



Why is it important that courts are fair?

Lesson 3

Does the criminal justice system serve everyone fairly?

Lesson 3:
Why is it important that courts are fair?
Key Stage 3 (Year 8)

<p>Overview</p>	<p>Building on what they have learned about the criminal justice system, students explore the pivotal role of juries in criminal trials and examine their purpose in ensuring fair verdicts. They investigate legal measures guaranteeing jury independence and the potential for biases or errors. Students assess the implications of these dynamics through a case study and decide what impact this has on an equal judiciary.</p>
<p>Citizenship skills and concepts</p>	<p>Concepts: justice, democracy, fairness, rights, responsibilities, equal opportunities, identity, ethics, discrimination, diversity, race, ethnicity, gender</p> <p>Skills: political literacy, collaborative working, investigation, tolerance, analysis</p>
<p>Essential teaching guidance</p>	<p>Timings for each task are given as guidelines. Please use your professional judgement when deciding how to deliver the tasks, depending on time available and your students' needs.</p> <p>The purpose of this lesson is for students to investigate not only why it is important that courts are fair, but whether this is always the case. Focusing on laws, case studies, protected characteristics, and advantages and disadvantages of using a jury system, students will investigate the importance of courts being fair, as well as the implications of unconscious bias on law-makers. Issues concerning race, ethnicity, gender, age, prejudice and discrimination will be discussed throughout; you will need to be sensitive to the particular class and experiences they may have had in their own lives.</p> <p>Personalising students' learning by referencing a specific case study concerning particular protected characteristics or a case study from your local area will help them to engage fully with the lesson. These could be found from your local newspaper websites or www.gov.uk. More information on protected characteristics and rights can be found here.</p> <p>Be aware that different students in your class may have a range of backgrounds and some may be sensitive to issues discussed, due</p>

	<p>to negative experiences with or opinions of the criminal justice system. Some students will have a very different view about the law and how the CJS operates than others. Students may have family members or friends who are in prison, awaiting trial or have recent experience within the court system. Therefore, you must consider the students in your class to pitch this lesson appropriately. You may want to check with the head of year or safeguarding lead in case any students in the class are affected.</p> <p>Be mindful of the diverse viewpoints that may arise. Seek to encourage empathy and promote community cohesion. Where the issues raised in teaching this lesson are sensitive or controversial in nature, ensure that you are in line with your school policies on such matters. You may find the ACT guidance on Teaching Controversial Issues in Citizenship and ACT guidance on Political Impartiality in Citizenship helpful.</p>
<p>Learning questions</p>	<ul style="list-style-type: none"> ● What are juries and why are they used in the criminal justice system (CJS)? ● How does the law ensure the independence of the judiciary? ● What injustices may arise in a court trial?
<p>Lesson resources</p>	<p>Slide presentation for the lesson</p> <p>Worksheet: A Youth Court (for do now/starter/entry task)</p> <p>Quiz: Jury service – true or false? (for Task 2)</p> <p>Worksheet: The use of a jury in a court case (for Task 3)</p> <p>Case study: Heather(for Task 6)</p> <p>Mini whiteboards (for Task 6)</p> <p>Worksheet: Fairness continuum (for plenary/reflection)</p> <p>Glossary: Keywords (for entire scheme of work)</p>
<p>Differentiation</p>	<ul style="list-style-type: none"> ● Consider pairings in thinking of advantages and disadvantages of using a jury (for Task 3), paying particular attention to critical thinking and decision-making skills. ● Consider appropriate groupings when reading the case study and provide scaffolding when designing the mind-map (for Task 6), ensuring that each pair has sufficient literacy and reasoning skills. ● Choose a suitable volunteer for the hot-seating of Heather. ● To support groups, create roles to facilitate discussion (e.g.

