

Unit 4 How and why are laws made?

About the unit

In this unit, pupils use topical examples to investigate how laws are made, both by parliament (statute law) and by the courts (case law). They learn about the roles of members of parliament and the courts in making laws. They develop their understanding of how parliament and government work, and of who has power and authority in our democratic society. Pupils consider why laws are needed and discuss how laws relate to young people differently at different ages. Using recent examples, they investigate how individuals and groups can effect changes to the law through different forms of campaigning. They relate what they have learnt to making and reviewing rules and policies in their school and the wider community and reflect on the effectiveness of democracy in these settings.

The unit provides opportunities for pupils to build on learning from other subjects at key stage 3 and to make links with other subjects in key stage 4: in English, libel trials involving newspapers and magazines; in science, moral debates about issues such as genetic engineering, abortion and cloning; in history, making and changing laws in the past and how campaigning has changed over time, *eg trade unions, suffragettes*; and in geography, environmental campaigning and protests about planning applications.

Where the unit fits in

This unit addresses the following aspects of the key stage 4 citizenship programme of study:

Knowledge and understanding about becoming informed citizens

Pupils should be taught about:

- 1a the legal and human rights and responsibilities underpinning society and how they relate to citizens, including the role and operation of the criminal and civil justice systems
- 1c the work of parliament, the government and the courts in making and shaping the law
- 1d the importance of playing an active part in democratic and electoral processes
- 1f the opportunities for individuals and voluntary groups to bring about social change locally, nationally, in Europe and internationally

Developing skills of enquiry and communication

Pupils should be taught to:

- 2a research a topical political, spiritual, moral, social or cultural issue, problem or event by analysing information from different sources, including ICT-based sources, showing an awareness of the use and abuse of statistics
- 2b express, justify and defend orally and in writing a personal opinion about such issues, problems or events
- 2c contribute to group and exploratory class discussions, and take part in formal debates

Developing skills of participation and responsible action

Pupils should be taught to:

- 3a use their imagination to consider other people's experiences and be able to think about, express, explain and critically evaluate views that are not their own

The activities in this unit build on unit 5 'How the law protects animals – a local-to-global study', unit 6 'Government, elections and voting', unit 7 'Local democracy', unit 8 'Leisure and sport in the local community' and unit 14 'Developing skills of democratic participation' in the key stage 3 scheme of work. The unit also links with unit 12 'Global issues, local action'.

Expectations

At the end of this unit

most pupils: know that laws exist to ensure fairness and safety, to enforce order and to protect the rights of everyone. They know that there is a difference between criminal law and civil law. They discuss how laws apply differently at different ages. They enquire into how laws are made and changed. They know that laws can be made in different ways, by parliament and by the courts. They recognise the roles of individuals and groups in bringing about social change through different types of campaign and that such action can sometimes effect a change in policy or the law. They know how they can have a say about issues that concern them in their school and the wider community.

some pupils have not made so much progress and: know that rules and laws are needed to ensure fairness and safety, to enforce order and to protect the rights of everyone. They recognise that laws can be made through parliament or through the courts. They understand that laws can be changed and that individuals and groups campaign on issues to effect a change.

some pupils have progressed further and: know and understand the different reasons why laws exist. They recognise that there are different types of law and can distinguish between criminal law and civil law. They devise an enquiry to investigate how laws are made and changed and can cite examples of statute and case law. They discuss the different legal ages and can express and explain their

opinion about them. They recognise the roles of parliament and the courts in making and shaping the law and of individuals and groups in different forms of campaigning that can sometimes effect a change in policy or the law. They recognise how they and others can contribute to decision-making by having a say on issues that affect and concern them in their school and in the wider community.

Resources

Resources include:

- information on the legislative process from government departments, the Houses of Parliament and Hansard
- factsheets on different aspects of parliamentary work from the Parliamentary Education Unit, particularly its Education Sheet 4 ‘Making the law’
- the section on law and government (which includes information on ‘having your say’) in the Citizenship Foundation’s *Young Citizen’s Passport*

Many groups and organisations produce online resources that are relevant to citizenship. QCA has not printed these website addresses as it recognises that they can and do change, often at short notice. So that we can monitor and maintain a reliable and useful resource, the website addresses of the following organisations can be accessed through the key stage 4 citizenship scheme of work site at www.standards.dfes.gov.uk/schemes

- House of Commons Information Office
- Parliamentary Education Unit
- Citizenship Foundation
- Court Service (includes useful information about how the courts operate and has a glossary of legal terms)

Links with other subjects

In this section, references are made to the programme of study if there is one at key stage 4, or to the subject specific criteria on which GCSE courses are based. Some of these links have been included in the ‘Points to note’ section to illustrate these opportunities.

