

GCE

LAW: Criminal Process CPS

SUGGESTED IDEAS FOR TEACHING/LEARNING



SUGGESTED IDEAS FOR TEACHING AND LEARNING

Teacher /Lecturer:	
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Course:	AS Level Law
Topic:	Criminal Process
Session:	Crown Prosecution Service

Component:	Component 1
Ref. to specification:	The Nature of Law and the English Legal System
Suggested time allocation:	

Aims & Objectives: At the end of these sessions the student will be able to:

- **Identify** the problems with the prosecution process before the establishment of the Crown Prosecution Service.
- **Explain** why it was necessary to establish the Crown Prosecution Service.
- **Explain** the roles of the Crown Prosecution Service.
- **Explain** the Code for Crown Prosecutors.
- **Identify** problems and evaluate reforms within the Crown Prosecution Service.

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce the topic with reference to the aims and objectives set out above and by looking at the Tulisa example in the PowerPoint, making particular reference to the key subject specific terminology in red.
- Explore the history of the CPS and its establishment under the **Prosecution of Offences Act 1985**.

Activity: Class Discussion – why do you think it was a bad idea for the police to make the decision to prosecute? Reasons given may include: prosecution bias, too close to the investigation, risk of police tampering with evidence, possible breaches of Article 6.

- Explore the structure of the CPS using the map in the PowerPoint. The current DPP is Allison Saunders and she is answerable to the Attorney-General. Also make reference to the role and establishment of CPS Direct, the so called 14th virtual area as well as the CPS Inspectorate and its role.
- The first important document that the CPS use to help them make the decision to prosecute is the **Code for Crown Prosecutors** and this is found in **s10 Prosecution of Offences Act 1985**. Learners may want to look at this using the link below. Within the Code, there are two tests, the **Full Code Test** and the **Threshold Test**.
- Discuss the Full Code Test in detail – covering both the evidential and the Public Interest test.

Activity: Evidential Test – think about some examples of reliable and unreliable evidence.

Activity: Public Interest Test Video Exercise – watch the Just Deserts video and make some notes about the role of the police v CPS, and why nobody in that particular case in the video was charged.

- When discussing the Public Interest test and the new questions that make up the test, make reference to the **2009 Setting the Standard** report which recommended that changes be

made to incorporate the old factors and also take into account a more holistic approach to the way suspects are treated and the impact their crime has had on the wider community.

- Discuss the Threshold test – does this afford the CPS too much protection in terms of keeping potentially innocent people in custody?
- Discuss the **Casework Quality Standards** which is another important document referred to by the CPS. These are the benchmarks of quality to which the CPS have to abide and are the standards expected to be achieved should a branch of the CPS be visited by the **CPS Inspectorate**.
- Effectiveness of the CPS: Look at the issues on the PowerPoint in relation to the performance of the CPS. The issues there provide a springboard for discussion on the effectiveness of the CPS but are by no means exhaustive. It is useful to look at the News section of the CPS website – www.cps.org.uk to keep up to date with recent developments

Activity: Exam Practice – To what extent has the CPS been successful. Learners should be encouraged to provide a balanced answer with reference to current and recent issues involving the CPS, including the case of Lord Janner.

Student Activities:

- Group work – why do you think it was a bad idea for the police to make the decision to prosecute? Reasons given may include: prosecution bias, too close to the investigation, risk of police tampering with evidence, possible breaches of Article 6.
- Research – look at examples of reliable and unreliable evidence.
- Video – look at the difference in roles between the police and CPS, is there any hostility evident? How was the Full Code test applied in this case?
- Exam Practice – evaluation question on the effectiveness of the CPS, using recent issues as a springboard to discuss this.

Suggested links / resources:

- PowerPoint presentation
- Teacher Guide
- Useful links:

The Code for Crown Prosecutors

https://www.cps.gov.uk/publications/docs/code_2013_accessible_english.pdf

Casework Quality Standards

https://www.cps.gov.uk/publications/casework_quality_standards/

Just Deserts: Part 1

<https://www.youtube.com/watch?v=cUCpWWOJhI8>

Assessment

During the lesson

Group exercises and direct questioning show how much the students have understood the law relating to the role and effectiveness of the Crown Prosecution Service.