	<p>facilitator, reader, questioner, time-keeper, big idea grabber). With slightly bigger groups, you could add recorder, artist and presenter.</p> <ul style="list-style-type: none"> ● Use differentiated questioning – who, what, when, where, how and why – to create a range of accessible questions. ● Use different levels of discussion tasks to support students, e.g. sharing opinions, analysing, solving a problem or persuading. ● Consider whether it is suitable to change the pairings for the discussion tasks throughout the lesson to ensure that a high level of discussion is reached and effective debates can occur. ● Talk to the class about behaviour expectations when watching the video about jury service (Task 2). ● Ensure peer-assessment rules are modelled for the students (Task 2). ● Consider using no-hands-up questioning to encourage students to engage with the learning and reduce the likelihood of students being passive. ● Ensure sufficient ‘think time’ is provided before selecting a student or before moving on to another student to get the answer. ● When reviewing knowledge gained by the class, use targeted questioning to stretch students. Give them an opportunity to develop ideas by bouncing a question around the room. ● Scaffold feedback: use prompting, recasting, eliciting, correcting, commenting on student language and promoting learning through discovery. ● Use choral (whole-class) responses for new terminology or to address misconceptions. ● Use hinge questions to ensure the class understands an important area of knowledge or concept before the lesson can progress. ● Give different levels of support, for example, with paired work, scaffolding frameworks, one-to-one, TA-supported, model answers, etc. ● Encourage students to use the glossary of key terms.
<p>Assessment opportunities</p>	<p>This lesson offers many opportunities to assess understanding through group discussion and direct differentiated questioning (used to check that knowledge has been acquired). Peer assessment for the quiz and a more formal type of assessment for the mind-map and labelling tasks take place during the lesson. Decision-making and analysis skills can be assessed throughout, including during the video and the advantages and disadvantages activities. The contributions about the fairness of the judiciary</p>

	<p>through the think-pair-share discussion can be orally assessed. The continuum activity that ends the lesson can be assessed formally with students' free writing explanation activity. Students will be expected to draw upon knowledge from across the lesson in the plenary; this will be revisited in the next lesson to ensure that students have understood the material.</p>
<p>Do now/starter/entry task</p> <p><i>(4 minutes)</i></p>	<p>Labelling a Youth Court</p> <p><i>Slides 2 to 5</i></p> <p>Slide 2: Give each student a copy of the worksheet 'A Youth Court'.</p> <p>Divide students into suitable pairings to spend two minutes labelling the picture of a Youth Court. Students can draw lines with a ruler or complete the answer box, matching the letters with the numbers. Although we have not looked specifically at a Youth Court before, students should have gained enough knowledge and understanding from the last two lessons in order to be successful in this activity.</p> <p>Invite each pair to share their responses. This would be best facilitated by targeting certain pairs to answer or asking for volunteers, so that the 60-second feedback is short and snappy.</p> <p>Slide 3: Share the answers for students to check they are correct. To start to introduce the topic of juries, you can ask students the question at the bottom of the slide.</p> <p>Slides 4 and 5: Explain that in this lesson you're going to be focusing on what juries are and why they are used in courtrooms, how the law ensures the independence of the judiciary and what injustices might arise from this sort of decision-making.</p>
<p>Task 1</p> <p><i>(5 minutes)</i></p>	<p>Introduction to jury</p> <p><i>Slides 6 to 9</i></p> <p>Slide 6: Read the definition of 'jury' as a keyword for this lesson. Remind students of the definition of judiciary introduced in Lesson 1 of this scheme of work. This will make sure they remain familiar with words that will be used in the materials for these lessons.</p> <p>Judiciary: the branch of the state that is responsible for enforcing the law; it is composed of judges and other legal officials.</p> <p>Slides 7-9: Choose eight students to read the slides to the class, to practise reading skills and enhance participation. Students will be introduced to information about jury service, why some court cases have a jury and who makes up members of the jury. To check</p>