RE: Some locally agreed syllabuses, and GCSE religious studies, include the study of laws, rules and authority within different religions and ethical theories (eg *Natural Law, Divine Law, Revelation*). The role of religious leaders in parliament (eg *the bishops in the House of Lords*) and how religious figures have supported or challenged laws is also relevant (eg *Trevor Huddleston and apartheid*)

PSHE: 4a, 4c, 4g in the non-statutory guidelines

Pupils should learn:

Pupils:

Why do we need laws?

- about the reasons for laws and the different types of law
- Working in small groups, pupils imagine that they are going to share a flat or house. They consider a range of situations and decide what they would do in each case, *eg two of them are smokers, the others are not – the non-smokers do not want smoking in the house, but the smokers do; one of them practises a musical instrument late at night, but the others want quiet so they can sleep; one of them damaged another's property and refuses to buy a replacement*. Pupils identify the issues and points of conflict that arise in each situation. They record what they would do in each situation and what rules they agree should be used for any similar situation in the future.
- The groups feed back their decisions and the reasons for them to the whole class. As a class the pupils discuss whether the rules they have come up with can be categorised, *eg rules to settle disputes, to ensure safety, to achieve fairness, to enforce rules and order, to protect rights*. Can their rules be related to either criminal or civil law?
- Ask the class to discuss what might happen if laws and rules were not implemented. Ask questions to help structure the discussion, *eg what role do the police and courts play in the way that the law is put into practice? What might happen if the police went on strike, as they did in 1919? Would people be more inclined to break the law?*
- understand the reasons why societies have laws
- recognise the difference between criminal law and civil law
- This section builds on key stage 3 introductory unit 1 'Citizenship – what's it all about?', which considers school rules, and rights and responsibilities in democratic communities.
- It may be helpful to point out that laws, having a social dimension, are not fixed and may be changed in response to the circumstances of a particular group, *eg laws relating to consumer issues, the environment and employment*.
- Criminal law covers behaviour that is thought to be so serious that organisations such as the police, Trading Standards authorities and the Health and Safety Executive take on the job of investigating the offence. With enough evidence the suspect individual or organisation will be charged and the case brought to a magistrates', youth or Crown court. If the party is found guilty, some form of punishment is normally imposed.
- Civil laws are designed to settle disagreements between individuals or groups and cover a wide range of activities, *eg employment disputes, tenancies, divorce, buying and selling goods*. Such matters are normally brought to court or a tribunal by one of the parties concerned, and usually the police are not involved.

Learning objectives

Pupils should learn:

Possible teaching activities**Learning outcomes**

Pupils:

Points to note**How are laws made and changed?**

- about different laws that affect young people at different ages
 - how laws are made, and the difference between statute law and case law
 - about the role of members of parliament and the Queen in making statute law, and the role of the courts in making case law
- Pupils (individually or in small groups) review different laws that affect different aspects of the lives of young people at different ages. For example:
 - at 16 you can legally agree to sexual intercourse, buy beer with a meal (but not in a pub), buy cigarettes, hold a licence to drive a moped or motorcycle under 50cc, and get married with parents' or guardians' permission
 - at 17 you can hold a licence to drive most vehicles, except heavy lorries and buses
 - you cannot vote, bet, buy alcohol in a bar or public house, buy goods using a credit card or get a tattoo (the Tattooing of Minors Act 1969) until the age of 18

