



LEVEL 3 MARKING SCHEME

SUMMER 2025

**LEVEL 3
CRIMINOLOGY – UNIT 4
4543UD0-1**

About this marking scheme

The purpose of this marking scheme is to provide teachers, learners, and other interested parties, with an understanding of the assessment criteria used to assess this specific assessment.

This marking scheme reflects the criteria by which this assessment was marked in a live series and was finalised following detailed discussion at an examiners' conference. A team of qualified examiners were trained specifically in the application of this marking scheme. The aim of the conference was to ensure that the marking scheme was interpreted and applied in the same way by all examiners. It may not be possible, or appropriate, to capture every variation that a candidate may present in their responses within this marking scheme. However, during the training conference, examiners were guided in using their professional judgement to credit alternative valid responses as instructed by the document, and through reviewing exemplar responses.

Without the benefit of participation in the examiners' conference, teachers, learners and other users, may have different views on certain matters of detail or interpretation. Therefore, it is strongly recommended that this marking scheme is used alongside other guidance, such as published exemplar materials or Guidance for Teaching. This marking scheme is final and will not be changed, unless in the event that a clear error is identified, as it reflects the criteria used to assess candidate responses during the live series.

LEVEL 3 CRIMINOLOGY – UNIT 4

SUMMER 2025 MARK SCHEME

1. Scenario

May is employed as a prison officer. She enjoys her job and likes working with other agencies in the criminal justice system. She believes that if someone has been through the legal system and been found guilty, then they must be punished.

- (a) Explain the reach and other working practices of the prison service in achieving social control. [6]

0 marks	The response does not meet any of the criteria specified below.
1–2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5–6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- There are 123 (2024) prisons located in England and Wales and include HMP Deerbolt in northern England, HMP The Verne in Dorset and HMP Cardiff in Wales. Most prisons are state run and overseen by His Majesty's Prison and Probation Service (HMPPS). Most prisons are located in England, with 5 in Wales.
- There are a small number of privately run prisons in England and Wales which are contracted to private security companies such as Serco and Sodexo. For example, HMP Northumberland.
- Prisons look after prisoners with humanity and prepare them to lead law-abiding and useful lives while in custody and after release.
- Prisons are divided into categories according to the level of security required to oversee the prisoners. For example, HMP Frankland is category A with the highest level of security, and HMP Prescoed is category D, with the lowest level.
- Prisons use the Incentives and Earned Privileges System (IEPS) to encourage conforming behaviour with rewards. The levels are basic, standard and enhanced.
- Prisons work with the courts, police and probation as well as voluntary organisations.

- (b) Describe environmental design tactics and measures used by agencies to achieve social control. [6]

0 marks	The response does not meet any of the criteria specified below.
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3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5–6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- Prison design can impact on achieving social control.
- The traditional prison design is the panopticon (all-seeing) shape. There is a tower at the centre where an observer can see towards all the cells. For example, HMP Pentonville. This is where the observer can view all prisoners, but the prisoners may not always see the observer. Visibility is key and the crowd is abolished.
- Modern technology, such as CCTV, ensures prisoners know that they are being monitored.
- Human ecology prisons are based on teaching individuals to discover that they are part of a global community. For example, Bastøy Prison in Norway.
- Prisons are divided into categories (A-D) depending on the level of security. Category A, B and C are closed prisons. Category D are open prisons and only house prisoners that have been risk-assessed and deemed suitable for open conditions. For example, HMP Prescoed.
- Supermax prisons have super maximum security to achieve social control. They provide long term segregated housing for prisoners who represent the highest security risk. Cells usually have opaque doors, soundproof walls and furnishings are plain with poured concrete. An example is ADX Florence in Colorado USA.
- Crime Prevention Through Environmental Design proposes that the form and arrangements of buildings and open spaces may encourage or discourage crime. This theory originated from criminologist C. Ray Jeffery based on the idea that crime results partly from the opportunities presented by the physical environment.

- (c) Briefly describe the due process model of criminal justice. [4]

0 marks	The response does not meet any of the criteria specified below
1–2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- The model focuses on the presumption of innocence and ensuring fairness.
- It is argued that it is important to protect a defendant's legal rights.
- The model outlines that there must be a thorough investigation of a case with legislative obstacles in place to protect the rights of the innocent.
- The right to appeal a decision in a criminal case is a feature of this model.
- The model links to the theory of left realism, which focuses on the reasons why people commit crime.