	<p>progress, ensure that it remains interactive and allows for whole-class participation; there are a number of questions you could pose (in sequence from lower-level to higher-order thinking questions):</p> <ul style="list-style-type: none"> ● How are jurors selected for a trial? ● How many people typically make up a jury in the UK? ● What is the difference between a jury and a judge in a trial? ● What is the responsibility of the jury during a trial? ● Name three qualities that make a good juror. ● Why is a jury made up of ordinary citizens? ● How does a jury represent the community in a trial? ● How does a jury contribute to the transparency of the legal process? ● In what ways does a jury promote accountability in the legal system? ● Discuss the importance of diverse perspectives within a jury.
<p>Task 2 <i>(10 minutes)</i></p>	<p>What is it like to be on a jury?</p> <p><i>Slides 10 to 13</i></p> <p>Slide 10: Make it clear that a jury system is used in other countries, most commonly in those whose legal systems derive from the British Empire, such as the United States, Canada, Australia, New Zealand and Ireland. There is no such thing as a jury trial in many other countries, e.g. Germany, India, South Africa and Singapore.</p> <p>Slide 11: Get the class prepared to watch a video. Give a copy of the quiz ‘Jury service – true or false’ to each student. Instruct students to try to answer as much of the quiz as possible during the video, but they will be given 60 seconds afterwards to fill in any missing answers.</p> <p>Play the video. It can also be accessed here: www.youtube.com/watch?v=UMbYXyn0lro</p> <p>(Your role as a juror HMCTS gov.uk, 6:00)</p> <p>This is just half of the video. You could play all of it if you have the scope in the lesson. However, the quiz will only be focused on this section of the video (6:26–12:26).</p> <p>Slide 12: Allow students 60 seconds to check their answers. Complete peer assessment by asking them to swap their papers with another student.</p> <p>Slide 13: Share the answers, so that students can mark each other’s</p>

	<p>work. The answers can also be found on page 2 of the quiz. Page 3 has the specific timings from the video clip where the answers can be found. This allows you to pause the video clip in the correct places if this is more suitable for your class. You may feel it appropriate to play the video again, so that students have a better understanding, and pause the clip in the relevant places to discuss the topic further.</p>
<p>Task 3 <i>(10 minutes)</i></p>	<p>Are juries a good idea?</p> <p><i>Slides 14 to 16</i></p> <p>Slide 14: Facilitate a short 60-second whole-class discussion about whether using a jury to decide a verdict is a good idea or not.</p> <p>Slide 15: Divide the class into suitable small groups of three to four students. Give out a copy of the worksheet ‘The use of a jury in a court case’ to each group. You may choose to enlarge this to A3 or put the question on sugar paper, so that groups can work collaboratively rather than every student having their own worksheet. Give the students five minutes to complete the task as a group.</p> <p>Slide 16: Using some suggested responses on this slide, facilitate a three-minute feedback session. After reading the advantages and disadvantages and discussing alternatives as a class, ask students to spend 30 seconds completing the box at the end of their worksheet, stating which arguments are stronger and explaining the reasons for their decision. This will strengthen both their decision-making and reasoning skills.</p>
<p>Task 4 <i>(5 minutes)</i></p>	<p>Fairness in court</p> <p><i>Slides 17 to 22</i></p> <p>Slide 17: Explain how the judiciary ensures fairness in a court, reading the information on the slide.</p> <p>Slides 18–20: Tell the students that they need to listen carefully to the quotes for the three ‘I’s (the three key values of judiciary policy and law beginning with the letter I), so that they can match them up for the next activity. Connect this with previous learning on the Rule of Law and the need for equality in the roles in the criminal justice system.</p> <p>Slide 21: Ask three students to read the people describing their experiences of one of the three ‘I’s. Ask students to vote by raising their hands or volunteer answers as to which of the three ‘I’s is</p>

	<p>being described by each person involved in the court process.</p> <p>Slide 22: Share the correct answers to ensure full understanding of these three key terms.</p>
<p>Task 5</p> <p><i>(10 minutes)</i></p>	<p>Are courts always fair?</p> <p><i>Slides 23 to 25</i></p> <p>Slide 23: Open up the question to the group to begin this section of the lesson. It is important to share with the students that although the Rule of Law exists and judiciary policies are in place, experiences show that these laws do not always work out in practice and injustices can occur.</p> <p>Slide 24: Share the definition of unconscious bias and explain that this is something that we all have even though we do not know it. We may have biases that we are aware of, but unconscious biases are those of which we are unaware, and they can shape our views, opinions and ultimately our decisions, which may mean that someone is found guilty or innocent when they are, indeed, not.</p> <p>Slide 25: Use the think-pair-share questions to engage students with questions about the fairness of the court process, including juries and bias. Ask students to:</p> <ul style="list-style-type: none"> ● spend 60 seconds thinking independently about question 1 ● spend the next two minutes discussing question 2 in pairs <p>Then draw the class back together to have a whole-class discussion about question number 3.</p> <p>This would be a good opportunity to conduct a quick hands-up-style vote to see where opinions lie and practise democracy with the students themselves.</p>
<p>Task 6</p> <p><i>(12 minutes)</i></p>	<p>Case study – Heather</p> <p><i>Slides 26 to 30</i></p> <p>Divide the class into suitable pairs, paying particular attention to reading and comprehension skills. Give one copy of the case study found in the lesson materials, ‘Case study: Heather’, to each pair.</p> <p>Slide 26: Students should read this carefully together for two minutes, swapping the reader halfway through.</p> <p>Give out a copy of the mind-map worksheet ‘Heather’s journey through the CJS’. In their pairs, ask students to spend five minutes answering the questions to create a mind-map about Heather’s</p>

