

# A Level Law at Plymouth High School



## Yr11 into yr12 summer task: criminal sentencing

Over the summer break, research answers to the following questions and bring your written responses to our first Law lesson. The knowledge you gain will be used as part of the test you will take later in September.

You are encouraged to find your own sources of information but take care to ensure your sources are from England and Wales as other countries have different legal systems. The web pages listed on the following sheet may help.

Custodial sentences are just one of a range of options available to a judge when sentencing in a criminal case.

1. What is meant by a 'custodial' sentence?
2. What are the conditions and regimes in prison like? What is your opinion on the conditions – too harsh/too soft? (be brief)
3. What is meant by a 'tariff' in relation to prison sentences?
4. Research both sides of the argument, then give a paragraph stating your reasoned opinion on whether short custodial sentences (i.e. less than 6 months) should exist.
5. Which offence always results in a mandatory life sentence? What change led to this rule coming in? What does 'mandatory' mean?
6. What does 'discretionary' mean? Are there crimes for which a judge can choose to give a discretionary life sentence?
7. Does a 'life sentence' really mean the rest of their life in prison? If not, what does it mean? Can the amount of prison time vary?
8. What is a 'whole life order'? Consider the reasons for the argument that this contravenes human rights, and the response there has been to this. (brief notes only)
9. If Bob, a first time adult offender, is convicted of GBH for his role in a fight and given a fixed-term sentence (also known as 'determinate sentence') of two years, is he likely to spend the whole two years in prison? Why not? What is your opinion of this?
10. What effect does a guilty plea have on the sentence the judge gives?
11. What is a 'suspended sentence'?
12. How effective are prison sentences? Write a couple of paragraphs, providing some facts, statistics or examples as evidence. You may wish to consider things like the cost of imprisonment, size of the prison population, reoffending rates, effect on families, concept of justice, and impact on female inmates.
13. Aside from a custodial sentence, what other kinds of sentence can a judge pass? Research to find out more about them and make brief notes (for example, what it's called and what it is).

### **Further preparation: Read, watch, listen...**

- I strongly advise you all read 'The Secret Barrister: Stories of Law and how it's Broken' before the course. If you're keen for more recommendations, email me and I'll give you a long list (Bingham's Rule of Law, Is Eating People Wrong?, Letters to a Law Student, Justice...).
- Watch crime documentaries (A Murder in the Family, OJ Simpson Trial, The Staircase, 24 hrs in Police Custody), but remember the American system differs from ours.
- Listen to the Radio 4 'Law in Action' podcasts and the news, listening out for debate on new laws being introduced and sentences for convictions.

I look forward to seeing you in the autumn.

Get in touch if you have any questions.

Ms Findlay [Lucinda.Findlay@phsg.tsat.uk](mailto:Lucinda.Findlay@phsg.tsat.uk)



*Useful websites on next page*

The following sites may help with specific questions:

Question 2

<https://www.devonlive.com/news/devon-news/what-really-like-inside-uk-257165>

<https://metro.co.uk/2017/05/29/a-former-prisoner-reveals-what-everyday-life-was-like-in-prisons-6661489/>

<https://www.independent.co.uk/news/uk/home-news/uk-prison-report-conditions-inspectorate-disturbing-jails-21st-century-a8442111.html>

Question 4

<https://www.independent.co.uk/news/uk/home-news/prison-jail-sentences-less-six-months-minister-a8724311.html>

<https://www.telegraph.co.uk/news/uknews/law-and-order/8575498/Judge-warns-short-prison-sentences-lead-to-reoffending.html>

<https://www.theguardian.com/society/2018/may/26/short-prison-sentences-do-not-work-says-justice-secretary-david-gauke>

Questions 5, 6, 7, 11

<https://www.sentencingcouncil.org.uk/about-sentencing/types-of-sentence>

Question 8

<https://www.theguardian.com/law/2017/jan/17/european-judges-uphold-uk-right-to-impose-whole-life-jail-sentences>

Question 9

<https://www.defence-barrister.co.uk/release-from-custodial-sentences>

Question 10

<https://www.inbrief.co.uk/court-judgements/suspended-prison-sentence/>

Question 12

<https://www.fawcettsociety.org.uk/blog/female-prisoners-pay-high-price>

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Bromley%20Briefings/Summer%202018%20factfile.pdf>

<https://www.gov.uk/government/statistics/prison-performance-statistics-2017-to-2018>