- (d) Describe the working relationship between prisons and other agencies within the organisation of the criminal justice system. [9]

0 marks	The response does not meet any of the criteria specified below.
1–3 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
4–6 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
7–9 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Prisons and the courts

- Prisoners must be brought to and from the court when hearings are listed: hence administration and communication between the two are important.
- Prisoners are held in court cells pending their court hearing and return to prison.
- It is the court (judge or magistrate) which sets a term of imprisonment, including the length, type and whether it is concurrent or consecutive.

Prisons and the police

- Prisoners are held locally in police cells once arrested
- Police may also attend prison to conduct interviews with prisoners.
- Police arrest prisoners recalled to prison whilst on parole and ensure return to prison.

Prisons and the probation service

- Liaison and preparation between the two agencies must occur when prisoners are released, overseeing prisoners once released if on licence or parole, or liaison between the two should there be any issues and recall to prison is appropriate.

Prisons and charity organisations

- Many charities work with prisons to support people affected by imprisonment and provide practical and emotional support. For example, the Prison Reform Trust and the National Association for the Care and Resettlement of Offenders (NACRO).

2. Scenario

Peter, who has an alcohol dependency, appeared in court for several offences of theft relating to garden furniture. The judge said he must pay for his crime and that a short prison sentence of three months was the appropriate punishment.

- (a) Discuss retribution as an aim of Peter's punishment. [6]

0 marks	The response does not meet any of the criteria specified below.
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3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
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The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- Retribution is based on Peter's behaviour deserving punishment.
- The three-month sentence can be considered as revenge for his wrongdoing: revenge for society and for the victims of the theft of the garden furniture.
- It does not seek to alter Peter's future behaviour but merely to inflict punishment on him.
- The judge may be suggesting punishment is in proportion to the offence. In other words, 'let the punishment fit the crime'.
- 'An eye for an eye'. Peter's offending has adversely affected the public and now he must go to prison. He is getting his 'just deserts'.
- Retribution can be seen in the judge's comments about Peter having to pay for his crime and that a prison sentence was an appropriate punishment.

- (b) With reference to the scenario, evaluate the effectiveness of prisons in achieving social control. [9]

0 marks	The response does not meet any of the criteria specified below.
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4–6 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
7–9 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- Prison could be seen to be effective as offenders would be punished for the length of the prison sentence. Peter's freedom and liberties would be restricted.
- The public would be safe from Peter for three months as he would not be able to commit any further crimes, such as stealing garden furniture.
- Prisoners may be able to gain support for any addiction or undertake educational courses. Peter may gain support for his alcohol dependency.
- Peter is likely to only serve one half, i.e. 6 weeks, of his sentence in prison so there may be insufficient time to rehabilitate Peter.
- Recidivism rates suggest that prison sentences do not always prevent reoffending. More than two in five adults (42%) are reconvicted of another offence within one year of release. Peter may not be rehabilitated as a result of his prison sentence.
- Short prison sentences are less effective than community sentences at reducing reoffending. Peter received a short sentence of three months.
- Safety in prisons has deteriorated rapidly during the last ten years. Recorded rates of self-harm remain close to record levels.
- HM Prisons and Probation Service (HMPPS) has experienced significant cuts to its budget in recent years. Between 2010–11 and 2014–15 its budget reduced by 20%, and despite some increases its resource budget remains 11% lower in real terms than in 2010–11. There may not be resources to provide Peter with rehabilitation courses. Just a quarter of male prisons (25%) received a positive rating from inspectors in 2021–22 for purposeful activity work.
- The number of frontline prison operational staff has reduced and staff retention remains an issue. This can add to disturbances in prisons e.g. HMP Birmingham riots in 2016.
- Around half (49%) of prisoners reported being in their cell for more than 22 hours a day, rising to around two-thirds (67%) on the weekend. This was a deterioration from 2018–19 when around a quarter were locked up during the working day. This will impact on Peter.