	<p>experiences and the injustices she faced.</p> <p>Slide 27: Ask for a volunteer to come to the front and complete a hot-seating activity by taking on the character of Heather. Ask the questions from the mind-map to conduct an interview-type feedback task. If the student is confident, you could extend this activity by asking the rest of the class to think of a question to ask ‘Heather’ about her experiences. They can also take part in interviewing ‘Heather’.</p> <p>Slide 28: Read through the responses to ensure full understanding and that all pairs have suitable answers on their mind-map.</p> <p>To connect Heather’s experiences with previous learning about human rights and equality law, ask students to complete the activity on Slide 29. It would be useful if you could use mini whiteboards here, so that you can get an individual yet whole-class response for each one of the laws. If students need further support, click the slide three times to reveal the first letter of each word.</p> <p>Slide 30: Clarify the exact answers and ensure that students make links with the Rule of Law and fairness in the judiciary from previous learning.</p>
<p>Plenary/reflection</p> <p><i>(4 minutes)</i></p>	<p>Fairness continuum</p> <p><i>Slide 31</i></p> <p>Invite students to reflect on their learning in this lesson and how it has improved their knowledge and understanding of the court system in this country.</p> <p>Slide 31: Give a copy of the worksheet ‘Fairness continuum’ to each student. They need to spend 60 seconds thinking about the question posed at the top of the arrow and then spend another 60 seconds discussing it in their pairs. They should demonstrate their view by placing an asterisk on the arrow where their opinion best fits. An explanation box is at the bottom of the worksheet, so allow students 60 seconds to explain their opinion.</p> <p>Draw the class back together for a short feedback session, focusing on the question on the continuum and their places as a class. If time allows, you could ask students to come up to the board and use a suitable tool to mark their position on the continuum. You could repeat this for the whole class to see whether there is a consensus or you have a number of differing views on whether the court system in this country is fair.</p>

<p>Takeaway task</p>	<p><i>Slide 32</i></p> <p>Slide 32: Ask students to write at least two paragraphs explaining their answer to this question:</p> <p>Should the criminal justice system use jurors to decide the guilt of defendants in all crimes?</p> <p>Direct students to include examples and try to include arguments for and against as well as their own opinion.</p>
<p>Additional teacher links & resources</p>	<p>There are lots of resources that can assist in delivering this lesson, including specific information about the purposes of the law.</p> <p>You may find it helpful to look at further ACT resources to find out more about the legal system before you teach this lesson. ACT Curriculum briefing: Justice, the legal system and international law offers Citizenship teachers advice on key areas of subject content and approaches to teaching the national curriculum for Citizenship. This briefing is designed to provide a starting point for teachers as they build their subject knowledge.</p> <p>Further information about how the court system works and the three ‘I’s policy can be found here:</p> <p>www.met.police.uk/advice/advice-and-information/victim-support/going-to-court/how-courts-work</p> <p>www.judiciary.uk/about-the-judiciary/our-justice-system/three-is</p> <p>www.judiciary.uk/about-the-judiciary/our-justice-system/court-structure</p> <p>https://research.kent.ac.uk/safer-idd/wp-content/uploads/sites/24/18/2021/04/Youth-court_SAFER-IDD.pdf</p> <p>It would be useful to complete some research about the issues within the CJS based on discrimination and prejudice in court trials. These sites will help you to develop a deeper understanding of the current issues within the CJS:</p> <p>www.gov.uk/government/news/youth-justice-statistics-we-must-colaborate?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=8e6bdac4-68e5-406c-99b4-c8fa8e760843&utm_content=daily</p> <p>www.gov.uk/government/statistics/ethnicity-and-the-criminal-justice-system-2022/statistics-on-ethnicity-and-the-criminal-justice-system-2022-html</p>

