-level. Do I need to teach in the same amount of detail for GCSE?

No. The emphasis is on getting students to engage with the study of law, to develop an understanding of its role, to develop critical thinking and decision making skills as well as making them aware of their rights and responsibilities.

Do I need to teach lots of detail about cases?

No. Although you may well want to make cases into examples you use in your teaching there is no need to teach the facts and principles of law in cases as you would at AS and A level as citation is not expected at GCSE level.

What about Acts of Parliament and European Union (EU) law?

It is useful to teach the names and key provisions of major pieces of law as this is an important source of law but there is no need for students to learn statutory provisions. It is a good idea to encourage the learning of important dates to give a sense of time and development in the law.

What are the main skills I need to teach?

Inevitably there is a need to recall, select relevant factual information and then communicate this. Equally important is the skill of applying knowledge to show understanding. Finally it is important to teach the skills of analysis and interpretation so that ideas in the law can be discussed.

Who is this course aimed at?

Everyone with an interest in law and the society in which they live. It offers the opportunity to learn in more detail about some issues covered by citizenship courses or to try a completely new and enormously relevant subject.

Will it be a useful first step for AS and A-level Law?

Yes. It provides grounding in aspects of the English legal system which are covered at AS level.

Will studying this course make AS and A-level Law boring?

No. The topics revisited at AS level are covered in more detail so there is a chance for students to take the interest they have developed at GCSE to a deeper level. The areas of substantive law covered at A-level are completely different from those at GCSE.

Why do I need to teach about employment and consumer law?

These two areas were chosen for this specification as they affect everyone in some way and they tend to be issues which are accessible in terms of the information available and the attention which they are given by the media. It also helps prepare people to be good citizens and it gives a good breadth of understanding whether study is continued to AS and A level or not.

GCSE Law J485, B141: The nature of law. Criminal courts and criminal processes

Is this a compulsory unit?

This unit is compulsory for a GCSE in Law (J485).

What is this unit worth?

This unit is worth 25% of the GCSE in Law.

What is the entry code for this unit?

The entry code for this unit is B141.

How is this unit assessed?

This unit is assessed by a 60 minute written examination paper. The examination is set and marked by OCR.

Is the test tiered?

No. All candidates take the same examination.

Will candidates be able to re-sit the unit?

Yes. Candidates may re-sit this unit once before entering for certification for a GCSE.

Is there a text book for this unit?

Yes. The recommended text book is OCR Law for GCSE published by Hodder. This book covers all four units of the GCSE in Law (J485).

Is there training available for this unit?

Yes. OCR provides a full programme of training for Law (J485). Details are available on the OCR website.

GCSE Law J485, B142: Civil courts and civil processes. Civil liberties and human rights

FAQ updated 06/02/12 – Unit B142 computer based testing (CBT) in June 2012 and onwards

In the June 2012 series and onwards unit B142 will be available for assessment either as CBT or a traditional written paper exam. The OCR Admin Guide and Entry Codes booklet for 14-19 qualifications reflects this.

FAQ updated 06/02/12 – registering for Connect Plus

Connect Plus is the platform through which CBT is accessed. Information about this can be found in Section 5.13 of the GCSE Law (J485) specification (for unitised assessment) and the CBT page of the OCR website <http://www.ocr.org.uk/eassessment/cbt/index.html>

FAQ added 12/10/11 – practice CBT

A practice CBT, the equivalent of a specimen or past paper, is available to access through Connect Plus. <http://www.ocr.org.uk/eassessment/cbt/index.html>

Is this a compulsory unit?

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What is this unit worth?

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Is there training available for this unit?

Yes. OCR provides a full programme of training for Law (J485). Details are available on the OCR website.

GCSE Law J485, B143: Employment rights and responsibilities

Is this a compulsory unit?

This unit is compulsory for a GCSE in Law (J485).

What is this unit worth?

This unit is worth 25% of the GCSE in Law.

What is the entry code for this unit?

The entry code for this unit is B143.

How is this unit assessed?

This unit is assessed by a 60 minute written examination paper. The examination is set and marked by OCR.

Is the test tiered?

No. All candidates take the same examination.

Will candidates be able to re-sit the unit?

Yes. Candidates may re-sit this unit once before entering for certification for a GCSE.

Is there a text book for this unit?

Yes. The recommended text book is OCR Law for GCSE published by Hodder. This book covers all four units of the GCSE in Law (J485).

Is there training available for this unit?

Yes. OCR provides a full programme of training for Law (J485). Details are available on the OCR website.

GCSE Law J485, B144: Consumer rights and responsibilities

Is this a compulsory unit?

This unit is compulsory for a GCSE in Law (J485).

What is this unit worth?

This unit is worth 25% of the GCSE in Law.

What is the entry code for this unit?

The entry code for this unit is B144.

How is this unit assessed?

This unit is assessed by a 60 minute written examination paper. The examination is set and marked by OCR.

Is the test tiered?

No. All candidates take the same examination.

Will candidates be able to re-sit the unit?

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