- (c) Other than imprisonment, assess **one** punishment that seeks to prevent reoffending. [6]

0 marks	The response does not meet any of the criteria specified below.
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3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed.
5–6 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Community orders

- Community orders can be breached and result in reoffending.
- People often believe they will not be caught and so carry on offending.
- However, according to the Bromley Briefings (Summer 2023), community orders are 7% more effective than short custodial sentences at reducing reoffending rates.
- A community order may act as a general deterrent as other criminals know they are likely to face a similar punishment.
- There could also be an element of individual deterrence as breach of the order is likely to result in a prison sentence.
- Adhering to conditions attached to a community order, such as probation supervision (attending sessions with an offender manager) or community payback (carrying out unpaid work in the community) may deter people from further offending.
- Community orders can address particular aspects of sentencing or particular offences such as curfew to prevent night-time burglaries. This allows the punishment to focus on the aim of prevention of crime.
- These orders may include a treatment programme to deal with anger control, drug or alcohol abuse. This allows for the possibility of behaviour modification, which may achieve the aim of rehabilitation and hence no reoffending.

Financial penalty

- One of the main aims of a fine is to provide deterrence and prevent reoffending.
- Failure to pay a fine can result in a prison sentence if the court believes there is a deliberate refusal to pay. This may act as a deterrent.
- However, some offenders refuse to pay financial penalties. In 2022, £160 million was owed by offenders in court costs, compensation, and fines.

Discharge

- The nature of a conditional discharge is aimed at preventing reoffending. If an offender does not reoffend during the period of the order (up to 3 years), no further punishment will be imposed. This may discourage reoffending.
- However, if there is further reoffending, during the time of the order, the court can give an alternative punishment for both the original offence and the second crime when the discharge order was breached.

- (d) Briefly describe **one** judicial process for law making. [4]

0 marks	The response does not meet any of the criteria specified below
1–2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

Judicial precedent

- Judicial precedent involves following previous legal decisions of a similar nature within the court hierarchy.
- The Supreme Court is at the top of the court hierarchy and all courts must follow its decisions.
- Methods of avoidance, such as distinguishing, may produce new legal decisions by the judges.
- Where there is no existing decision, a judge could create law by an original precedent. An example is the case of *Donoghue v Stevenson* (1932).

Statutory interpretation.

- Statutory interpretation involves a judge deciding the meaning of a word or phrase in an Act.
- There are rules to interpretation which provide guidance to the judges. For example, the literal rule or golden rule.
- This interpretation given by the judge then forms part of the law for future cases.
- An example is the case of *Whiteley v Chappell* (1868) when the meaning of the phrase “entitled to vote” had to be considered.

3. Scenario

Behnaz has an ambition to become a probation officer as she believes the probation service provides a key function in the organisation of the criminal justice system. However, she is currently at university, and her research suggests that the probation service may not be an effective agency and fails to meet its aims. Behnaz is therefore considering joining the police service instead.

- (a) Briefly describe the working relationship between the probation service and the courts. [4]

0 marks	The response does not meet any of the criteria specified below
1–2 marks	There is a limited focus on the question, with vague or no accurate support and little or no use of specialist vocabulary.
3–4 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- The probation service provides both the magistrates' and Crown Court with pre-sentence reports to use when making sentencing decisions. The reports contain details of the offence and offender. They help the court make the most suitable and effective sentence.
- The probation service works with offenders who are placed by a court on a community order to manage their offending. They oversee the offender in the community and try to effectively rehabilitate them.
- When community orders are thought to be breached, the probation officer/offender manager will seek the defendant's return to court for further sentencing.

- (b) Discuss the weaknesses of the probation service that may have been highlighted in Behnaz's research. [9]

0 marks	The response does not meet any of the criteria specified below.
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4–6 marks	There is a reasonable focus on the question with some accurate support and some use of specialist vocabulary. The demands of the question may be only partially addressed
7–9 marks	There is a clear and detailed focus on the question with mainly accurate support and an effective use of specialist vocabulary. The demands of the question are fully addressed.