www.statista.com/statistics/377412/arrests-england-and-wales-time-series-by-gender

www.gov.uk/government/publications/lammy-review-final-report

<https://prisonreformtrust.org.uk/little-progress-in-improving-outcomes-for-black-asian-and-minority-ethnic-prisoners>

<https://publications.parliament.uk/pa/ld200304/ldjudgmt/jd040122/conn-1.htm>

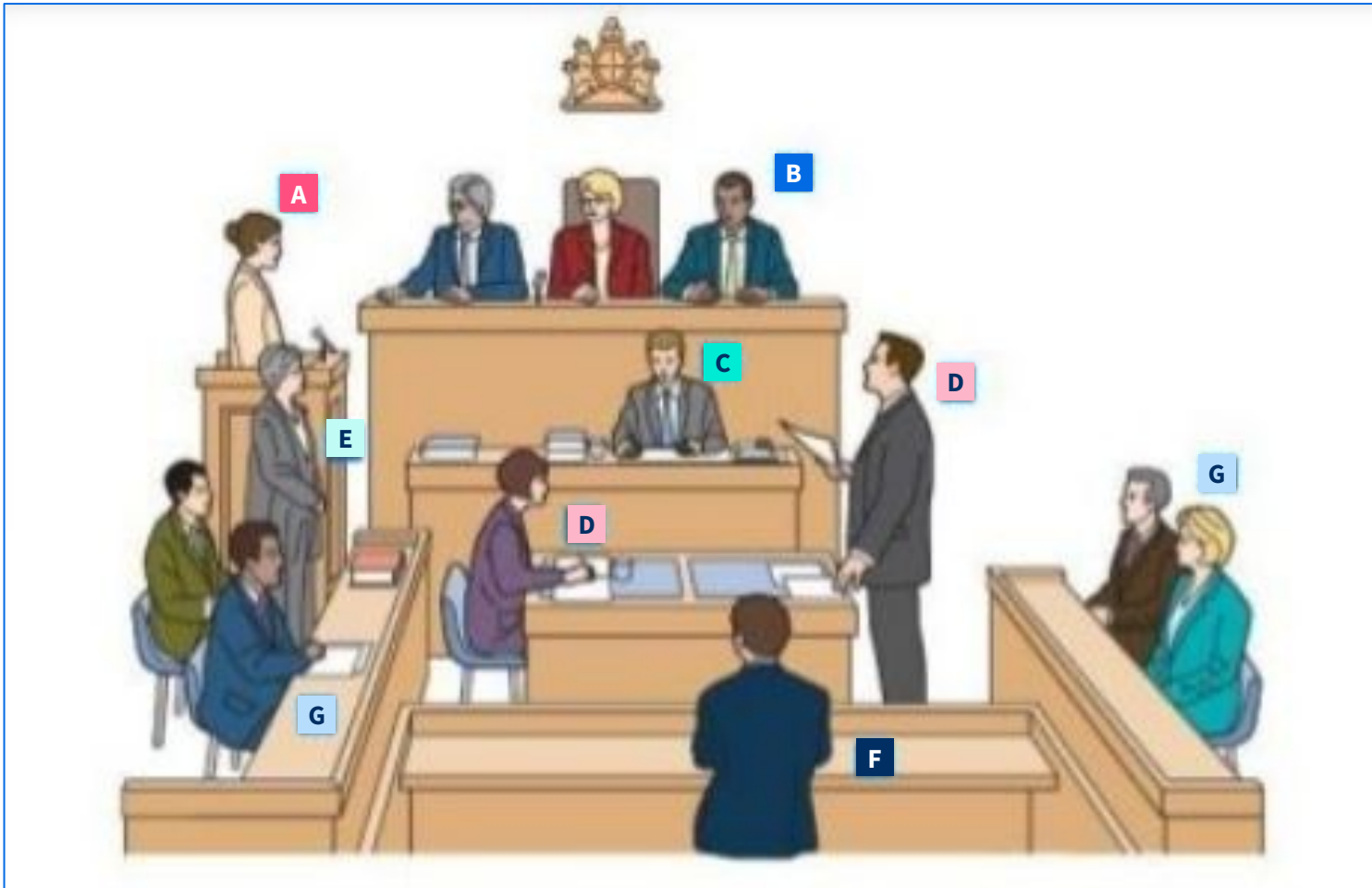
www.criminal-courts-review.org.uk/ccr-05.htm