What is their view on the current laws? Why do we have these laws? Is the age appropriate? Do we think the age should be changed? Is it reasonable that young people cannot vote until they are 18 or stand for election as a councillor, MP or MEP until they are 21? Pupils discuss and share their views.
 - Pupils undertake a more detailed enquiry, using one of the issues already raised in discussion or a piece of topical legislation that is in process or that has recently been made law (statute law), eg *the proposed ban on fox hunting (the Wild Mammals (Hunting With Dogs) Bill)*, *reducing the age of homosexual consent to 16 (the Sexual Offences (Amendment) Act 2000)*, *anti-racist legislation (the Race Relations Amendment Act 2000)*. Pupils devise a set of questions to find out more about the bill or law, eg *what are the key issues and points of conflict? Are specific individuals, groups of people or organisations affected? Was the bill introduced to parliament by the government or was it a private member's bill? Who was consulted before the bill was introduced? What stages does a bill go through before it becomes an Act of Parliament? What are the roles of the House of Commons, the House of Lords and the Queen in the process? What do the media say about the bill or law?*
 - Are laws made in other ways? Using a case study, pupils find out about the role of the courts in making and shaping the law (case law), eg *the Gillick case in 1985–6, in which Mrs Gillick objected to the giving of contraceptive treatment or advice on the use of contraception to young people under the age of 16 without the consent of their parents.*
- discuss legal ages and give reasons why they agree or disagree with them
 - describe how laws are made, using examples
 - understand the different ways in which laws are created (statute law and case law)
- This section builds on unit 5 'How the law protects animals – a local-to-global study' and unit 6 'Government, elections and voting' in the key stage 3 citizenship scheme of work.
 - Government departments, the Houses of Parliament and Hansard have information on the legislative process. The Parliamentary Education Unit provides fact sheets on different aspects of the work of parliament, including Education Sheet 4 'Making the law'.
 - This section is intended to help pupils understand some of what is involved in the process of creating law. It is helpful to prepare in advance sources of information on the bills or laws looked at in the enquiry, as it is sometimes difficult to obtain information quickly.
 - The House of Commons Information Office can provide details of the stage that a bill has reached, who is sponsoring it, whether it has been lost and when it was made law or implemented.
 - Books 1 and 2 of the Citizenship Foundation's *Understanding Citizenship* series give examples of case law.
 - The Gillick case went to the House of Lords, where it was defeated, and the judges decided by a majority that a doctor can treat someone under 16 without the permission of parents or guardians as long as the doctor is satisfied that the patient understands the nature and consequences of the treatment. Other examples can be used, such as those that relate to current events or issues that continue to be topical, eg *the Derek Bentley case and the death penalty in the UK, changing the legal age for driving a vehicle.*

Learning objectives

Pupils should learn:

How can I have a say?

- about different ways of making views known and the roles of individuals and voluntary and pressure groups in bringing about social change
- that some forms of protest can result in breaking the law
- about how to take part responsibly in aspects of policymaking in their school and local community

Possible teaching activities

- Pupils look at how different forms of campaigning, protesting or complaining have been used recently to try to gain a change in government policy or the law, *eg hunt saboteurs, writing to MPs about accommodating asylum seekers, damaging property during an anti-capitalism march, boycotting sportswear companies that use child labour, a vigil with placards outside an animal testing laboratory*. They consider the role of pressure groups (both for and against) in these campaigns. They consider which forms of protest are legal and which are not. In cases where protesters broke the law, do they think this action was right? Where relevant, pupils find out what laws have been broken. Which strategies are acceptable and which are not? What are the outcomes?
- Pupils review what they have learnt during the unit and think about how they could relate these ideas to the way rules and policies are made in their school or in the local community. If they have a student council, how does it consult with pupils or discuss issues with other members of the school community, including staff, governors and parents? Are pupils involved in working with the local council? How?
- Pupils consider different ways of having their say. Is there a bill or law that they feel strongly about, and how could they make their views known, given that they are not able to take part in the democratic process, through voting in elections, until they are 18? Are there any pressure groups that represent their point of view? Pupils devise a checklist that helps make a written protest about an issue that concerns them, *eg research who to write to, what information to include, and what format the protest should take*.
- Extension activity: Pupils could investigate one campaign to change the law, whether current, recent or in the past, *eg to ban smoking in public places, to decriminalise cannabis, to ban handguns, to extend the vote to all men and women in the UK*. They find out how the campaign was waged, what pressure groups were involved, both for and against the change, how it was funded, and to what degree it was successful.

Learning outcomes

Pupils:

- identify different ways in which individuals and groups protest or complain about particular issues and describe recent examples of legal and illegal protests
- recognise the role of individuals, voluntary groups and pressure groups in bringing about social change
- recognise why laws are needed and how the process of making laws can be consultative
- identify ways in which they can make their views known and how they can contribute to making rules and policies in their school and wider community

Points to note

- The Citizenship Foundation's *Young Citizen's Passport* includes a section on law and government, with information about having your say.
- The activities in this section are intended to help pupils understand how they can take part responsibly in policymaking in their school and local community.
- Link with key stage 3: the activities in this section build on unit 7 'Local democracy', unit 8 'Leisure and sport in the local community' and unit 14 'Developing skills of democratic participation'.
- Link with unit 12 'Global issues, local action'.
- Link with history: unit 12 'Citizenship and history: Why did women and some men have to struggle for the vote in Britain? What is the point of voting today?' in the key stage 3 citizenship scheme of work.