The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- Issues regarding the part-privatisation of the agency and criticisms that the work done by the 21 Community Rehabilitation Companies (CRC) had a negligible impact on reducing prisoner offending rates.
- The need to bring the service back into public control.
- Concerns that staff are focused on paperwork and targets at the expense of offenders.
- Criticisms that too many prisoners have been released without knowing where they would sleep that night.
- A report in September 2023, by the outgoing chief inspector of probation, criticised the agency for 'chronic staffing shortages and said that reforms had left the service stretched, constrained and playing 'second fiddle' to prison.
- An increase in experienced probation officers leaving the service.
- Prisoners' risk to the public has been inadequately assessed before release.
- There have been regular examples of offenders on probation who have not been adequately supervised. For example:
 - triple killer Joanne Dennehy, who was under the supervision of probation workers when she murdered three men in 2013. Or,
 - David Braddon, who was on probation, with a CRC, when he murdered, by beating to death, 18-year-old Conner Marshall in 2015.
 - in 2020, Zephaniah McLeod stabbed eight people in a series of unprovoked attacks when released from prison with no restrictions or supervision despite experiencing delusions, refusing to take medication and having made weapons in his cell.
 - in 2022, Jordan McSweeney killed Zara Aleena after breaching his licence conditions nine days after being released from prison.

- (c) Assess how a community order supervised by the probation service meets **one** aim of punishment. [6]

0 marks	The response does not meet any of the criteria specified below.
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Rehabilitation

- The probation service manage those who have been sentenced to a probation period in the community. This involves rehabilitation of offenders by reducing the causes which contribute to offending and enabling offenders to turn their lives around.
- Probation attempts to reduce reoffending by working with the offender and dealing with those things that may lead them to commit more crimes. This could be associated with accommodation, drugs and alcohol, and finance and debt.
- The probation service can make sure that the offender gets support, training or is placed on courses relevant to their needs. This can help bring about rehabilitation.
- Community orders have a lower rate of reoffending, by 7%, than prison sentences.
- Probation may require an offender to attend treatment programmes. Receiving treatment for drug and alcohol addictions in the community can reduce offending. A study by Public Health England found that there was a reduction of 44% in the number of reoffenders, and a 33% reduction in the number of offences committed in the two years following treatment.

Protection of the public

- When managing an offender, the probation service's priority is to protect the public. The community order can impose conditions such as residence, curfew and exclusion. Such conditions can not only prevent reoffending but restrict the offender's movement and so protect the public.
- There must be regular supervision meetings between the probation offender manager and the offender. This ensures monitoring for public protection.
- Approximately one-third of offenders do not successfully complete their period of licence or post-sentence supervision. This suggests the probation service do not fully protect the public. This can be supported by cases such as Jordan McSweeney.

Deterrence

- Breach of a probation order may lead to a prison sentence. This can act as an individual deterrence to the offender.
- Offenders who have been released from prison on licence or parole can be recalled to prison if they breach a probation order. This can be a deterrent, especially to the individual.
- However, the number of offenders recalled to custody has increased over recent years, particularly amongst women.
- Just over a third (34%) of offenders reoffended within 12 months of starting their Community Order. This suggests deterrence is not achieved.

Retribution

- A community order may contain a requirement to carry out up to 300 unpaid hours of work (Community Payback). This shows retribution by the offender having to give up their time for the good of society.
- However, these orders do not always produce retribution. Some offenders see the unpaid work as pointless and successful completion is in the region of 70%.
- The probation service can place conditions on a community order which include curfew or restriction of movement. This can also be seen as retribution.

Reparation

- The probation service oversees the unpaid work element of a community order. This allows for an offender to repay society for the wrongdoing caused by their criminality. Such work can include community projects such as removing graffiti, clearing wasteland, or decorating public places and buildings.
- However, offenders can fail to attend Community Payback and hence not successfully complete the hours ordered by the court. In such a situation reparation would not take place.

(d) Explain how the police act as a form of social control.

[6]

0 marks	The response does not meet any of the criteria specified below.
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The following material is an indication of what candidates **may** include in their responses. Credit any other relevant material.

- The police are an external form of social control who try to encourage people to abide by the law.
- This can be seen in the threat of police action, such as arrest and detention under the Police and Criminal Evidence Act 1984.
- Many people have a fear of punishment and all the consequences of being arrested by the police. It may result in a loss of a job, relationship or housing problems.
- If court proceedings follow, this may serve as a general deterrent to society.
- The shame or embarrassment of being arrested and questioned by the police may encourage people to abide by the law.
- The police could be seen as using their power of coercion to achieve a desired result. This may include the threat of future punishment for rule breaking.
- Candidates may refer to control theories such as Travis Hirschi or Walter C Reckless.