www.economicsobservatory.com/how-have-minorities-been-treated-by-the-uks-judicial-system

If you would like to adapt the case study or develop more activities based around the protected characteristics from the Equality Act 2010, this [local government site](#) will support you.

A Youth Court

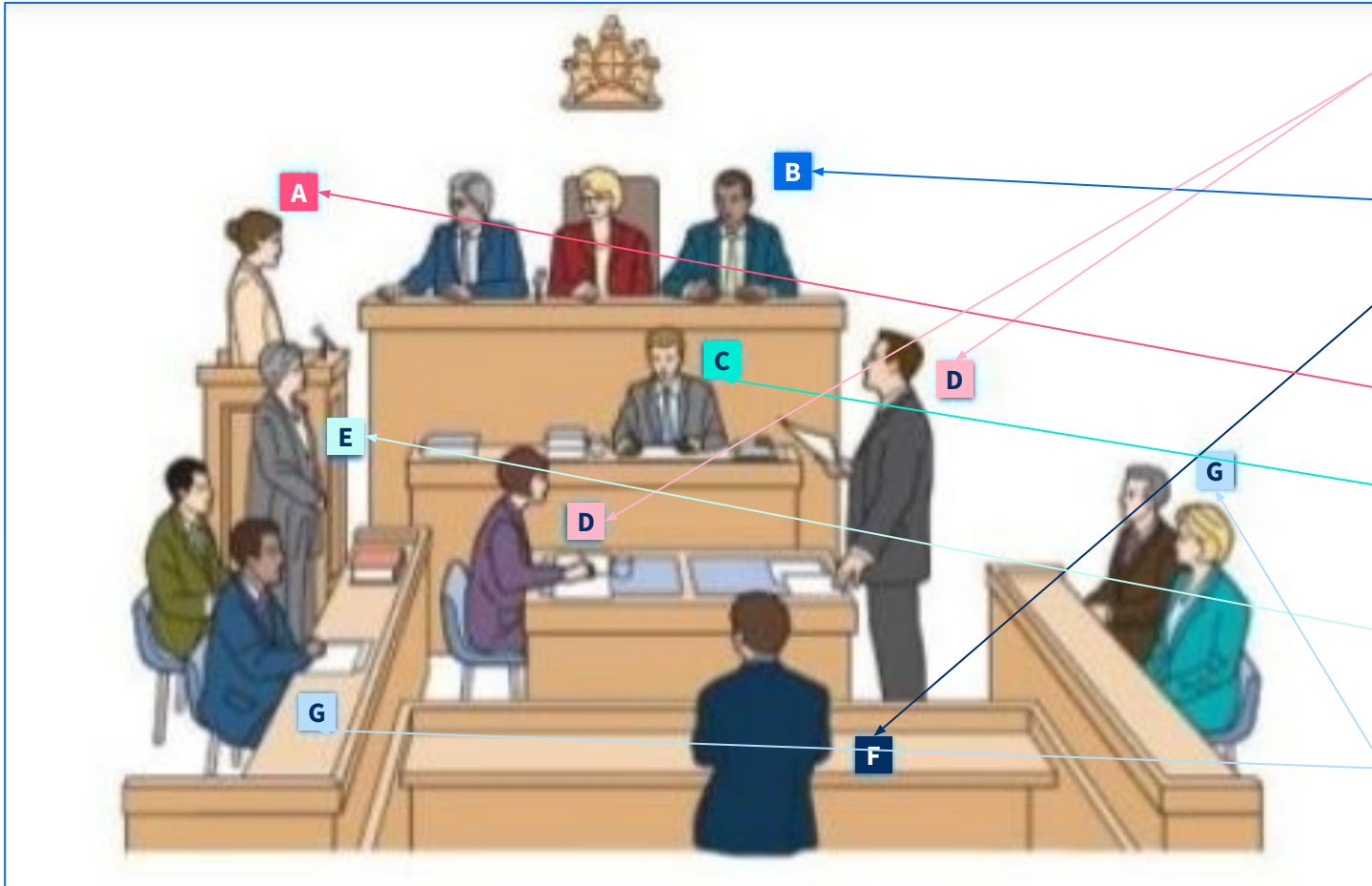
Label the picture with the words below by matching up the letters with the numbers to show who the people are in this courtroom.



1. Lawyer for the defence
2. Magistrates
3. Defendant
4. Witness
5. Clerk of the court
6. Lawyer for the prosecution
7. Others involved in the case

1	
2	
3	
4	
5	
6	
7	G

A Youth Court ANSWERS



1. Lawyer for the defence **D**
2. Magistrates **B**
3. Defendant **F**
4. Witness **A**
5. Clerk of the court **C**
6. Lawyer for the prosecution **E**
7. Others involved in the case **G**

The use of a jury in a court case

Think about the advantages and disadvantages of using a jury to decide whether someone is guilty or innocent of a crime. In your groups, complete the table below.

Advantages	Disadvantages

I think that the strongest advantages/disadvantages are... because...

The use of a jury in a court case **ANSWERS**

Think about the advantages and disadvantages of using a jury to decide whether someone is guilty or innocent of a crime. In your groups, complete the table below.

Advantages	Disadvantages
<p>Diverse perspectives: A jury consists of multiple people from different backgrounds, providing a broader perspective on the case. This diversity can help in reaching a more balanced and fair decision.</p>	<p>Unconscious bias: Jurors, like all people, can have unconscious biases that may affect their judgment. These biases can lead to unfair verdicts, which are sometimes overturned in the Court of Appeal.</p>
<p>Community representation: Juries represent the community, making sure that the decision reflects the values of the society, rather than just a single judge's viewpoint.</p>	<p>Lack of legal expertise: Jurors are not legal experts and may have difficulty understanding complex legal issues, evidence or instructions from the judge, potentially leading to misinterpretation and incorrect decisions.</p>
<p>Checks and balances: Having a group of people deliberate on a case adds a layer of checks and balances, reducing the likelihood of a biased or unfair verdict.</p>	<p>Time and cost: Jury trials can be lengthy and expensive, requiring significant time from jurors and financial resources from the court system. This can delay justice and increase the burden on the judicial system.</p>
<p>Public confidence: Jury trials can strengthen public confidence in the legal system. When ordinary citizens are involved in the process, it can reinforce the idea that justice is a collective responsibility.</p>	<p>Emotional influence: Jurors can be swayed by emotions, persuasive lawyers or dramatic presentations of evidence, rather than focusing solely on the facts and law.</p>

I think that the strongest advantages/disadvantages are... because...

Student choice

What issues did she face?

Heather's journey through the CJS

What characteristics did she need protecting?

What did she do about her conviction?

What was the final result?

What issues did she face?

Prejudice from judicial system because of her characteristics – racist comment made by the jury

Heather's journey through the CJS

What characteristics did she need protecting?

- Race
- Ethnicity
- Sex
- Perhaps others that are not mentioned

What did she do about her conviction?

Appealed to the Court of Appeal with evidence of racist jury members

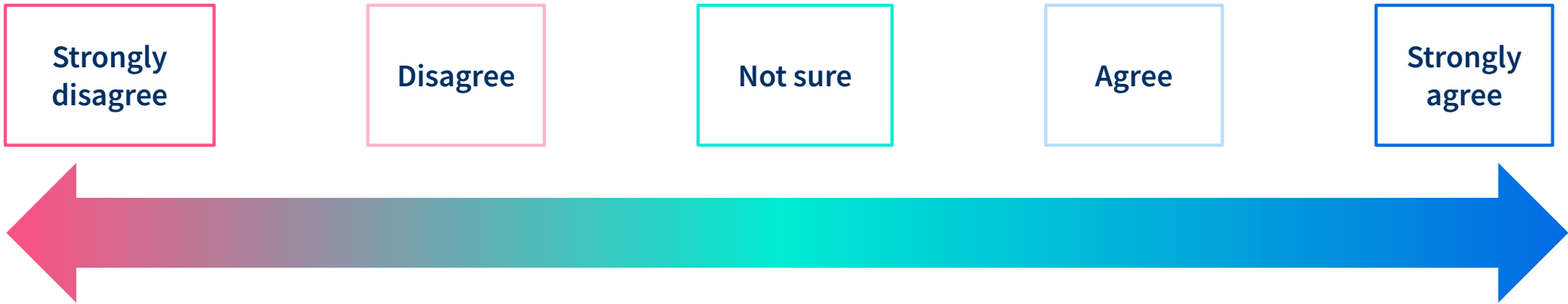
What was the final result?

Judge overturned conviction; found her not guilty of the crime

“The court system in this country is fair.”

How far do you agree with this statement?

Draw an asterisk on the arrow to show your answer and explain it in the box below.



I have put my asterisk on the continuum in this place because I think...

Jury service – true or false?

Watch the video about being a member of a jury. Read the statement, decide whether it is true or false and circle the correct answer.

1. The judge reads out the charges made against the defendant at the start of the trial.

TRUE

FALSE

2. The jury members should tell the usher if they realise that they have a connection with the trial or they know the defendant.

TRUE

FALSE

3. The case for the prosecution comes before the defence.

TRUE

FALSE

4. The part where the witnesses are sworn in and questioned is called 'evidence in court'.

TRUE

FALSE

5. The cross-examination is when the defence has the opportunity to question each witness.

TRUE

FALSE

6. When all the prosecution witnesses have been questioned, it is the jury's turn to examine the evidence.

TRUE

FALSE

7. The judge gives the closing speeches on behalf of the prosecution and defence.

TRUE

FALSE

8. As a member of the jury, you cannot ask any questions.

TRUE

FALSE

9. You can discuss details of the trial with family members.

TRUE

FALSE

10. The jury is asked to nominate a foreperson to lead the deliberation and give the verdict.

TRUE

FALSE

Jury service – true or false? ANSWERS

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TRUE

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TRUE

FALSE

Jury service – true or false? ANSWERS

1. False 6:30 - 6:36
2. True 6:42 - 6:50
3. True 6:54 - 6:59
4. False 7:00 - 7:06
5. True 7:07 - 7:18
6. False 7:19 - 7:39
7. False 8:00 - 8:18
8. False 8:24 - 8:30
9. False 8:50 - 9:44
10. True 10:27 - 10:34

Case study: Heather



Heather, a 62-year-old Black woman, stood in court, accused of shoplifting food. She insisted that it was a mistake, an innocent lapse of forgetting to pay. The jury – eight men and four women, two Asian and eight White – deliberated. Heather felt the weight of their unconscious biases pressing down on her. “I believe I was found guilty because of people’s bias,” she whispered to her lawyer. The evidence was thin and she had no intent, yet the jury’s verdict was delivered quickly: guilty. Heather was charged and fined, the incident being a stark reminder of the silent prejudices that shaped her fate. Her heart ached, not just for justice but for equality and fairness. One of the members of the jury approached the judge during the trial to tell him that they had heard five members of the jury taking part in racist and sexist jokes during the break, and felt that it may prejudice their views in the trial. The judge dismissed their concerns and continued with the trial.

Determined to clear her name, Heather took her case to the Court of Appeal. She couldn't bear the thought of a criminal record, especially for a mistake. “It’s unfair to have a biased jury,” she argued. Her new lawyer, a fierce advocate for justice, presented compelling evidence of the unconscious biases involved within the jury in her original trial.

Months later, Heather stood before a different judge, one who listened intently. After careful consideration, the judge ruled in her favour, overturning the verdict. Heather sighed in relief, her dignity restored. The court’s decision was a beacon of hope – a step towards a more just system. She struggled to understand why she was not given a fair trial to begin with and why she had to fight for her right for equality.